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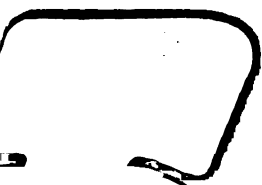
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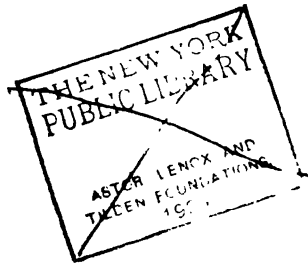
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Register

THE REGISTER
OF THE
PRIVY COUNCIL OF SCOTLAND.

VOL. VI.



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THE REGISTER
OF THE
PRIVY COUNCIL OF SCOTLAND

EDITED AND ABRIDGED BY
P. HUME BROWN, M.A., LL.D.,
FRASER PROFESSOR OF ANCIENT (SCOTTISH) HISTORY AND PALEOGRAPHY
IN THE UNIVERSITY OF EDINBURGH.

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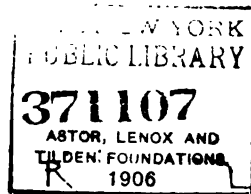
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A.D. 1635-1637.

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INTRODUCTION.

THE period of two years and nearly nine months (April 1, 1635–December 21, 1637), covered by the present volume of the Privy Council Register, saw the beginning of the national revolt which resulted in the overthrow of the ecclesiastical system established by James VI. and the collapse of the royal authority till the Restoration of 1660. It was through the Privy Council that Charles I. issued those edicts regarding the Scottish Church which occasioned the great revolt, so that its records during the period under notice are of special historic interest and value. The outstanding events to which the records refer may be briefly recalled. In July, 1635, the trial of Lord Balmerino, which had begun in June of the previous year, was concluded—^{Leading events of the period.} a conditional pardon being its result. In the beginning of 1636 Charles sent down the Book of Canons which was to displace the Second Book of Discipline, and in May, 1637, it was followed by the Service-book, popularly known as Laud's Liturgy, which was to be substituted for Knox's Book of Common Order. On July 23 occurred the historic riot in St. Giles's Church, Edinburgh; and in September petitions against Charles's innovations began to pour into the Council. The result of these commotions led to the removal of the Council and Law Courts, by Charles's order (October 18), to Linlithgow and Dalkeith successively; and November saw the formation of the "Tables" or Committees which organised the revolt and virtually established an independent authority in the State. As the result of this organisation, a collective "supplication" in the name of the nobles, barons, ministers, and burgesses, who were represented by the Tables,

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was laid before the Council, then sitting at Dalkeith in its last *sederunt* (December 21) recorded in the present volume. As of the chiefest historic interest, the entries in the Register referring to these successive events call for the first attention in our summary of the text.

The Council.

It may be said at once that the part played by the Council in the King's ecclesiastical policy was of a purely formal nature; as a body it had no original responsibility either for the Book of Canons or the Service-book. In concert with certain English advisers, the chief of whom was Archbishop Laud, and a few Scottish bishops of his own creation, Charles prepared the fateful documents, and simply charged the Council to enforce its executive powers in imposing them on the country. But if, as a body, the Councillors were but the instruments of the King's will, individually they had their own opinions regarding his policy, as many of them were to prove conspicuously at a later day. Moreover, the history of the Council during these thirty-three months is in itself a striking commentary on the means by which Charles sought to compass the ends which were to lead straight to his ~~own ruin~~. In the changes which were made in its membership we have a plain illustration of his policy in Church and State, while the mere names of the most prominent Councillors carry with them a historic significance which transports us into the thick of the great controversy.

The most notable additions to the Council during our period consisted in the admission of three more bishops over and above the seven who were already members. The prelates thus distinguished were Walter Whiteford, Bishop of Brechin (p. 253), Thomas Sydserf, Bishop of Galloway (p. 359), and Neil Campbell, Bishop of the Isles (p. 549). In admitting all three to the Council Charles was influenced by their ecclesiastical sympathies, which, in the case of Whiteford and Sydserf, were vehemently in favour of the Book of Canons and the new Liturgy. Yet in the eyes of his refractory subjects of all classes the presence of so many bishops was not the least of his offences equally in religion and politics. The nobles saw with growing dismay that churchmen were ousting them from their predominance in the State,

while the people at large saw no hope of a change in Charles's ecclesiastical policy so long as his councils were directed by such spiritual guides as Whitford and Sydserf. In addition to the three bishops, six laymen were likewise introduced, all of whom were proved supporters of the existing *régime*. They were Archibald, Lord Angus (p. 231), John Hamilton of Orbiston (p. 334), George, Earl of Seaforth (p. 378), Sir William Elphinstone (p. 394), subsequently appointed Lord Justice-General (p. 396), Sir Archibald Stuart of Blackhall (p. 449), and James, Lord Deskford (p. 461). The appointment of the Earl of Traquair to the office of Lord Treasurer (p. 243) was another step taken by Charles in the direction of his general policy. Traquair had given the casting-vote in condemnation of Balmerino, and by his assiduous attendance in the Council, the aptitude he showed for business, and his steady support of the Government he had commended himself to Charles as the most promising agent to give effect to his designs. Nor was his confidence in Traquair misplaced. Though suspected by Laud, on the one hand, and by the Covenanters, on the other, he remained consistently faithful to his master's cause, and attained for a time such predominance in his councils that it could be said of him that for forty years no subject had had so much power in his hands. Still another significant act of Charles was his order sent down to the Council that henceforward the Archbishop of St. Andrews should take precedence of the Lord Chancellor and every other subject (p. 471.) From other sources we know that the proceedings of the Council were freely reprobated by the people at large, and it appears from our record that "scandalous and reproachfull speeches to the prejudice, disgrace and discredit" of its members had grown so audacious that condign punishment was threatened against all persons found guilty of such offences who could not substantiate their charges (p. 487). As we should expect from the national excitement of the time, the attendance of the Councillors was much more assiduous than at any previous period of the reign. Till the 18th October, 1637, the Council continued to sit in Edinburgh—usually at Holyrood, but occasionally in the Low Council House. The continuous flocking of

excited crowds to the capital, however, at length convinced Charles that, if the Council were to carry out his commands, it must meet where it would be less exposed to popular constraint. On the 14th of November, therefore, we find it meeting in Linlithgow (pp. 547-548), where it continued to sit till December 7th, and subsequently at Dalkeith, where, as has already been noted, it received the general "Supplication" of all the four Tables. The members of Council who at one time or another took part in its business were as follow¹ :—

John Spottiswoode, Archbishop of St. Andrews, Chancellor (179).
 John, Earl of Traquair, Lord High Treasurer from May 24, 1636 (160).
 Thomas, Earl of Haddington, Lord Privy Seal (78).
 William Alexander, Earl of Stirling, Secretary of State (7).
 Sir John Hay of Lands, Lord Clerk-Register (184).
 Sir Thomas Hope, Lord Advocate (171).
 Sir William Elphinstone, Lord Justice-General (58).
 Sir James Carmichael of that Ilk, Lord Justice Clerk and Treasurer Depute (98).
 William, Earl of Errol, Lord High Constable (30).
 George, Earl of Winton (88).
 John, Earl of Mar (72).
 John, Earl of Perth (41).
 John, Earl of Wigtown (68).
 William Keith, Earl Marischal (20).
 James, Earl of Moray (17).
 John, Earl of Lauderdale (56).
 William, Earl of Dumfries (107).
 David, Earl of Southesk (82).
 Robert, Earl of Roxburgh, Lord Privy Seal (33).
 John, Earl of Kinghorn (65).
 Thomas, second Earl of Haddington, formerly Lord Binning (62).
 John, Earl of Annandale (13).
 Archibald, Earl of Angus (35).
 Alexander, Earl of Galloway (29).
 Patrick, Earl of Tullibardine (6).
 James, Duke of Lennox, Lord High Admiral (1).
 William, Earl of Morton, at first Lord High Treasurer (4).
 James, Marquis of Hamilton (1).
 George, second Earl of Seaforth (11).
 George, Marquis of Huntly (1).
 Patrick Lindsay, Archbishop of Glasgow (128).
 David Lindsay, Bishop of Edinburgh (128).
 Adam Bellenden, Bishop of Dunblane, afterwards Bishop of Aberdeen (103).
 John Maxwell, Bishop of Ross (61).
 John Guthrie, Bishop of Moray (28).
 Walter Whiteford, Bishop of Brechin (77).

¹ The numerals attached to each name indicate approximately the number of days on which each member attended the Council. The total number of sederunts was about 200. Frequently there was both a morning and an evening sederunt.

Thomas Sydserf, Bishop of Galloway (59).
 Neil Campbell, Bishop of the Isles (1).
 Archibald, Lord Napier of Merchiston (94).
 Robert Douglas, Viscount of Belhaven (19).
 Archibald, Lord of Lorne (72),
 William, Lord Alexander (105).
 James Ogilvie, Lord Deskford (13).
 Alexander, Master of Elphinstone (25).
 Sir Robert Gordon (23).
 Sir Archibald Stewart of Blackhall (19).
 John Hamilton of Orbiston, Lord Justice Clerk (68).

We have now to note the various entries referring to the Politics and religious controversy which was the main preoccupation of the Religion. time, and it will conduce to succinctness and convenience to present them in tabular form.

1636, *November 15*.—Letter from Charles commanding the publication, use, and practice of the Book of Public Service, and ordaining that every parish possess two copies of the Book by the following Easter (p. 336).

— *November 17*.—Letter from Charles stating that he has imparted his pleasure to the Lord Treasurer, Traquair, “tuicheing diverse things quhair of the readie dispatche will exceedinglye conduce to the good and advancement of our service” (p. 336). The “diverse things” here referred to probably relate to the Service-book. In the case of important affairs Charles was in the habit of communicating privately with Traquair before making known his decisions to the Council.

— *December 20*.—Charge to the lieges to receive the Service-book, of which at least two copies are to be procured by every parish before the following Easter (pp. 352-3). In this charge it is stated that “the King’s Majestie ever since his entrie to the imperiall crowne of this his ancient kingdome, especiallye since his late being heir [in 1633], hes divers times recommendit to the archbishops and bishops heir the publishing of a publict forme of service in the worship of God, whiche his Majestie would have uniformelie observed in this kingdome.” His Majesty, it is added, is convinced that all his subjects will receive the Book “with suche reverence as apperteanneth,” but deems it necessary that his pleasure should be proclaimed at the market-crosses of the chief burghs of the kingdom.

1637, *March 14*.—Act in accordance with a warrant from his Majesty prohibiting the use of the old Psalms and ordering that the new Psalms be sung in all the churches (p. 409). The “old Psalms” referred to are the version of Sternhold and Hopkins, which had been in use in Scotland since the Reformation. The “new Psalms” were the work of James VI. and Sir William Alexander of Menstrie, and were published in London in 1636. Calderwood, criticising the new version, objected to its “harsh and thrawen phrases, new coined and court terms, poetical conceats and heathenish liberty, which occurred in the new meeter, and served to mak people glaik.” (*Cf.* Ban. *Miscell.*, Vol. I., Part II.) The version of Sternhold and Hopkins continued in use till 1650, when it was displaced by the version approved by the Westminster Assembly.

1637, *June 13*.—Another proclamation charging presbyteries and ministers to procure two Service-books for their respective parishes. This second proclamation was found necessary because, "altho great numbers of the minstrie of best learning and soundest judgement and gifts hes givin dewtifull obedience and hes conformed thameselfes to his Majesteis royall will and pleasure in this point, yitt there is some others of the minstrie who out of curiositie and singularitie refuse to receave and embrace the said booke and does what in thame lyes to foster and interteany distractioun and troubles in the kirk" (pp. 448-9).

— *July 24*.—Proclamation anent the disturbance in the church of St. Giles, July 23, on the reading of the Service-book (pp. 483-4). In this proclamation the magistrates of Edinburgh are made responsible for any future riot of the kind that may take place in that city.

— *July 27*.—Two bailies and the town-clerk of Edinburgh to consult with the Council anent security for the reading of the Service-book (pp. 486-7).

— *July 28*.—The magistrates of Edinburgh required to come under an obligation to secure the peaceable reading of the Service-book (p. 489).

— *July 29*.—"In regard of the late trouble and insurrection raised upon Sunday last for opposing the service book" the Archbishop of St. Andrews and the other bishops are of opinion that both the old and the new Service-books be discontinued till his Majesty signify his pleasure regarding the authors of the late tumult in the church of St. Giles (p. 490).

— *July 30*.—Letter from Charles ordering the trial and punishment of the persons concerned in the tumult in the church of St. Giles, and requiring that order be taken to secure the peaceable reading of the Service-book in all the churches of the kingdom (p. 509).

— *August 5*.—The Town Council of Edinburgh to confer with the bishop of Edinburgh anent the reading of the Service-book (p. 510). Meantime the ministers are required to preach on the ordinary days of the following week without making use of the Book, but to choose texts suitable for disposing the minds of the people in its favour.

At the same sederunt a number of the bishops, who were present, informed the Lords that the Book could not be read on the morrow for lack of readers and other difficulties, but at the same time affirmed their resolve that the Book should be read on the following Sunday and every Sunday subsequent, and that with this object they had appealed to the Town Council to maintain the peace.

— *August 9*.—The two bailies and town-clerk appearing before the Council are asked if they have provided readers of the Service-book for the following Sunday, and if they are prepared to guarantee the peaceable reading of the Book, to which their reply is that they are "most willing to obtemper the Counsells ordinance, but that they could not upon so short a time provide understanding and sufficient clerkes and readers, there being none within the citie but vulgar schoolemaisters be whome the service might be disgraced and his Majesteis auctoritie upon their imployment receave opposition, and that they wer content to secure the clergie in suche legall way as the lawes of the kingdome in suche a caise will allow" (p. 513).

Same sederunt.—Petition by Mr. Alexander Thompson, one of the ministers of Edinburgh, for himself and his brother ministers that "they might not be burdenned to reade the service untill suche time as the toun of Edinburgh sall furnishe readers and clerkes for officiating the same" (p. 514).

Same sederunt.—Obligation by the magistrates of Edinburgh to secure the peaceable reading of the Service-book, "so far as they could or might be bound be the lawes of the kingdome" (pp. 514-5).

1637, *August 10*.—Charge to the bailies and town-clerk of Edinburgh to discover those concerned in the tumult in St. Giles's Church, and to provide readers and clerks to officiate in the use of the Service-book (pp. 515-6).

— *August 24*.—Letter from Charles (dated August 6) urging the Council to secure the apprehension of the disturbers in St. Giles's Church and to make provision for the future peaceable reading of the Service-book (p. 521).

Same sederunt.—Declaration by the Council to the effect that its Act anent the buying of the Service-books extended "allanerlie to the buying of the saids bookes and no further" (pp. 521, 694).

— *September 20*.—First mention of the petitions from the "noblemen, barons, ministers, and communitie" for the withdrawal of the Service-book (pp. 528-9). An answer to the petition is postponed till his Majesty has signified his pleasure regarding it. Meantime the Duke of Lennox, who is about to proceed to the Court, is commissioned to report to Charles "the trew estat of the bussines with the manie pressing difficulteis occurring therein." At the same sederunt a committee, consisting of the Chancellor, Treasurer, and eleven others, is appointed to remain in Edinburgh during the time of vacation, and to give effect to Charles's letter of August 6, enjoining that provision be made for the peaceable reading of the Service-book.

— *September 23*.—Council recommends the two bailies and town-clerk to advise with the town council for the future peaceable reading of the Service-book (p. 532).

— *September 26*.—Three bailies, the dean of guild, the treasurer, and town-clerk of Edinburgh petition the Council "not to presse thame with the receaving of the service booke till his Majestie signifie his pleasure concerning the same" (p. 534).

— *October 17*.—In expectation of Charles's answer to the petitions against the Service-book crowds of all ranks had flocked to Edinburgh. The royal answer took the form of three proclamations which were this day read from the market-cross. The first announced that, so far as the affairs of the church were concerned, that day's meeting of Council was dissolved, and commanded that persons who had come to Edinburgh solely on account of the petitions should at once withdraw under pain of outlawry. The second declared that his Majesty, "upon diverse great and good considerations," had resolved that the Council and Court of Session should be removed from Edinburgh, that the next meeting of Council should be held at Linlithgow, and that the first meeting after the ordinary vacation should take place in Dundee. The third proclamation denounced a book by Mr. George Gillespie, entitled "Ane dispute aganis the English popish ceremoneis, obtruded upon the Kirk of Scotland," and ordered all copies of it to be seized and publicly burnt (pp. 536-7).

— *October 18*.—"The Lords continewes and superseids the execution of the proclamation charging all his Majesteis subjects to repaire home till the morne at nyne houres in the morning" (p. 541).

Same sederunt.—The Lords having this day been "most rudelie interrupted in the course of thair proceedings by a tumultuous gathering of the promiscuous and vulgar multitude, by whome his Majesteis Counsell and servants in ane opin way wer shamefullie environed," prohibit "all publict gatherings and convocatiouns of his Majesteis subjects within the citie of Edinburgh" (pp. 542-3).

— *Linlithgow, November 4*.—Commission to the Lord Treasurer Traquair, and "suche others of the Counsell as sall happin to be present with him" to use their best diligence to prevent disorderly meetings in Edinburgh. With a view to this result the Commission is to confer privately with certain of the

nobles, gentry, and the ministers, and to endeavour to persuade them to abstain from holding public meetings (pp. 544-5).

1637, *Linlithgow, December 7*.—Letter from Charles enjoining that all members of Council attend its meetings, except they are incapacitated by ill-health. Also, an order issued by the Council requiring its members to assemble at Dalkeith on the 16th of January following (pp. 545-6).

Same sederunt.—Declaration by Charles to the effect that, owing to "the disorderlie, tumultuous, and barbarous insolenceis committed within the citie of Edinburgh upon the 18th of October last," he delays answering the petitions against the Service-book, and further that, "as he abhorres all superstitions of poprie, so he will ever be most carefull that nothing be allowed within his Majesteis dominions but that whiche sall tend to the advancement of the true religion as it is presently profest within this his most ancient kingdome of Scotland, and that nothing is nor wes intended to be done therein aganis the laudable lawes of this his Majesteis native kingdome" (pp. 546-7).

— *December*.—Petition by the noblemen, barons, ministers, and commons against the Service-book (p. 669).

— *Dalkeith December 21*.—The nobles, barons, ministers, and burgesses informed that their two supplications and petition will be submitted to his Majesty (p. 554).

September, 1637.—Series of petitions against the Service-book from burghs, parishes, and presbyteries throughout the country (pp. 700-716).

The Plague at Cramond.

In the Council's dealings with the revolt against the Service-book it was but the instrument of the royal policy, but it had other business for which it had the full responsibility. Twice in the course of the period the country was visited by a plague which demanded all its vigilance and activity. The centre of the first visitation was the village of Cramond, near Edinburgh, which had received the infection from the crew of a Flemish ship. The traditional methods of dealing with all forms of pestilence were at once rigorously enforced. The villagers were strictly forbidden to go outside their bounds, and specially charged not "to frequent each others companie," nor to visit Edinburgh, under pain of death. Two professional "cleangers" were commissioned to perform their offices in the plague-stricken spot—these offices consisting in burying the dead and "cleanging" the infected. But in enforcing the regulations against the plague the Council encountered the same difficulties as in enforcing the law against Highland outlaws. John Bell and Duncan Robertson in Newhaven, the two deputed "cleangers," made light of their commission; "having undertane to have gone to Cramond and there to have cleanged some persons infected with the contagious sickenes of the pest, they have

verie undutifullie, aganis their promise and condition, delayed and continewed thair going to the said toun upoun some impertinent and ydle excuses, and especiallie that they ar forbidden be thair maisters, landlords and others to doe the same" (p. 117). A peremptory order from the Council charged the dilatory cleangers to proceed to the stricken village within the space of an hour, "under their highest peril." The precautions proved comparatively effectual. The plague had appeared at the end of September, 1635, and by the 15th of December the Council was informed that there had been no fresh case of infection for five weeks, and that only ten houses were now "inclosed" (p. 153). With the exception of the ten families, therefore, the inhabitants were relieved from their quarantine, and their release must have been a blessed deliverance. The villagers of Cramond, we are told, were "a companie of poore people living fra hand to mouth," and, cut off from all their ordinary means of livelihood, they had "underlyne verie great miserie and necessitie" (*Ib.*). On the 14th January following there came a pitiful petition from the families still under restraint. They had dutifully obeyed the law, they said, and now, "Praised be God, there is no suspicion among them" (p. 168). "A companie of poore miserable creaturs altogidder wrackit and undone," they besought that they might now be relieved from restriction, and, as they were able to state that the cleangers had left the village, their petition was officially granted. This experience of Cramond was of such constant occurrence throughout the country, and specially in the case of the seaport villages and towns, that it must ever be before us in any estimate of the social condition of the people.—The second outbreak of Plague on the Borders. pestilence during our period was much more formidable, and the precautions taken to check it show that the visitations virtually paralysed the life of the districts where it appeared. In the middle of May, 1637, the Council was notified that the plague had broken out on the English side of the Border (p. 429). As there was constant intercourse between the borderers of both countries, past experience had shown that the dreaded enemy would speedily pass the frontier. The only safeguard was the

complete breach of communication between the two countries, and the Council took the usual steps to effect this result. First the markets and afterwards the fairs were prohibited in the leading Border towns—Kelso, Jedburgh, Hawick, Melrose, Duns, Coldstream, and Selkirk. As the ordinary officials were inadequate to give effect to the ordinances of the Council, a special commission was appointed, composed of the leading men on the East Border. The ordinances drawn up for their direction, any infringement of which involved the penalty of death, were sufficiently drastic. In every parish within the threatened area “sufficient honest men” were to be chosen who were to administer to the wants of the infected persons from their own possessions. For the support of the poor, and to prevent them from straying from their own parishes, a tax was to be imposed for their support while the pestilence continued. Every landowner was to erect a “lodge” for the reception of the infected, and watchers were to keep constant guard both on the “lodge” and the town. For the provisioning of the plague-stricken parishes certificated persons were commissioned to go and come to the nearest ports. There were to be no gatherings at funerals, and no “arwalls” (meetings for feasting after the burial); and at “lyke wakes” only those were to convene who were present at the death, the dresser of the corpse excepted, and one or two of the nearest relatives of the deceased. It was one thing to enact such regulations, but another to give them effect. Take, for example, the experience of Sir John Murray of Philiphaugh, convener of the justices of peace for Selkirkshire. It came to his knowledge that one James Murray in Selkirk had invited “a great part of the countrie” to assist at the celebration of his daughter’s marriage. This was in express contempt of one of the orders of Council, and Philiphaugh warned Murray that four or five witnesses must be the limit of his company. Murray paid no regard to the intimation, and Philiphaugh brought the matter before the bailies of Selkirk, who showed equal contempt for his authority. Summoning Murray once more, he charged him in the names of his Majesty and his Majesty’s Privy Council to yield obedience to the law. “If yee be feared, come not there,” was

the reply; and an appeal to the Selkirk bailies to place the defiant Murray under ward was quietly ignored. On the happy day some four or five score guests assembled and drank "all that day till night" (p. 439). The baffled convener reported the affair to the Council, and doubtless the recalcitrant Murray was made to pay well for his hospitality. What success attended the efforts of the Council to stamp out the plague is not recorded in the present volume, and through the summer and autumn of 1637, when the country was on the point of revolution over Laud's Liturgy, the terror of pestilence was in the land.

If we are to judge from the relative number of entries in the Register, there was no matter to which the Council gave a greater share of its attention than the state of the coinage. In connection with the "cunzie hous" itself the Council had a difficult matter to arrange: the "Maister Cunyear" died, and his office had to be filled by an efficient successor. On the recommendation of Charles, the Frenchman, Nicolas Briot, chief graver of the English Mint, was appointed to the vacant post (p. 98), but Briot appears to have had a singularly high opinion of his own importance, and would accept the office only on his own terms. When the Council required him to find caution for the faithful discharge of his duties, and to give a pledge that he would not leave he country at any time without a licence, he roundly refused to agree to either condition (pp. 258-259). Moreover, the subordinate officials of the Mint regarded Briot at once as an interloper and a bringer-in of objectionable novelties, and they petitioned the Council to such effect. It was proposed, said the petitioners, that Briot should combine in his own person the office of "maister-cunyear" and that of "graver and sinker of his Majesteis yrnes," but such a conjunction had never before been heard of, as no one had ever possessed "the skill and abilitie to doe the same." They had heard, also, that Briot intended to introduce "a new forme of working"—namely, by mill and press instead of by the hammer, but the result would be fatal to the existing uniformity of coinage between England and Scotland, and the innovation could not be adopted without the sanction of both countries (pp. 258-9). When these various

The Currency.—
Appointment of
a Master-coiner.

objections to Briot had been laid before Charles, he appears to have been convinced that he had been somewhat hasty in nominating him for the vacant office, and it was arranged that he should have a special conference with Lord Treasurer Traquair before finally making the appointment. Meantime, however, the services of a master-coiner were indispensable for the turning-out of certain silver pieces, and, as a temporary arrangement, Briot was appointed to the office, though on the express condition that his temporary tenure should "nather strengthen his place and pretention to the said office in time comming" (pp. 270-1). This arrangement was made on June 23, 1636, and Briot continued to discharge his duties till August, 1637, when a special summons came from Charles that he should return to England "with all the conveniencie that can be" (pp. 505-6). Briot, however, had made himself indispensable to the Scottish Mint, and the day following the arrival of Charles's missive a majority in the Council permanently appointed him to the office of master-coiner in conjunction with John Falconer, son of Sir Alexander Falconer of Halkerton (p. 508).

False Coins.

As the Register abundantly proves, the Council assuredly required the most skilled advice in the existing state of the currency. The same problems still continued to defy the ingenuity of the legislators—the uttering of base money, the circulation of foreign dollars, and the issue of a convenient native coinage. The counterfeiting of money, as we have seen from previous volumes of the Register, had long been assiduously practised in Scotland, and apparently the business was carried on as vigorously as ever. "In a short time," runs one of the entries in the present volume, "this countrie will be filled with this foule and filthie drosse if some present course be not tane to prevent and stay the further progresse of this evill" (p. 2). At this period it was in the northern parts of the kingdom that the falsification of the coin was most widely practised, and to check the mischief the Bishop of Moray was empowered to form a commission to discover and punish the offenders. It was the only means the Council had in its power to combat the evil, but past experience had too clearly shown that similar commissions

were impotent to effect their objects.—But the perennial plague **Foreign Dollars.** of the authorities in connection with the coinage was still the continued circulation of foreign dollars, from which two great mischiefs followed. The exact value of these dollars was not known by the mass of the people, who could thus be defrauded at every turn by dishonest dealers, and, what was even a greater national concern, these foreign pieces at once depreciated and displaced the native money. To such an extent had this latter mischief gone that it is roundly stated, though doubtless with some exaggeration, that “there is no moneyes at all current within the kingdome of his Majesteis owne proper stampe and coyne” (p. 322). Once more, therefore, the Council had recourse to its time-honoured method of cure. All traders were to bring their bullion to the coining-house, and dealers in cattle and sheep, coal-owners and salt-owners were forbidden to receive any but native money in return for their commodities (p. 94). This Act was passed on August 7, 1635, and on February 11, 1636, it was followed by another which prohibited the importation of all dollars above the value of 56s. (p. 189). In December, 1636, a still more heroic measure was adopted which had the approval of Nicolas Briot, who, moreover, undertook to carry it into execution. As explained in the contract with Briot, this scheme had for its object “to convert and reduce in his Majesteis coyne agreeable to his Majesteis standart all and whatsomever dollers, being of the fiftene drop weight, ten deneir and twelffe grayne fyne or abone, and pay backe to the parteis inbringers of the saids dollers fyftie foure shillings Scottish in his Majesteis coyne for everie ane of the saids dollers of the weight and fynnesse fore-said” (pp. 360–1). The conditions on which Briot undertook the contract are interesting in the history of the Scottish Mint, as they at once show the terms in which the master-coiner held his office, and indicate a revolution in the traditional method of coining. His Majesty, bargained Briot, must “remitt and dispense unto him the benefite of the coynnage arising upon the saids dollers that sall be imbrought by exchange, as lykewayes that for avoiding the longsome toyle and chargeable expence whiche the receaved custome of working with the hammer

doeth necessarilie draw with it, that he may be permitted to use a compendious and expedite way for coynning of the said bulyeoun and dollers with the milne and presse" (p. 361).

New Coins.

—Besides the conversion of foreign dollers into native coins, several new coins were likewise issued during the period. On July 21, 1636, the order was given for the minting of a quantity of half-mark pieces, forty-penny pieces, and twenty-penny pieces (pp. 295–297), and on June 6, 1637, Charles sent down his warrant for the coinage of 1800 stones of copper (p. 432). In October, 1637, the Council found itself in a position even to issue a new supply of gold pieces, which had never been abundant in the country. "The adventurers of Guiny," we are informed, had just brought home a quantity of the precious metal, and on the news of this treasure the King promptly gave orders that it should straightway be converted into gold pieces—the larger of which was to bear the inscription *HIS PRÆSUM UT PROSIM*, and the smaller *UNITA TUEMUR* (p. 550). In spite of all the efforts to improve the currency which have been related above, the Council appears to have been convinced that the complete remedy was still to seek, for in June, 1637, a numerous committee was appointed, which was empowered to confer with the officials of the Mint and chosen members of the Edinburgh Town Council or the burghs as to the best methods of remedying the existing evils (pp. 464–5).

Trade and
Commerce.

The superintendence of trade and commerce was another of the many duties that devolved on the Council. As far as the present volume is concerned, however, its chief concern was to check and punish dishonest dealing in the various trades and industries. How little its penalties availed is shown in the continued opposition to the new process of tanning leather which had been introduced by the Earl of Mar. Year after year since the monopoly had been granted to Mar in the reign of James VI. successive batches of tanners had been summoned before the Council for their refusal to adopt the new method, and still we find tanners risking the terrors of the law (p. 20).—The impotence of the Council to enforce its own laws is even more apparent in the case of the trade in tobacco. In April, 1634, a

Tanning.

Tobacco.

monopoly in tobacco had been granted to Sir James Leslie and Thomas Dalmahoy, a dependent of the Marquis of Hamilton, and by the terms of the patent they were to have absolute control over the sale of that commodity for seven years. Their method of procedure was to grant licences to various persons throughout the country who paid them a stipulated sum for the privilege. From the evidence of the preceding volume of the Register it has appeared that both contracting parties had made a bad bargain; in spite of the reiterated threats of the Council, tobacco was "generally and promiscuously sold in all places and by all persons," and the material sold was "so rotten and corrupt as to endanger the health of the lieges" (p. 69). In vain the owners of the monopoly and the licensed sellers complained of the breach of their privilege. Offenders against the law were summoned before the Council and subjected to the prescribed penalties (p. 380); proclamations of increasing rigour were launched against the undutiful subjects (pp. 69, 298), but the sale of bad tobacco by all manner of persons continued a busy trade throughout the length and breadth of the kingdom. The Council was, in truth, fighting at once against a law of nature and of political economy; the people at large would have tobacco in one form or other, and in the commercial development of the country monopolies had become impracticable things.

In a previous Introduction (Vol. IV., Second Series) an account *The Fisheries*. was given of the joint-stock company, known as the "Association for the Fishing," which had been launched by Charles in the interests of all the three kingdoms. In Scotland the Association had been regarded with disfavour from the first, and it had been in the teeth of many difficulties that it had pursued its business in Scottish waters. By the Western Islanders especially the Association traders had been accounted as poachers in their seas, against whom every game was legitimate, and, as their proceedings are described and denounced in an entry of date August 17, 1635, they must have effectually taken the law into their own hands. The Islanders, we have read, "comes in troupes and companeis out of the yles where they dwell to the

yles and loches where the fishes ar tane, and there violentlie spoyles his Majesteis subjects of thair fishes and sometimes of thair victualls and other furniture and pursewes thame of thair lyffes, breakes the schooles of thair herring and commits manie moe insolenceis upon thame to the great hinder and disappointing of the fishing, hurt of his Majesteis subjects, and to the high contempt of his Majesteis auctoritie and lawes" (p. 96). But it was not only at the hands of the Islanders that the unlucky Association had to suffer: foreign fishers, as had been their wont, made their way into Scottish waters, and by their superior skill alike in fishing and packing filched a large proportion of the profits of its traders. Once more, therefore, there was the oft-repeated proclamation that no foreigner should fish in Scottish seas without special licence from his Majesty (p. 279), followed up, however, by the concession that his Majesty's "friends and confederates" might procure the necessary licence on the payment of 2s. sterling on every tun of fish caught (p. 346). From another entry, it may be noted, we learn that part of the perquisites of the Lord High Admiral were certain duties paid by fishing-boats on entering any of the Scottish harbours (p. 335).

Salt.

In the imposition of taxes on his Scottish subjects Charles appears to have exercised a forbearance which he did not always display towards his subjects in England. From the preceding volume we learned how he gave way in the case of a tax on coal, against which the Scottish coal-owners had vigorously protested; and now in the case of a proposed new tax on salt we find him carefully consulting the salt-masters before taking steps to impose it. It had been suggested to him, he told the Council, that his revenue from the manufacture of salt might be increased, but before raising the duty, he added, he would be pleased to hear what the salt-masters had to say in their own interests. As arranged by the Council, therefore, the salt-masters were to choose two commissioners to repair to the Court and state their case to the appointed authorities (p. 140). In point of fact, only one commissioner appears to have been chosen, Alexander Bruce of Alva, but by the date when he had to take

his journey the leading salt-masters along the Firth of Forth had failed to subscribe his commission (p. 175). This was in January 1636, and it is but another proof of the dilatory procedure in public business that it is not till June of the same year that we again hear of Bruce's mission. Charles, we then hear, has ascertained the opinions of the salt-masters, has maturely considered them in the interests of both kingdoms, and has communicated his decisions to the Lord Treasurer Traquair (p. 250). What these decisions were, however, the present volume does not inform us, and we leave the Council still negotiating with the salt-masters on a business which seven months before had been taken up as matter of urgent importance (p. 256). One other fact relating to the salt-masters has also to be noted: they now became an incorporated body, and thus somewhat tardily attained a privilege which the leading trades in the country had secured more than a century before (p. 352).

Illicit trade with Ireland was a chronic evil which the Council had frequently sought to check, though apparently with little success. The methods by which this trade was carried on well illustrate the inefficiency both of the legal and the fiscal arrangements of the time. The goods that were surreptitiously transported between the two countries were mostly stolen—in the case of Scotland chiefly in the Border countries. Thus not only was the custom-house defrauded, but thieving was encouraged on both sides of the channel. It was now enacted, therefore, that neither goods nor persons should be permitted to pass between the two countries without a certificate signed by a justice of peace, and that for the prevention of forged certificates the justices should convey to the custumars a signed and sealed document which would be a test of all the certificates that might be presented as genuine (p. 325).

A frequent petition presented to the Council was for the erection of a new bridge or the repair of an old one, and of such petitions we have no fewer than six in the present volume—the bridges desired being over the Water of Milk in Annandale, at Carlisle in Peeblesshire, over the Dee in the sheriffdom of Kirkcudbright, over Palnure Burn in the parish of Monigaff, at Saughton

Hall in Midlothian, and over the Tay at Perth. Petitions of this kind usually took one of two forms—a request for a licence to impose a tax on all travellers and goods that crossed the bridges in question, or for an authorised appeal to all the lieges for a collective contribution. The building and repairing of bridges had always been regarded as a “pious work,” and the Council seems never to have repelled such petitions—confident apparently that there would be a willing response, equally from motives of piety and interest. Thus, in the case of the bridge over the Dee, it “recommends the necessitie of bigging the bridge” to “all noblemen, prelats, barons, and gentlemen, and others his Majesteis subjects to burgh and land and to all synods, presbytereis and sessions of kirks, burrowes, touns, and villages within the kingdome, requesting and desyring thame and everie ane of thame to extend suche proportion of thair charitie toward the bigging of the said bridge as the nature of so pious and necessar a worke doeth require” (p. 373). In most cases, however, the appeal of the Council to the generosity of the lieges was but tardily met, and both the repairing and building of bridges was a process that as often as not extended over many years. In the case of one of the bridges noted above, that over the Tay at Perth, this was notably the case. In 1617 a “fair stately” bridge had been completed, but, as the result of a flood in 1621, only one of the arches was left standing—a judgment, it was said, for the General Assembly that had passed the Five Articles of Perth in 1618. On the recommendation of James VI., an appeal was made to the nation for contributions towards the rebuilding of the bridge—an appeal renewed by his successors, Charles I. and Charles II., yet till the year 1722 communication between either bank had to be carried on by a ferry.

Ferries.

The state of the ferries throughout the kingdom was another matter which exercised Charles and his Council. From the beginning, in England not less than in Scotland, the knavery and incapacity of ferrymen had been a perpetual plague alike to the public and the legislature, and the statute-books of both countries abound with reiterated penalties against the incor-

rigible class. In Scotland their malpractices were apparently as flagrant as ever, and a heroic attempt was now made to remedy what was regarded as a national evil. As usual, the projected reform was hatched with tedious circumspection. On September 22, 1635, came a letter from Charles suggesting certain remedies for the "disorders and abuses" at the ferries (p. 110), yet it was not till September of the following year that proposals of reform were adopted and received the royal approval (p. 317). What these proposals were we are not there informed, but from a letter of Charles himself we learn what were the various iniquities for which the ferrymen stood indicted. "Whereas," the letter runs, "diverse abuses have beene represented to ws whereby our subjects there doe often suffer in thair persons and goods and sometimes ar cast away in thair transporting at ferryes by unskilfulnes and disorderlie way of ferrymen, who having no order at all (contrarie to what is usuall in other weill governed parts) rather practise what may tend to thair own lucre than to our subjects good and saifetie, thair trade being promiscuouslie used without respect ather to breeding or skill, besides the losse that both we receave in being oftin times by thair meanes defrauded of our customes, and the countrie by frequent transporting thither of nombers of Yrish beggars, occasiouned cheeflie by the ferrymen at Portpatrick," etc. (p. 304). In connection with the reference to Irish beggars it may be noted that the coming and going of Scots and Irish between their respective countries was on a scale that made it a remarkable feature of the time. From the beginning of Charles's reign there had been such an influx of Irish mendicants into Scotland that once and again the Council had made futile efforts to arrest it. The Scots who crossed to Ireland belonged to a more respectable class, and, in fact, had been encouraged by James VI., by Charles, and specially by Charles's Deputy, the Earl of Strafford, to settle in that country. So numerous were the bodies of Scots who responded to Strafford's invitation, however, that he was compelled to insist that every Scot who arrived should bring with him a certificate of his respectability and honest intentions. An English traveller, Sir William Brereton, who visited Ayrshire in 1636,

informs us that no fewer than 10,000 Scots from the country between Aberdeen and Inverness had crossed to Ireland during the preceding two years, and the same traveller adds that while passing through Irvine he heard of sixty emigrant Scots who had been compelled to return to their native districts for lack of the necessary certificates.

Lights on the
Isle of May.

As long ago as 1631 Charles had been petitioned to take steps for the erection of a beacon on the Isle of May. The petition had been favourably considered and been recommended to the attention of the Council, yet in 1635 we find that the business had gone little beyond its initial stages. On July 21, 1635, a commission was appointed with powers to examine ship-owners and captains on both sides of the Forth as to the necessity of the desired beacon, and, if the necessity were shown, to grant a warrant for its erection to John Cunninghame, younger of Barns, and Charles Geddes, who had been the chief promoters of the scheme (p. 59). So languidly did the commission undertake its task, however, that the prescribed quorum of four could rarely be got together, and it was found necessary to reduce it to three (p. 114). In due course the Commission held meetings at Edinburgh, Dysart, Anstruther, St. Andrews, Crail, Kilrenny, Pittenweem, and Kirkcaldy, and took the depositions of the merchants and captains of these towns (pp. 572-579). To report on the depositions still another commission was found necessary, and it was not till December 15, 1635, that its report was laid before the Council. The result of the enquiry had been decisively in favour of the beacon, but before the Council could give the necessary warrant for its erection the burghs had still to be consulted, and here we leave the tedious business as far as the present volume is concerned (p. 176).

Navigation of
the Forth.

In the year 1630 the attention of the Council had been drawn to the alarming fact that the Forth above Queensferry was slowly but surely becoming unfit for navigation. By the promiscuous discharge of ballast, shallows had been formed in many places on which there was a serious risk of vessels running aground. On the recommendation of the Council the burghs had taken the matter in hand as one in which all their interests

were more or less directly at stake, and in this case there was none of the delay that usually attended the public action of the time. As the result of the action of the burghs, it was enacted that in future ballast should be discharged at certain specified spots, and that the burghs should give in an annual report on the condition of the water in question. One such report had already been returned (Vol. V., Second Series, pp. 133-4), which had shown the necessity of careful supervision, and in the present volume we have another from the burghs of Burntisland, Kirkcaldy, and Dysart (pp. 57-8), which still went to prove that the alarm had not been without foundation. As an interesting piece of topography, both of these reports are of special interest for the local antiquary.

In connection with a proposed harbour at Portpatrick we have an excellent illustration of the methods of the time in the undertaking of great public works. In a petition to the King the inhabitants of that burgh represented the desirability of a harbour and quay for their port in the interest of all their fellow-subjects. They could present a sufficiently cogent case in support of their petition. Their town was "the cheefe passage not onelie for all that travell and trade betwix this kingdome and Ireland, bot lykewayes for all suche as travell frome anie place of England towards the north of Ireland." At that time there was neither harbour nor quay, and the shore could only be approached in small open boats "to the great danger of his Majesteis subjects and discouragement to suche as trade or travell here." The petition, moreover, was supported by Donaghadee and other places in Ireland as well as Portpatrick itself. Charles had no difficulty in granting the petition, and even urgently commended it to the attention of the Council which at once responded to the appeal. As we have seen, however, there was but one course open to the Council in giving effect to such petitions—an appeal to the generosity and the interest of the lieges. With this object, therefore, a special committee was appointed "to deale and travell with all archbishops and bishops, noblemen, barons and gentlemen, synods, presbyteries and sessions of kirks, burrowes, touns and villages, and

Proposed
Harbour at
Portpatrick.

with all othirs his Majesteis subjects, als weill to burgh as land, anent thair benevolence and liberalitie towards the advancement of this important and necessar work." To secure honest dealing in connection with the contributions, the Clerk of Council was instructed to deliver a book to each of the Commissioners, with a special mark on every page, in which each donation was to be exactly entered. The Commission was appointed on the 15th of December, 1635, and on January 1, 1637, the books were to be laid on the Council table (pp. 150-3). The appeal to the liberality of the lieges met with a niggardly response; and on January 24, 1637, the collectors had to petition that their licence might be prolonged, as they "had come only but small speid and hitherto have gottin nothing bot faire promises frome some" (pp. 368-9). In point of fact, as we know from other sources, Portpatrick was not supplied with a quay till 1774, and not till 1821 was the construction of a harbour actually begun.

The Burghs.—
Regrating and
Forestalling.

In connection with the burghs we find a few items illustrating the economical and municipal conditions of the time. The last volume of the Register contained a vigorous proclamation against the time-honoured breaches of the law, known as regrating and forestalling. Like all proclamations of the kind, however, it had little effect in remedying an evil which was, in truth, inevitable from the economical conditions inherited from the Middle Ages and we now learn that regrating and forestalling were being practised in circumstances that seriously aggravated the offence. The scribes of the Council had always at command a wealth of language fitted to impress misdemeanants with a due sense of their iniquities, and the following passage denouncing the law-breakers in question leaves nothing to be desired in fulness and emphasis. "Forsamekle," runs the preamble of the proclamation, "as the girnelling and keeping up of victuall to a dearth and the regrating and forestalling of the same be crimes verie detestable and odious both before God and man and hes beene verie straitlie prohibite and discharged be diverse acts and proclamations made and published thereanent, nevertheles the Lords of Secreit Counsell ar informed that, now when the

Lords hand is upon the countrie and diverse parts visite with the contagious sickenes of the pest, that there is numbers of people within the merches of this kingdome who, preferring thair awne filthie lucre and gayne to the commoun weale, ar now bussie in gaddering togidder the whole victuall that they can find ather to be bought or exchanged, and this victuall they keepe and hald up to a dearth and will nowayes vent nor sell the same but at suche intolerable and unreasonable prices as the poore people dow not beare, so that if the infection sall spread anie where ellis, it is verie likelie that the poore sall not gett victuall but at the unreasonable appetite and pleasure of thir regraters and hoorders of victuall," etc. In the case of this specially heinous example of the offence in question the Council took measures which should have been effective at least for the time; the justices of peace within the offending area were instructed at once to convene in their ordinary places of meeting, to set reasonable prices on all kinds of victual, and to take strict precautions that no victual be kept in store with the object of larger profits in a future dearth (pp. 438-9).

A petition from the goldsmiths of Edinburgh to Charles Goldsmiths of affords an excellent illustration of another economical charac-Edinburgh. teristic of the time—the exclusive privileges claimed by every accredited craft. In their petition the goldsmiths informed his Majesty that they had been trained from infancy in their special calling which they were sworn to exercise in all fidelity. In return for their privileges they had to contribute their proportionate taxation towards the common good of the town—a contribution which could only be made from the honest profits of their trade. Of late, however, their privileges had been invaded in a manner that had at once greatly reduced the numbers of their craft and impoverished the whole corporation. Sundry merchants, with no pretence to skill in the goldsmith's craft, had imported from foreign parts "jewells, carcanetts, gold rings, silver and gold warke," and freely sold these commodities to the lieges, palming off counterfeit gold and silver ornaments on ignorant buyers. Greatest offence of all—these persons, against the express law of the kingdom, exported "all maner of

brokin or haill gold or silver," which honest goldsmiths were in the habit of melting for the benefit of their own countrymen. As the petitioners had undoubtedly the law on their side, the Council had no hesitation in giving effect to their demands; and the offending parties were forbidden under penalties to practise their lucrative merchandise (pp. 501-2).

Burgh of
Aberdeen.

Still in connection with the burghs we have to note an interesting dispute that arose concerning the annual election of magistrates in Aberdeen. Between the Crown and the royal burghs there was a long-standing controversy regarding their respective privileges in these elections. In the reign of James VI. the Town Council of Edinburgh had again and again protested that to the town alone belonged the privilege of electing its magistrates. On the other hand, James had maintained that in certain circumstances the Crown had always held the right of intervening in municipal elections. In times of political crises the King, in the interests of his subjects at large, was within his prerogative in appointing such persons to municipal offices as were approved and efficient in the public service, and so, also, he could exclude from office any one who had shown himself a disloyal subject of the Crown. It was this last contingency that had arisen in connection with the burgh of Aberdeen. One Patrick Leslie had, in the Parliament of 1633, given umbrage to Charles, who had commanded his ejection from the office of provost which he then held. Leslie expressed his contrition and demitted the office, but at the annual election of magistrates in 1635 he chose to play a part which led to the intervention of the King and Council. In accordance with the regulations made in the reign of James III., the retiring body of magistrates had the charge of electing their successors, and Leslie, though he had been ejected from office, stubbornly maintained that, as he had been one of the previous year's magistrates, he had a right to vote in the election of their successors. As he had the support of a number of the retiring town officials, the result was a hot dispute as to the legality of the elections that ensued. On hearing the state of affairs, the Council sent down orders that the election should be renewed

"in a calm and peaceable manner" on the 7th of October (p. 117). On this second occasion Leslie and his supporters were as recalcitrant as ever, with the result that the Council summoned to its presence the late provost, Paul Menzies, and others of the magistracy to receive its final orders regarding the election (pp. 143-5). The election was, in fact, taken out of the hands of the magistrates, and by an ordinance of Council (January 26, 1636) it was decreed that Alexander Jaffrey should be appointed provost for the year, and that the officials of the previous year should remain unchanged (pp. 172-4). (*Cf.* "Extracts from the Council Register of the Burgh of Aberdeen," 1625-1642, pp. 80 *et seq.*)

A petition from John, Viscount of Kenmure, shows us a royal ^{The Burgh of} burgh in the making. On the 19th of November, 1630 the ^{New Galloway.} petitioner's father had, "at great expense," acquired a charter for the erection of a royal burgh on a part of his barony of Kenmure. By the terms of the charter the prospective burgesses were to have the privilege of electing a provost, four bailies, a dean of guild, a treasurer, and twelve councillors. The charter had been ratified by the Parliament of 1633, but as yet no burgesses had been created to receive any candidate for the privileges of the new burgh, and it was to obviate this difficulty that the appeal was made to the Council. To enable the burgh to come into existence, therefore, the Council granted "warrant and commission to James Chalmers of Gatgerth and Alexander Gordon of Erlestoune, tua of the justices of peace within Gallouay, to pas to the said burgh of Gallouay and thairin to fence and hold ane court, and in the same court to make and ressave suche persons as salbe nominat be the supplicants burgesses of the said burgh of Gallouay, and to take thair oathes and authorise thame with thair burges tikket in dew forme conforme to the lawis of this realme, to the effect the saids persons so ressaved and admitted may make choise of the provest, baillies, deane of guild, thesaurer and counsell of the said burgh, be whome and thair successors the rest of the burgesses and gild brether of the said burgh may be ressaved in all tyme comeing" (p. 398).

The Parish of
Denny.

In a plaintive petition from the parish of Denny we have at once a specimen of the expressive language of the time and an illustration of the manifold interests that occupied the Council. On July instant, the supplication runs, "there wes suche ane fearfull tempest of thunder and great raines within thair bounds and some few mylles about as the lyke hes not bene seene in anie mans memorie, be the violence quhairof not onelie houses with men, wyffes and bairnes were pitifullie caried away and drowned, bot great craiges and rocks were rent and hudge parts of the same of fourtie foote of lenthe and above caried with the violence of the spait above four or fyve paire of buts lenthe frome the craig, within the water of Carroun to the dry land; as lykeways the supplicants bridge, quhilk was build upon the said water of Carroun, by the said spait is demolished and cast doune" (p. 305). The object of the petition was the usual request for a licence to appeal to the charity of the lieges, and, as the truth of the allegations was confirmed by the justices of the peace, the licence was duly granted (p. 318).

Administration
of Justice.—
The Middle
Shires.

Every volume of the Register from the beginning of Charles's reign contains evidence that the Border districts were gradually lapsing into the lawlessness which had in great measure been cured by the drastic remedies devised by James VI. It had been mainly through the agency of the Conjunct Commission of the Middle Shires that this result had been effected, and the Council had long urged on Charles that only by the revival of this Commission could the growing mischief be effectually checked. At length, on February 24, 1635, a Commission had been appointed with similar powers to those which had been assigned to that of James (Vol. V., Second Series, pp. 495 *et seq.*), and on December 23, 1625, proclamation was duly made that the Commission would now enter on its duties. The reasons adduced for the appointment were sufficiently cogent, and reveal a condition of things which recalls the worst days of Border history. Divers malefactors, it is stated, "combyning thame-selfes togidder, and making unlawfull convocationns and assemblies togidder, als weill in places publict as private, goe

daylie armed and lead about als weill by day as by night ane armed power to attempt and committ diverse wicked and lewde attempts contrarie to the peace of both our kingdomes and contrarie to the lawes and customes in both thame had respectiue used, by abusing, assaulting, wounding, mayming and wickedly killing diverse of our subjects, and robbing and spoyling others of thair goods, and others taking and imprisoning and in prison keeping in extreme hunger and cold even unto death, untill they sall make and give greivous fynes for the redemption of thair persons, and also committing murthers, manslaughterers, burglareis, ravishments, robreis, feloneis, waists and depredations, besides burning of houssis and barnes full of cornes, and other greivous, notorious and intolerable outrages and offences committed from day to day" (p. 162). From this formidable catalogue of transgressions it may be judged that the Conjunct Commission found abundant work to their hands, and by their own testimony they appear to have done it with sufficient thoroughness. The ordinances they drew up for the suppression of the various crimes above enumerated deserve to be borne in mind in estimating Scottish civilisation in the 17th century. Every person proceeding to Ireland, who was not a "landit man" or "unsuspect person," without a licence was to be reputed a thief and treated as such. No innkeeper was to have in his house the flesh of lambs, sheep, or cattle, whose skin, head, ears, and hide he had not shown to two or more "honest neighbours" who might testify that they had been lawfully come by. The wives and children of such as had been executed or outlawed were to be ejected from their lands and prohibited from settling within the bounds of the Commission. If any person should recover goods by collusion or connivance with the thief, he was to be held party to the crime. No cattle were to be bought except in the public market and before two "famous witnesses" who were in a position to testify that they had been honestly acquired. A roll of outlaws was to be drawn up by the clerk of the Commission, and presented to every minister or, at least, every moderator within the denoted bounds, who were charged to affix it to the "maist patent kirk doore."

Finally, none except noblemen and gentlemen, "unsuspect of fellonie or theft," were to wear swords, steel bonnets, or any "such weapons." The Commission had begun its arduous task on December 23, 1625, and on the 14th March, 1637, it laid before the Council a list of the various criminals on whom they had passed judgment. About thirty had been executed, twenty banished, five burnt in the hand, and five fined for resetting of fugitives (pp. 406-7).

Disorders in
the North.

If the Borders were in this unsatisfactory condition, matters were many degrees worse in the Highlands. In both districts alike defiance of the law had been steadily increasing since the beginning of the reign, but during the preceding four years the state of the Highlands had been little short of anarchy. The main causes of these "disorders in the north" had been the feuds that followed the "Burning of Frendraught" and the desperate action of the proscribed Clan Gregor, members of which had spread all over the Highlands in search of a living. In the previous volume of the Register we had the record of various attempts on the part of the Council to deal with a state of things which was at once a danger to the kingdom and a disgrace to the Government. One of the chief difficulties in asserting the law was the resetting of offenders by the many persons who were bound to them either by kinship or interest. Stringent enactments had been passed against these resetters, but to so little effect that batch after batch of them had to be summoned before the Council to answer for their contempt of law (pp. 46, 55, 73). Another law, originally enacted by James VI., which made every Highland chief responsible for evil-doers within his bounds, was equally disregarded, though in the present volume we find the Earl of Airth, the Earl of Perth, and others called to account for their contumacy (pp. 91, 95). Still another measure adopted had been the application to the Highlands of an Act that had been found of potent effect in the case of the Western Islands: every landlord was to appear before the Council and give a pledge for the lawful behaviour of his dependants. But the Highland landlords proved more refractory than those of the Isles, and we find the Council denouncing

numbers of persons, "offtymes callit and not compeirand," as rebels and outlaws if they did not present themselves by a given day (p. 115). All these measures having failed to effect their object, further steps were now taken to compass the desired end. First (September, 1635), a special Commission, consisting of the most prominent members of the Council, was appointed for trying the disorders in the North (p. 120); next (March 31, 1636), another Commission was charged with the trial of a formidable list of resettlers whose numbers convincingly show the extent of the mischief with which the Government had to cope (pp. 215-9); and finally (May 4, 1636), a series of ordinances was drafted with the express object of striking at the root of all the mischief. We have just seen that the Border Commission had drawn up a similar set of ordinances for the suppression of the crimes with which it had to hold account: those deemed necessary in the case of the Highlands were directed against a different type of law-breaking and a different condition of things, and throw an interesting light on the problem with which the Council had to deal. All landlords and chieftains who had not yet found caution for their dependants were at once to produce the necessary pledges under penalty of outlawry. One of the difficulties in identifying the parties accused was the removal of tenants and servants from one part of the country to another, and to obviate this difficulty a drastic measure was adopted. Every bishop within the Highlands and Islands was twice in the year, twenty days after Whitsunday and twenty days after Martinmas, to exact from the ministers in their dioceses a complete roll of the servants and tenants between twelve and twenty years of age, with an exact specification of their names, the names of their landlords, and their places of residence. In possession of this roll the Council would be in a position to single out the landlord who was responsible for any breaker of the law. Each minister, also, was to supply the sheriff or justice of the peace with a similar list of all "sorners and lawlesse men" who had no settled residence, that they might at once be brought to trial. That somners might be discriminated from honest men no Highlander under the degree of landlord or landed man was to go three miles

beyond the bounds of his parish without a certificate from his minister or employer. A crime, known in the Highlands as the *Tascall*, specially roused the indignation of the Council: persons from whom cattle had been stolen compounded with the thieves for the restoration of part of the stolen property on the stipulation that no information should be lodged against the cattle-lifters. The remedy prescribed for this "most shamefull and disgracefull trade of gayning, commonly practised in the Highlands," was that the parties so compounding should be liable to the same penalties as the thieves themselves. Another source of mischief was that sorners were in the habit of frequenting the Lowlands, making friends with "lowns" in ale-houses, and so learning where they could most conveniently lay their hands on any moveable goods. As a check on these explorers in future, landlords and employers and tenants were charged to give no houseroom to any wayfarer who could not produce the prescribed certificate from the legal authority. Finally, there had been frequent complaints by the justices of the peace that the people of their bounds refused to render assistance in the pursuit of guilty persons; henceforward, therefore, all parties thus demurring were to be regarded as having art and part with the criminals and to be punished accordingly.—Such were the extraordinary measures taken by the Government to extirpate a growth of crime which only the preoccupations of an absentee King had rendered possible. What was the effect of their application does not appear from the present volume.

The Marquis
of Huntly.

Still in connection with the disorders in the North, something remains to be said regarding the individuals mainly responsible for them. In the opinion of the Council the chief of these offenders was the aged Marquis of Huntly who had failed to exercise his authority in restraining the outrages of his clan on the Laird of Frendraught. In the previous volume of the Register we found that he had been summoned by the Council to answer for his remissness, and that on giving his pledge for his future good behaviour he was to receive a licence to return to his home. The licence was duly granted (April 22, 1635), but with the condition that he should again present himself on

the 23rd of July following (pp. 9–10). So little did he lay his pledge to heart, however, that on July 7 the Council had to write to him, “expostulating his slacknes in the service,” and to remind him that his appearance was required at the specified date (p. 45). On the 28th of July he duly presented himself, and once more (August 4) was allowed to return, but again on his caution that he would reappear in December (p. 88). Before December came it was found that his conduct had been such that he had again to be called to account, and before the end of September he was lodged in Edinburgh Castle on the charge of resetting William Ross, “one of the principall rebelles and disobedient persons in the north” (p. 103). All through the winter of 1635–6 he was warded in the castle, in an unlighted chamber, his solitude only relieved by a visit from his wife at Christmas. On March 21, 1636, “in regarde of his old age and weaknesse of bodie,” he was permitted to remove to his own lodging in the Canongate, near Holyrood Palace, “with libertie alwayes to him to walk within the precinct of the said palace, but no forder” (pp. 211–2). A submissive letter from him, in which “in all humilite” he confessed his shortcomings, softened the hearts of the Councillors, and on the 24th of May he received a licence to return home (pp. 244–5). It was the last time the Council was to see his face. In June he took his journey northwards, “in a wand-bed within his chariot, his lady still with him,” and died in an inn at Dundee on the way. From the beginning of his career he had been a constant source of anxiety to every successive Government. His slaughter of the “bonnie Earl o’ Moray” at Donibristle, and his rebellious alliance with the other Catholic nobles of the North, had seriously troubled the country before the removal of James VI. to England, and throughout the reign of Charles his attachment to the ancient religion and his formidable influence, as the Register of the Council abundantly proves, never ceased to disquiet every good Protestant in the country.—In the present volume we also make acquaintance with his successor who was to play the same ambiguous part in public affairs, but was to come to a less happy end. From a supplication he presented to the Council we learn

that he had inherited the feuds of his father. The Laird of Frendraught, he alleged, was continuing the same practices with which he had harassed the life of the late Marquis. He, the new Marquis, had reason to believe that John Toshach, of whom we have already heard much, could give evidence towards proving that the Burning of Frendraught, in which his brother had perished, had not been the result of accident. The Laird of Frendraught was aware of this fact, and was doing his best to prevent Toshach from giving his evidence; would the Council, therefore, take steps to defeat the Laird's schemes, and give free course to the law? The answer of the Lords was that the Marquis should secure the person of Toshach, and produce him on an appointed day (p. 552).

Laird of
Frendraught.

The entries in the Register regarding the Laird of Frendraught are an expressive commentary on the state of things in the North which had so long been trying the patience of the Councillors. His enemies, unable to reach him by legal process, took the law into their own hands, and raided his lands at will. Frendraught, however, was by no means an uncomplaining sufferer, and with the Council at his back he was able to call to account the most aggressive of his tormentors. In June, 1635, for example, we find a number of those who had "infested" him lodged in the Tolbooth of Edinburgh (p. 19); and in March, 1636, the keeper of that prison complained that he had no fewer than sixteen of Frendraught's molesters on his hands for whom the Laird had contumaciously refused to provide (p. 205). So numerous and persistent were his enemies, however, that the law was impotent to protect him. For years he could not draw his rents, and, unable even to pay his proportion of the public taxes, his goods were rigorously poynded by the sheriff—though from this last oppression the Council eventually relieved him (p. 20). The feud was carried even into the streets of the capital. One of his servants, returning from the marriage of his brother-in-law about six o'clock of a July evening, was attacked by two of the name of Leslie, and would have been slaughtered but for the intervention of the passers-by (p. 74).

Lady Rothie-
may.

Another prominent personage connected with the disorders in

the North was the Lady Rothiemay whose son had perished in the Burning of Frendraught. Since the day of the tragedy she had never ceased to seek revenge on the Crichtons of Frendraught, and had converted the House of Rothiemay into a garrison for their enemies. Summoned to surrender the House to the sheriff of Banff, and to present herself for trial before the Council, she had at length obeyed the mandate, and now we find her under strict surveillance within the bounds of Edinburgh. She had been brought up to be tried for her misdemeanours, but she had complaints of her own with which she assiduously dinned the Council. In taking possession of the House of Rothiemay, the sheriff had been instructed to maintain it at the expense of the estate. The result, according to the Lady's complaint, was that the provision of her house was "eaten, wasted, and destroyed." Her tenants refused to pay their rents without official warrant, and she was now his Majesty's prisoner without the means of subsistence. It was a case of legal injustice which the Council could not refuse to remedy, and it granted her the residue of her rents after the expenses of the official garrison of Rothiemay House had been fully met (p. 42). This was one of her complaints; another affords an example of proceedings that were of constant occurrence in the unruly districts. Early on the morning of the 14th of March, 1635, one George Gordon, with a following of twenty-nine armed accomplices, appeared before the House of Rothiemay "by way of hamesucken." Summoning the Lady of the House, Gordon demanded a gold bracelet which she had purchased from his wife—a demand which was peremptorily refused. The next proceeding of the crew was to break open the doors of the barn, and fill fourteen sacks with beir. When her ladyship interfered to save at least one sack, Gordon drew his sword and threatened "to hag her in pieces," at the same time presenting a pistol at her breast, while her daughter was thrown on the ground and so barbarously trampled that she had been confined to bed ever since (p. 47). For nearly two years Lady Rothiemay was detained in Edinburgh awaiting the result of her trial, but, at length (March, 1637), by the special order of Charles, she was suffered to return home, though

with the restriction that she should remain south of the Forth till the 27th of July following (p. 400).

The Clan
Gregor.

The impotence of the government in the Highlands is almost pitifully illustrated in the case of the unhappy Clan Gregor. Outlawed in the reign of James VI. and their very name proscribed, the clan not only continued to exist, but by its dispersion throughout the Highland country had been one of the main causes of the prevailing anarchy. The Parliament which had met in June, 1633, had passed an Act against them which, if it had been enforced, would have constrained them to become law-abiding subjects. Every Macgregor in the country was to appear before the Council on the 25th March, 1634, and to find caution for his future good conduct. "Upon diverse good considerations," the Council saw fit to postpone the appointed day till the 20th of July following, but even this grace was of no avail. Again, in its long-suffering, the Council put off the day for the clan's appearance till December 1, 1635, "to the intent they may be inexcusable if now they shall any longer contemne this favour" (p. 95). The 1st of December came, not a single Macgregor appeared, and another of the endless proclamations against them was read from the market-crosses of Perth, Dunkeld, Cupar-Angus, Stirling, Doune, Dumbarton, and other places unspecified (p. 143). The war of extirpation was thus again begun, but still as ever the hunted clan found "resetters," able and willing to shield them from the law, and after its best exertions it was only a few of the most notorious offenders on whom the Council could lay its hands. One entry in the Register is a curious commentary on the position of the Macgregors in the country: a certain James Stuart, commissary of Dunkeld, "devis'd a new trick" for getting the advantage of an enemy by "laying upon him the name of Macgregor" (p. 348).

Patrick Gilroy
Macgregor.

Among the outlawed Macgregors there was one individual for whose capture the Council was specially anxious: this was Patrick Macgregor, better known in contemporary fame and tradition as Gilderoy. In his own day Gilderoy was as widely notorious as his fellow-clansman, Rob Roy, in the following century, and, like Rob Roy, he was the theme of song. His

misdeeds, as narrated by the clerk of the Council, were certainly sufficient to account for his renown. Associated with him was John Dow Gair Macgregor, second only to himself in popular report, and of the pair it is related that they have “of lait associate unto thameselfes ane infamous byke of others insolent and lawlesse theeves, and, all concurring togidder in a rebellious and treasonable societie, they goe in troupes and companeis athort the countrie not onelie in the Hielands, bot verie oft in the Lowlands, where they committ cruell and detestable murders, slaughters, stouthreaffes, ravishing and forcing of weomen and all kynde of impietie upon his Majesteis peaceable and good subjects, highlie to his Majesteis contempt, disgrace to his Majesteis government and scandall and reproache of the countrie, that suche ane handfull of miscreants and unworthie mischeants sould be suffered so long to rin louse without controlment” (p. 219). In the case of specially notorious offenders it was the custom of the Council to put a price on their heads, and now they made offer of £1000 Scots to whoever should present either of the pair, dead or alive—a hundred or two hundred being at the same time promised for any of their accomplices. This was on March 31, 1636, and on the 6th of June the redoubtable Gilderoy, “the arche rebel,” with two of his followers, was exhibited in the Council chamber—the winner of the reward being Lord Lorne, afterwards the “Great Marquis” of Argyle.

“ And now he is in Edinburgh toun ;
 ’Twas long ere I came there ;
 They hanged him upon a pin
 And he wagged in the air :
 His relics they were more esteemed
 Than Hector’s were at Troy—
 I never love to see the face
 That gazed on Gilderoy.”

So runs the contemporary broadside, and, in point of fact, on July 26th Gilderoy and ten of his accomplices were condemned “to be harled backward to the mercat croce of Edinburgh . . . and there hanged to the death” (p. 301 ; cf. Spalding, *Memorials*, I., 437). In September following John

Dow Gair and another set of outlaws were caught, and subsequently suffered the same fate (p. 321).

Orkney and
Shetland
Islands.

While the lawlessness of the Highlands and Borders thus distracted the Council, another form of misery drew its attention to the Orkney and Shetland Islands. In 1634 both of the groups were visited by a famine which the testimony of the time proves to have been of unprecedented severity. The sea yielded no fish, the ground no corn, and dogs and sea-weed were ordinary articles of diet. On February 21, 1635, a petition from the inhabitants informed the Council of their piteous condition, and the result was a warrant from Charles (May 22) for an enquiry into its causes and the most effective means of remedy. On the 2nd of July the Council appointed a Commission with the necessary powers to carry out the warrant, but it fully realised all the difficulties of the task. The difficulty of passing from island to island and even of finding subsistence would necessarily occasion a protracted delay when immediate measures of relief were imperatively urgent. As the most direct way of accomplishing its object, therefore, the Commission was instructed to take up its quarters in Kirkwall, and there to collect such evidence as bore on the evils in question. A number of queries were to be drawn up which were to be submitted to the minister and bailie of every parish, who were to give in their report for the guidance of the Commission by the 15th of November following. As the same Commission could not suffice for both groups of islands, a separate body was to hold courts at Scalloway in the Shetlands and follow the same procedure as in the case of the Orkneys (p 39-41). What was the result of the Council's action does not appear from the present volume.

Levies for
Foreign Service.

From previous volumes of the Register we have seen that not a year had passed since the beginning of the reign without successive levies of soldiers being raised for service in some foreign country. During the troubled years of our period we might have expected some intermission, but apparently the enlisting went on as frequently as ever, and recruiting-officers never ceased to perambulate the country in search of men to fill up the gaps in the Scots regiments abroad. During these two

years eight levies in all were raised, amounting collectively to 2780 men, of whom 1360 went to Sweden; 1120 to France; and 300 to the Low Countries. All these levies, it should be said, had to be authorised by Charles himself who could not then dream that many of them were to point their weapons against his own breast.

The surveillance of the Council was not confined to affairs on Turkish Pirates. land : the interests of Scottish subjects at sea also not infrequently demanded its attention, and notably the security of shipping from the attacks of pirates of all nations. As the evidence of the Register proves, hardly a year passed without some Scottish vessel being captured by the corsairs of Algiers and Morocco, and in the present volume there is mention of two that encountered this fate. Here is the story that is told of one of them, "The John of Leith," by its skipper and crew in their supplication to the Council. With a cargo of cloth and other commodities, described as of considerable value, they were sailing from London to La Rochelle, when they were sighted off the coast of France by three Turkish rovers. Pursued from seven in the morning till four in the afternoon, they were at length overtaken, and after a stout defence the ship was boarded. The valuable part of the cargo having been secured, the ship was sunk, and the crew conveyed to Sallee in Morocco. The treatment to which they were subjected was that with which the Christian peoples had been so long familiar. Fettered with chains, "at the weight of eighty pounds," they were employed by day in grinding at a mill, their food being "dustie bread and water," and at night they were deposited in holes twenty feet deep, where they looked for nothing but "to be eaten with rottens and myce" (p. 169). From another unhappy captive, not at Sallee but at Algiers, we have such a vivid picture of his miseries that it deserves to be quoted. He is "detained in great miserie among the Turks," he tells the Council in his supplication, "being compelled everie day to carie water on his backe throw the tounne, with ane iron chaine about his legg and round about his middle instead of sarke, hois and shois, and for his meate there is allowed to him foure unce of bread daylie, als black as tarre,

togidder with fourtie or three score of strips with ane rope of foure inches great upon his naked bodie, sometymes on his backe and sometymes on his bellie; and, when the ship is to goe to sea, he must goe perforce and susteane the lyke miserie there; and all becaus he will not renunce his faith in Christ and become ane Turke" (p. 190). The object of both of these supplications was one with which the Council was but too familiar—an appeal to the lieges for ransom-money, which the Turks preferred even to transforming Christians into Moham-medans.

Wreckers.

The business of the wrecker still continued to be practised in Scotland, but it was mainly confined to the outlying islands. In the present volume, however, we have the record of an audacious act of wrecking so near the centre of authority as Dunbar. In January, 1636, four Aberdeen burgesses freighted a vessel at Campvere, the Scottish staple, and on the way home were overtaken by a storm which drove them ashore at Thornton Loch, about four miles from Dunbar. Both passengers and crew were saved, and they were engaged in endeavouring to secure the cargo, when there appeared a multitude of the country people, provided with horses, carts, sledges, and "all other things necessar for carieing and takeing away of the goods." In the most systematic way they proceeded to demolish the vessel with axes and other means, and next proceeded to make free with the cargo (a curiously miscellaneous assortment), which they bodily carried off (pp. 240–1). On the owners' complaint to the Council, a long list of the parties accused were summoned, though some failed to answer the call. Cases of wrecking usually came under the jurisdiction of the Lord High Admiral, but the present case was so exceptional that the Council decided that it should take the matter in hand, as a "verie great offence and inhumanitie aganis the saids persewers, whome in cristian dutie they sould have supported and relieved so farre as in them lay." On those found guilty fines ranging from fifty merks to fifty pounds Scots were imposed, while those who failed to appear were put to the horn (pp. 241–3).—The country folk of East Lothian were comparatively unskilled hands at wrecking; by long practice

the Islanders of the Hebrides understood the business better, as is proved by another tale in our volume. In December, 1634, a barque, called the "Susanna," commanded by Richard Seaman of Chichester, and owned by Peter Fox of Limerick, was sailing from St. Malo to the latter town as its destination. Its freight consisted chiefly of wines, amounting in value to about £1000 sterling. The voyage was a stormy one; first they were driven into Castle Haven on the Irish coast, where they were compelled to keep harbour for the greater part of a week. Setting sail for Limerick, they again encountered such foul weather that they were driven on the Island of Lewis in the Hebrides, when they innocently made signal for succour. They were immediately boarded by some three hundred men, the Captain of Clanranald among them, armed with swords, pikes, helmets, crossbows, and other weapons. For a butt of sack and a barrel of raisins, the Islanders agreed to pilot the barque safely into harbour; what they did was to cut the cable and allow her to drift on shore. Vessel and crew were now at their mercy, and they proceeded to their not unfamiliar task. Well furnished with barrels and casks, they spent some days in filling them with the different wines with which the ship was stored—the rest of the cargo not being neglected in the meantime. Every article of clothing was seized, the crew stripped, and the keys of their kits confiscated. Though it was the month of December and cordials would have been welcome in the circumstances, the crew were refused a drop of the beverages with which their captors were making themselves so free. But the Captain of Clanranald and others of his troop had had some experience of the ways of law, and they ingeniously hit upon a method of giving a legal colour to their proceedings. They compelled one of the passengers, a mere youth, "to professe himself to be the factor or merchant of the ship, and to subscriye a bill or other instrument for sale of the goods and merchandise in consideration of a soume of money, altho he ressaved none." The insatiable Islesmen, however, were not yet glutted with their spoil: to strip their victims to the bone they threatened "to send thame to the savages that dwells in the mayne," and on this terrible threat

the unhappy owner of the craft was compelled to part with it for £8 sterling, its real value, according to his own estimate, being £150. With these £8 in his pocket, as the sole remnant of his property, he was at length, together with his crew, permitted to quit the inhospitable shore. In due course he appealed to the Council for redress, but though the misfortunes of the "Susanna" occurred in December, 1634, the depredators had made no restitution by July 12, 1636, when they were formally outlawed for non-appearance on summons (pp. 212, 283, 561).—An alleged case of wrecking at the mouth of the Tay appears to have been a vamped-up tale (pp. 462–3).

**Breaches of the
Peace.**

As all breaches of the peace came under the jurisdiction of the Council, it was seldom without business of this nature in hand, and in the present volume we find the usual number of cases. As even the most noteworthy, however, are of purely local interest, a passing reference to them may be sufficient. Most significant was the quarrel between the magistrates of Peebles and a neighbouring proprietor, as illustrating the standing difficulties of the Scottish burghs in connection with the extensive rural precincts, the possession of which distinguished them from the boroughs of England (p. 51). Reference may also be made to the case of the minister of Keith (p. 64); to the proceedings on the Earl of Errol's lands of Urie (p. 106); and to the doings in connection with the House of Ednam (pp. 107–8). Of the formalities connected with the process of assythment we have an interesting illustration. So far back as July, 1618, Laurence Bruce of Cultmalundie had been guilty of the slaughter of David Toshach of Monzievaird, and now to obtain remission under the Great Seal Bruce was required to offer assythment to the kin of the deceased in "homage, person, estait, lands, goods or geir, or other possible way whatsoever." To determine the nature and amount of assythment he accepted as arbitrators the Archbishop of St. Andrews, the Bishops of Edinburgh and Aberdeen, the Earl of Traquair, and William, Lord Alexander. Should the arbitrators disagree, judgment was to lie with the archbishop. If the kin of the slaughtered man accepted the decision, they were to grant letters of slaines on

Bruce's fulfilment of its conditions; should they refuse to abide by it, he was nevertheless to receive remission for his crime under the Great Seal. "With one voice" the arbiters agreed on the following conditions to be fulfilled by the petitioner:—At some date before the following 1st of May Bruce was to appear in the church or at the market-cross of Perth; bareheaded and barefooted, humbly acknowledge his crime to the assembled kindred of the slain man; and in token of his contrition place the hilt of a naked sword in the hand of the son. Ever afterwards he was to avoid appearing in the presence of the relatives of the deceased, and by a specified date he was to pay 12,000 merks as an indemnity (pp. 193–7).

Two important cases which had long occupied the attention of the Council—the question of the lordship of Torphichen and of the bounds of the royal forest of Glenalmond—were at last definitely settled. In connection with Charles's Act of Revocation it had been contended by Lord Torphichen that the lordship was not an ecclesiastical but a temporal estate, and therefore did not come within the scope of the Act. With the consent of the Parliament of 1633, Charles had referred the question to the consideration of the Council. Unable to arrive at a decision, the Council had eventually left the matter in the hands of the King, and on July 14, 1636, Traquair laid the royal judgment on the council-table (pp. 286–9).—The bounds of the royal forest of Glenalmond had been in dispute since the preceding reign. The Earl of Tullibardine, its hereditary keeper, had complained that its bounds were invaded by certain neighbouring proprietors, and at Charles's request the Council appointed a Commission to enquire into the grounds of the complaint. The report of the Commission, which settled the dispute in the case of one of the proprietors, will be found on pp. 535–6.

A few miscellaneous items of interest may be noted in conclusion. In connection with the Universities we find the appointment of a Commission to enquire into certain abuses in the administration of their foundations (pp. 364, 478); a special Act passed in the case of the College of Old Aberdeen (p. 311); and a supplication from the principal and regents of the University of

Aberdeen, complaining that certain persons were drawing its funds without performing corresponding duties (p. 469). From Aberdeen, also, we have a bitter complaint against one Mr. David Leitch, regent of the fourth class, who was accused of deliberately seeking "to ruine the universitie" (pp. 469-470). From the same university came a quaint "supplication" from Mr. William Gordon, "doctor and professor of medicine." It was always the custom in other famous universities, he tells the Council, that magistrates should be obliged to provide the bodies of two men and two women annually for the purpose of dissection. He, the suppliant, had been appointed to teach medicine and anatomy, and for two years had been exercising his students in the dissection of beasts. His petition, therefore, was that order should be given to the sheriffs, provosts, and bailies of Aberdeen and Banff to deliver to him "twa bodies of men, being notable malefactors, executte in thair bounds, especiallie being rebellis and outlawis, and, failzieing of thame, the bodies of the poorer sort dieing in hospitalls, or abortive bairnes or fundlings, or of these of no qualitie who hes died of thare deseases and hes few freinds or acquaintance that can take exception, and this be the approbatioun of the Bishop of Aberdene, Chancellor of that Universitie, and on of his Majesties Privy Counsell, who may cause use the said warrand with suche moderatioun and discretion, as nather the universitie may wrong anie man of qualitie, nor be impedit be anie evill disposed persons without a lawfull caus and entress" (pp. 228-229). The Council granted the petition.

Lord Balmerino. A few notes may be added regarding certain distinguished personages whose names occur in the present volume. When the volume opens, Lord Balmerino, whose trial had lasted from June, 1634, to July, 1635, was still a prisoner in the Castle of Edinburgh. In July 7th, however, there came an order from Charles that he should be released from ward and permitted to repair to Balmerino House on condition that he should confine himself within a radius of six miles (pp. 43-4). Still, the sentence of death under which he lay was not commuted, and it was not till November 15, 1636, that he received a full pardon with all

the liberties of a free subject (p. 334).—The father of the famous Sir Thomas Urquhart of Cromarty appears in somewhat unfortunate circumstances. Put to the horn for non-payment of a debt, he disregarded the sentence and was charged by the Council to surrender his House of Cromarty and place himself in ward in the Castle of Blackness (March 16, 1637, p. 414). On further enquiry, however, the Council appears to have discovered that the punishment was undeserved. In point of fact, Sir Thomas had shown “an honest and worthie disposition,” and it was through no fault of his own, but “through the undewtifull cariage and behaviour of his children” that he had fallen into debt. In these circumstances, the Council considerably granted him protection from his creditors—Sir Thomas pledging himself to give them complete satisfaction (p. 430). At a later date he summoned his two sons before the justice to answer for their misconduct, but from a supplication they laid before the Council it appears that the dispute between the father and sons had been settled by arbiters specially appointed for that purpose (pp. 485–6).—A supplication from Colonel Robert Monro shows how the authors of the time sought to secure the copyright of their productions. Monro had written a book giving an account of his observations on the art of war as he had seen it practised during his service in Germany, and “delivered the same to his sacred Majestie for his royall approbation and allowance to be givin to his weake and simple endeavours in this mater.” His Majesty was so pleased and instructed by the work that he granted its author the sole right of producing the book in England, and by an arrangement “with some printers in England” 1500 copies were to be printed. Though the author was made secure as far as England was concerned, however, it might happen that printers in Scotland might “frustrat” the author of his profits in that country. To secure himself against this contingency, therefore, Monro appealed to the Council, which promptly granted him the same privilege as he had secured in the case of England (pp. 423–4).

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

REGISTER

OF

THE PRIVY COUNCIL OF SCOTLAND.

ACTA, DECRETA, &c.

Acta. June
1634-April
1635.
Vol. 72. b.

Sederunt :—Privy Seal ; Glasgow ; Bishop of Edinburgh ; Bishop of Edinburgh,
Ros ; Bishop of Murrey ; Bishop of Dumblane ; Naper ; Clerk of ^{1st April 1635.}
Register ; Advocate.

“The Lords of Privie Counsell, understanding that the persons particularlie underwrittin ar denounced rebellis and putt to the horne be vertew of his Majesteis letters for not making payment to the collector generall of his Majesteis taxations grantit in October, 1625, and July, 1630 yeeres, of the particular soumes of money following for thair parts respective of the twa severall taxations abonewrittin, they ar to say, etc., as the letters of horning execute, indorsat and registrat beiris ; At the processe whair of the persons foresaids rebellis abonementiouned hes proudlie and contempnandlie remained since the tymes respective of thair denunciatioun, lykeas they doe yitt unrelaxt, takand no regarde of the said horning, bot haunts and repaires publictlie in all parts of the countrie at thair pleasure as if they wer lawfull subjects, highlie to his Majesteis contempt and misregarde of his auctoritie ; thairfoir the Lords of Secreit Counsell hes givin and grantit and be the tennour heirof gives and grants full power and commissioun be thir presents to M^r William Douglas, maissar, James Curry, Ormond pursevant, Williame Stewart, Kintyre pursevant, and James Douglas, brother to the said M^r Williame, gentlemen of his Majesteis Guardie, chosin be the saids Lords to the effect underwrittin, to pas, searche, seeke and take the persons rebels foresaids where ever they may be apprehendit and to bring and produce thame before the saids Lords to be takin order with

Act against
persons who
have refused
to pay the
taxation.

F.L. 73. a.

for thair rebellious as accords, as alsua to pas, persew and take thair houses, remove thair servants and familieis furth thair of, make inventar of thair goods and geir being thereintill, and to report the said inventar to his Majesteis Thesaurar, to the effect the saids goods may be made furthcummand to his Majesteis use, as accords: As lykewayes the saids Lords ordains and commands the magistrats of all free royall burrowes within this kingdome where the saids gentlemen of his Majesteis Guard sall happin to repaire with anie of the saids rebellis that the saids magistrats receive the samine rebellis aff thair hands, committ thame to saife custodie and waird within thair tolbuith, keepe and deteane thame thairin ay and whill they have payed the saids sounes for the quhilks they ar denounced rebellis and be fred and releved be warrand of the said collector generall, as the saids magistrats of the saids burrowes will answer upon thair highest charge and perrell: And ordains heralds, pursevants and messengers of armes to pas and make publicatioun heirof at the mercat croces of the heid burrowes of this realme and others places neidfull that nane of his Majesteis lieges pretend ignorance of the same, and that they command and charge all and sindrie shireffs, stewarts, bailleis, bailleis of regaliteis and magistrats of burrowes within this kingdome to concurre and assist with the saids gentlemen of his Majesteis Guard in all things tending to the furtherance of his Majesteis service, as they will answer upon the contrare at thair highest charge and perrell."

Commission to the Bishop of Moray and others against the utterers of base dollars in the North.

"Forsamekle as the Lords of Secreit Counsell ar informed that there is some wicked and malicious persons in the north who this time bygane hes beene bussie in forging, venting, counterfooting and outputting amongs his Majesteis subjects of false dollers, and the simple people, being ignorant of the trew worth and fynnes of the same, receaves thame as good coyne, whereas indeid they ar bot base, counterfoote and false, quherethrow not onelie ar his Majesteis subjects mightilie abused and wronged, bot in short time this countrie will be filled with this foule and filthie drosse if some present course be not tane to prevent and stay the forder progresse of this evill; thairfor the Lords of Secreit Counsell hes givin and grantit and be the tennour heirof gives and grants full power and commissioun to the reverend father in God, Johne, bishop of Murrey, and to suche others as he sall nominat and appoint, to pas, searche and seeke all and sindrie persons, forgers, strikers and printers of thir false and counterfoote dollers and to seaze upon thair persons and upon thair trunks, coffers and kists wherein the saids false dollers and the yrnas ar kept and to bring and exhibite thame before his Majesteis Counsell; and for the better executioun of this commissioun with power to thame to make opin doores and use his Majesteis keyes, and to doe and performe all and everie other thing quhilk for executioun of the said commissioun is requisite and necessar; firme and stable halding and for to hald all and quhatsomever things sall be lawfullie done heerin."

Acta, June 1634-April 1636.
Fol. 73, a.

Fol. 73, b.

Acta, June
1634-April
1636.
Fol. 73, b.

"The Lords of the Secret Counsell gives and grants libertie and licence to James Gordoun of Dunbennan to depart and pas home for doing of his lawfull effaires, and exoners the said James and Mr Williame Forbes, advocat, his cautioner, of the act quherby they wer obliged for the said James Gordoun his remaining in waird within the burgh of Edinburgh till he wer releevd."

License to
James Gordon
of Dunbennan
to go home to
attend to his
affairs.

Decreta,
November
1633-April
1635.
Fol. 220, b.

[Sederunt as recorded above.]

Edinburgh,
1st April 1635.

Fol. 221, a.

Supplication by George, Marquis of Huntlie, as follows:—For his not compearing before their Lordships to answer anent the disorders in the north, letters of horning and thereupon letters of treason have been issued against him for rendering of his houses of the Boig and Strabogie. These he has obeyed, and the pursuivant is presently in possession of the houses. But he has suspended the horning and letters of treason, as illegally taken out against him, and so the execution of the same ought also to cease; yet the herald refuses to relinquish possession without a warrant. He therefore craves that their Lordships would direct Eliazer McKesone, who has the keys of the said houses in keeping, to deliver the same to the supplicant. This the Lords do.

Supplication
by George,
Marquis of
Huntly, anent
his houses of
the Bog and of
Strathbogie.

Fol. 221, b.

Complaint by James Arbutle, elder, servitor to the Countess of Nithisdail, as follows:—On 4th January, 1634, he was in the burgh of Glasgow doing his lawful business, when Mr William Stewart, provost, and George Mure and John Maxwell, bailies, at the desire of William Fleeming, commissary clerk, and Mr Archibald Fleeming, his son, committed the complainer to ward within their tolbooth until he should find caution to them. Yet, when he had done so, they the following morning again committed him to the said ward until they forced him to discharge the sum of £60 due to him by the said William and Mr Archibald Fleeming. Parties being cited, and the pursuer compearing, also Mr Archibald Fleeming for himself and the other defenders, probation was referred by the pursuer to the oath of the defenders; whereupon, in regard that they were not all present to depone, the Lords grant commission to Patrick, Archbishop of Glasgow, to convene the pursuer and the defenders before him and examine them and take their oaths, and report to their Lordships, who shall then give sentence accordingly.

Complaint by
James Arbutle,
elder, servitor
to the Countess
of Nithsdale,
against the
Provost of
Glasgow and
others for
illegal ward-
ing.

Fol. 222, a.

Complaint by Patrick Vaus, fiar of Barnbarroch, as follows:—He has been long detained in ward in the tolbooth of Edinburgh at the instance of some creditors, both to his and their prejudice, as his lands are thus left waste, and he and his family are reduced to "extreme great miserie." He is most willing to satisfy his creditors by selling his lands if he were at liberty to go about the same; and would empower Alexander, Earl of Galloway, James, Lord Jonstoun, Sir John McDougall of Garthland, William Murray of Natoune, and Patrick Vaus of Lyrbrach, to dispose of them for payment of his debts. Further, he is

Supplication
by Patrick
Vaus, fiar of
Barnbarroch,
that he may be
freed from
ward in the
Tolbooth of
Edinburgh
that he may
satisfy his
creditors.

ready to enact himself to re-enter his said ward, and also to renounce his said lands and living to his friends that they may dispose thereof for satisfaction of his creditors if within a year and day after his release they are not satisfied. Charge having been given to John Peter, writer; James Lands, merchant; Margaret Guthrie, spouse to Captain James Donaldsone, and as acting for him; Mr John Ray, heir of Arthur Ray; David Aikinhead, provost of Edinburgh; Mr Thomas Lamb in Prestoun; Sir Alexander Carnegie, brother to the Earl of Southesk; Andrew and Mr William Cowper, sons of the deceased William, Bishop of Galloway, and , their mother; James and Sarah Lamb, children of the deceased Andrew, Bishop of Galloway; Robert Broune in Newbotle; Robert Guthrie, cook in Edinburgh; Archibald Dumber of Baldoune; James Ballantyne in Leith; Nicholas McMathe, widow of Mr Patrick Ballantyne, clerk of Dunce; Janet Kennedie, one of the heirs portioners of the deceased Hew Kennedie of Garriehorne, and Mr James Bower, minister, her spouse; Mr Robert Glendinning, minister, and Robert, his son; John, Viscount of Kenmuire, and Dame Campbell, his mother; William McKie, son of ; Mr Andrew Anderson, minister at Kirkinner; Alexander McDouell of Logane; and Thomas Hay of Park; and the pursuer compearing personally and producing a consent in writing under the hand of the said James Bannatyne for himself and in name of the remanent executors of the said deceased Mr Patrick, his father, bearing his consent to the pursuer obtaining his liberty, and Mr Andrew Henderson also compearing and consenting thereto, but none of the others attending, the Lords, upon the pursuer's enacting of himself in terms of his offer as aforesaid, ordain the provost and bailies of Edinburgh to put him to liberty.

Complaint by Paul Redick of Barnsheyne against Charles Murray of Barnhowrie for illegal sequestration.

Complaint by Paul Redick of Barnsheyne, as follows:—He is heritably infert in the 40s. land of Barnhowrie, and on a decreet of removing recovered by him against Charles Murray, called of Barnhowrie, was placed in possession thereof by the judge ordinary. He has tilled and laboured these lands this last crop of 1634 and caused the corns to be cut and harvested in his own barnyard; but upon information made to their Lordships by the said Charles Murray that he has an action of suspension and reduction depending before the Lords of Session against the complainer, their Lordships gave order for sequestration of his corns till after discussion of the action, and this without his having been heard to object. Further, although reduction was obtained, yet as to these corns, as they were sown by himself upon his own lands by virtue of a legal decree obtained *in foro contradictorio partibus comparentibus*, and reaped and stacked by him, the said Charles can pretend no manner of claim to them. The complainer has been greatly injured by this sequestration and his bestial starved for want of fodder. The pursuer compearing personally, and the said Charles Murray appearing by Marion Murdoch, his spouse, who produced to

Decreta,
November
1633-April
1635.
Fol. 222, a.

Fol. 222, b.

Fol. 223, a.

Decreta,
November
1633 April
1635.
Fol. 223, a.

their Lordships a decreet of reduction pronounced by the Lords of Council and Session on the 26th March last of the aforesaid decreet of removing, and craved that therefore the pursuer's desire might be refused and the said Charles allowed to intromit with the same, the Lords, after advising, in respect of the said decreet of reduction, refuse the petition of the pursuer and authorise Charles Murray to intromit with the corns.

Fol. 223, b.

Complaint by Katherine Sinclair, daughter of Hercules Sinclair in Dinnevin, as follows:—On 4th July last, while she was upon the green of Harbertshyre in peaceable manner, John Stirlie of Harbertshyre came to her "with ane pycked suord stalffe in his hand and without anie offence done be her to him gave her manie bauch and blae straike upon the head, face, shoulders and backe with the said stalffe, untill he brake the same upon her and woundit her thairwith on the hand, and he had not failed to have slaine her were not the minister of the parish of Dennie and certane others persons rescued her." The pursuer compearing personally but not the defender, the Lords ordain him to be put to the horn and escheated.

Complaint by
Katherine
Sinclair,
daughter of
Hercules
Sinclair in
Dinnevin,
against John
Stirling of
Herbertshire
for assault.

Fol. 224, a.

Complaint by Allan Burlinghame in Yermout, and Patrick Wood, merchant in Edinburgh, as "substitutes and deputies lawfullie constitute be Thomas Stiloun, Daniel Wilgreffe, John Cooper and Henrie Lund of Yermout, merchants, awners of the ship callit *The Gift of God*, Yermout, Thomas Turner, maister of the said ship," and Sir Thomas Hope of Craighall, King's Advocate, as follows:—Though the carrying of hagbuts and pistols has been often prohibited by the laws of this kingdom, yet in the month of last "Olipher Mouat in Starnua, being within the toun of Yermout in England and having insinuat himselfe to Thomas Stiloun, Daniel Wilgreffe, John Cooper and Henrie Lund, he made sundrie overtures unto thame of probable advantage, to witt, ane adventure of ane fisheing voyage to the Lewis." The proposal seemed fair at first, and these persons embraced it, furnished their ship with all kind of necessaries and prepared for the voyage. "And, when as the master and equipage of the ship looked for no harme to have beene done to thame in thair returne, trew it is that John M^cKy, brother in law to the said Olipher, entered in the ship and without any ground of reasone challenged both the ship and the loadning to pertaine to the said Olipher and him, and haveing corrupted all the equipage of the ship, who are bot vagabounds of the most part of the said Olipher his choosing, offered to have stricken the said Thomas Turner with ane durke and had not failed to have killed him in his awne cabinet if the said Thomas had not withstood him. And this dissention being settled be the mediation of ane Captane Buxtane, there was a band given be John M^cKy of Thurso and Alexander M^cKenzie for the indemnitie of the said Thomas Turner, and that he, his servants with the ship callit *The Gift of God*, and all materialls thairto belonging sould not be molestit nor troublit at anie tyme whatsoever, bot sould quietlie at his awne will

Complaint by
Allan Burling-
hame in Yar-
mouth against
Oliver Mouat
and others for
assault and
illegally seiz-
ing a ship
belonging to
the com-
plainer.

and pleasure sett sail the first faire wedder." Notwithstanding this, however, on their arrival at Starnua the said Olipher "begane to make a new claime to the ship and her loadning and with threatning speeches delt with the said Thomas to acknowledge ane pretendit compt made and given up be himselfe and to subscriye the same beiring a confused number of unreasonable articles of discharges and allowance." He refused; and when the said Olipher saw he could not in this way attain his object "they at thair awne hand seased upon the ship and her loadning and goods being in her, manned the same, and with durks and pistolets presentit to the said Thomas Turner forcit him to subscriye the said band for feare of his lyffe; and they, accompanied with Thomas Lindsay in Carraill and James Kay, John Bruce, James Grahame, Androw Lies, John Smith, Robert Currie, Alexander Ros, Richard Lumisden and Hew Thomesone, medlit with the said ship and goods being in her, with her ornaments, being in estimation worth ane thousand pund sterline; and her loadning, consisting of seven hundreth barrells of hering and others geir, estimat to fyve hundreth punds sterline; and they seased upon the said Thomas his person and kepted him as a prisoner in the said Olipher his hous the space of seven weeks and abone, withheld from him meit the space of seven dayes, and violentlie reft out of his pocket his purse, keyes, bills, bands and money; returning thairwith to the ship, they opened or brake up his kists, coffers and truncks and tooke furthe all that wes within the same." Charge having been given to the persons complained upon, the pursuers compeared personally, but of the defenders only James Kay, John Bryce, John Smith, Robert Currie and Thomas Lindsay. There also compeared John Dunlop on behalf of the Duke of Lennox, Lord Admiral of the kingdom, and Alexander, Earl of Linlithgow, Vice Admiral, who craved that seeing the matter was "a marine bussines and the complaint groundit upon the proceedings of the said Lord Admiral his deputs in satisfaction of his decretit," the matter might be remitted to the Admiral. The Lords, however, find that they are the judges competent in this cause, and they ordain the Bishop of Dumblane and Lord Naper to examine the witnesses produced in this case on the morrow and proceed and determine therein with the full authority of the Council.

Edinburgh,
1st April 1635.

Caution by
Hector Aber-
cromby for
Adam Aber-
cromby.

Commission to
the Bishop of
Dumblane and
Lord Naper
to examine
Allan Bulling-
ham's
witnesses.
See *supra*.

Edinburgh,
2nd April 1635.

Deposition by
James Kay,

"Hector Abircrombie of Fetterneir, cautioner for Adame Abircrombeis compeirance upon the xvj of Junij, under the pane of v^m merkes."

Sederunts,
January 1635-
November
1643.
Fol. 8, b.

"The Lords gives commissioun to the Bishop of Dumblane and Lord Naper to examine Allane Bullinghams witnesses the morne and to proceed and decerne in that actioun with als great power as the Counsell might have done."

Sederunt :—The Bishop of Dumblane and Lord Naper.

Fol. 9, a.

"The quhilk day James Key, skipper, being demanded if there was anie

Sederunts,
January 1635-
November
1643.
Fol. 2, a.

other goods or geir in his ship perteaning to John M^cKy nor herring, he skipper, anent the ship belonging to John M^cKay. depouned upon oath that there was none bot onelie a kist perteaning to Johne M^cKyes servant quhairin there was some cloathes; and Thomas Gwn in Caithnes gave his oath that the skinne, hydes and other goods except herring being in James Kayes ship belonged to him."

"Patrik Wod, cautioner for Thomas Turnours compeirance before the Counsell upon Saturday nixt, and James Kay and John Layng, messenger, cautioners for Thomas Lindsay his compeirance that day, under the pane of j^m merkes." Caution by Patrick Wood and others for Thomas Lindsay.

Decreta,
November
1633-April
1635.
Fol. 225, a.

Sederunt :—Bishop of Dumblane; Lord Naper.

Edinburgh,
3rd April 1635.

Supplication by Thomas Gun in Thurso in Caithness, as follows :— "James Kay, skipper in Dundie, haveing his ship in the toune of Thurso not being sufficientlie loadnit, causit the supplicant to put in his ship ten barrells of beiff, sextein stane of geise feathers, fyve score of gate skinnes, ane hundreth lamb skinnes, halfe ane hundreth calff skinnes, fourtie thrie oxin and ky hydis, threttie sex elne of dowble whyte plaiding, seven thousand geise pennis," and now there is an arrestment put upon the said ship and the goods belonging to the said James presently in Leith, whereby the complainer, who is a young man, dealing with merchants in Edinburgh, and having only his goods to maintain him, is greatly damaged. On his goods there is no arrestment, but the said James detains them for fear of his own arrestment. He therefore craves that James Kay may be ordered to deliver to him his goods. The Lords after advising and having also heard Thomas Turner and his procurators, for whose cause the supplicant's goods had been withheld from him, and who offered no objection, and the supplicant having upon his great oath declared that the foresaid goods belong to himself and in no way to the said Thomas Turner nor John M^cKy nor any others, ordain the said James Kay to deliver up to the supplicant these goods. Supplication by Thomas Gunn in Thurso that certain goods arrested in the ship of James Kay, skipper, may be delivered to him.—Granted.

Fol. 225, b.

Sederunt ut die predicto.

Edinburgh,
4th April 1635.

Supplication by James Kay, skipper in the ferry of Portincraig and master of the barque called the Isabell, now lying at Leith, as follows :— In December last he was lying with his said ship in the harbour of Starnua, having twenty barreles of herring of his own on board, when John M^cKy in Thurso, who was then at Starnua, entered into agreement with the supplicant to carry as many herring as his barque could hold to Leith, for which he promised to pay him there £12 for every last. The supplicant arrived at Leith about twenty days since, when Thomas Turner, Englishman, and others caused an arrestment to be made of all herrings and other goods in his barque until caution were found for their being forthcoming as law will. He is thus greatly damuified both for want of his goods to maintain his crew and pay his debts, but also in respect of "the lyffe of his barke," as the weight of the herrings "will make Supplication by James Kay, skipper, for licence to discharge the cargo of his ship, which has been arrested in Leith by Thomas Turner, Englishman, and others.

the floirbrands of the barke to brake." He therefore craves liberty to discharge his cargo and place it in the keeping of some honest men in Leith. The Lords ordain and command the bailies of Leith to unload the supplicant's barque of the herrings therein which are alleged to pertain to John M^cKy, and to extend to the quantity of nine lasts, and to cellar and pickle them and make sale thereof for the best prices they can obtain, the proceeds to be made forthcoming to whoever has best right thereto. The bailies are to pay their own expenses out of the same and £72 for the freight of the said herrings to the supplicant, deducting therefrom £60 as the price of a "cable tow" which the supplicant bought by the sale of eight barrels of the said herrings. Being put upon oath the supplicant declared that he had received eleven lasts of herring belonging to John M^cKy, but two were cast overboard on account of a storm.

Decreta,
November
1633-April
1635.
Fol. 226, a.

Edinburgh,
4th April 1635.

Charge to
Thomas
Lindsay anent
the cargo of
Thomas
Turner's ship.

"The Lords ordains Thomas Lindsey to find good and sufficient caution for making the haill goods being in Maister Turners ship quher- with he intromitted furthcummand to all parteis having interesse as accords 'of the law and to be committed to waird till he find the said caution."

Sederunta,
January 1635.
November
1643.
Fol. 9, a.

Edinburgh,
7th April 1635.

Sederunt :—Bishop of Dumblane ; Lord Naper.

Ordinances
anent the ship
The Gift of God
of Yarmouth.

In the action pursued by Allan Burlinghame in Yermout and Patrick Wood, merchant burghess of Edinburgh, as substitutes and deputies for Thomas Stilsoun, Daniel Wilgreffe, John Cooper and Henry Lund of Yermout, merchants, owners of the ship called *The Gift of God* of Yermout, Thomas Turner, master of the said ship, and his Majesty's Advocate, against Thomas Lindsay in Carraill, alleged Admiral depute in the North Yles, and certain other persons for the violent seizure from the said Thomas Turner of the said ship and her ornaments and cargo, and the hearing of the case being remitted by the Council to Adam, Bishop of Dumblane, and Archibald, Lord Naper of Merchinstoune, with full powers, and they, having at several times and diets heard both parties and their procurators, viz. Mr Thomas Nicolsone, younger, for the pursuers, and John Dunlop, advocate, for the defenders, and also, by pointing out the danger of delaying the case which would involve the spoiling of the herrings and expenses for the delay of the ship and her crew, brought both parties to agree to accept their sentence in the matter, ordain the said ship with her whole geir, ornaments and apparelling with the cargo therein to be delivered up upon inventory to the said Allan Burlinghame and Thomas Turner, which inventory they ordain to be made by William Crystie, servitor to the said Patrick Wood, as specially named therefor by the pursuers and their advocate, and by John Layng, messenger, as named by the said John Dunlop for the defenders; and as for the cables, anchors, ropes, sails and other ornaments of the said ship taken out of her by the said Thomas Lindsay

Decreta,
November
1633-April
1635.
Fol. 226, a.

Fol. 227, a.

Decreta,
November
1633-April
1635.
Fol. 227, a.

since her arrival at Leith, they ordain him to give up a particular inventory thereof upon oath, and deliver the same conform thereto to the said Allan Burlinghame and Thomas Turner, and if he has disposed of any part thereof, he is to give them satisfaction for it. The said Lords further ordain Thomas Lindsay to deliver to James Prymerose, Clerk of the Council, the whole papers, books, accounts and all other writings taken by him or by his authority from the said ship, to be delivered to the said pursuers upon their acquittance; and they reserve to both parties any further action against each other, viz. to the pursuers their action for the rest of the goods in the ship not given up in inventory and damage sustained by them in this case, and to Thomas Lindsay his action against them for his expenses in bringing the said ships from Starnua to Leith and keeping them there, such actions to be pursued before the judge ordinary. Further, they ordain the said Thomas Lindsay to find caution in the books of Privy Council that he will appear before any judges within the kingdom where his party may please to pursue him under the penalty of 1000 merks; and this caution having been found and delivery made of the ship, goods and others abovementioned, the Lords ordain the provost and bailies of Edinburgh to put the said Thomas Lindsay to liberty.

Fol. 227, b.

Acta, June
1634-April
1636.
Fol. 73, b.

Sederunt:—St. Andrewes, *Cancellarius*; Privy Seal; Mairshell; Mar; Edinburgh, Murray; Wigtoun; Lauderdaill; Bining; Bishop of Edinburgh; 22nd April 1635.
Master of Elphinston; Advocate; Sir James Baillie.

Fol. 74, a.

"The Lords of Secretit Counsell, according to his Majesteis missive letter writtin and sent be his Majestie to the most reverend father in God, Johnne, Archbishop of S^t Andrewes, Lord High Chancellor of this kingdome, and this day produced before the saids Lords and read in thair audience, gives and grants libertie and licence to George, Marques of Huntlie, to returne home to his owne countrie for prosecuting and following out of the service undertane be him aganis the rebellis and brokin men in the north, notwithstanding anie former act made in the contrare, whereanent and all panes conteanit therein the saids Lords dispenses be thir presents; becaus the said Marques, being personallie present, actit and obleist himselfe that he, being releevd of his present waird and restraint and permitted to returne home, sall trewlie and faithfullie execute the commission grantit unto him aganis the rebellis and brokin men in the north, and for that effect that he sall reteane and keepe the countrie in peace and quyetnes and sall preserve and secure all his Majesteis good subjects and speciallie the ministers frome all incursions and oppressions to be committed upon thame be the saids rebellis and others for whome the said Marques be the lawes of the kingdome is obleist to answer, under the pane of ane hundreth thowsand pundis; whiche pane the saids Lords declares they will decerne the said Marques upon tryell to have incurred and will accordingly uplift the

Licence to the
Marquis of
Huntly to
return home
on his pledging
himself to do
his utmost to
suppress the
disorders in
the North.

same in hail or in part according to the merite and qualitie of the trespassse and of the said Marques his breake and neglect of dewtie; and lykewayes that the said Marques sall compeir personallie before the saids Lords upon the 23 day of July nixt and give ane accompt of his diligence and service done aganis the saids brokin men and rebells under the said pane, and that by and attour the fulfilling of the said Marques his former act, whereunto these presents sall make no derogation. And if it sall happin the said Marques betwix and the day of the report to be conveenned before the saids Lords at the instance of particular parties, in that cais the Lords declares in respect of the publict service undertane by him that he may compeir by his procurators lawfullie authorised, aganis whome the saids Lords declares they will grant and susteane processe and that execution sall thereupon pas aganis the said Marques as if he wer personallie present himselfe. Lykeas the saids Lords ordains the said Marques to certifie the Counsell of his proceedings aganis the saids brokin men and of the estait of the countrie upon the first Counsell day of Junij nixt, quhilk the said Marques being personallie present promiseist to doe. Followes his Majesteis missive letter abonewritten:—CHARLES R.—Right reverend father in God, we greit yow weill. Having understood frome yow that the Marqueis of Huntlie hath undertakin the suppressing of the rebellis in the north and that he hath given caution for the same, and understanding likewise that for performing thair of he desireth libertie to returne thither that he may be the more able (being there himselfe in person) to looke unto the quyetting of the countrie and preserving of the peace in these parts heerafter, we conceive, since he wes cited there by warrand frome our Counsell for giving unto thame ane accompt of suche things as they wer to charge him with, that the prosecution of the whole bussines doeth likewise belong unto thame, trusting unto thair judgements that they will doe therein as they sall find most advantageous for our service in the establishing of peace and restraining of suche rebellions heerafter; and if they sall licence him to returne (whiche we remitt whollie unto yow and thame) that they will doe it upon suche good conditions as yow will be answerable to us to be sufficient; whiche we will yow to signifie unto thame frome us, expecting lykewayes that yow will have a speciall care of the same according to the trust we repose in yow. We bid yow farewell. From our Court at Whitehall, 2th of Aprile, 1635.—Followes the Counsellis letter to his Majestie anent thair proceedings with the Marques:—Most sacred soverane, Upon occasion of ane letter direct frome your Majestie to your Chancellor concerning the Marques of Huntlie and for satisfaction of your royall pleasure conteanit therein, we conveenned this day in Counsell; and having callit the said Marques before us and considerit of the most conduceable meanes for the furtherance of your Majesteis service and quyetting of the countrie, and finding that the Marques was not able to sett caution for performance of the same and that the cautioners

Acta, June
1634-April
1636.
Fol. 74, a.

Fol. 74, b.

Acta, June
1634-April
1636.
Fol. 75, a.

formerlie nominat be him wer not responsall, we have allowed him to returne home for his better enabling to prosecute the service undertakin be him aganis the rebellis, and have takin him actit to secure your Majesteis peace and to reteane the countrie in quyetnes and that he sall compeir upon the 23 of July nixt and give ane accompt of his diligence and service done be him aganis the saids rebellis, under the pane of ane hundreth thowsand pundis; at whiche time if he sall not report reall and satisfactorie diligence we will than proceed to the censuring of him according to the merite of his default. Wherewith we have thought good to acquaint your Majestie, praying God to blesse your Majestie with a long and happie raigne, and we rest, etc. Frome Edinburgh, 22 Aprilis, 1635. *Sic subscribitur*, Sanctandrois, Hadinton, Mairshall, Mar, Murrey, Bining, Da. Edenb., S. Thomas Hop."

"The Lords of Secreit Counsell gives and grants libertie and licence to Alexander Gordon of Dunkintie to returne home for doing his lawfull effaires notwithstanding of anie act made in the contrare, he finding caution actit in the bookes of Privie Counsell for his compeirance before the saids Lords upon the saxtene day of Junij nixt under the pane of ane thowsand merkes."

Licence to
Alexander
Gordon of
Dunkintie to
return home.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Sir Lewes Lauder, knight, and become actit and obleist as cautioner and souertie for Katharine Forbes, Ladie Rothemay, that she sall remaine and keepe waired within the burgh of Edinburgh and toun of Leith and foure myles about the same and that she sall not depart furth of the saids bounds till the first Counsell day of Junij nixt and forder ay and whill she be releved by the saids Lords, under the pane of fyve thowsand merkes."

Caution by Sir
Lewis Lauder,
knight, for
Lady Rothie-
may.

"The whilk day in presence of the Eords of Secreit Counsell compeired personallie Johne Dowglas, sone lawfull to James Dowglas, maisser to the Privie Counsell, and produced and exhibite before the saids Lords ane gift grantit to him be his Majestie under the privie seale whereby it hes pleased his Majestie to grant unto the said Johne the office of maisser to be bruiked be him with the benefite thair of after his fathers death and to use and exerce the said office during his fathers lyftime in his absence by sicknes or other necessarie occasions, as the said gift of the dait at Whitehall, the xxvij day of Februar, 1634, more fullie propoorts. Quhilk gift being seene and considderit be the saids Lords and they advised therewith, the saids Lords receaved and admitted the said Johne to the said office conforme to his said gift; lykeas the said Johne, being personallie present and humbled upon his knees, gave his great and solemne oath for the faithfull administration of the said office. And the saids Lords, in respect of the said Johne Douglas his minoritie and young yeeres, suspends him frome the use and exercise of the said office and discharges him to serve therein till he be twentie one yeeres compleit."

John Douglas
admitted to
the office of
maicer to the
Privy Council.

Fol. 75, b.

Sederunt :—John, Archibishop of Sanctandrews, Chancellor; Thomas,

Edinburgh,
22nd April
1635.

Earle of Hadinton, Lord Privie Seale ; George, Earle of Mairshell ; Decreta,
John, Earle of Mar ; James, Earle of Murray ; John, Earle of April 1635-
Wigtoun ; John, Earle of Lauderdaill ; Thomas, Lord Binning ; February 1639
David, Bishop of Edinburgh ; Alexander, Maister of Elphinstoun ; P. 1.
Sir Thomas Hope of Craighall, Advocat ; Sir James Baillie of
Lochend.¹

Complaint by
James, Duke
of Lennox,
Lord High
Admiral, and
others against
Christopher
Wilson,
Englishman,
master of the
ship *The
William and
John* of
Colchester, for
violently seiz-
ing the said
ship from the
Admiral-
depute, who
had taken
possession of it
for the Crown
as a castaway.

Complaint by James, Duke of Lennox, Lord High Admiral of the kingdom, Alexander, Earl of Linlithgow, Vice-Admiral to the said Earl, and Thomas Lindsay, Admiral-depute in the Lewis, with Sir Thomas Hope of Craighall, King's Advocate, for his Majesty's interest, as follows :—
Though the carrying of hagbuts and pistols and convocation of the lieges in arms have often been prohibited and discharged by law, yet on 19th January last Christopher Wilson, master of the ship called *The William and John* of Colchester, violated this law. The said ship, while she was riding at anchor in the road of Starnua, laden with herrings and other goods, was by stress of weather and other causes cast away upon a rock in the sea, and became a wreck, no living creature being therein from the 19th of January until 4th February thereafter, when the said Admiral-depute, finding her lying so long a wreck, began to recover the same from the bottom of the sea. This he accomplished at great expense and brought her and her cargo to Starnua and took possession of her accord- P. 2.
ing to the duty of his office. Whereupon "the said Christopher, grudgeing that the said depute durst medle with anie goods belonging to Englishmen, he be advyce of Thomas Turner, his countreyman, convocat and assembled togidder the personis following, that is to say, Eduard Rand, skipper ; Christopher Riddell, sailler ; John Jaffray, sailler ; William Hardie, Thomas Cooke and Leonard Bure, saillers, with others to the number of ane hundreth persons all boddin in feare of warre, with gunns, pistolls and others wapons invasive, who all concurring togidder in counsell resolved by strong hand to take the wracked ship frome the said Admiral depute ; and the better to strenthen thame in this thair attempt, a number of thame surprised and tooke the Castle of Starnua, charged the great and small ordinance being thairin ; and the saids Thomas Turner and Cristopher Wilson, with ane part of thair complices, went ravaggeing upon the land, with gunns and pistolets, threatening to kill all the Scottish men who were there. And the said Cristopher went aboard in the said wrack ship, and the rest of his complices with gunnis and pistolls went to thair awne ship and all of thame were prepared for ane hostile confict, these in the Castle displaying thair cullours with S^t George Croce upmost, quhilks thairafter they tooke doune and put up the English cullors onelie. And perceaveing that the said Admirall depute would not quyte his possession of the wracke ship, thay shote ane great shote aff the Castle at the same, quhilk happilie missed the ship, and they continowed shooting thair powlder and leade in a fearfull maner till at the intercession of freinds

¹ Full names of sederunt at the commencement of a new Volume.

Decreta,
April 1635-
February 1639.
P. 2

P. 3.

the said depute was forcit for the peace of the countrey to give possession of the wracke ship and loadning being within her to the said Cristopher Wilsoune to be brought to Leith and judgit." Charge having been given to the persons named, and the Duke of Lennox and Earl of Linlithgow compearing by John Dunlop, their procurator, and Thomas Lindsay and his Majesty's Advocate personally, and the whole of the defenders compearing personally, there likewise compeared Mr Ferquhar McClennan, minister at Starnua, desiring to be heard: who being admitted for his interest declared that when he perceived great appearance of trouble between Thomas Lindsay and the defenders with respect to the foresaid ship and goods, and bloodshed likely to follow, he and Alexander McKenzie of were obliged to give their bond to the said Thomas Lindsay that the said ship would be brought to Leith and be made forthcoming there to the said Thomas Lindsay, as law would. Having heard him and also the parties hereupon, the Lords, in respect of the honest purpose and intention of the said Mr Ferquhar to prevent bloodshed and other inconveniences, and that the said ship and goods are now brought to Leith, where they presently remain, ordain the said Thomas Lindsay to deliver up to him his bond. The Lords also ordain Thomas Lindsay to deliver up the said wreck ship and her whole ornaments and goods to the said Cristopher Wilsone upon his finding caution in their Lordships' books to make the same forthcoming to the said Thomas Lindsay as law will, and to pay to him his expenses in the recovery of the said ship and cargo. But the Lords assoilzie the defenders from the charge of illegal convocation in arms, "because the companie and equipage of a ship conveyed togidder and haveing gunnis and pistolets in their companie for defence of thameselves, thair ship and goods being thairin, can not be interpret a breake nor violation of the law."

P. 4.

Supplication by Mr James Raithe of Edmestoune, as follows:—In March, 1633, Archibald Wilsoune, sometime the supplicant's cook and servant, Margaret Kay, his concubine, John Drysdail, baker in Edmestoune, and Christian Cleghorn, his spouse, were cited before the bailies of the regality of Mussilburghshire for a number of thefts and reset of theft, and upon their judicial confession were convicted; whereupon Archibald Wilsoune was ordained to be scourged through the towns of Newbigging and Inneresk, and the others and he to be banished the lordship of Mussilburghshire and bounds of Edmestoune, and never to be seen therein thereafter "under the paine to be hanged to the death without ane assise." Notwithstanding of this these persons, "being loath to want their theevish purches they made in the supplicants hous and upon his ground," have returned to the lands adjacent to his lands of Edmestoune, and lurking there all day they come out in the night and steal whatever they can lay hands on belonging to the supplicant or his tenants, so that there are few nights on which they do not sustain some skaith, and they can keep nothing in safety after nightfall "outwith lockit yets." Further, the reset afforded to these thieves by the supplicant's neighbours encourages

Supplication
by Mr. James
Raith of
Edmonston
for a commis-
sion to appre-
hend Archi-
bald Wilson,
sometime the
supplicant's
cook, and
others, who,
though
denounced for
various thefts,
continue their
practices on
the suppli-
cant's estate.

them in their crimes. He therefore craves that their Lordships would grant a commission to the Sheriff of Edinburgh and his deputes, and to the bailie of the regality of Mussilburghshire and his deputes to apprehend and imprison these persons ; and this the Lords grant.

Edinburgh,
22nd April
1635.

"The next Counsell day appointed to be upon the second of Junij next."

Decreta,
April 1635-
February 1636
P. 4.

Sederunta,
January 1635-
November
1643.
Fol. 9, b.

Edinburgh,
2nd June 1635.

Sederunt :—St. Andrewes ; Privy Seal ; Mar ; Dumfreis ; Tracquair ; Bishop of Edinburgh ; Bishop of Dumblane ; Lord Naper ; Advocate.

Acta, June
1634-April
1636.
Fol. 75, b.

Letter from his Majesty requiring that Mr John Lindsay of Wolmerstoun be retained in prison till he has given satisfaction for the injuries he has done to the person of Patrick Maule, indweller of St. Andrews.

"The whilk day the missive letter underwrittin, signed be the Kings Majestie and direct to the Lords of his Privie Counsell, was presented to the said Lords and read in thair audience, of the whilk the tennor follows :—CHARLES R.—Right reverend fathers in God, right trustie and weilbelovit cousins and counsellers, right trustie and trustie and weilbelovit counsellers, we greit yow weill. Whereas it hes beene humbelie represented unto us that in the tryell before yow tuicheing the wounding of Patrik Maule, indweller of St Andrewes, yow had for that effect caused imprisson John Lindsey, sone to M^r Patrik Lindsey of Wolmerstoun, referring to further tryell in law the action tuicheing the mutilation of the said Patrik Maule ; in respect of the barbaritie and foulness of the fact and of the place where it was committed, and the better to prevent any further inconvenience that may thereby ensue by breaking our peace, it is our pleasure that the said John be not released frome prison till ather he be tryed according to our lawes provided in the like caises for the said mutilation or otherwayes that he give suche satisfaction to the partie wronged as he sall be willing to accept. We bid yow heartilie farewell. From our Court at Whitehall, 20th of Aprile, 1635.—Quhilk missive being read, heard and considerit be the saids Lords, they ordaine the said M^r John Lindsey to caus warne Patrik Maule to compeir before the Counsell to heare offers made to him at the sight of freinds, wherein, if they agree not or that Patrik Maule refuse reasonable satisfaction, the saids Lords declares that they will proceed to the ordering of the bussines according to the merite of the caus."

Caution by Patrick Murray for his appearance before the Council.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Patrik Murrey, brother to John Murrey, *alias* M^cGregour of Glenstrae, for obedience of the act whereby his said brother was bound for him to that effect, and the said Patrik actit, band and obleist himselfe to compeir upon Thursday next under the pane of three thowsand merkes and to find caution that day for his compeirance in time coming, without prejudice of the former act found be his said brother for his compeirance this day."

Penalty imposed on John Cameron,

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie John Cameron, appearand of Lochyell, for obedience of the

Fol. 76, a.

Acts, June
1634-April
1636.
Fol. 76, a.

cautioun found be him for that effect, bot failyied in the entrie and exhibitioun of Allane M^cEanduy, his father, conforme to his act, in respect whair of the saids Lords decernis him to have incurred the pane of three thowsand merks conteanit therein, and superseids the execution of this sentence till the fourth day of July nixt. Lykeas the said Johne actit himselfe to remaine and keepe waird within the burgh of Edinburgh and not to remove till he be releevd under the pane of sax thowsand merkes."

"The whilk day in presence of the Lords of Secreit Counsell com-peired personallie Alaster M^cDonnald of Glencoe for obedience of the act whereby he wes obleist to that effect, and actit and obleist himselfe to remaine within the burgh of Edinburgh and not to remove therefra without licence under the pane of three thowsand merkes."

"The Lrds of Secreit Counsell continewes the advising of the processe anent the erection of the lordship of Torphichin till the auchtene of this instant."

"The Lords of Secreit Counsell continewes the mater anent Sir James Lokharts signature till the saxeene of this instant, quhair of M^r Alexander Guthre, toun clerk of Edinburgh, assisted with a number of the commissioners for the burrowes being personallie present, is warned *apud acta*. Lykeas the said M^r Alexander exhibite certane reasons in writt aganis the passing of the said signature whiche wer ordained to be givin up to the said Sir James to be advised therewith."

Fol. 76, b.

Sederunt:—St. Andrewes; Privy Seal; Dumfreis; Tracquir; Edinburgh, Belheaven; Bishop of Edinburgh; Bishop of Ros; Bishop of Dumblane; Lord Naper; Master of Elphinstoun; Clerk of Register; Advocate.

"Forsamekle as some of the counterfoote thieves and lymmars, callit the Egyptians, hes latelie come to the lands of Gattonside and thifteouslie stollin and tane thair of a number of goods perteaning to the poore tennents of the saids lands, who, having followed thir lymmars, they have apprehended thre of thame; to witt, a man and two women, the man and one of the women being poore and aged and decrepit bodeis and the other woman having ane young barne on her breast; and whereas thir persons apprehended were not prime actors in the said thift bot wer in companie with the saids thieves, and the saids Lords, having advised what forme of punishment sould be inflicted upon the saids persons, they have thought meit and ordained, in respect of thair age and qualitie and that thair punishment according to the law will not be exemplarie to the terrour of others, that the saids persons sall be brunt in the cheeke and publictly scourged and banished this kingdome, and for execution of this thair ordinance they have givin and grantit and be the tennor heirof gives and grants full power and commission to James Pringill of Buckholme, baillie depute of the regaltie of Melros,

apparent of
Lochiel, for
failing to
present his
father before
the Council.

Alaster
M^cDonald of
Glencoe before
the Council in
obedience to
his obligation.

The Lordship
of Torphichen.

Sir James
Lockhart.

Edinburgh,
4th June 1635.

Sentence by
the Council on
certain gipsies.

to appoint and sett a justice court to be haldin in the tolbuith of Melros or anie other place and upon suche day or dayes as the said baillie depute sall thinke meit, and to make, creat clerkes and others officers and members of court neidfull and to call the saids persons before thame in the saids courts and to pronounce the said doome and sentence publictlie aganis thame; and to have ane speciall care to see the said doome execute accordingle; firme and stable halding and for to hald all and quhatsomever things the said baillie sall doe heerin." Acts, June 1634-April 1636. Fol. 76, b.

Letter from his Majesty in favour of Lady Almond, widow of the Earl of Dunfermline, sometime Lord Chancellor.

"The whilk day the letter underwrittin, signed be the Kings Majestie and directed to the Lords of his Majesteis Privie Counsell in favors of the ladie of the Lord Almond, was presented to the saids Lords and read in thair audience, quhilk being heard and considerit be thame, they ordained the said letter to be insert and registrat in the bookes of Privie Counsell there to remaine as a token of his Majesteis gracious favour shawin unto the said ladie; of the quhilk the tennor followes:—CHARLES R.—Right reverend father in God, our right trustie and weilbelovit counsellor, right trustie and right weilbelovit cousines and counsellors, right trustie and weilbelovit counsellors and trustie and weilbelovit counsellors, we greit yow weill. Being humbelie sued unto in behalfe of the ladie of our right trustie and weilbelovit the Lord Almond that we would be pleased to give order that she might not losse that place whilk she had as the wife of her lait husband, the Earle of Dumfermeline, sometime our Chancellor of that our kingdome, we, for some good respects moving us, ar heerby pleased to signifie unto yow that it is our pleasure that she have place as Countesse of Dumfermeline, and to that effect that yow give suche order as yow sall thinke fitt to prescribe. We bid yow farewell. Frome our Court at Whitehall, the tenth of Aprile 1635."

Fol. 77, a.

Letter from his Majesty expressing his approval of the Council's proceedings against the Marquis of Huntly in connection with the disorders in the North.

"The whilk day the missive letter underwrittin, signed be the Kings Majestie and direct to the Lords of Privie Counsell, was presented to the saids Lords and read in thair audience, of the quhilk the tennor followes:—CHARLES R.—Right reverend father in God, right trustie and weilbelovit cousines and counsellors, and right trustie and trustie and weilbelovit counsellors, we greit yow weill. Having understood of your proceedings in so farre as hitherto yow have gone on in quyetting the disorders of the Hielands, and speciallie of your proceedings aganis the Marques of Huntlie, we doe approve of your good service therein and we give yow heartie thanks for the same; being willing that conforme to the acts of Parliament and laudable custome observed in the times of our royall predecessors yow proceed with all diligence in quyetting all the rebellious and disorderlie people ather in the Hielands or other parts of that kingdome, and frome time to time to give us accompt of your care and panes therein, assuring yow that by our auctoritie (if neid be) we will not be wanting in anie thing to strenthen all your proceedings tuicheing this purpose in suche maner as yow sall thinke necessarie. We bid yow farewell. From our mannour of Greenewiche, the 22 of May, 1635."

Acta, June 1634-April 1636, p. 77, a.
 Fol. 77, b.

"The whilk day the missive letter underwrittin, signed by the Kings Majestie and direct to the Lords of Privie Counsell, wes presented to the saids Lords and read in thair audience, of the whilk the tennour followes:—CHARLES R.—Right reverend father in God, right trustie and weilbelovit cousines and counsellers, and right trustie and trustie and weilbelovit counsellers, we greit yow weill. Whereas the Laird of Raith¹ upon a testamentarie declaration maid be the lait Lord Melvill hath assumed unto him (as we ar informed) the title of a lord and baron of parliament without acquainting us with the reasons thair of, the like whair of hes not beene practised heirtofore, it is our pleasure that yow call the said Laird of Raith before yow and discharge him frome usurping anie suche title of lord heerafter till he be further warranted frome us, for which these presents sall be your warrand. We bid yow farewell. Frome our mannour of Greenwich, 22 May, 1635. Quhilk missive being read, heard and considerit be the saids Lords and they advised therewith, the Lords of Secreit Counsell ordains ane missive to be writtin to the said Laird of Raith for his compeirance before the Counsell to heare his Majesteis will and pleasure mentioued in the said letter intimat unto him."

Letter from his Majesty forbidding the laird of Raith to assume the title of lord till he receive warrant from his Majesty.

"Anent the supplication presentit to the Lords of Secreit Counsell be Sir Johne Grant of Frewchie, knight, makand mentioun that where, in obedience of the saids Lords thair ordinance and of the commissioun grantit be thame unto him for the pursute of the rebell James Grant,² he hes used his best care and diligence towards his apprehensioun, omitting no meanes that might be conduceable thereunto by keeping of forces in the feilds, setting out of privat watches and conduceing of trustie and able persons to discover and take him, all whiche hes provin ineffectuall by the cautelous and warrie conveyance of the said James Grant, who, not darring to appeare in publict nor to be anie longer greevous to his Majesteis subjects, he hes quit his followers and keepes himselfe derved in obscure and inaccessible places amongs forrests and mountans, whereby the supplicant is disabled to performe that service within the time prefixed be the saids Lords; in respect whair of and that the supplicant is faithfullie going on in the prosecutioun of the service aganis him and that the countrie in the meane time is fred of his trouble, humbelie desyring thairfoir the saids Lords to prorogat the dyet appointed to the supplicant for exhibitoun of the said James Grant for some longer space, betuix and whiche time he hopes to report to the saids Lords reall and satisfactorie diligence; lykeas at mair lenth is conteanit in the said supplicatioun. Quhilk being read, heard and considerit be the saids Lords and they advised therewith, the Lords of Secreit Counsell assignes to the said supplicant the fourth day of July

Supplication by Sir John Grant of Frewchie that the date for his producing the rebel James Grant may be postponed.

¹ John Melville of Raith was served heir of conquest and provision of Robert, Lord Melville, younger of Monimaill, 11th March 1636, and was third Lord Melville.—Register of Retours in the General Register House, Edinburgh.

² For the previous history of James Grant, see Index to preceding Volume of the Register.

nixt for exhibitoun of the said James Grant, and failleing thair of that he compeir personallie that day and give ane accompt of his diligence: And ordains Johne Grant of Ballindallach to be charged to keepe the said dyet to informe the Counsell anent the Laird of Grant his diligence in the execution of the service aganis James Grant.”

Acta, June
1634-April
1636.
Vol. 77, b.

Edinburgh,
4th June 1635.

[Sederunt as recorded above.]

Supplication by John Carruthers of Holmaynes, as follows—He has been “left by his late father with a great and heavie burden of debt quhilk will overthrow and undoe him if with the advyce of his freinds he take not some solide course to prevent the wrack and overthrow wherewith he is threatned with these burdens. And wheras now it hes pleasit God to cast his estate and living in his hand, altho burdenit with great debt, he is resolved by Gods grace so to governe his affaires as be tyme he sall exoner him selfe of a great part of the same, partlie by sale and disposition of some part and portion of his lands, and partlie by governing the rest with sic oversight and [*sic, l. as*] may best conduce to the furtherance of this his honest resolution.” He cannot, however, travel about in the country for this purpose on account of some hornings he underlies, and so “his honest purpose and intention, tending so farre to the weele of his creditors, will be dissappoynted,” if a remedy be not provided. He accordingly craves their Lordships’ protection, and this they grant until 15th November next; the supplicant always paying the interests due by him upon his debts.

Decreta,
April 1635-
February 1639
P. 5.

Complaint by Henry Paull, skinner, burgess of Perth, against Francis Cruikshank, burgess of Perth, and his spouse for assault on the complainer’s children and for theft.

Complaint by Henry Paull, skinner, burgess of Perth, and Charles, Patrick and Janet Paull, his children, as follows:—Francis Cruikshanke, burgess of Perth, and Agnes Henderson, his spouse, maliciously resolving to do the complainer some affront, and understanding that on the 11th April last he and his spouse were from home on their lawful business and that there were only his three young children in the house, “the said Agnes be direction of her husband came that day betwix three and foure at night to the compleaners dwelling hous in Perth and shamefullie strake, hurt and woundit the compleaners children upon the head, face and others parts of thair bodie with thair [*sic*] hands and feit and gave the said Charles, ane infant of ane yeere old, ane cruell straik on the bellie with her feet, and rapped the said Patrick his head to the wall, and so strake the saids harmeles bairnes that since that time they are lying seik in danger of thair lyves without hope of recoverie; and thus haveing strukin the children sho reft and caused take away tuelff barrells of hering, ane dossen of paires of gloves at foure punds the paire, with others gloves, goods and geir being in the hous.” Charge having been given to the said Agnes Andersone [*sic*] and her husband, and the pursuer compearing and also the said Francis Cruikshank, the Lords, after hearing parties, remit the trial of the case

P. 6.

Decreta,
April 1635-
February 1639.
P. 6.

to the provost and bailies of Perth, and recommend to them to punish either party they find guilty.

Sederunta,
January 1635-
November
1643.
Fol. 10, a.

"A letter to the Marques of Huntlie to receive the hous of Rothemay and to keepe the same aganis the intrusion of the rebells in the north and to delyver it to suche persons as sall be directed to receive the same; and ordains the shireff of Bamff to give in to his Majesteis Thesaurar depute the accompts of his introumissioun or of what forder he craves for satisfaction of his expenses to the effect order may be takin herewith as accords."

Edinburgh,
4th June 1635.
Letter of
Council to the
Marquis of
Huntly anant
the House of
Rothiemay.

Acta, June
1634-April
1636.
Fol. 73, a.

Sederunt:—Chancellor; Mar; Wintoun; Dumfreis; Tracquair; Belheaven; Binning; Bishop of Edinburgh; Bishop of Ros; Bishop of Dumblane; Naper; Clerk of Register; Advocate.

Edinburgh,
9th June 1635.

"The Lords of Secreit Counsell gives and grants full power and commission be thir presents to Johne, Earle of Mar, Johne, Earle of Tracquaire, Archibald, Lord Naper, Sir Thomas Hope of Craighall, knight baronnet, Advocat to our soverane lord, and his Majesteis Justice deputs, or anie one counsellor with the Justice depute, to examine these prisouners within the tolbuith of Edinburgh who hes infested the Laird of Fendrauchts bounds and disquyetted the north parts of the countrie."

Molesters of
the Laird of
Frendraught.

[*Sederunt* as recorded above.]

Edinburgh,
9th June 1635.

Decreta,
April 1635-
February 1639.
P. 6.

Complaint by John Parker, cordiner, burgess of Glasgow, as follows:—The provost and bailies of Glasgow, entertaining a grudge against him for complaining to their Lordships against their wrongful apprehension and imprisonment of him, and because he, resisting their fair speeches and likewise their threatenings, by which they have since endeavoured to draw him to submit to their censure for raising this complaint—the lawful right of all oppressed subjects—on May last apprehended him and warded him in their tolbooth, though he has committed no offence against them or the inhabitants of the said burgh; nor will they release him unless they are compelled. Charge having been given to Patrick Bell, provost, and James Hamiltoun and Ninian Andersoune, bailies of Glasgow, and the pursuer being brought by the said James Hamilton, who appeared for himself and the other defenders, who declared that the pursuer was most lawfully apprehended and most worthily committed to ward within their tolbooth in terms of several decreets, one dated 20th May last, given upon lawful trial and "probation of ane inqueist for certane unnaturall, malicious and undewtiful speeches uttered be him aganis Andro Parker, his father, calling him ane false, mensuorne theife, loune, carle, and that he wes over long out of the theives hole, and takeing a grape and avoweing to stryke the same throw his father." Further, on being summoned by the provost and bailies to answer for this, he used disgraceful speeches to David Gray

Complaint by
John Parker,
cordwainer,
burgess of
Glasgow,
against the
magistrates of
Glasgow for
illegal ward-
ing.

their officer, and struck and cast him to the ground. He was also ^{Decreta,} ^{April 1635.} ^{February 1639.} warded for a number of debts due by him, "all extractit out of the books of the jayleour of the tolbuith of Glasgow under the hand of Gawin Naismith, jayleour." The Lords, having seen and considered the acts and rolments of court and other productions, and having also heard parties, find that the said John Parker has been very lawfully arrested and warded, and has greatly wronged the said provost and bailies by raising such action against them, and they therefore ordain the said James Hamilton to take him back to his ward in the tolbooth of Glasgow and keep him therein until he make payment of his whole debts and satisfy the provost and bailies for drawing them unnecessarily and unjustly to this burgh, and that at the sight of Patrick, Archbishop of Glasgow; and further until he pay the witnesses charged by him to attend and who came to this burgh to bear witness in his complaint, also at the sight of the said Archbishop. They further ordain that John Parker be kept this night in the tolbooth of Edinburgh until the said bailie have occasion to go home on the morrow.

Supplication
by James
Crichton of
Fendiraucht
that the
Sheriffs of
Aberdeen and
Inverness may
be prohibited
from poinding
his goods in
payment of his
taxation, on
the ground of
the suppli-
cant's recent
losses from the
disorders in the
North.

Supplication by James Creichtoun of Fendraucht, as follows:—Their Lordships, "out of thair Christian commiseration of the great loss he hes susteaned these yeeres bygane, being altogidder debarred frome uplifting his rents and put to great charges in defence of his lyffe," recommended to the Sheriffs of Aberdene and Bamff to use him with "all possible courtesie in exacting his Majesties taxation"; and they declared to them the last time they were in Edinburgh that they would not trouble them for the taxation due by the supplicant until it should appear that he was able to pay it. Notwithstanding this, however, the said sheriffs have not only poinded his lands but also put him to the horn for non-payment of these taxations. He craves that their Lordships would annul these hornings. The Lords, "considering that anie hornings used be the saids shireffs aganis the said Laird of Fendraucht for his Majesties taxation would not be ressavd and allowed in thair compts and that the said Laird hes goods poyndable for the saids taxations," declare all hornings hitherto used or hereafter to be used against the said Laird of Fendraucht for his Majesty's taxations till Martinmas next to be null and of no avail; and they ordain the said sheriffs in the meantime to proceed against the said Laird for payment of these taxations by poinding of his goods.

Complaint by
John, Earl of
Mar, against
certain tanners
who illegally
refuse to adopt
the new process
introduced by
the com-
plainer.

Complaint by John, Earl of Mar, as follows:—'To his great cost he P 9. brought into this kingdom a great number of strangers, skilled and expert men in the tanning of leather, to instruct the native tanners in the right methods of "tanning and barking thair leather, how they sall reforme thair pots, handle and dresse thair leather, the tyme that they ly in the pots." Many of the most skilful of the native tanners have embraced the reformation conform to the orders and proclamations of his Majesty's Council, but some of the more ignorant still oppose it, as namely, James Sinclair in Eymouth, Patrick Whytheid there, John

Decreta,
April 1635-
February 1639.
P. 9.

Nisbet in Coldinghame, Umphra, David and Robert Broun in Foulden, and Thomas Watsoune there. Charge having been given to these persons, and the pursuer compearing personally but none of the defenders, the Lords ordain them to be put to the horn and escheated for their contempt.

Justices of
Peace, 1612-
1639.
Fol. 64, b.

"Forsamekle as it is understand to the Lords of Privie Counsell Edinburgh, 9th June 1635. that James Mureheid, younger of Lauchop; Mr Thomas Dalyell of James Muir-head, younger of Lauchope, and others made justices of the peace in Lanarkshire. Johnnestoun; James Hamiltoun of Wodhall; and Robert Hamiltoun, elder of Milburne, ar men verie weill affected to his Majesteis service and peace of the countrie and ar of good knowledge, judgement and experience to undergoe the place of justices of peace within the shirefdome where they dwell, thairfoir his Majestie, with advice of the Lords of his Privie Counsell, hes made and constitut and be the tennor heirof makes and constituts thame justices of peace within the shirefdome of Lanerk and hes adjoynned and adjoynes, thame to the remanent commissioners and justices of peace of the said shirefdome with als great fredome, priviledge, warrand and auctoritie as they or anie others justices of peace within this kingdome bruikes and injoyes thair office be vertew of the commissioun grantit to thame be his Majesteis patent under the great seale, and with als great fredome, auctoritie and jurisdiction as if thair names wer particularlie insert in the said commissioun; with power to thame to use and exerce the said office in all the liberteis and priviledges thairof and to concurre and joyne with the remanent justices of peace of the said shirefdome with thair best advice and counsell in all and everie thing tending to the forderance of his Majesteis service, keeping the peace of the countrie and executioun of the said commissioun: Commanding heirby the convenner and remanent justices of peace of the said shirefdome at thair first meiting to receave and admitt the persons forsaid to be of thair nomber and to grant thame voice and place amongs thame as if they had beene particularlie insert in the commissioun foresaid and to take thair oath for thair faithfull discharge of the said service, anent the doing quherof thir presents sall be unto thame ane warrand."

Acta, June
1634-April
1636.
Fol. 78, a.

Sederunt:—Chancellor; Privy Seal; Southesk; Tracquair; Bishop Edinburgh, 11th June 1635. of Edinburgh; Bishop of Ros; Clerk Register; Advocate.

"Forsamekle as it is understand to the Lords of Secreit Counsell that Charge to various sheriffs to present Petrie Anderson in Elchies and others, suspected of knowing the haunts of James Grant, rebel, to the Council. Petrie Andersone in Elcheis; Andersone, his sone; Thomas Grant in Knockilie; Grant, his sone; and Alexander Man in Dundurcus, have beene the principall ressetters and intercommouners with the tratour, James Grant, and upon the knowledge of his treasonable courses; and whereas they ar now presentlie in the tolbuith of Elgine and it is verie probable that they can give some light and informatioun anent the places of resort and starting holes where the said tratour is ressett in the countrie, the discoverie whairof will mucche conduce for his apprehen-

sioun and exhibitoun; thairfoir ordains letters to be direct charging the provest and bailleis of Elgine to delyver the saids fyve ressetters to the shireff of Elgine and his deputs within sax houres nixt after the charge under the pane of rebelloun; as alsua to charge the said shireff of Elgine and his deputs to receave the said fyve persons frome the saids provest and bailleis of Elgine or suche as sall have the charge of thair convoy within ane heure nixt after they be exhibite unto thame and to transport and carie thame in saifetie to the shireff of Bamf and his deputs within twelffe houres thereafter under the said pane of rebelloun, etc.; as alsua to charge the said shireff of Bamf and his deputs to receave the saids persons frome the said shireff of Elgine and his deputs within ane heure nixt after they be exhibite unto thame and to transport and carie thame to the shireff of Aberdein and his deputs within twelffe houres thereafter under the said pane of rebellion, etc.; as alsua to charge the said shireff of Aberdein and his deputs to receave the saids persons frome the said shireff of Bamf and his deputs and suche as sall have the charge of thair convoy, within ane heure nixt after they be exhibite unto thame, and to transport and carie thame to the shireff of Kincardin and his deputs within 24 houres thereafter, under the said pane of rebellion, etc.; as alsua to charge the said shireff of Kincardin to receave thir persons frome the said shireff of Aberdein and his deputs within ane heure nixt after they be exhibite unto thame and to transport and carie thame to the shireff of Forfar and his deputs within 24 houres thereafter under the said pane of rebellion, etc.; as alsua to charge the said shireff of Forfar and his deputs to receave the saids persons frome the said shireff of Aberdein [sic] and his deputs within ane heure nixt after they be exhibite unto thame and to bring and exhibite thame to the provest and bailleis of Dundie within twentie foure houres thereafter under the said pane of rebelloun, etc.; as alsua to charge the saids provest and bailleis of Dundie to receave the saids persons frome the said shireff of Forfar and his deputs within ane heure nixt after they be exhibite unto thame and to transport and carie thame to the shireff of Fife and his deputs within twentie foure houres thereafter under the said pane of rebelloun, etc.; as alsua to charge the said shireff of Fife and his deputs to receave the saids persons frome the saids provest and bailleis of Dundie within ane heure after they be exhibite unto thame and to transport and carie thame to the bailleis of Bruntilland within 24 houres thereafter under the said pane of rebellion, etc.; and to charge the saids bailleis of Bruntilland to receave the saids persons frome the said shireff of Fife and his deputs and to bring and exhibite thame to the bailleis of Leith or Edinburgh within 24 houres thereafter under the said pane of rebellion, etc.; and to charge the saids provest and bailleis of Leith or Edinburgh to receave the saids persons frome the saids bailleis of Bruntilland within ane heure after they be presentit unto thame and to committ thame to waird within thair tolbuith, there to remaine till they be examined and punished according

Acta, June
1634-April
1636.
Fol. 78, a.

Fol. 78, b.

Acta. June
1634-April
1636.
Fol. 78, b.

to the merite of thair offence; and if anie of the saids shireffs, provests and bailleis failie the dayes respective foresaids being bypast, to denunce, etc."

"The Lords of Secreit Counsell ordains and commands Sir Johne Scot of Scottistartvet, knight, directour of his Majesteis Chancellerie, to write unto the great seale the gift and patent grantit be his Majestie to Williame, Earle of Stirlene, and Johne Alexander, his sone, and the longer liver of thame twa, to be maisters of all mineralls and mettalls within this kingdome, quhilk patent is of the dait at Whitehall, the twentie day of Aprile last, notwithstanding that the same beares no expresse warrand to the said Sir Johne for writting the same to the said great seale, whereanent the extract of this act sall be to the said Sir Johne ane sufficient warrand."

Royal warrant conveying all minerals within the kingdom to the Earl of Stirling.

"The whilk day George, Marques of Huntlie, sent in to the Lords of Privie Counsell ane post, with the head of James Gordoun, sone to Adame Gordoun of Auchnacrie, who wes slaine in the taking and is one of the rebellis conteanit in the said Marques his commissioun; quhilk head wes delyvered to the provest and bailleis of Edinburgh to be sett up be thame upon the Neather Bow."

Head of James Gordon, rebel, presented to the Council by the Marquis of Huntly.

Sederunt:—Chancellor; Privy Seal; Mar; Roxburgh; Lauderdaill; Southesk; Tracquair; Belheaven; Bishop of Ros; Bishop of Dumblane; Lord Naper; Clerk Register; Advocate.

Edinburgh, 16th June 1635.

"The Lords of Secreit Counsell gives and grants full power, warrand and commissioun be thir presents to Sir Thomas Hope of Craigball, knight baronnet, his Majesteis Advocat, and M^r Alexander Colvill and M^r James Robertoun, Justice deputs, and to anie one of thame (not excluding anie of his Majesteis Counsell who pleases to attend), to examine the brokin men, prisouners within the tolbuith of Edinburgh, anent thair guiltines of the disorders in the north and others crimes to be layed to thair charge, and to report thair depositions to his Majesteis Counsell, ordaining heirby Johne Bannatyne, depute to the Justice Clerk, to attend and await upon the saids commissioners during the tyme of the examinatioun of the saids persons."

Commission appointed for the examination of Northern rebels, now prisoners in the Tolbooth, Edinburgh.

"Forsameekle as Alexander Strauchane of Glenkindie, having, be vertew of his Majesteis commissioun grantit unto him, apprehendit some notorious theeves and lymmars and, amongs others, one Alaster Forbes, who is knowne to be one of the most notorious lymmars in the kingdome; and he having brought this lymmar to the burgh of Aberdein and having presented him to the provest and bailleis thairrof, whois jayle aucht to be patent and readie for receaving of all suche rebellis or other persons as sall be brought unto thame, and he having desired the saids provest and bailleis to have tane this man aff his hand and to have keeped him till directioun had beene givin for his exhibitoun before his Majesteis Justice to have underlyne his deserved

Charge to the magistrates of Aberdeen and certain sheriffs for the production before the Council of Alaster Forbes, a rebel in the North.

Fol. 79, b.

tryell, the saids provest and bailleis verie undewtifullie refused to receave ^{Acta, June 1634-April 1636.} in thair waird the said Alaster, whiche will be ane great neglect and hinder of his Majesteis service if lymmars and brokin men tane be ^{Fol. 79, b.} his Majesteis commission and warrand sall not be received and kept in his Majesteis waird. Thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the saids provest and bailleis of Aberdein to receave from the said Laird of Glenkindie the said Alaster Forbes and all suche others persons as he sall bring and present unto thame and to committ thame to waird within thair tolbuith and to keepe him in suretie therein till directioun be givin for thair exhibition heir before his Majesteis Justice, as said is, within three houres nixt after they be charged thereto, under the said pane of rebellion, &c.; and siclyke to charge the saids provest and bailleis to convoy and delyver the said Alaster and the others persons foresaids to the shireff of Aberdein and his deputs within 24 houres thereafter under the said pane of rebelloun; and siclyke to charge the said shireff of Aberdein and his deputs to receave the said Alaster and others persons foresaids fra the saids provest and bailleis of Aberdein within one heure after they be presented unto thame and to bring and exhibite thame to the shireff of Kincardin and his deputs within 24 houres thereafter under the said pane of rebellion, etc.; and siclyke to charge the said shireff of Kincardin and his deputs to receave the said Alaster and others persons foresaids from the said shireff of Aberdein and his deputs and to transport and carie thame to the shireff of Forfar and his deputs within 24 houres thereafter under the said pane of rebellion, etc.; and siclyk to command and charge the said shireff of Forfar and his deputs to receave the said Alaster and others persons foresaids from the said shireff of Kincardin and his deputs within ane heure after they be presentit unto thame and to transport and carie thame to the provest and bailleis of Dundie within 24 houres thereafter under the said pane of rebellion, etc.; and siclyke to command and charge the saids provest and bailleis of Dundie to receave the said Alaster and others persons foresaids from the said shireff of Forfar and his deputs within ane heure nixt after they be presented unto thame and to transport thame to the shireff of Fyffe and his deputs within 24 houres thereafter under the said pane of rebellion, etc.; and siclyke to command and charge the ^{Fol. 80, a.} said shireff of Fife and his deputs to receave the said Alaster and others persons foresaids from the saids provest and bailleis of Dundie and to transport and carie thame to the bailleis of Bruntilland within 24 houres thereafter under the said pane of rebellion, etc.; and siclyke to command and charge the saids bailleis of Bruntilland to receave the said Alaster and others persons foresaids from the said shireff of Fyffe and his deputs and to transport and carie thame to the bailleis of Leith or Edinburgh within 24 houres thereafter under the said pane of rebellion, etc.; and siclyke to command and charge the saids bailleis of Edinburgh or Leith to receave the said Alaster and others persons foresaids from the

Acts, June
1634-April
1636.
Fol. 80, a.

saidis bailleis of Bruntilland within ane houre after they be presentit unto thame and to committ thame to waird within the tolbuith of Edinburgh, therein to remaine till they be tryed and punished as accords, under the said pane of rebelloun, etc.; and if anie of the saidis shireffs, provest and bailleis failyie the dayes respective foresaids being bypast, to denunce, etc."

"Anent our soverane lords letters direct makand mentioun, forsamekle as the Lords of Privie Counsell hes thought it meit and expedient for the better preserving of his Majesteis peace and restraining of the misrule and insolenceis of the lawlesse and insolent persons in the Hielands that the haill landislords and chiftans of clans in the Hielands sall be putt under caution for making thair men, tennents and servants and suche as they ought to answer for, obedient to the lawes and for redresse and satisfaction of parteis skaithed, conforme to the acts of parliament made thereanent; and anent the charge givin to Donald Gorme M'Rannald in Knoydert, Johnne M'Rannald in Invergarrie, Alaster M'Rannald, naturall sone to the said Donald, Johnne Sinclar of Dunbeth, Alexander Riddoch of Cultebrekane, and M' Johnne Murrey, tutor of Strowane, to have compeired personallie before the Lords of Privie Counsell this present day provided to find the said caution and souertie, conforme to the saidis acts of Parliament in all points, under the pane of rebellion, etc., with certification, etc.; lykeas at mair lenth is conteanit in the saidis letters, executions and indorsations thereof: Quhilks being callit and Sir Thomas Hope of Craighall, knight baronnet, Advocat to our soverane lord, compeirand personallie for his Majesteis interesse and the persons abonewrittin being oftymes callit and not compeirand nor no caution found be thame conforme to the charge, the Lords of Secreit Counsell ordains letters to be direct to denunce thame our soverane lords rebellis and putt thame to the horne and to escheit, etc."

Donald Gorme M'Ransid in Knoydart and others put to the horn for failing to appear before the Council to answer for certain rebels for whom they are responsible.

Fol. 80, b.

"Forsamekle as Donnald, Lord Ree, is ordained amongs others landslords and chiftans of clans in the Hielands for observing the acts of parliament made anent the saidis landslords and chiftans, and whereas the said Lord Ree is dwelling in a remote part of the kingdome whereby it will be hardlie knowne who ar witnesses or cautioners in the band to be subscriyved be him; thairfoir the saidis Lords ordains the said band to be subscriyved be the said Lord, his cautioner and witnesses in presence of the shireff of Innernes, unto whome the saidis Lords gives power and commission to see the said band subscriyved be the principall, cautioner and witnesses and that the cautioner be a responsall, obedient and answerable man. And the saidis Lords ordains the said Lord of Ree to report the said band dewlie and formallie subscriyved unto the saidis Lords betuix and the 23 of Julij nixt certifying the saidis Lords [*sic*] if he faillie that the execution of the letters quherwith he is charged to compeir before the saidis Lords this day sall be grantit aganis him."

Lord Reay to become caution for his clan in accordance with the law.

"The whilk day Patrik Murrey, *alias* M'Gregour, compeirand personallie before the Lords of Privie Counsell, actit and obleist himselfe

Caution by Patrick Murray to pro-

duce his
brother before
the Council.

that he sall compeir personallie before the saids Lords upon the 28 of July nixt and exhibite his brother, Johne Murray, with him under the pane of ten thowsand merkes." Acta, June 1634-April 1636.
Fol. 80, b.

The Laird of
Raith and his
assumption of
the title of a
lord of Parlia-
ment.

See *ante*, p. 17.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Johne Melvill of Raith for obedience of the missive letter direct to him be the saids Lords to that effect, and his Majesteis pleasure being intimat unto him be the saids Lords that he sould not usurpe the title of ane lord and baron of parliament till he sould be warranted by his Majestie, the said Laird of Raith for justifeing his behaviour and cariage in this bussines produced before the saids Lords ane infetment grantit be his Majestie to the lait Lord Melvill by the quhilk the said lord wes warranted to designe and nominat at anie time of his life the person that sould succed in his dignitie and lands, and that accordingle the said lait lord had nominat him air be provision. Quhilk answere and instructions of the same being heard and considerit be the saids Lords, they ordained ane missive to be writtin to his Majestie of the tennor following:—Most sacred soverane, Upon the receipt of your Majesteis letter concerning the Laird of Raith we conveyned him before us and represented unto him the offence takin be your Majestie aganis him for assuming unto him this title of a lord and baron of parliament without acquainting your Majestie with the reasons thair of, and having demanded of him by what warrand he had done the same he, for justifeing of his cariage therein, exhibite before us ane infetment grantit be your Majestie after your perfyte age to the lait Lord Melvill by the whiche he wes warranted and had power to designe the person that sould succeed to him in the title of honnour and right of his lands and that accordingle he had in a legall and orderlie way nominat the said Laird of Raith to succeed unto him, all whiche wes sufficientlie instructed by production of the said infetment and letter of nomination; whiche being read in our audience and we considering your Majesteis princelie favour and indulgence grantit to the lait Lord Melvill upon considerable respects mentiouned in the infetment and whair of he made a tymelie and legall use in designing the Laird of Raith to succeed to him, as said is, and who otherwayes would have succeeded be the lawes of the kingdome, we thought it our dewtie to remonstrat unto your Majestie the reasons adduced be the gentleman for justificatioun of his proceedour; quherewith hoping your Majestie will rest satisfied, we pray God to blesse your Majestie with a long and happie raigne, etc. Edinburgh, 16 Junij, 1635. *Sic subscribitur*, Sanctandrues, Hadinton, Erroll, Mar, Perth, Wigtoun, Roxburgh, Binning, B. Ros, B. Dumblane, Naper, Advocat." Fol. 81, a.

Edinburgh,
16th June
1635.

Caution by
Alexander
Chisholme of
Comar for all
persons for

Bond of caution by Alexander Chisholme of Comir, elder, as principal, and Thomas Fraser, elder of Streachin, as cautioner, for observing the Acts of Parliament made against landlords and chieftains of clans, viz., the Act of the Parliament held at Edinburgh in December, 1567, cap. 20; the Act of the Parliament held at Linlithgow in December, 1585, Acts anent the
Marches and
Isles.
Fol. 47, a.

Act anent the
Marches and
Isles.
Fol. 47. a.

cap. 16; the Act of the Parliament held at Edinburgh in July, 1587, whom he is responsible.
cap. 93 and 94; and the Act made in the Parliament held at Edinburgh in June, 1594, cap. 22. He promises to make all persons for whom he is answerable obedient to law and justice, exhibit them for trial when required, and make redress to parties damaged by them; and to all other things required of him in the said acts; with clause of relief in favour of his cautioner. (Signed) Alex^r Chissolme, Thomas Fraser off Streychine.

Fol. 47, b.

Registration by James King, advocate, of a similar bond of caution by Gilbert Meinzeis of Pitfoddellis that John, Earl of Sutherland, Lord Strathnaver, will observe the foresaid Acts of Parliament made anent landlords as above; with bond of relief and clause of registration. The bond, which was written by Archibald Prymrois, son of James Prymrois, Clerk of the Privy Council, is dated at Dornoch and Aberdein, 2nd and 7th June, 1635; Mr John Gray, Dean of Caithnes; Alexander Gordoun of Golspitour; Robert Gray, servitor to the said Earl, and Thomas Mansoun, notary public, being witnesses to the subscription of the said Earl, and Thomas Burnet, Mr Thomas Lumsden, George Gardin, Alexander Meinzeis and Hew Ros, to the subscription of the said Gilbert Meinzeis.

Registration of
bond of caution
by Gilbert
Meinzeis of
Pitfoddellis for
the Earl of
Sutherland.

Fol. 48, a.

Registration by James Gibbsoun, advocate, of a similar bond of caution by Alexander Sutherland of Duffus, with consent of James Sutherland, his tutor, for his interest, and Sir John Grant of Freuchie, knight, as cautioner, for his observance of the aforesaid acts anent landlords; with bond of relief and clause of registration. The bond, which was written by Mr John Hay, Commissary of Murrey, is dated at Elgine and Inverness, 23rd and 24th May, 1635; witnesses, the said Mr John Hay, William Torrie, one of the bailies of Elgine; William Torrie, younger, his lawful son; Andrew Fraser, Commissary of Inverness; Thomas Fraser, his son; John Donaldsone in Air, and Robert Grant, servitor to the said Sir John Grant.

Registration of
a similar bond
of caution by
Alexander
Sutherland of
Duffus.

Fol. 48, b.

Acta, June
1634-April
1636.
Fol. 81 a.

Sederunt:—Chancellor; Privy Seal; Erroll; Mar; Perth; Kingorne; Edinburgh, 18th June 1635.
Wigton; Roxburgh; Belheaven; Lord Binning; Bishop of Ros; 1635.
Bishop of Dumblane; Lord Naper; Clerk Register; Advocate.

"The Lords continewes the advising of the processe anent the erection of the lordship of Torphichin till the 30 of July nixt." The lordship of Torphichin.

"Forsamekle as the Lords of Privie Counsell ar informed that there Commission to the Earl of Wigtoun anent two murders committed within his bounds.
hes beene latelie twa men cruellie murdered within the bounds pertaining to Johne, Erle of Wigtoun, and they, being carefull to have the authors of the said murder discovered, thairfoir the saids Lords hes givin and grantit and be the tennour heirof gives and grants full power and commissioun be thir presents to the said Erle of Wigtoun to proceed by all lawfull wayes and meanes to the tryell and discoverie of the said murder and to call before him all persons guiltie of the same and to

examine thame thereanent and to report what he sall find therein to the saids Lords." Acta, June 1634-April 1635, Fol. 81, a.

Appearance before the Council of certain of the name of Gordon, in accordance with the terms of their cautions.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Williame Gordoun of Tulloch, Johnne Gordoun of Park, Adame Abircrombie of Auldrayne, James Gordoun of Letterfoure, Williame McIntoshe of Torcastell, Adame Duff of Clunybegs, Thomas Grant, tutour of Carroun, and Johnne Bayne, his servant, for obedience of the caution found be thame to this effect, whome the saids Lords ordains to attend upon Tuisday nixt and thair former caution to stand; lykeas Williame Gordoun of Tulloch become cautioner for the compeirance of the said Laird of Park that day under the pane of a thowsand merkes."

George Gordon of Auchterless and his son before the Council.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie George Gordoun of Auchterles and Adame Gordoun, his sone, for obedience of the caution found be thame for that effect to the Marques of Huntlie, and actit and obleist themselves that they sall remaine within the burgh of Edinburgh and not remove therefra till they be releved, under the pane of ane thowsand punds." Fol. 81, b.

Proclamation against the levying of soldiers in accordance with an injunction from his Majesty.

"Forsamekle as it hes pleased the Kingis Majestie upon diverse good considerations to discharge all leveyes of men to be raised within this kingdome or transported out of the same without his Majesteis speciall warrand had to that effect, thairfoir the Lords of Secreit Counsell, according to his Majesteis warrand sent unto thame, ordains letters to be direct to make publication heirof be opin proclamation at all places neidfull, and to command, charge and inhibite all and sindrie his Majesteis subjects and others persons whatsomever that nane of thame presooome nor take upon hand to levey and take up anie men within this kingdome nor to transport thame under whatsomever cullour and pretext without his Majesteis warrand had to that effect; and siclyke to command, charge and inhibite all and sindrie maisters, skippers, awners and mariners of shippes and vessellis that nane of thame receave in thair shippes nor transport anie persons alreadie leveyed or to be leveyed heereafter without his Majesteis warrand, under all highest pane that they may incurre be thair dissobedience; certifeing thame that failyeis or does in the contrare that they sall be exemplarlie punished in thair persons and goods to the terrour of others to offend in the like caise heereafter. Followes his Majesteis missive for warrand of the act abonewrittin:—CHARLES R.—Right reverend father in God and right trustie and weilbelovit counseller, right trustie and right weilbelovit cousines and counsellers, right trustie and weilbelovit counsellers and trustie and weilbelovit counsellers, we greit yow weill. Whereas upon good considerations we have resolved to suffer no leveyes of men to be raised in that our kingdome or to be transported out of the same, these ar to will and require yow that without our speciall warrand to that purpose yow permitt no leavie to be made there heereafter in anie sort

Acta, June
1634-April
1636.
Fol. 81, b.

whatsomever, as yow will ansuer to the contrarie; so we bid yow farewell. Frome our mannour of Greenewiche, 9th of June, 1635."

Fol. 82, a.

"The Lords of Secreit Counsell, for the better enabling of Murrey of Abircarnie to take order with his creditors and to give unto thame satisfaction, seing for this effect he is resolved to dispone upon some part and portion of his lands quhilk he cannot convenientlie gett done, unlesse he have libertie to repaire to the burgh of Edinburgh, where he may have the counsell and advice of procurators for the ordering and settling of this his bussines, thairfoir the saids Lords gives and grants licence to the said Murrey of Abircarnie to resort and repaire to the burgh of Edinburgh and others parts of the countrie at his pleasure and not to be apprehendit, arrested nor warded be vertew of anie letters of horning or caption raised thereupon for civill causes aganis him, anent the quhilks the saids Lords dispenses till the feast and terme of Pasche nixtocome; discharging heirby all shireffs, stewarts, provests and bailleis within burgh and all others judges, officers and ministers of his Majesteis lawes of all taking, apprehending, warding or arresting of the said Laird of Abircarnie be vertew of anie civill hornings or caption raised aganis him for civill causes; discharging, etc."

Protection to
Murray of
Abircarnie
that he may
pay his
creditors.

[Sederunt as recorded above.]

Decreta,
April 1635.
February 1639.
P. 10.

Edinburgh,
18th June
1635.

Complaint by James Drum, merchant burges of Aberdene, Elspet, his spouse, and Mr William Ogstoune in Ceah, their assignee to the sum of 1000 merks and interest and expenses contained in a bond by the deceased John Urquhart of Lathers, as principal, George Seatoune at the Mill of Culcairne, and James Shand in Dunlogie and Thomas Urquhart in Kellie, as cautioners, John Leslie, messenger, for his interest, and George Adamsons in, as follows:—They employed the said John Leslie to execute letters of horning and caption against the said James Shand, who is rebel and at the horn for not paying the above debt to the said Mr William, whereupon the said James [Shand] assembled together Mr Thomas Mitchell, parson of Turreff, William and William Fraser, domestic servants to the said Mr Thomas, John Burnet and Robert Urquhart, servants to Mr Alexander Forbes in Turreff, William Symsons there, Alexander Cassie there, Thomas Broune there, Mr Alexander Forbes in Turreff and Mr William Ogstoune, and others of the lieges to the number of eighty persons, "all boddin in feare of warre," who followed the complainers, cruelly pursued them for their lives, struck, hurt and wounded several in their company to the effusion of their blood. The complainers having obtained information that the rebel was in the house of the said Mr Thomas Mitchell, they rode there quietly, and finding the doors open, went in to search for the rebel, whereupon they were "maisterfullie resisted be the said M^r Thomas, William

Complaint by
James Drum,
merchant
burgess of
Aberdeen, and
others against
James Shand
and others for
assault.

Frisell, his servant, Captane Alexander Copland, John Burnet and Robert Urquharts, with drawin swords, who cruellie persewed the compleaners of thair lyves, gave the said George ane cruell strake on the heid, cutted his harnpan to the hazard of his lyffe." Charge having been given to the persons complained upon, and the pursuers compearing personally, and of the defenders Mr Thomas Mitchell and Mr Alexander Forbes only attending, the Lords, after hearing the witnesses produced by the pursuers, and also the parties themselves, find that the said William Frisell invaded the said George Adamsone with a sword and wounded him therewith in the head, for which great insolence and breach of the peace they ordain him to be charged to enter himself in ward within the tolbooth of Edinburgh and there remain on his own charges until he be dealt with by their Lordships for this offence, and that within ten days after the charge upon pain of horning. But they assoilzie all the remaining defenders, against whom nothing was proved. They also modify the payment of the witnesses by the producer, viz. £8 to each horseman, and £5 to each footman.

Decreta,
April 1635.
February 1639.
P. 10.

P. 11.

Complaint by
Walter Coch-
rane, merchant
burgess of
Aberdeen,
against George
Gordon of
Newton, his
brother-in-law,
for illegally
procuring
letters of horn-
ing against the
complainer
and for assault.

Complaint by Walter Cochrane, merchant burgess of Aberdene, and Sir Thomas Hope of Craighall, King's Advocate, as follows:—The carrying of hagbuts and pistols has been often prohibited. Now the said Walter, being brother-in-law of George Gordoune of Newtounne, out of his affection to the welfare of his house, engaged himself as cautioner for him upon the faithful promise of the said George to see him relieved, but the latter, becoming utterly careless with regard to this, not only suffered him to pay his debts and underlie the rigour of his creditors, but, for seeking relief at his hands, the said George has conceived such a hatred against him that he is resolved both to wreck his estate and have his life. To effect his purpose he first purchased a protection whereby "he cutt the said Walter short of all personall execution, and then finding out the minute of the said Walter his contract, he, without the consent of the partie haveing entereesse, caused register the minute and raised letters of horning thairupon at the instance of Issobell Forbes, Ladie Williamstoune, and Jonet Gordoun, spous to the said Walter, by the quhilk he causit charge, denunce and registrat him at the horne, thinkeing therby to have procured the gift of his esheit and so to have wrackit him, his wyffe and children; bot by Gods providence he was dissappynted of this his plot be a suspensioun raised be the said Walter. The said George then resolved to have his lyffe," and sought all occasions to accomplish his object. Being informed on 29th April last that the said Walter would be going to Murray to receive some money which he had lying there for preserving his credit at this term, the said George went that day eight miles out of Aberdene to Kintore, expecting to have met the said Walter on the highway, and when upon the morrow the latter pursued his journey, in total ignorance of the plot, from Aberdene to Innerrowrie, notice thereof

P. 12.

Decreta,
April 1635.
February 1639.
P. 12.

being given to the said Laird of Neuton, he and George Dempster followed the said Walter, "drew a pistoll, bendit the same toward his heart to have shot him deid thairwith, quhilk haveing be Gods providence misgiven, he and his servant cruellie persewit the said Walter of his lyffe, hurt, bled and woundit him deidlie with the pistoll quhilk he caried in his hand upon the head, face and others parts of his bodie to the effusioun of his blood and perrell of his lyff, and, if he had not beene helped be some people present for the tyme, they had not failed to have killed him, and he was so hurt with the straikes he gatt at that tyme that he hes beene ever since tyed to his bed." Charge having been given to the the said George Gordoune and George Dempster, and the pursuers compearing but not the defenders, the Lords ordain the latter to be put to the horn and escheated for their contempt.

P. 17.¹

[¹ Omitted at
its proper place
in the
Register.]

Complaint by Sir John Moncreiff of Kinmonth, knight, as follows :— He is heavily troubled for payment of the taxation of the Earl of Atholl's lands in the sheriffdom of Perth for the whole four terms of that granted in October, 1625, and this for the sole reason that at that time he was sheriff depute of the shire. Seeing the late Earl of Atholl was not only superior and heritor of these lands but also sheriff principal of the said sheriffdom, and that John, now Earl of Atholl, his son, is in present possession, in all equity and reason the latter should be burdened with the taxation thereof and the complainer relieved. Charge having been given to the said John, Earl of Atholl, and he compearing along with Mr Andrew Moncreiff for the pursuer, his father, the Lords, after hearing parties and advising, ordain and command the said John, Earl of Atholl, to pay his Majesty's taxation due for his own lands since the time of his entry thereto, and also to concur with the complainer for pointing the said Earl's vassals for the taxation payable before his entry.

Complaint by
Sir John Mon-
creiff of Kin-
month against
the Earl of
Atholl for
refusing to
pay the taxa-
tion of the said
Earl's lands
and devolving
the same on
the com-
plainer.

Sederunta,
January 1635-
November
1643.
Fol. 11, a.

"The Lords continewes the advising of the Lord Torphichins processe till the 30 of July nixt."

The lordship
of Torphichen.
Caution by the
Laird of Park
for William
Gordon of
Tullochs.

"The Laird of Park cautioner for William Gordoun of Tullochs compeirance upon Tuisday under the pane of a thowsand merkes."

Protection to
the Laird of
Park.

"A protectionoun to Park till the first of July nixt."

Protection to
the Laird of
Abercairnrie.

"A protectionoun to Abercarnie till Pasche nixt."

"The Erle of Atholl promiseist to remaine till the Vicount of Stor-
mont come heir."

The Earl of
Atholl.

Acta, June
1634-April
1636.
Fol. 82, a.

Sederunt :—Chancellor ; Privy Seal ; Glasgow ; Erroll ; Mar ; Edinburgh,
Wintoun ; Perth ; Wigton ; Roxburgh ; Dumfreis ; Southesk ;
Tracquair ; Belheaven ; Binning ; Bishop of Edinburgh ; Bishop
of Ros ; Bishop of Dumblane ; Lord Naper ; Clerk Register ;
Advocate.

"The whilk day in presence of the Lords of Secreit Counsell compeired

Caution by
William
Gordon of
Tulloch for
Adam Aber-
cromby of
Auldrayne.

personallie Williame Gordoun of Tulloch and become actit and obleist as cautioner and souertie for Adame Abircrombie of Auldrayne that he sall remaine and keepe waird within the burgh of Edinburgh and not remove therefra till he be licenced and that he sall compeir before the saids Lords whenever he sall be charged under the pane of three thousand merkes." Acta, June 1634-April 1636.
Fol. 82, a.

Charge to Lord
Torphichin
and Harry
Elphinston of
Calderhall
anent a feud
that has arisen
between them.

" Forsamekle as it is understand to the Lords of Privie Counsell that there is some appearance of trouble likelie to fall out betuix Johne, Lord Torphichin, on the ane part, and Harie Elphinston of Calderhall, on the other part, anent a seat or desk quhilk the said Harie would sett up in the kirk of Calder, quhereupon forder inconvenients ar like to fall out to the breake of his Majesteis peace and trouble of the countrie without remeid be provydit, thairfoir the saids Lords ordains letters to be direct charging both the saids parteis to compeir personallie before the saids Lords upon the 25 of Junij instant to underly suche order as sall be tane with thame anent the peace of the countrie under the pane of rebellion, etc., with certificatioun, etc."

Supplication
by Alexander
Baillie of
Dunean that
he may be
relieved from
the commission
against rebels
in the North
on the ground
that he has no
responsibility
connected with
the said rebels.

" Anent the supplication presentit to the Lords of Secreit Counsell be Alexander Baillie of Dinneane, makand mentioun that, where informatioun being made to him at his comming frome the north, that his name was inserted in the commissioun grantit be the saids Lords to the Marques of Huntlie aganis the rebellis and others dissobedient persons in the north, the mater seeming strange to the supplicant that his name sould have beene insert in the said commissioun, seing he had never to doe with these rebellis and disorderlie people and had never intelligence nor correspondence with thame, they wer never ressett in his hous nor upon his ground nor had no releeffe, confort nor supplee of him nor of no others be his directioun, warrand nor allowance, and he wes never callit to his answer for these maters and is not rebell nor at the horne for that caus, the supplicant, for cleering of his innocencie of these deids, resolved upon the first notice givin to him that his name was insert in the said commissioun to make his present addresse to the saids Lords and to offer himselfe readie to underly whatsomever tryell they sould be pleased to prescryve in that mater; whilk he hes now done and is now attending the saids Lords thair will and pleasure: Humbelie desyring thairfoir the saids Lords to take some present course for the supplicant his tryell of the crimes objected aganis him so that he may be tryed ather innocent or guiltie, and that suche ane commission be not haldin over his head quhilk careis aganis him a foule imputatioun of disloyaltie and contempt of the law; lykeas at mair lenth is conteanit in the said supplicatioun. Quhilk being read, heard and considerit be the saids Lords and they being sufficientlie and trewlie informed that the said supplicant is no baillie to the Marques of Huntlie of anie of his lands of Loquhaber or Stradoun, bot onelie wes chamberlane to the Lord Gordoun of the saids lands and had onelie the charge of intromissioun with the said lord his rents and dewteis and that now he is discharged Fol. 82, b.

Acta, June
1634-April
1636.
Fol. 82, b.

of that office and Sir Alexander Gordoun of Clunie hes the charge thairrof; thairfoir the saids Lords gives and grants thair warrand to the said supplicant to depart and pas home at his pleasure and declares him to be free of the commissioun foresaid grantit to the said Marques, and ordains his name to be delete furth thairrof and discharges the said Marques of all medling with him be vertew of the said commissioun and of his office in that part, becaus Duncane Forbes, provest of Innernes, compeirand personallie before the saids Lords, become actit and obleist as cautioner and souertie for the said Alexander that he sall compeir personallie before the saids Lords whenever he sall be lawfullie charged to that effect and answer to anie thing sall be layed to his charge tuicheing the disorders and troubles in the north, under the pane of ane thowsand merkes."

[Sederunt as recorded above.]

Edinburgh,
23rd June
1635.

Decreta,
April 1635-
February 1639.
P. 18.¹

[¹ Out of place
in the
Register.]

This day John Innes of Leuchars, compeared personally before the Lords for himself, and took burden upon him for his whole friends and assisters named in the criminal letters raised against him by his Majesty's Advocate at the instance of the Laird of Balvenie, the goodwife of Coxtoun and Mr Gawin Dumbar, Chantor of Murray; as also compeared the said Laird of Balvenie for himself and the goodwife of Coxtoun and Chantor of Murray, and submitted the trial and precognition of the crimes contained in the said letters to the following persons, viz.:—Thomas, Earl of Hadinton, Lord Privy Seal, nominated by the Laird of Balvenie, and William, Earl of Dumfreis, nominated by John Innes of Leuchars, who, being present, accepted the reference, and the parties promised to attend them at the diets to be appointed. The Lords also give power to the said arbiters to cite and examine witnesses; and the arbiters promised to report their proceedings to the Council so that its confirmation thereto may be given. Both parties likewise agree to abide by the decision of the said arbiters without any appeal.

Appointment
of arbiters in
the case of
criminal
charges
brought
against John
Innes of
Leuchars and
others.

Acta, June
1634-April
1636.
Fol. 82, b.

Sederunt:—Chancellor; Privy Seal; Glasgow; Erroll; Mar; Wintoun; Perth; Wigtoun; Kingorne; Roxburgh; Dumfreis; Southesk; Traquair; Belheaven; Lord Lorne; Bishop of Dumblane; Naper; Master of Elphinston; Clerk Register; Advocate.

Edinburgh,
25th June
1635.

Fol. 83, a.

"Forsamekle as the Lords of Secreit Counsell hes thought it meit and expedient for the better preserving of his Majesteis peace and restraining of the misrule and insolenceis of the lawlesse and insolent persons of the Hielands that the haill landslords and chiftans of clans in the Hielands sall be putt under caution for making thair men, tennents and servants,

Charge to
certain land-
lords in the
Highlands to
appear before
the Council on
a specified day.

and suche as they aucht to answer for, obedient to the lawes and for redresse and satisfaction of parteis skaithed, conforme to the acts of Parliament made thereanent; thairfoir the saids Lords ordains letters to be direct charging Colquhoun of Lus and in his absence Colquhoun of Bavié, his brother, M^cFarlane, elder and younger, Malcolme M^cFarlane of Cartavertoun, Walter, his sone, the Lairds of Buchannan, elder and younger, Sir Colin Campbell of Glenurquhie, Sir James Campbell of Lawers, Mungo Campbell, fear of Lawers, Robert Campbell of Glenfallach, Archibald Campbell of Edinample, and Duncan Campbell of Glenlyoun, to compeir personallie before the saids Lords upon the day of nixt provided to find the said caution and souertie conforme to the saids acts of Parliament in all points under the pane of rebellion, etc., with certificatioun, etc."

Acts, June
1634-April
1636.
Fol. 83, a.

Licence to
James Gordon
of Letterfourie
to returne home
to do service
against the
broken men in
the North.

"The Lords of Secreit Counsell allowes James Gordoun of Letterfourie to returne home for following out the service aganis the brokin men in the north, becaus Robert Irwing of Fedderat, compeirand personallie before the saids Lords, become actit and obleist as cautioner and souertie for the said James that he sall compeir personallie before the saids Lords upon the 23 day of July nixt under the pane of three thowsand merkes; and the saids Lords ordains the rest of the gentlemen of the name of Gordoun to remaine in toun till Tuisday nixt."

John Cameron
of Lochiel
presents his
father to the
Council.

"The whilk day John Camroun, fear of Lochyell, compeirand personallie before the Lords of Privie Counsell entered and exhibite before the saids Lords Allane M^cEanduy, his father, conforme to the caution found be him for that effect, and the said John actit and obleist himselfe of new that his said father sall compeir before the saids Lords upon Tuisday nixt under the pane conteanit in his former act."

Charge to John
Gordon of
Auchinreith
and Alexander
Gordon of
Cairnburrow
to pay the
fines they have
incurred for
failing to
appear before
the Council.

"Forsamekle as upon the twentie ane and twentie sevint dayes of Marche last Robert Gordoun of Cowdranie become actit and obleist as cautioner and souertie for John Gordon of Auchinreith and Alexander Gordoun of Carneborrow that they sould compeir personallie before the saids Lords at ane certane day bygane to have underlyne the saids Lords thair will and pleasure anent the disorders in the north, either of thame under the pane of ane thowsand merkes, as in the acts made to this effect at lenth is conteanit; quhilks being callit, and Sir Thomas Hope of Craighall, knight baronnet, compeirand personallie for his Majesteis interesse, and the saids Robert Gordoun of Cowdrain, John Gordon of Auchinreith and Alexander Gordoun of Carneborrow being oftymes callit and not compeirand, the Lords of Secreit Counsell finds and declares that the saids John and Alexander Gordouns hes violat and contraveenned thair saids acts and not observed nor kepted the same conforme to the tennor thairof, and thairfoir decernis and ordains thame and thair said cautioner to have incurred and to incurre the panes conteanit therein, and ordains letters to be direct aganis thame for payment thairof to his Majesteis Thesaurar and Deputie Thesaurar in forme as effeiris, and superseids the extracting of this act till the xvj of July nixt."

Fol. 83, b.

Decreta,
April 1635-
February 1639.
P. 13.

[Sederunt as recorded above.]

Edinburgh,
25th June 1635

The Lords, having heard and considered the missive letter directed to them from Robert Prestoun of Craigmeller, to whom on 17th September last they granted commission for "sighting of the wayes and passages leading from M^r James Raithe of Edmestoune his hous to the kirk of Natoune,¹ quhilks were contraverted betuix the said M^r James Raithe and Patrick Edmestoune of Wolmet, and for the præseryveing of the forme, measure or enlargement of the same," which letter stated that he, accompanied by the gentlemen, parishioners and pastors of the church of Natoune, visited "that horse way and kirk rode leading frome Edmestoune to the kirk of Natoune usit in tymes past, where he fand the saids wayes made now patent and passable; the horse way being betuene thrie and foure foots in breid and the kirk rod tua foots and ane halfe or therby, so that he fand no necessitie to enlarge the same, being after this maner still kepted and continowed"; allow of this report, and decern the same to stand in all time coming and to have execution under the pains contained in the acts of lawburrows respectively made thereanent in case of contravention by either party.

Complaint by Andrew Carlill, son of the deceased John Carlill of Boytache, John and William Kirk, John Mundell, John Horner and John Bektoune, tenants of the lands of Boytache and Meiklewoode to Margaret Carlill, widow of James Carlill of Boytache, and by the said Margaret for her interest, as follows:—On May last, Archibald Douglas, son of the Earl of Queensberrie, William Dowglas of Mouswell, Thomas Black, messenger, John Lawsoune, officer, Cristopher Roule in Mouswell, John and Patrick Marr, John Glessell, Robert Poter, Michael Couter and William Suan, and others, their accomplices, came at the instigation of the Earl of Queensberrie to the complainers' lands of Boytache and Meklewoode, whereof they and their predecessors had been in possession past memory of man, and violently and forcibly thrust the tenants out of the lands, entered themselves in possession thereof, drove away their nolt and sheep, and, seizing Andrew Carlill and John Kirk as prisoners, carried them to the burgh of Dumfreis and put them in the pledge chamber there among their thieves and murderers, where they yet remain in great misery. Charge having been given to the persons named to compear and produce the said Andrew Carlill and John Kirk; and the said Margaret Carlill compearing personally for herself and the rest of the pursuers, who granted that she and her tenants were in present possession of the lands of Meeklewoode and Boytacke; and the said Archibald Douglas and Thomas Blaike compearing for themselves and the rest of the defenders explained that they were in pursuit of the said Andrew Carlill upon letters of caption following a horning executed against "thame" [*sic*] for removing from the lands of Kemplands from which they had not been relaxed, and finding them in the lands of Baytoche

Decree of
Council anent
the road lead-
ing from the
house of Mr
James Raith
of Edmonston
to the kirk of
Natoun.

Complaint by
Andrew
Carlyle, John
and William
Kirk, and
others against
Archibald
Douglas, son
of the Earl of
Queensberrie,
and others for
ejecting the
complainers
from their
lands, driving
off their cattle,
and illegally
warding the
said Andrew
Carlyle and
John Kirk—all
at the instiga-
tion of the said
Earl of Queens-
berrie.

¹ See Index to preceding Volume of the Register.

and Meiklewood, they apprehended and warded them in Dumfreis; but ^{Decreta, April 1635.} denied any violence to the said tenants in thrusting them out of their ^{February 1639.} houses. The Lords, in respect of the complainers' confession and the ^{P. 14.} defenders' explanation, and having seen the letters of horning and caption referred to, assoilzie the defenders; and they also ordain the Earl of Queensberrie not to trouble Margaret Carlill in her possession of the lands of Meeklewood and Loganebank otherwise than by order of law.

Complaint by Patrick Dowle in Wick against David Calder there for assault.

Complaint by Patrick Dowle in Weik, as follows:—David Calder there, having conceived a hatred and malice against the complainer, has ^{P. 15.} resolved to take his life; and for this purpose, having drawn to him certain of the name of Gordoune, broken men and others who had harried the Laird of Fendraucht's lands, lay in wait near the complainer's dwelling house on last, under cloud and silence of night, and, as the complainer was going home, the said David, "with ane great cudgell, prepared for the purpose, dang him deid to the ground or ever he was awar and brake the same twyse on his heid to the effusion of his blood and perrell of his lyffe." Charge having been given to the said David Calder, and the pursuer compearing but not the defender, the ^{P. 16.} Lords, having examined certain witnesses produced in the case, find that the said David "invadit and persewit and brake the said persewer his head with a batton," and ordain him to enter himself in ward within the tolbooth of Edinburgh within fifteen days after being charged, in which if he fail, he is to be put to the horn and escheated.

Supplication by Adam Abercromby of Auldrayne for protection from his creditors.

Supplication by Adam Abercrombie of Auldrayne, as follows:—In obedience to their Lordships' commandment he is attending in this burgh anent the disorders in the north wherewith he is charged as an accessory. During the dependence of his trial it is necessary that he be protected from the danger of the law for debt, and he therefore craves their Lordships to grant him their protection. This the Lords do for his going to and fro in this burgh and elsewhere during his attending on his trial and for forty-eight hours thereafter.

Edinburgh, 25th June 1635.

John Stirling of Craigharnet and Mungo Stirling of Glorat appointed Justices of Peace in Stirlingshire.

"Forsamekle as it is understand to the Lords of Privie Counsell that ^{Justices of Peace, 1612-1639.} Johne Stirlime of Craigharnet and Mungo Stirlime of Glorat ar men verie ^{Fol. 64, b.} weill affected to his Majesteis service and peace of the countrie and ar ^{Fol. 65, a.} of good knowledge, judgement and experience to undergoe the place of justices of peace within the shirefdome quher they dwell, thairfoir his Majestie, with advice of the Lords of his Privie Counsell, hes made and constitute and be the tennor heirop makes and constituts thame justices of peace within the shirefdome of Stirlime, and hes adjoynned and adjoynes thame to the remanent commissioners and justices of peace within the said shirefdome with als great fredome, priviledge, warrand and auctoritie as they or anie others justices of peace within this kingdome bruikes and injoyes thair offices be vertew of the commissioun grantit to thame be his Majesteis patent under the great seale, and with als great fredome, auctoritie and jurisdictioun as if thair names wer particularlie insert in the said commissioun; with power to thame to use

Justices of
Peace, 1612-
1639.
Fol. 65, a.

and exerce the said office in all the liberteis and priviledges thair of
and to concurre and joyne with the remanent justices of peace of the
said shirfedome with thair best advice and counsell in all and everie
thing tending to the forderance of his Majesteis service, keeping the
peace of the countrie and executioun of the said commissioun: Com-
manding heirby the conveenner and remanent justices of peace of the said
shirefdome at thair first meiting to receave and admitt the persons
foresaid to be of thair nomber and to grant thame voice and place
amonges thame as if they had beene particularlie insert in the com-
missioun foresaid, and to take thair oath for faithfull discharge of the
said service, anent the doing quhair of thir presents sall be unto thame
ane warrant."

Sederunts,
January 1635-
November
1643.
Fol. 12, a.

"The Lords ordains the Lord Privie Seale and Earle of Dumfreis to examine Balveneis witnesses."

The Laird of
Balvenie.

"Charges aganis Robert Robertsons, skipper, for his compeirance upon Tuisday and to arrest his ship."

Robert Robert-
son, skipper.

Edinburgh,
27th June 1635.

Acts anent the
Marches and
Isles.
Fol. 49, a.

Bond of caution by Duncan Robertsons of Fascallie for Sir Duncan Campbell of Glenlyon and Alexander Fleeming of Moness that they will observe the Acts of Parliament made anent landlords (*ante*, p. 26); with clause of relief [in which Alexander Fleeming's name is scored through]. (Signed) Duncane Ro'sone of Fascaly; D. Campbell of Glenlyoun.

Caution by
Duncan
Robertson of
Fascallie for
Sir Duncan
Campbell of
Glenlyon and
Alexander
Fleming of
Moness.

Sederunts,
January 1635-
November
1643.
Fol. 12, a.

Sederunt:—Chancellor; Privy Seal; Glasgow; Erroll; Mairshell; Perth; Wintoun; Wigtoun; Kingorne; Roxburgh; Dumfreis; Southesk; Tracquir; Belheavin; Lorne; Bishop of Ros; Bishop of Dumblane; Naper; Clerk Register; Advocate.

Edinburgh,
30th June
1635.

"A letter frome his Majestie concerning the Erle of Mar his patent tanning, quhereanent a letter wes ordained to be writtin to the Convention of the Burrowes acquainting thame with his Majesteis pleasure concerning that bussines and requireing thame to appoint and direct some of thair nomber to attend the Counsell for the better ordering of that mater."

Anent the Earl
of Mar's patent
for the new
process of
tanning.

"The quhilk day John Innes of Leuchars, compeirand before the Counsell, confest that twa nights before the breaking of the hous of Cokstoun he wes in his mother's hous of Coittis with Ardlogie and the rest that committed the wrong; and that Alexander Watsoun who carried away the chartour kist is his servant."

Confession by
John Innes of
Leuchars anent
the robbery of
the charter
chest from the
House of
Cokstoun.

"Alexander Watsoun, humbled and sworne, depons he is Leuchars servant and that he went with his maister to Cokstoun, who sent him before to require his brother and the rest not to enter in the hous of Cokstoun till Leuchars come and that before the depouner came Ardlogie and the rest wer come out of Cokstoun. Grants that he yocked the cairt wherein Cokstouns chartour kist wes caried away, and

Depositions by
the above-
named John
Innes and
Alexander
Watson, his
servant, anent
the same.

that, how soone he mett his maister, he left the cart. The said Johue Innes of Lewchars deponis that he directed Alexander Watsone, his man, before him to Cokstoun to stay his brother and Ardlogie from committing the fact. Grants that he knew the parteis intention the night before and dissawadit thame to enter in suche ane actioun. Grants that Cokstouns charter kist wes caried to his hous of Leuchers, and that his brother and Ardlogie had pistolets."

Sederunt,
January 1635-
November
1643.
Fol. 12, a.

Edinburgh,
2nd July 1635.

Sederunt:—Chancellor; Privy Seal; Glasgow; Erroll; Mar; Murrey; Wintoun; Kingorne; Wigtoun; Lauderdaill; Dumfreis; Southesk; Tracquair; Belheaven; Lorne; Bishop of Edinburgh; Bishop of Ros; Bishop of Dumblane; Lord Naper; Clerk Register; Advocate.

Acta, June
1634-April
1636.
Fol. 83, b.

The Council, in accordance with his Majesty's command, cancels and destroys the writs and securities granted by Lord Cantyre to Lord Dunluce of the lands of Cantyre and other lands specified in the said writs and securities.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Archibald Steuart of Blakhall in name of Archibald Steuart, servant to the Vicount of Dunluce, and exhibite before the saids Lords ane contract and dispositioun made be James, Lord Kintyre, in favour of Randolph, Vicount of Dunluce, and his airis of all and hail the lands, lordship and baronie of Kintyre, comprehending the place, lands, yles and others mentiouned in the said disposition, quhilk is of the dait the tent day of Januar last, and whilk disposition is relative to ane indenture past betuix the Vicount of Dinluce and the Lord Kintyre anent the sale of the said lordship of Kintyre, dated the ellevint of December, 1634; and siclyke he produced twa chartours writtin upon parchment following upon the said disposition subscryved be the said Lord of Kintyre and sealed with his seale, of the lands, lordship and baronie of Kintyre, comprehending the particular lands, yles and others exprest therein, in favours of the said Vicount of Dunluce, his airis and assigneyes, both of the dait the tenth of Januar, 1635. Quhilk contract and dispositioun, with the twa chartours foresaids following thereupon togidder with ane note of the seasing givin be Johne Nicoll, younger; writter, bearing seasing givin be James Steuart of Askamilie to Archibald Steuart of Ballintrae as attourney and in name and to the behove of the said Vicount of Dinluce of the hail lands, lordship and baronie of Kintyre comprehending the lands of South and North Kintyres and the Yle of Jura, with the advocation and donation of patronages, as the said note of the dait the xvj day of Januar last and produced and exhibite before the saids Lords be James Prymerose, clerk of his Majesteis Privie Counsell, beiris; and alsua he produced ane warrand under the hand of James, Lord Kintyre, whereby he gave power to Archibald, Lord of Lorne, his brother, to receave all these writts quhilks past betuix him and the said Lord Dinluce, as the said warrand of the dait the xvj day of Junij last beiris. And siclyke the said Archibald Steuart of Blakhall produced before the saids Lords ane missive letter writtin be the said Archibald Steuart, servant to Lord

Fol. 84,

Acts, June
1534-April
1536.
Fol. 84, a.

Dinluc, and direct unto him whereby he desired the said Laird of Blakhall to opine a little truncke whilk the said Archibald left with Archibald Fishe and to take furth thair of the twa chartours and contract abonewritten and delyver thame to the said Lord of Kintyre or anie having his warrand to the intent they may be cancelled and brokin conforme to the agreement past betuix thame, as the said missive letter of the dait at Londoun the xxv day of Junij last and conteaning ane note under the hand of the said Lord of Lorne granting him to have received fra the said laird of Blakhall the three particular writts abonewritten at lenth beirs. Quhilk contract and disposition abonewritten with the twa charters abonespecefeit and note of the seasing foresaid, produced before the saids Lords in maner abone mentiouned, being seene and considerit be the saids Lords, and they having lykewayes read, heard and considerit his Majesteis missive letter writtin and directed unto thame whereby his Majestie hes signified his royall will and pleasure that the writts and securiteis abonewritten sall be cancelled and destroyed, and being weill advised therewith, the Lords of Secreit Counsell, in humble obedience of his Majesteis royall pleasure and direction, caused the writts and securiteis produced and exhibite in maner foresaid to be cancelled, rivin and destroyed in thair sight and presence, quhereupon the said Lord Lorne, being personallie present, asked instruments. Followes his Majesteis missive abonewritten:—CHARLES R.—Right reverend father in God, right trustie and weilbelovit cousins and counsellors, right trustie and trustie and weilbelovit counsellors, we greit you weill. The writts and securiteis made and grantit be the Lord of Kintyre to the Lord of Dinluc of the lands of Kintyre and others mentiouned in these securiteis being to be exhibited before yow it is our pleasure and we doe heirby will and require yow to cancell the saids writts with the minute of saising whiche is in the keeping of James Primerose, and that yow caus make record of the cancelling thair of ather in the Counsell bookes or Exchequer rollis, as yow sall thinke most fitt, that our royall intention tuicheing suche a purpose may remaine with the posteritie; whereanent thir presents sall be unto yow sufficient warrand. We bid yow farewell. From our mannour of Greenwich, 5 Junij, 1635.”

Fol. 84, b.

“Forsamekle as the Kings Majestie, being petitioned in name of the inhabitants of Orkney and Zetland to take into his princelie consideration thair distrest estait occasioned by ane great famine throughout these yles thir twa yeeres bygane, his Majestie hes resolved, after dew and exact tryell takin thair of and of the readiest and fairest wayes for to cleere the same, to take suche a course as according to thair necessiteis and calamiteis they may finde the effects of his Majesteis princelie care; and for this effect his Majestie, be his warrand under his royall hand and seale, hes ordained the reverend father in God, George, bishop of Orkney, William Steuart of Maynes, Patrik Smith of Braco and Thomas Buchannan of , or anie three of thame, the said

Appointment of a commission to inquire into the distressed condition of the Orkney and Shetland Islands. See Index to preceding Volume of the Register.

Williame Stuart being alwayes one, to take ane survey of the saids ^{Acta, June 1634-April 1636.} yles and exactlie to try what hes beene the suffering of eache inhabitant, ^{Fol. 84, b.} fewer, rentaller or udaller these twa yeeres bypast and what they are likelie to suffer this present yeere, and whether thair calamitiebe suche as that without his Majesteis princelie helpe they be not able to labour and possesse the ground anie more, and lykewayes to try what support came to thame by the voluntarie contributions latelie collected for thair use, what way the same wes disposed, and to make report of all these particulars to the Lords of his Majesteis Privie Counsell of this kingdome, that accordinglie his Majestie may give suche forder order therein as his Majestie sall thinke expedient; as his Majesteis said warrand of the dait at Greenwich, the 22 day of May last bypast, at lenth beiris. And the Lords of Secreit Counsell, considering that it will be a mater of verie great difficultie to the saids commissioners to undergoe this commissioun and to take the said survey of everie inhabitant, fewar, rentaller or udaller be thameselfes in thair awne persons and that it will draw thame to extreme great charges to provide thameselfes with shipping and interteanement be reasoun of the distance of the yles and tempestuous seas, and considering likewayes that the commissioners foresaids ar ignorant of the estait of Zetland and hes the like or greater difficulteis to undergoe the said commissioun in Zetland be reasoun of the povertie of the countrie and difficultie of passage to the severall yles thair of; thairfoir and for the greater ease of the saids commissioners and for the more orderlie proceedour in execution of the said commissioun the Lords of Secreit Counsell gives and grants full power, warrand and commissioun to the saids commissioners or anie three of thame, the said Williame Stuart being alwayes one, to conveene and meit in the toun of Kirkwall for Orkney upon suche dayes as they sall thinke fitting to appoint and there to hold thair courts and to creat thair ^{Fol. 85, a.} clerks and others members of court neidfull and to direct thair precepts and to conveene before him the minister and baillie with fyve or sax honest men of everie parish within Orkney and to take thame deiplie sworne to try and informe thameselfes sufficientlie anent the estait of everie parish according to the particulars specefeit in his Majesteis warrand foresaid, and what debt is payed, what is dew this twa yeeres past and how the inhabitants ar able to subsist and labour the ground after this present crop and to make a perfyte report thair of to the saids commissioners to the intent they may acquaint the saids Lords therewith. And siclyke the saids Lords hes givin and grantit and be the tennor hei of gives and grants the like power, warrand and commissioun to James Sinclar of Qwendail, M^r Harie Aitkine, commissar of Orkney, M^r Williame Umphra, minister at Bressa, and Patrik Umphra of Sand or anie three of thame, the said James Sinclar of Qwendail being one, to conveene and meit at Scallouay in Zetland and there to hold thair courts upon suche dayes as they sall thinke fitting to appoint and creat clerkes and others members of court neidfull and to direct thair precepts

Acts, June
1634-April
1636.
Fol. 85, a.

and to conveene before thame the minister and baillie with fyve or sax honest men of everie parish within Zetland and to take thame deepelie sworne to try and informe thameselffes sufficientlie anent the estait of everie parish within the saids bounds according to the particulars specefeit in his Majesteis warrand foresaid, and what debt is payed, what is dew thir twa yeeres past and how the inhabitants ar able to subsist and labour the ground after this present crop, and to make a perfyte report thair of to the saids commissioners to the intent they may acquaint the saids Lords therewith; excepting and reserving furth of this survey both for Orkney and Zetland the lands and teinds belonging to the bishop of Orkney and mortified to him and his successors; quhilk report both for Orkney and Zetland the saids Lords ordains to be made betuix and the fyftene day of November nixt."

"The Lords of Secreit Counsell ordains the lords and others of the committee appointed be his Majestie anent the mater of the coyne to Meeting of Coinage Committee. meit the morne at nyne houres, without excluding anie of the Counsell who pleases to be present and attend."

Fol. 85, b.

"The whilk day the missive letter underwrittin, signed be the Kings Letter from his Majesty anent the copper coinage. Majestie and direct to the Lords of Privie Counsell, was presented to the saids Lords and read in thair audience, of the whilk the tennour followes:—CHARLES R.—Right reverend father in God and right trusty and right weilbelovit counseller, right trustie and weilbelovit cousines and counsellors, right trustie and trustie and weilbelovit counsellors, we greit yow weill. We wer formerlie pleased to give order that there might be some speedie course takin for the reformation of the abuses of the gold and silver coynes within that our kingdome, and now being informed that there ar lykewayes diverse complaints made anent the copper coyne, we have thairfoir the rather ordained our servant, Nicolas Briot, whois judgement in that kynde is approved unto us, to haisten his repaire thither with all possible diligence; and it is our pleasure that, at his coming thither, having callit him before yow and heard him for our interest with suche others as ar interested in it frome us, togidder with these who ar the compleanners of the abuses of the same, that then yow acquaint us with thair reasons and aneanswers on both sides that thereafter we may give suche order concerning the same as we sall find expedient; and that in the meantime the coynage of the said copper coyne may goe on and that with all possible diligence yow proceed in the tryell of the abuses past concerning the gold and silver coynes and of the cheeffe occasions of the saids abuses togidder with the best meanes of keeping gold and silver frome being transported out of the countrie and how they may be best drawin in to the countrie that upon your report thair of yow may give suche order as the present evill may be redressed and the like prevented in time comming; for doing whair of these sall be unto yow ane sufficient warrand. Frome our Court at Greenwich, the 24 day of Junij, 1635."

Edinburgh,
2nd July 1635.

[Sederunt as recorded above.]

Decreta.
April 1635.
February 1639.
P. 19.

Supplication
by Lady
Rothemay
praying that
her tenants
may be com-
pelled to pay
their rents,
which they are
refusing to do.

Supplication by Katherine Forbes, Lady Rothemay, as follows :—Their Lordships know how violently she has been used by those of the name of Gordoune who made the late trouble in the north and how that her house was forcibly taken from her and detained against her will and her whole estate and the provision of her house eaten, wasted and destroyed. When by their Lordships' authority she was compelled to leave her house they placed it in charge of the Sheriff of Bamff and his deputes, who were ordered to place a sufficient number of soldiers therein and hold the same upon the readiest of her house and living. Since then they have uplifted her rents and left her nothing to live upon, she being his Majesty's prisoner within this burgh, and her tenants will not acknowledge her nor pay their rents to her without a warrant. She craves therefore their Lordships' warrant to her tenants to make payment to her and her servants in her name of the rents in their hands which are due and which have not been uplifted by the said Sheriff and the persons placed by him in her house ; and this the Lords grant.

Complaint by
Duncan
Robertson of
Fascallie
against Robert
Stewart of
Urquhill and
others for
threatening
the com-
plainer's life
and injuring
his property.

Complaint by Sir Thomas Hope of Craighall, his Majesty's Advocate, P. 20. and Duncan Robertson of Fascallie as party grieved, as follows :—'Though the bearing and wearing of hagbuts and pistolets and convocation of the lieges in arms is strictly prohibited, on 15th August last Robert Steuart of Urquhill, John Campbell, his servant, Neil Cudbert in Ledscrieden, Donald McConeill Vaine in Croknemair, John Fergusson in Lettoche, Andrew Hutsoun in Urquhill, John McIntagart there, Alexander McHamerlie there, John Fidar there, Duncan McParik dow in Lettoche and Duncan Fidar in the Mains of Urquhill, and others, armed with " bowis, targets, suords, hacquebuts and pistolets," came to the said Duncan's dwelling house of Fascallie, invaded and pursued him for his life, and the said Robert Steuart presented a gun at the said Duncan to kill him, "were not he wanne happielie within his hous and escaped." Further, the said persons came on 16th August to the complainer's lands where his servants had cast their peats, armed as aforesaid, and violently "cutted and away tooke eight score of leds of pets aff the compleaners proper heritage to his heavie hurt." Charge having been given to the persons named (Andrew Hutsoun being called John Hutsoun; Duncan McParik, John McParik; and McHamerlie, Hamerlie), and the pursuers compearing personally, there compeared also of the defenders Robert Steuart, John Campbell and Neil Cudbert, for themselves and the others, who replied that the peats in question, being unwarrantably cast upon the said Robert Steuart's lands by the pursuer, were lawfully meddled with by them, and they denied convocation of the lieges or using of violence. The Lords, after hearing parties and their P. 21. witnesses, assoilzie the defenders from the charge of convocation and also all of them, except the said Robert Steuart, from that of carrying firearms. They find that he carried a gun at the taking away of the peats, but in

Decreta,
April 1635-
February 1639.
P. 21.

respect of the broken estate of the country and that the said Robert did no harm therewith, they excuse his offence, but admonish him to be more observant of the law hereafter. The carrying of the gun he had confessed, being placed upon his oath. With regard to the meddling with the peats the Lords forbear all procedure until the right of the ground upon which they were cast is decided before the Lords of Session as the judges competent. They also ordain that the producer pay a dollar to each of his witnesses.

Complaint by Alexander Straquhan of Glenkindie, as follows:—He recently apprehended Duncan Watsoun and some of his accomplices, as special offenders in the north, and was bringing them to his own house for sure keeping until he should have occasion to present them before the Council, when James Wilsoun in the Mains of Drinmoir and Alexander Layng in Cushni came furiously upon him, resisted his apprehending of these limmars, and took part with them against him, so that in the struggle the said Duncan Watsoun almost escaped and one of the complainer's servants "narrowlie went away with his lyffe." They have thus opposed themselves to the execution of his Majesty's commission. Both pursuer and defenders compearing, the latter confessed that they had meddled in the matter abovementioned further than of duty they ought to have done. The Lords therefore ordain them to be warded in the tolbooth of Edinburgh and there remain upon their own charges until they release them.

Complaint by Alexander Strachan of Glenkindie against James Wilson and Alexander Laing for resisting the complainer in the apprehension of certain rebels.

Sederunts,
January 1635-
November
1643.
Vol. 12, b.

"The Lords recommend to the Archbishop of Glasgow and the Erle of Wintoun to take some course and ordour with Alexander Innes of Cokstoun and his effaires."

Alexander Innes of Cokstoun.

Acts anent the
Marches and
Isles.
Vol. 49, b.

Bond of caution by Thomas Fotheringham of Powrie for David Grahame of Fintrie, that he will observe the Acts of Parliament made anent landlords (*ante*, p. 26); with clause of relief. (Signed) D. Grahame of Fyntrie, Tho. Fotheringham of Pourie.

Edinburgh,
3rd July 1635.
Caution by Thomas Fotheringham of Powrie for David Grahame of Fintrie.

Acts, June
1634-April
1636.
Vol. 86, b.

Sederunt:—Chancellor; Glasgow; Erroll; Mairshell; Mar; Murray; Wintoun; Kingorne; Roxburgh; Dumfreis; Stirline; Southesk; Tracquair; Belheaven; Bining; Lord Alexander; Bishop of Ros; Bishop of Dumblane; Lord Naper; Clerk Register; Advocate; Justice Clerk.

Edinburgh,
7th July 1635.

Vol. 86, a.

"The whilk day the missive letter underwritin, signed be the Kings Majestie and direct to the Lords of Privie Counsell, wes presented to the saids Lords and read in thair audience, of the quhilk the tennor folowes:—CHARLES R.—Right reverend father in God and right trustie and weilbelovit counsellor, right trustie and weilbelovit cousines and counsellors, right trustie and weilbelovit counsellors and trustie and weilbelovit counsellors, we greit yow weill. Whereas the Lord Balmerinoch hath by the ordinarie course of justice after a dew tryell beene

Letter from his Majesty requiring that Lord Balmerino be removed from Edinburgh Castle to his own house.

condemned for the scandalous libell whereupon he was accused and the sentence of death judiciallie pronounced aganis him, though he have not by his cariagè deserved anie favour [from] us, yitt out of our princelie disposition, being more willing in this to make the fruitis of our mercie than the effects of our justice to appeare, it is our pleasure that yow give present order for removing the said Lord Balmerino frome our castell of Edinburgh and that yow confyne him to his hous of Balmerinoch and within six myles about it to remaine there till we sall be pleased to signifie what further we ar to doe heerin; for doing whair of these presents sall be your warrand. Frome our Court at Greenewiche, the 13 of June, 1635. Quhilk missive being read, heard and considerit be the saids Lords, they ordaine William, Erle of Stirline, and Johne, Erle of Tracquir, to intimat his Majesteis gracious pleasure foresaid to the said Lord Balmerinoch and to report unto the saids Lords the dyet quhilk he craves for his removall upon Thursday nixt."

Acta, June
1634-April
1636.
Vol. 86, a.

John Grant,
apparent of
Ballindalloch,
to exhibit
before the
Council
Leonard Leslie,
accused of
uttering false
coin.

Anent the
rebels in the
North.

Meeting of the
Coinage
Committee.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Johne Grant, appearand of Ballindallach, and promiseit to exhibite before the saids Lords Leonard Leslie who is challenged for false coyne upon Thursday nixt, according to his band givin thereanent."

"The Lords of Secreit Counsell ordains Robert, Earle of Roxburgh, David, Earle of Southesk, Robert, Vicount of Belheaven, and Sir James Carmichell, Justice Clerk, to revise the depositions taken anent the brokin men in the north, thair abbettors and ressetters, and to report thair judgement to the saids Lords concerning the parteis guiltines upon Thursday nixt."

"The Lords of Secreit Counsell ordains the Lords and others of the committee anent the mater of the coyne, with suche of the Counsell as pleases to be present, to conveene and meit upon Thursday nixt at nyne of the clocke in the morning."

Edinburgh,
7th July 1635.

[Sederunt as recorded above.]

Decreta,
April 1635-
February 1639.
P. 22.

Supplication
by Robert
Fletcher of
Ballinsho that
he may be
relieved from
an assize to
which he is
illegally
summoned by
Alexander,
Lord Spynie.

Supplication by Robert Fletcher of Ballinsho, as follows:—Their Lordships have heard of the violent and cruel proceedings of Alexander, Lord Spynie, against him, how that in June, 1634, he pursued him for his life and mutilated him in both hands, and afterwards, fearing the consequences of the law for this deed, to terrify the complainer pursued him criminally under the borrowed name of William Watsone before the Justice on a charge of illegal apprehension. Their Lordships, however, perceiving the iniquity of this conduct allowed to the complainer a pre-cognition for their better information, in which he has produced very famous witnesses who have been examined. He therefore craves that they would now consider the depositions and give their sentence thereupon. The Lords having seen and considered the depositions, and having also heard the said William Watsone and all that he could allege, find no just reason for putting the supplicant to the knowledge of an assize,

and therefore discharge his Majesty's Justice, Justice Clerk and their deutes of all procedure against him for the cause above mentioned.

Edinburgh,
7th July 1635.

Sederunta,
January 1635-
November
1643.
Fol. 12, b.
Fol. 13, a.

"A letter frome his Majestie for a decent order to be kept in the judicatorie of the Counsell and of the course and order of voiceing in anie mater to be intreated before the Counsell."

Letter from
his Majesty
anent the
judicatory of
the Council.

"The quhilk day the Earle of Erroll protested that his Majesteis letter anent the order to be kept in asking of voices at the Counsell table be not prejudiciall to him of the precedencie, place and ranke dew to him as Constable before the others officiariis of estait."

Protest of the
Earl of Erroll
anent his
precedence in
the Council.

"A letter to the Marques of Huntlie expostulating with him his slacknes in the service, requiring him to keepe the dyet appointed for report of his diligence therein and to bring with him young McRannald and the tutor of Glenneveis."

Letter to the
Marquis of
Huntly anent
his dilatoriness
in dealing with
the rebels in
the North.

Acta, June
1634-April
1636.
Fol. 86, b.

Sederunt :—Chancellor ; Privy Seal ; Glasgow ; Mar ; Mairshell ; Edinburgh,
Murrey ; Wintoun ; Kingorne ; Roxburgh ; Lauderdaill ; Dum- 9th July 1635.
freis ; Southesk ; Tracquair ; Belheaven ; Lord Lorne ; Lord
Binning ; Bishop of Edinburgh ; Bishop of Ros ; Lord Naper ;
Clerk Register ; Advocate ; Justice Clerk.

"Anent the terme assigned to Sir Johne Grant of Freuchie to have exhibite before the saids Lords James Grant, the tratour, Robert Grant, his brother, and George Grant, his bastard sonne, or ellis to have compeired and made report of his diligence done aganis the saids persons, as in the act made to this effect at lenth is conteanit; quhilk being callit and the said Laird of Grant compeirand personallie togidder with Johne Grant, appearand of Ballindallach, and the saids Lords having heard thame at lenth anent the diligence of the said Laird of Grant in this mater, the Lords of Secreit Counsell finds and declares that the said Laird of Grant hes done no diligence hitherto aganis the saids James, Robert and George Grants; and yitt upon some respects and considerations the saids Lords continewes the censuring of the said Laird for his neglect and prorogats the terme appointed for his compeirance and exhibitoun of the saids persons till the 24 day of November nixt."

Sir John Grant
of Freuchie
and his pro-
duction before
the Council of
the traitor
James Grant
and others.

"Forsamekle as the Kings Majestie, having givin warrand to Captane Thomas Lindsey for leveying and transporting twa hundreth men, and he having lifted and transported ane hundreth of the nomber foresaid and having the other hundreth in readines to be imbarked, in the meane time there wes ane proclamatioun and restraint made of the leveying and transporting of anie men furth of this kingdome without his Majesteis warrand, wherethrow the said hundreth men lay ydlie upon his hand to his exceeding great charges; quhairof notice being givin to his Majestie, his Majestie hes beene graciouslie pleased by his letter and warrand direct to the Lords of his Privy Counsell to give signification of his royall will and pleasure that the said Thomas sall be suffered to

Warrant to
Captain
Thomas
Lindsay to
transport a
hundred men
who had
hitherto been
detained—the
said hundred
being part of a
company of
two hundred
levied by the
said captain.

transport the remanent of his men, extending to ane hundreth as yitt ^{Acta, June 1634-April 1636.} untransported, to the part first intended by him. Thairfoir the saids ^{Fol. 86, b.} Lords, according to his Majesteis directioun and command foresaid, gives and grants warrand and licence to the said Captane Thomas to transport the remanent of his men, extending to ane hundreth men not as yitt transported, to the parts first intended by him and that without pane or danger to be incurred by him or be the maisters, awners, skippers and mariners of the shippes and vessells wherein they sall be ^{Fol. 87, a.} transported, notwithstanding the proclamation and restraint made in the contrare, quhereanent and all panes conteanit thereintill the saids Lords dispenses be thir presents. Followes his Majesteis missive for warrand of the act abonewrittin :—CHARLES R.—Right reverend father in God, right trustie and weilbelovit cousins and counsellers, and right trustie and weilbelovit counsellers, we greit yow weill. We receaved your letter tuicheing the stop yow made of the levey of Captane Thomas Lindsey his 200 men, wherein we approve of your care and readie obedience to our pleasure signified of late for restraining all leveyes there without our warrand, for whiche we give yow heartie thankes. Bot becaus it doeth appeare unto us by your letter and the inclosed petition that before our command was signified unto yow tuicheing the said restraint the said Captane had by warrand leveyed those men whair of he had transported the halfe and the other wes readie to be imbarcked who doe now ly upon his charge to his great losse, it is our pleasure that yow suffer him to transport the remanent of 200 men not yitt transported to the parts first intended by him, and to that effect yow give suche order as is requisite, suffering no other leveyes to be made unlesse it be done according to our lait direction; for all whiche these presents sall be your warrand. We bid yow farewell. From our mannor of Grenewiche, the first of July, 1635.”

Adam Abercromby of Auldrayne warded in the Tolbouth of Edinburgh on suspicion of resetting rebels in the North.

John Grant, apparent of Ballindalloch, presents Leonard Leslie, accused of uttering false coin, before the Council.

“The Lords of Secreit Counsell, having seene and considerit the depositions tane aganis Adame Abircrombie of Auldrayne anent his resetting and intercommoning with the brokin men in the north and finding verie pregnant presumptions of his guiltines, they ordaine him to be committed to close prison within the tolbuith of Edinburgh till he be forder tryed and examined anent this mater.”

“The whilk day in presence of the Lords of Secreit Counsell compeired personallie Johne Grant, appearand of Ballindallach, and exhibite before the saids Lords Leonard Leslie, conforme to his act and obligation, and the said Leonard, being demanded frome whome he receaved the false dollers quhilks wer deprehended in his companie, he declared he receaved the same frome James Grant, the tratour. The Lords ordains him to attend the commissioners appointed for examination of the informers anent the disorders in the north.”

Edinburgh,
9th July 1635.

[Sederunt as recorded above.]

Decreta,
April 1635-
February 1639.
p. 23.

Complaint by
Lady Rothie.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, Katherine

Decreta,
April 1635-
February 1639.
P. 22.

Forbes, Lady Rothemay, and Helen Gordon, her daughter, as follows :— The carrying of hagbuts and pistolets and convocation of the lieges have been often prohibited by the laws, yet on 14th March last George Gordoun, son of Achannachie, John Tortrie, Thomas Durret, William Stronache, Thomas Durret, John Wilsone, Malcolm Cruikshank, John Steuart, Andrew Wat, Alexander Smith, George and James Henrie, Thomas Ingram and John Watt, and others to the number of thirty persons, all armed "with suords, stalves, hacquebuts, pistolets" and other invasive weapons, came to the dwelling house of Lady Rothemay by way of hamesucken early in the morning "before the sunne rying, and first sent to her to shaw the said George a paire of gold bracelets whilks she bought fra the said George his wyffe for a certane soume of money furnished be the said ladie unto thame in thair necessitie, quher-upon she hes thair discharge; and she haveing with reason refusied thair desire, it is of truthe that for this onelie caus thc said George and his complices brake up the ladies barn doors, entered within the same, violentlie tooke furthe thair of fourtie bolls of beir and filled 18 seks thairwith and caried the same away to the said George and his fathers hous. And, when as the ladie and her dauchter came furth and preist to have cast one of the seks, the said George drew ane suord and threatned to hag her in peeces, and held ane bendit pistolet to her breast, and shamefullie strake and hurt her said daughter with thair hands and feit on the head and face and diverse others parts of her bodie, threw her to the ground, barbarouslie tramped upon her and so hurt her as she hes ever lyne bedfast sen syne. Lykeas Alexander Gordoun of Drumheid, ane rebell for slauchter, lay with a bendit gun at the barn doore reddie to shoot anie man who impedit thame." The pursuers compearing, but not the defenders, the Lords ordain the latter to be put to the horn and escheated for their contempt.

may and her
daughter
against John
Gordon and
others for
hamesucken.

P. 24.

Sederunts,
January 1635-
November
1643.
Fol. 13, a.

"A warrand to the Constable of the Castell for delyvering the Lord Balmerinloch to the Earle of Tracquair to be transported to his hous of Balmerinloch there to remaine and sax myles about the same, and that Balmerinloch act himselfe to that effect."

Warrant for
the removal
of Lord
Balmerinloch
from Edin-
burgh Castle to
his own house.
See ante, p. 43.

Acta, June
1634-April
1636.
Fol. 37, b.

Sederunt :—Chancellor; Privy Seal; Glasgow; Erroll; Mairshell; Mar; Murrey; Wintoun; Roxburgh; Southesk; Tracquair; Binning; Lord Alexander; Bishop of Ros; Lord Naper; Master of Elphinston; Clerk Register; Advocate; Justice Clerk.

Edinburgh,
14th July 1635.

"The whilk day the missive letter underwritin, signed be the Kings Majestie and direct to the Lords of Privie Counsell, wes presented to the saids Lords and read in thair audience, of the quhilk the tennor followes: —CHARLES R.—Right reverend father in God, our right trustie and weilbelovit counsellor, right trustie and weilbelovit cousines and counsellors, right trustie and trustie and weilbelovit counsellors, we greit

Letter from
his Majesty
anent the illicit
sale of tobacco.

yow weill. Whereas we ar informed that, notwithstanding of your great care (whiche we take as acceptable service) to settle the course directed by us tuicheing the sale of tobacco within that our kingdome, our intention therein is still frustrat, partlie through the perversenesse of some refractarie persons, sellers of tobacco, partlie through the slacknes of magistrats in discovering and punishing the offenders; to the end thairfor that our service heerin may be no longer deluded, our pleasure is that yow take effectuell order that all magistrats to burgh and land whatsoever and all heretors within that our kingdome may see our proclamations tuicheing the selling of tobacco strictlie observed and that they suffer no unresponsall persons to remaine within thair severall bounds and jurisdictions that sall be found to contraveene the same. Wherein and in what ellis may tend to the better assistance of our commissioners for advancement of this our service expecting the continuance of your care, we bid yow heartilie farewell. Frome our Court at Theobalds, the 29th of May, 1635."

Acta, June
1634-April
1636.
Fol. 87, b.

Execution of
Barbara
Hering postponed.

"The Lords of Secreit Counsell, finding by the tryell takin by the physicians that it is doubtfull if or not Barbara Hering, who wes this day convict of the murder of her servant, Robert Naper, be with childe, ordains the provest and bailleis of Edinburgh to continew the execution of the sentence pronounced aganis her for the space of fourteene dayes."

Edinburgh,
14th July 1635.

[Sederunt as recorded above omitting Elphinstone.]

Decreta,
April 1635-
February 1636.
P. 24.

Complaint by
Patrick Vaus,
stating that by
his detention
in ward he is
prevented
from satisfying
his creditors.

Complaint by Patrick Vaus, fiar of Barnbarroche, as follows:—He has been long detained in the tolbooth of Edinburgh by some of his creditors both to his and their heavy prejudice, as his lands are lying waste and so rendered unprofitable. He and his family are reduced to great misery, and his creditors are defrauded of the satisfaction he may otherwise give them by selling his lands if he were at liberty to take some course therein. He is prepared to grant a trust disposition of his whole lands to Alexander, Earl of Gallouay, James, Lord Jonstoun, Sir John McDowgall of Garthland, William Murray of Natoun and Patrick Vaus of Lybrak, so that, if he fail to take order with his creditors within year and day, they may sell the same for behalf of his creditors, and he is ready to enact himself to this effect and also that he will then re-enter to his ward. Charge having been given to Helen, Elizabeth, Rachel and Janet Jackson, lawful daughters of the deceased John Jackson, merchant burges of Edinburgh, Mr Alexander Kynneir, spouse of the said Elizabeth, Mr John Kinneir, spouse to the said Helen, Mr Henry Foulis, spouse to the said Rachel, and Patrick Bruce, spouse to the said Janet, Rachel Jonstoun, widow of John Jackson, as cedents, and James P. 25.
Ros in Dongalls, their assignee; and the pursuer compearing, and also the said James Ros for himself and the other defenders; there also appeared Gilbert Neilsone, advocate, in name of Hew Kennedie of Girvie Maynes, elder, and produced a warrant in writing from the said Hew

Decreta,
April 1635-
February
1639.
P. 26.

Kennedie, dated 13th April last, consenting that the pursuer should be liberated notwithstanding of any arrestment at his instance against him. He also produced a bond under the hand of the said Patrick Vaus in favour of the said James Ros, obliging him and his heirs, assignees and successors to obtain a sufficient resignation of the lands of Cascreoch, Dirvairds, Glenhoule, Dariskilpen, Darnein, Drumnagour, Barshannan, and Nedder Synones by John, Earl of Cassills, in the hands of the Bishop of Galloway or his successors, so that James Ros shall be infeft therein; as also that he will perform to the said James the whole other articles of the contract entered into between Sir John Vaus of Barnbarrache, and the said Patrick, his son, on the one part, and Gilbert Ros, father of the said James, on the other, dated August, 1623; and he craved that this bond might be recorded in their Lordships' books. There was also a supplication presented by the said Patrick stating that he had been arrested in ward at the instance of his Majesty's Treasurer and Collectors of his Taxation, and that he is content that in the factory to be granted by him to his foresaid friends, it be declared that of the rents of his lands or the proceeds of the sale thereof the said Treasurer and Collectors shall first be satisfied of their claims. The Lords, in respect of the foregoing, ordain the provost and bailies of Edinburgh to liberate the said Patrick Vaus from their tolbooth in so far as he is warded for any of the above causes; and the said Patrick compeared and enacted himself for payment of the whole taxations due by him for all years bygone before 20th October next, preferring them in payment to all others, wherein if he fail, he agrees to pay a penalty of 700 merks.

Gilbert Neilson of Craigcaffie, advocate, as procurator for Patrick Vaus, Specification of conditions on which James Ross of Balneill agrees to the liberation of the aforesaid Patrick Vaus. fiar of Barnbarroche, registers a Bond by the said Patrick Vaus, in which he acknowledges that by virtue of the Minute of Contract passed between Sir John Vaus of Barnbarroch, his father, and himself, on the one part, and the deceased Gilbert Ros, father of James Ros of Balneill, on the other, dated August, 1623, which was consigned in the hands of John, Earl of Cassills, and with whom it still remains, the said James Ros has right to the lands of Cascreoch, Glenhoull, Dariskilpen, Dirnan, Drumgangour, Barnshannan and Nether Synons, and that through the fault of himself and his said father in not obtaining the infeftments and securities of these lands to be held immediately of the Bishop of Galloway upon the resignation of the said John, Earl of Cassills, as superior, the said James Ros and his father have sustained much prejudice. The said James is now resolved to sell these lands for payment of the debts of the said Patrick and his father and also for his own relief as their cautioner, but he has been not only troubled in his possession of these lands but put to great expense, having paid certain creditors and taken over their securities, which he would have been willing to have allowed in part payment of these lands, if the said Patrick and his father had fulfilled the terms of the said contract, and was obliged to arrest the said Patrick in the tolbooth of Edinburgh. He is now willing, however,

P. 27.

to agree, upon the earnest supplication of the said Patrick and inter-^{Decreta,}
cession of his friends, to the liberation of the said Patrick, who has been ^{April 1635.}
in the said tolbooth "most discontentedly this diverse yeeres," but only ^{February}
upon the following conditions, to which accordingly the said Patrick ^{1635.}
obliges himself, viz.:—The said Patrick, for himself and taking burden ^{P. 28.}
upon him for his said father, and his heirs and successors, shall obtain
to the said James Ros and his heirs and assignees a sufficient resignation
of the said lands by the said John, Earl of Cassills, in the hands of the
Bishop of Galloway of the lands foresaid, for a new infeftment thereof
to be made to the said James Ros, and shall perform all other conditions
of the said contract before 20th March next; declaring that the heirs of
the said deceased Gilbert and now of the said James shall only be
obliged to pay the rents of the said lands in liquidation of the annual
rents of the sum promised for the price thereof so far as the same will
go until they receive the securities thereof, and deducting off the
first end thereof the charges and expenses to which they have been put.
Further, he ratifies the apprising led by Dame Rachel Jonston, widow of
John Jackson, merchant burges of Edinburgh, and the deceased Sir
William Bruce of Stanehous, her spouse, and other persons therein
mentioned in all respects and with all that has followed thereupon, to
the which the said James Ros has now right. Further, because the ^{P. 29.}
said John, Earl of Cassills, as superior of the lands named, is distressed
for payment of certain sums of money as cautioner for the said Sir
John Vaus, which he is obliged to relieve, and that Sir John is also due
certain sums to the said Earl, for which the Earl may trouble and
dispossess the said James in the peaceable possession of the said lands
and also impede the liberation of the said Patrick, he gives authority to
the said James by virtue of the foresaid apprising to take possession
also of the other lands contained therein besides those mentioned in the
Minute of Contract and apply the rents thereof for the satisfaction of
the said Earl and his heirs until their claims be fully paid. The said
Patrick promises to fulfil all the clauses of the said Minute of Contract
before 20th March next, and failing therein he will do whatever the
said John, Earl of Cassills, shall determine as lawful and just for
repairing of the damages sustained by the said Gilbert and James at his
hands or his father's; and the said Earl is also to be judge as to the
deductions to be made by the said James. The said Patrick becomes
bound that his father will ratify this contract as if he were a party ^{P. 30.}
thereto; dated at Edinburgh, 14th July, 1635; witnesses, Gilbert
Neilsone, advocate, James Murray, his servant, and Patrick Achterlonie,
writer in Edinburgh. The deed was written by William Murheid,
servitor to Hew Ros, writer.

Supplication
by William
Parke of
Glenluce
stating that
his house

Supplication by William Parke of Glenluce, as follows:—On 25th
June last, between 11 and 12 o'clock in the day, "there fell out ane
suddaine fyre in the supplicants hous in the wood of Glenluce quhilk he
hes bought and wes cutting the same, and had built houses there for

Decreta,
April 1635-
February
1639.
P. 30.

his awne dwelling and ease of the leiges who comes there to buy and carie away the timber thair of and for keeping of his barke and timber warke; quhilks houses, being of tuentie thrie couples, are all consumed and brunt with sex hundreth bowis aikin barke at foure pundis the boll, extending to foure thousand thrie hundreth tuentie merks money; togidder with 28 bolls meale and malt, extending to thrie hundreth pundis or thereby; and fourtie thousand aikin tyns, thrie hundreth harrowis, tua thousand oxin bolls, three hundreth spadis and shuills, quhilk were worth nyne hundreth pundis Scottish; togidder with 26 great aikin trees and other planting being growing about the hous; with tua trunks of cloaths, worth ane thousand merks; ten feather beds and thair furniture, tua silver peeces, ane hogged of wyne, three brewings of beir, with his haill powlder vessell, insight and plenishing, extending to the worth of ane great soume of money; togidder with foure hundreth three score merks money; all quhilks by this suddaine fyre are consumed and destroyed, quherby the supplicants poore familie and eight small childrein, who formerlie were helpfull to others in hospitall and charitable beneficence, and in bigging bridges and calseyis at his awne charges, and others pious services, are now by this visitation brought to that poynt of misery that without the helpe and charitable support of weele disposed and compassionat Christians they will be forcit to beg." In support of the truth of his statement and of his own quality the supplicant produces a testificate signed by the moderator and brethren of the presbytery of Stranrawer, and craves that their Lordships would grant him their letters of recommendation. The Lords, "findeing be the testificat abonewritten that the said supplicant wes ane honest man of good reputation, who did big brigs and calseyis when he wes more able, and that the forsaid burning is the absolute ruine and beggerie of the supplicant, his wyffe and eight children; and in that respect, commiserating his sufferings and losses," recommend him and his distressed estate to the whole archbishops and bishops of this kingdom, nobles, barons and gentlemen, synods, presbyteries and sessions of kirks and colleges, also to the Senators of the College of Justice, magistrates of burghs and others his Majesty's subjects, that they may extend their Christian charity and liberality towards his relief. This recommendation is to endure for one year.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and John Scot of Hundislop, and John and James Diksone, his servants, parties aggrieved, as follows:—The carrying of hagbuts and pistols and convocation of the lieges in arms has been often prohibited by law, yet upon 18th June last the provost and bailies of Peeblis, James Horsburgh, burgess, also Patrick Thomesone, William Hay, John Williamsone, Charles Glen, William Patersone, John Thomesone, treasurer, John Gillie and John Robin, officers, Alexander Mure, John Pringle, Patrick Stoddert, Thomas and Alexander Foster and John Mure, all in Peeblis; Thomas Tueddie of Quhythauche, John Pringle in Sheill, William and Edward Robesone, Complaint by John Scott of Hundislop against the provost and bailies of Peebles and others for carrying prohibited weapons, and illegally interfering with the complainer's property.

John Thomesone, John Lowis, James Haddin, James Greive, William Veitche and John Williamsone, with others to the number of fourscore persons, armed with swords, staves and other weapons and the forbidden hagbuts and pistols, came to that part of the town of Halzeards and mill town thereof, called the Couper dyke, which is a proper part of the barony of Hundilslop belonging to the said John Scot, whereof and of the commonty of the hills of Eadmure he and his predecessors and their tenants have been in peaceable possession past memory of man, and there unlawfully "bigged ane hous of 30 foote of lenthe upon the saids compleaners lands and proper bounds of Halyeards." Though the complainer made civil interruption to them, yet they remained for three days and nights together upon his said lands. Further, on 3rd July instant, Thomas Patersone and David Penderleith, bailies of Peebles, John Gilleis, officer there, and others, with convocation and armed as aforesaid, came to that part of the complainer's lands of Milntoun called the Bordland Mure, where the said John and James Dickson, his servants, were "casting divvetts," and drawing their swords wounded the said James Dickson on the hand to the effusion of his blood, and gave him diverse strokes on other parts of the body. Charge having been given to the persons named, and both pursuers and defenders appearing, the Lords, after hearing parties and taking the oath of James Williamsone, provost of Peebles, assoilzie the defenders from the charge of carrying forbidden weapons; but, understanding that the disorders and trouble between the parties arise from the interruptions which they make to each other and which are "made more unlegallie and unlawfullie nor agries with law and justice," they declare that no interruptions made hereafter shall be considered lawfull and civil unless they are made by two or three persons at the most and by casting down of two or three "stones or devotts" in presence of a notary, and instruments are taken thereupon. They therefore discharge all interruptions made with convocation of the lieges, and remit that point of the complaint "anent the bigging and casting doune of the house and the right of the land contraverted to be persewit before the judge ordinar as accords of the law. And the saids Lords ordains the saids parties to bruike thair possessions as they have done thir seven yeeres bygane but alteration or change." Also the parties are to find law surety each to other in the books of Privy Council, the burgh of Peebles to John Scot in 3000 merks, and he to it in 1000 merks.

Decreta,
April 1635.
February
1639.
P. 31.

Counter-complaint by the provost and bailies of Peebles against the aforesaid John Scott of Hundilslop, whom they accuse of raising the lieges, carry-

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and the provost, bailies and council of Peebles for themselves and the inhabitants thereof, parties grieved, as follows:—The carrying of hagbuts and pistols is strictly prohibited, and yet, though the provost, bailies, council and community of the said burgh are heritably infeft in the lands of Kadmure with the pendicles thereof, and in peaceable possession of the same by sowing their crops and pasturing their goods, as well as by building of houses and otherwise using the same as the proper

Decreta
April 1635-
February
1639.
P. 33.

lands of the said burgh, and especially having built lately a house thirty-six feet long and sixteen feet broad of stone, with walls, doors and windows, none having made interruption thereto all the time of building, on 21st June last John Scot of Hundisloip assembled together the following persons, viz. William Scot, his natural brother, William Scot, his uncle, Mr William Burnet, son to Barns, John Burnet, also his son, John, Robert, Thomas and James Dickson in Mylntoune, James Andersone and Walter Yong there, James Notman, smith, Robert Irland, James Burnet, son to Woodhous, James Burnet in Boghous, Andrew Hunter in Menner, James Lawsoun, Malcolm Phillop, tailor, James Mathesone, John Watson, John Lewis, John Scot called Bastard, William Russell and William Rankene, miller, with others of the lieges, armed "with jacks, steilbonets, speirs, lances, Jedwart stalves, forks, suords, whingers, axes, picks, mattoks, gaveloks," and the forbidden hagbuts and pistols, and came under cloud of night to the said house, "and there with speires and lances ran John Robin and Charles Gleg, the compleaners servants, to the ground with manie blae and bloodie straits," and would have taken their lives but for the rescue granted by some neighbours. Thereafter they "clame to the heid of the hous, tirmed and kuist doune the same to the ground with thair picks and mattoks and cuttit and destroyit the haill timber with the doores and windowis quhilks were in the said hous with thair axes and left not so muche as ane stane standing abone ane other, nor ane peice of timber of thrie foot lenth." Pursuers and defenders both compearing and having been heard, it was referred to the oaths of verity of the said John Scot and Mr William Burnet whether they had the prohibited weapons, and they denying, the Lords assoilzie the defenders of this point of the complaint; and with reference to the rest, they repeat the finding given in the previous case, directing Mr William Burnet also to find caution in 1000 merks to the town of Peebles.

ing prohibited
weapons, and
demolishing a
house which
the com-
plainers had
erected.

P. 34.

Sederunts,
January 1635-
November
1643.
Fol. 13, b.

"The quhilk day Sir Donald Gorme of Slait, Sir Lauchlane M^cClaine of Morverne and Allane Camroun of Lochyell, Ylanders, compeired personally for obedience of the acts quherby they ar tyed to a yeerlie compeirance, and the Captane of Clanrannald compeired be James Logie, the rest of the Ylanders absent. The Lords ordains the Ylanders present to attend upon Thursday nixt."

Edinburgh,
14th July
1635.
Appearance of
island chiefs
before the
Council.

"The quhilk day Alexander Hay was committed to waird for his indiscreit and disrespectful speeches to the Clerk Register."

Alexander
Hay.

Acta, June
1634-April
1636.
Fol. 87, b.

Sederunt:—Privy Seal; Erroll; Mairshell; Mar; Murrey; Win-Edinburgh,
toun; Kingorne; Roxburgh; Dumfreis; Southesk; Tracquair; 16th July
1635.
Belheaven; Bishop of Edinburgh; Bishop of Ros; Lord Naper;
Clerk Register; Advocate; Justice Clerk.

"The Lords of Secreit Counsell ordains and commands the captane, Lord
Balmerino.

constable and keepers of the castell of Edinburgh to delyver Johne, Lord Balmerinoch, to Johne, Erle of Tracquir or anie others having his warrand to be caried be him to the place of his confynement, there to remaine conforme to the tennour of the band underwrittin givin be the said Lord."

Band by Lord Balmerino in which he accepts the conditions of his residence at his own house as imposed by his Majesty.

See *ante*, p. 43.

"The whilk day, in presence of the Lords of Secreit Counsell, compeired personallie M^r David Primerose, advocat, as procurator for Johne, Lord Balmerinoch, and gave in the band underwrittin, desyryng the same to be insert and registrat in the bookes of Privie Counsell in maner and to the effect therein conteanit; quhilk desire the saids Lords finding reasonable, they have ordained and ordains the said band to be insert and registrat in the saids bookes of Privie Counsell in maner and to the effect therein conteanit, of the quhilk band the tennor followes:—Be it kend till all men be thir present letters me, Johne, Lord Balmerinoch, forsamekle as it hes pleased the Kings Majestie, out of his gracious favour and clemencie be his letter direct to the Lords of his Privie Counsell, to give order and warrand for my releeffe furth of the castell of Edinburgh and to confyne me within my place of Balmerinoch in Fyffe and sax myles thereabout, thairfoir witt ye me for obedience of the act and ordinance of the Secreit Counsell made thereanent to be bound and obleist and be the tennor heirop binds and obleis me that I, being fred and releevd furth of my waird quher I now remaine within the castell of Edinburgh, that I sall addresse myselfe in companie with Johne, Earle of Tracquire, or suche as he sall direct with me to my place and dwelling of Balmerinoch and that I sall remaine there and within the space of sax myles about the same and sall not transcend the saids bounds without his Majesteis speciall warrand had and obtained to that effect under all highest pane and crime that I may incurre or that may be layed to my charge by my breake and contraveenning of this my band, and heirto I bind and obleis me, and for the mair securitie I am content and consents thir presents be insert and registrat in the bookes of Privie Counsell and decerned to have the strenth of ane decreit of the Lords thairof that execution may pas thereupon in forme as effeiris, and for registrating heirop constituts M^r David Primerose, advocat, my procurator. In witnes whairof I have subscryved thir presents with my hand (writtin be Archibald Primerose, sone to James Primerose, clerk of his Majesteis Privie Counsell), at the castell of Edinburgh, the xvj day of July, 1635 yeeres, before thir witnessis, M^r Archibald Halden, constable of the castell of Edinburgh, George Elphinstoun of Selmes, and Adame Watt, writter to his Majesteis signet. *Sic subscribitur*, J. BALMERINO, M^r Archibald Haldane, witnes, George Elphinstoun, witnes, Adam Wat, witnes."

Caution by Patrick Gordon of Kinraigie for Alexander Gordon of Carneborrow.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Patrik Gordoun of Kinragie, and become actit and obleist as cautioner and souertie for Alexander Gordoun of Carneborrow that he sall attend the saids Lords anent the examinatioun tuicheing the

Acta, June 1634-April 1636. Fol. 88, a.

Acta, June
1634-April
1636.
Fol. 88, b.

disorders in the north and that he sall compeir upon Tuisday nixt under the pane of ane thowsand pundis."

" Forsamekle as the Lords of Secreit Counsell ar informed that Robert Dempster in Cushnie, George Gordoun of Newtoun, Alexander Leslie in Achaber, Robert Collein in Hassiwell, Johne Lobane, servitour to Adame Abircrombie of Auldrayne, George Leith, his sone-in-law, and Skattertie, now servitour to James, Lord Desfurde, hes beene ordinarie ressetters and intercommouners with the brokin men of the name of Gordoun and others since the time of thair rebelloun and proclamations direct aganis the ressett and intercommouning with the saids brokin men, and that they can give some informatioun and light anent the saids brokin men thair ressett elliswhere in the countrie, thairfoir ordains letters to be direct charging the ressetters and intercommouners particulie abonewrittin to compeir personallie, and the said Lord Desfurde to bring and exhibite the said Skattertie, his servant, and the said Adame Abircrombie to bring and exhibite the said George Leith, his sone-in-law, and Johne Lobane, his servant, before the saids Lords at a certane day to be examined, tryed and punished for thair ressett of the saids brokin men as accords, under' the pane of rebellion, etc., with certification, etc."

Robert
Dempster and
others required
to appear
before the
Council on the
charge of
resetting rebels
in the North.

[Sederunt as recorded above omitting Mar.]

Decreta,
April 1635.
February
1639.
P. 35.

Edinburgh,
16th July
1635.

Complaint by Sir Andrew Fletcher of Innerpeffer, one of the Senators of the College of Justice, and David Ramsay in the West Cottin, his servant, as follows:—He and his tenants of the said lands and their predecessors have been in peaceable possession past memory of man of the "casting, winning and leading of pets in the east syde of the mosse, callit the Rid Mosse, and thair possession wes never quarrelled till this present yeere. The compleaners tenents haveing cassin thair pets in the east end of the said mosse for thair winter provision, and haveing thame reddie for the leading, and lookeing for no impediment to have beene made unto thame, it is of truthe that John Cummying of the Bog, James Gudlet of Drunclune, Gilbert Achterlonie of Harie Lindsay of Blairfiddin, William Ramsay, Alexander Buist, David Stein in the Bow, David Symesone there, William Cudbert and John Leonart in Nether Bow, takeing thair advantage upon the said Sir Andro his attending on the Session and that therby he wes withdrawin from attending his affaires at home, thay upon the sevent of July last, when the compleaners petts were readie for the leading, armed with suorde and stalves, came in a furious maner to the compleaners saids tenents and violentlie kuist thair pets aff thair kairts, hundit and chast his tenents frome leading thair pets, appoynted a dosone of men armed with stalves and suords to keepe the saids pets day and night whill they had provydit a sufficient number of cairts to carie the same away; and they lykeways tooke the compleaners awne horse and carts and led

Complaint by
Sir Andrew
Fletcher of
Innerpeffry
against John
Cummying of
the Bog and
others for
violently
carrying off the
petts of the
complainer's
tenants.

away the haill pets to the lands of Bow, where they have stakked thame; and hes so dissappoynted the compleaners tenents of thair winter provision; and by this forme of doing they intend to dwang the compleaners tenents that they sall be forcit to leive the compleaners lands and cast the same waist." Charge having been given to these persons, and the pursuer, Sir Andrew, compearing personally for himself and his tenant; and Alexander, Lord Spynie, compearing for all the defenders except William Ramsay, who appeared for himself, the Lords, after hearing parties and their witnesses, assoilzie the said William Ramsay; but find that the other defenders did as libelled and carried off the peats of the pursuer's tenants to the house of the said Lord Spynie, for which insolence they ordain them to be charged to enter in ward within the tolbooth of Edinburgh within six days and there remain upon their own charges until the Lords free them, upon pain of horning. And the Lords further ordain Alexander, Lord Spynie, and the said Sir Andrew Fletcher to find law surety to each other in their Lordships' books and in special that Sir Andrew and his tenants shall not be molested in the winning of their peats in the east end of the moss of Ridmosse under the penalty of 3000 merks: The Lords also modify £3 to be paid to each witness by the producer.

Complaint by James Crichton of Fendraucht against James Gordon of Lesmore for resetting the tenants of the complainer.

Complaint by James Creichtoune of Fendraucht against Sir James Gordoun of Lesmore that he has persuaded some of his tenants to leave his land between terms, though some of them have a standing lease unexpired; as also that the said Sir James keeps some of his tenants in his company and resets them and their goods, intending thereby to lay the complainer's lands waste and make them unprofitable. Both pursuer and defender compearing, the pursuer passed simply from the charge, whereupon the said Laird of Lesmore asked instruments.

P. 92.¹
[Omitted in its proper place in the Register.]

Edinburgh, 16th July 1635.

Sir James Hamilton of Fingalton appointed a Justice of the Peace.

"Forsamekle as it is understand to the Lords of Secreit Counsell that Sir James Hamiltoun of Fingaltoun is ane gentleman verie weil affected to his Majesteis service and peace of the country and is of good knowledge, judgement and experiance to undergoe the place of ane justice of peace in the shirefdome where he dwellis, thairfoir his Majestie, with advice of the Lords of his Privie Counsell, hes made and constitute and be the tennor heirof makes and constituts him ane justice of peace within the shirefdome of Lanerk and hes adjoynned and adjoynes him to the remanent commissioners and justices of peace of the said shirefdome with als great fredome, priviledge, warrand and auctoritie as they or anie others justices of peace within this kingdome bruikes and injoyes thair offices be vertew of the commissioun grantit to thame be his Majesteis patent under the great seale, and with als great fredome, auctoritie and jurisdiction as if his name wer particularlie insert in the said commissioun, with power to him to use and exerce the said office in all the liberteis and priviledges thair of and to concurre and joyne with the remanent justices of peace of the said shirefdome in all and everie thing tending to the forderance of

Justices of Peace, 1612-1639.
Fol. 65, a.

Fol. 65, b.

Justices of
Peace, 1612-
1639.
Fol. 66, h.

his Majesteis service, keiping the peace of the countrie and executioun of the said commissioun; commanding heirby the conveenner and remanent justices of peace of the said shirefdome at thair first meiting to receave and admitt the said Sir James to be of thair number and to grant him voice and place amongis thame as if they [*sic*] had beene particularlie insert in the commissioun foresaid and to take thair [*sic*] oath for thair faithfull discharge of the said service, anent the doing quhairof the extract of this act sall be to thame ane warrand."

Decreta,
April 1635-
February
1639.
P. 37.

Supplication by Alexander Straquhan of Glenkindie, as follows:—
When he was on his journey to the north upon his Majesty's service, he was charged by a macer at the instance of Jonet Keith to compear before their Lordships and depone upon oath "whither or not he stayed Jonet Keiths witness from compeiring to depone in the complaint persewit at her instance before the saids Lords against Patrik Straquhan of Kinadie and certane others." He obeyed the citation, but was never called; and seeing he is employed in his Majesty's service and cannot well remain in Edinburgh, he craves that their Lordships would ordain the Lords chosen upon the Committee to take his oath in the matter, so that he may go home and attend his Majesty's service. The said Alexander Straquhan and Jonet Keith compearing personally before David, Earl of Southesk, and Adam, Bishop of Dumblane, two of the Committee foresaid, and the said Alexander being deeply sworn and denying the offence with which he was charged the said Lords assoilzie him from the above complaint.

Edinburgh,
17th July
1635.

Supplication
by Alexander
Strachan of
Glenkindie
that he may
be relieved
from a citation
at the instance
of Janet
Keith.

Acta, June
1634-April
1638.
Fol. 83, b.

Sederunt:—Chancellor; Glasgow; Erroll; Mairshell; Murrey; Edinburgh, Wintoun; Kingorne; Roxburgh; Dumfreis; Tracquair; Bel-
heaven; Bishop of Edinburgh; Bishop of Ros; Bishop of
Dumblane; Lord Alexander; Lord Naper; Master of Elphinston;
Clerk Register; Advocate; Justice Clerk.

Edinburgh,
21st July
1635.

"The whilk day in the presence of the Lords of Secretit Counsell com-
peired personallie M^r Alexander Guthrie, town clerk of Edinburgh, in
the name of the free royall burrowes of this kingdome and produced and
exhibite before the saids Lords ane report of the visitation of the water
of Forth made be some of the commissioners of the burrowes, of the
quhilk the tennor followes:—

Report by the
bailies of
Bruntisland,
Kirkcaldy,
and Dysart
anent the
navigable
condition of
the Forth.

Fol. 89, a.

The diligence of the burrowes of Bruntilland, Kirkaldie and Dysert to be givin in to the burrowes conveenned at the generall Convention haldin at Perth, in the moneth of July, j^mvj^c threttie fyve yeeres, tuicheing the visiting and surveying of the water of Forth since the last generall Conventioun haldin at Edinburgh, July, j^m vj^c threttie foure yeeres.

First, the bailleis of the saids burrowes of Bruntilland, Kirkaldie and Dysert caused thair commissioners, being men of skill and experience, to

visie and survey the said water of Forth frome the Quenisferrie on both sides thair of till they came up to Blacknes and frome Blacknes to Little Carren, whilk is callit Johne Edyis pannis, who fand little or no fault over and over frome the ane side to the other, bot fand that the water remained still according to the old forme, bot within Craiginoir they fand manie flint and whinne stones, calke and other ballast cassin out of shippis, sua that, whereas before shippes and barkes might have lyin there saifelie, now they cannot come in nor have anie saifetie thair-intill nor ly without danger.

Item, the saids commissioners visied and surveyed frome Johne Edyes pannis to Cowdounhill and fand that it lyes verie schald aff at low water a great way aff, and frome Cowdounhill to Barrestoun and fand that it is verie schald at least three quarters of ane myle aff, and that there is bot ane faddome deip at low water, where in former times shippes and vessellis wer wont to have good raid; and frome Barrestoun till they be halfe ane myle above it on that selfe same side they fand that it is also verie schalde bot the shaldnes thair of does not ly aff so farre as the other.

Item, that they visied and surveyed frome that till they came up to Fordell Nesse, quhilke lyes upon the north side of Forth, and fand no difference there bot according to the old forme; and betwix Fordell Nesse and the pannis, quhilks ar callit the New pannis, where they fand ane banke of grosse sand quhilke is dry at the low watter and whilk lyeth ane great part of the channell aff frome the north side and at twa part of the south side.

Item, frome George Bruce new pannis till the pannis of Kincarne and frome the pannis of Kincarne to Tulliallane they fand no difference bot after the old forme on both the sides.

Item, frome Tullyallane croce over to Heggings pow or a little above it whilk is on the south side they fand no difference, bot frome the point above Heggings pow begins a banke quhilke reaches over to Johne Yairds nuke. They say frome the said point croce over to Johne Yairds nuke sua that at low water there is no appearance of ane channell bot a dry banke at low water the space of ane myle in lenth.

Item, frome Johne Yairds nuik, till they come to Clakmannan pow they fand it a little shalder nor it wes in former times bot yitt little or no great difference.

Item, frome Clakmannan pow and Alloway pow narrest to Clakmannan pow they fand ane banke in the middle part of the river that wes dry at the low water and at a spring stream tyde.

This is a trew report of the diligence used be the bailleis of Bruntilland, Kirkaldie and Dysert tuicheing the surveying and visiting of the Water of Forth, be thir presents subscriyved be Alexander Simsone and David Simsone of Monturpie, bailleis of Dysert. *Sic subscribitur*, Alex^r Symsons, baillie, D. Symsons, baillie, Robert Symsons."

Acta, June
1634-April
1636.
Fol. 89, a.

Fol. 89, b.

“ Forsamekle as some yeeres agoe the dangers at the entrie of the firth of Forth and the frequent losses of the lyffes and goods of his Majesteis subjects and of strangers adventuring there, speciallie in the night time, wer represented to his Majestie, and now the like humble sute being made to his Majestie for giving order to prevent the like heerafter, and his Majestie having seene a great manie subscriptions of owners and maisters of shippes and barkes desyring a course to be takin for thair saifetie, his Majestie by his letter direct to the Lords of his Privie Counsell hes willed thame to consider of the bussines, and, if thereupon they find it necessarie for the weale of the subjects to expedie ane grant to Johne Cunninghame, younger of Barns, and Mr Charles Geddes for erecting and keeping of lights on some convenient place of the May in maner conteanit in his said Majesteis letter. In obedience quhairof and for the saids Lords thair better informatioun anent the truthe of the dangers and losses abonementiouned and necessitie of erecting of lights or beacons upon the Yle of May for preventing the same, the Lords of Secreit Counsell hes givin and grantit and be the tennor hairof gives and grants full power and commissioun, expresse bidding and charge to Johne, Earle of Mar, Johne, Earle of Rothes, George, Earle of Wintoun, David, Earle of Southesk, Johne, Earle of Wemes, Johne Lord Lindsey, David Lord Balcarras, Sir Alexander Gibsone of Durie or Mr Alexander Gibsone his sone, Sir George Hamilton of Blackburne, and Sir Johne Hamilton of Preston or anie foure of thame, with suche of the justices of peace as they sall please call to thame, to conveene before thame suche merchants and maisters of shippes upon either side of the water of Forth as ar most skilled and experienced in the mater abonewrittin, with power to the saids commissioners to direct thair awne precepts for the saids persons thair compeirance before thame at suche dyets, times and places as they sall appoint and to examine thame upon thair oath in presence of the provest and bailleis of the burgh, where the saids persons remaines, if they be pleased to be present and assist the said tryell, being alwayes required thereto, and likewayes to conveene before thame suche skilled and experienced merchants and maisters of shippes out of the nixt adjacent sea touns that ar not free burrowes to the effect foresaid and to examine thame lykewayes upon oath before the provest and bailleis of the nixt royall burgh where the saids judges sall happin to sitt, if the saids provest and bailleis sall be pleased to attend, as said is, if there be a necessitie of erecting a light or beaken on anie part on the Yle of May and if the dangers foresaids by ane light on the May might have beene preveenned or the like heerafter may be preveenned by the meanes foresaids, and to sett doun thair depositions in writt with the reasons thair of, and to report the same to the saids Lords betuix and the first Counsell day of November nixtocome; and for the more orderlie tryell heiroyf with power to the saids commissioners to choose a clerk or clerkes; ordaining heirby the said John Cunninghame to intimat this abone writtin com-

Appointment of a commission to report on the advisability of erecting beacons on the Isle of May.

Acta, June
1634-April
1636.
Vol. 89, b.

Vol. 90, a.

missioun to the commissioners foresaids and to be alwayes readie to exhibite the same to thame; reserving heirby unto the burrowes of this kingdome thair lawfull reasons to be givin in be thame anent the erecting of the saids lights to be heard and considderit be the saids Lords the time of the report. Followes his Majesteis missive for warrand of of the act abonewrittin:—CHARLES R.—Right reverend father in God, right trustie and weilbelovit cousins and counsellers, right trustie and trustie and weilbelovit counsellers, we greit yow weill. Whereas some yeeres agoe the dangers at the entrie of the firth of Forth and the frequent losses of our subjects lyffes and goods and of strangers adventuring there, speciallie in the night time, wer represented unto us; and now the like humble sute having beene made to us for giving order to prevent the like heereafter, and having seene a great manie subscriptions of owners and maisters of shippes and barkes desyring a course to be takin for thair safetie, it is our pleasure that yow call before yow suche persons as yow thinke most interested heerin and best affected to the publict good and that yow consider of this bussines, and if thereupon yow sall find that it is necessarie for our subjects good, that yow caus expedie a grant frome us immediatlie under our cashet and seales there in the most effectuall and sure maner that can be devised unto Johne Cuninghame, younger of Barns, and M^r Charles Geddes, whereby they during fourteene yeeres may have power to erect and keepe a light upon the most convenient place of the Yle of May, belonging to the said Johne Cuninghame, to be chosin by able and experienced seamen who best knowes the dangers there, and that by our said grant the patentees have suche a reasonable and constant dewtie upon the tunne and last of all merchandice transported that way, as yow sall finde to be necessary; for doing of all whiche these presents sall be unto yow and all others whome it may concerne sufficient warrand. We bid yow farewell. From our mannour of Greenewiche, the nynth day of June, 1635.”

Commission appointed to exact cautions from certain of the name of Brodie and of the name of Dunbar, who are at feud and threaten breach of the peace.

“Forsamekle as it is understand to the Lords of Secretit Counsell that of lait there hes fallin out ane verie great insolence and disordour betuix Alexander Brodie of Letham, Francis Brodie, his brother, and Williame Brodie in Clune, on the ane part, and Alexander Dumbar of Grange, Thomas Dumbar, his brother, Johne Dumbar of Moynes and others, thair complices, on the other part, and the said Alexander and Francis Brodeis hes beene cruellie invadit and persewed of thair lyffes and hurt and woundit to the effusion of thair blood and perrell of thair lyffes, whereupon forder inconveniences ar like to fall out to the breake of his Majesteis peace and disquyetting of the countrie without tymous remeid he provydit; thairfoir the saids Lords hes given and grantit and be the tennor heirof gives and grants full power and commissioun, expresse bidding and charge to James, Earle of Murrey, Johne, Bishop of Murrey, and Johne, Bishop of Ros, or anie one of thame to call and conveene before thame the persons particularlie abonewrittin and all others suche persons as hes committed the insolence foresaid or that hes beene or ar

Acta, June 1634-April 1636.
Fol. 90, a.

Fol. 90, b.

Acta, June
1634-April
1635.
Fol. 90, b.
Fol. 91, a.

suspect to be accessorie to the same, and to putt thame under good caution for keeping of his Majesteis peace and for thair compeirance before his Majesteis Counsell at suche a day as the saids commissioners sall appoint or upon a lawfull citatioun, and in case of thair refusall to find the said caution to apprehend thair persons and to committ thame to waerd, therein to remaine upon thair awne expenses ay and whill they find the said caution, and all things necessar for this effect to doe and use quhilk for execution of this commission ar necessar: firme and stable halding and for to hald all and whatsomever things sall be lawfullie done heerin."

"The Lords of Secreit Counsell, having seene the lists of the persons givin in be Sir Robert Inneis of Balvenie and Mr Gawin Dumbar, chantour of Murrey, on the ane part, and Johne Inneis of Leuchars, on the other part, to be curatours to Alexander Inneis of Cokstoun during his minoritie, seing the saids laird of Balvenie, chantour of Murrey, and Johne Inneis of Leuchars, who formerlie wer his curators, desired be diverse thair petitions to be fred and exonered of that burdein, and it wes found expedient be the saids Lords for diverse good respects that the saids persons sould be releved of that burdein; thairfor the saids Lords hes made choise of the persons following to be curators to the said Alexander during his minoritie, to witt, Johne, Bishop of Murrey, Sir Robert Inneis of that Ilke, Mr Johne Hay, Commissar of Murrey, Walter Kinnaird of Cowbine, and Robert Gordoun of Mayne, or anie three of thame, the said Bishop of Murrey being alwayes one, and in case of his refusall the said Commissar being alwayes one, and, in case of the said Commissar his refusall, the said Laird of Cowbine to be alwayes one, ordaining heirby the said Commissar of Murrey to admitt the persons foresaids to be curatours to the said Alexander Inneis of Cokstoun and to take thair oath conforme to the order; and ordains the Bishop of Murrey to take the said Commissar his oath, whereanent the extract of this act sall be to thame ane warrand."

"The Lords of Secreit Counsell nominats Johne, Archbishop of Sanct-andrewes, Lord High Chancellor of this kingdome; Thomas, Erle of Hadintoun, Lord Privie Seale; Patrik, Archbishop of Glasgow, George, Earle of Winton, Robert, Earle of Roxburgh, David, Earle of Southesk, Johne, Earle of Tracquir, Johne, Bishop of Ros, Sir Johne Hay, Clerk Register, Sir Thomas Hop, his Majesteis Advocat, and James Carmichell, Justice Clerk, or anie fyve of thame, the saids Lords Chancellor, Privie Seale, Earles of Roxburgh and Tracquir, or anie one of thame being one, to conveene before thame the Erle of Mar and the commissioners for the burrowes and to deale betuix thame for sattling of thair differences anent the sealing of leather and dewtie payable for the same and to meit the morne at nyne of the clocke in the morning."

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie James Hamilton in the Nesse and become actit and obleist as cautioner for Mr Alexander Hamiltoun of Kinglassie that

Appointment
of curators to
Alexander
Innes of
Cokstoun
during the
time of his
minority.

Appointment
of a commis-
sion to report
anent the
sealing of
leather and
the duties
payable
therefrom.

Caution by
Mr Alexander
Hamilton of
Kinglassie.

Fol. 91, b.

Willame Forbes of Craigiewar, his wife, barnes, men, tennents and servants sall be harmelesse and skaithlesse in thair bodeis, lands, rounes, possessions, goods and geir, and in no wayes to be troubled nor molested therein be the said M^r Alexander Hamilton, nor no others of his causing, sending, hounding out, command, ressett, assistance nor ratihabition whome he may stop or latt directlie nor indirectlie in time coming otherwayes nor be order of law and justice, under the pane of fyve thowsand merkes; and the said M^r Alexander actit, band and obleist him and his airis to releve his cautioner of the premisses and of all pane and danger he may incurre therethrow."

Caution by John Forbes of Balnagask for Sir William Forbes of Cragiewar that he will not molest Mr. Alexander Hamilton of Kinglassie in his person, family, or goods.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Johnne Forbes of Balnagask and become actit and obleist as cautioner and souertie for Sir Willame Forbes of Cragiewar that M^r Alexander Hamilton of Kinglassie, his wife, barnes, men, tennents and servants sall be harmelesse and skaithlesse in thair bodeis, lands, rounes, possessions, goods and geir and in no wayes to be troubled nor molested therein be the said Sir Willame nor no others of his causing, sending, hounding out, command, ressett, assistance nor ratihabition whome he may stop or latt directlie nor indirectlie in time coming, otherwayes nor be order of law and justice, under the pane of fyve thowsand merkes; and the said Sir Willame actit, band and obleist himselfe to releve his cautioner of the premisses and of all danger he may incurre thairthrow."

Edinburgh,
21st Jnly 1635.

[Sederunt as recorded above.]

Decreta,
April 1635-
February
1639.
P. 38.

Complaint by Sir James Leslie and Thomas Dalmahoy, his Majesty's commissioners for the retailing of tobacco, against David Johnston in Halkerston's Wynd, Edinburgh, and others for illegally retailing tobacco.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and Sir James Leslie and Thomas Dalmahoy, his Majesty's commissioners for regulating the retailing of tobacco, as follows:—His Majesty "considering the great inconvenients and abusses heirtofore occasioned in this kingdome throw the ungoverned seale and imoderat use of tobacco, quhilk is growen to that excesse that [it] is generallie and promiscuouslie vented and sauld in all places and be all persons at thair pleasure, altho it be oftymes corrupted and rotten, so that the health of diverse of his Majesteis subjects hes beene thairby endangered," was graciously pleased to grant to the said Sir James Leslie and Thomas Dalmahoy a patent, dated at Quhythall, 19th April last [*sic*], granting them for seven years thereafter full and absolute power and authority "to treatt and transact with suche and so manie as they upon examination sould thinke fitt to be licenced to sell or utter tobacco in small or retails within this kingdome upon such conditions as they and the parties, ressavours of thair licences, could agrie upon." Whereupon an act and proclamation was passed discharging all others from retailing tobacco under the P. 39. penalty of the confiscation of their tobacco and payment of such fines as his Majesty's Council should appoint; as also by a posterior act and proclamation this fine was modified by his Majesty and Privy Council

Decreta,
April 1635.
February
1639.
P. 39.

at 100 merks, to be paid by every person who should presume without the said license to sell tobacco by the ounce, pound, or other proportion less than one stone weight; of which fine one half was to go to the informer and the other half to his Majesty's commissioners. These acts and proclamations were confirmed by their Lordships by a new act of 4th November last, and they, by another act of the 27th of the same month, ordained that all masters of families shall be answerable for their children, servants and others who should violate the same directly or indirectly, declaring "that all recompence taken for tobacco shall be reputed and punished as vendition," and that persons unable to pay the fine shall be punished by imprisonment or other arbitrary penalty. Nevertheless, David Jonstoun, merchant in Halkerstoun's Wynd, Duncan Grant, John Bellenden, William King, merchant, John Henrie, tailor, Robert Cranstoun, swordslipper, David Jonstoun in Marlion's Wynd, John Fairlie, officer, Archibald Fish, James Lennos, George Scot, Laurence Scot his son, David Jonstoun at Nidreis Wyndheid, John Wilkie, John Baillie, William and David Murray, Hew Kay, James Vandell, John Ker in the Cannogait, Peter Roupe there, John Hamiltoun there, Thomas Deines in Edinburgh, James Weir there, Robert McColme there and Agnes Cleghorne there, have since violated the said acts, and so are liable to the penalties thereof. His Majesty's Advocate comparing personally and the licencees by Mr William Wallace, their procurator, who referred probation to the defenders' oath of verity, some of whom only compeared, the Lords find and decern the said David Jonstoun in Halkerstoun's Wynd, John Bellenden, John Fairlie, Archibald Fish, David Jonstoun in Nidreis Wynd, John Wilkie, Hew Kay, James Vandell and John Ker, who were present and confessed the violation of the said acts; and John Henrie, Robert Cranstoun, David Jonstoun in Marlion's Wynd, James Lennos, John Baillie, William Murray, Peter Roup, John Hamiltoun, James Weir and Agnes Cleghorn, who failed to compear, although they were charged to do so by Alexander Porteous, messenger, with certification that if they failed they would be held as confessed, guilty of the breach of these acts, and ordain them to pay the foresaid penalty; but they assoilzie the said Duncan Grant, William King, George and Laurence Scot, Thomas Deines and Robert Malcolme because on being placed upon their oath, being present, they denied their guilt of the offence.

P. 40.

Supplication by Sir John Scot of Newburgh, as follows :—It is known that during the time of his late protection he settled with Andrew Scot, and he is now dealing with the rest of his creditors. But Lord Cranstoun has raised an action before the Lords of Session against him for the third of the lands of Newburgh, whereby he is disabled from giving present satisfaction to his creditors, and he dare not come to Edinburgh to attend his actions and for the satisfaction of his creditors without their Lordships' warrant, which accordingly he craves. The Lords grant him their protection until 1st November next.

Supplication
by Sir John
Scot of
Newburgh for
protection that
he may come
to Edinburgh
to satisfy his
creditors.

Protection to
Sir James
Stewart of
Tullos and his
son.

"Ane protection to Sir James Steuart of Tullos and Robert Steuart, Decreta,
his sone, in respect of the not payment of his allowance out of the April 1635-
Exchequer, dureing the space foresaid." February 1639.
P. 40.

Complaint by
Andrew Tod
against the
bailies of
Dunbar for
illegal warding.

Complaint by Andrew Tod, burgess of Dumbar, as follows:—On 9th instant he was walking upon the Hie Street of the said burgh peacefully attending his lawful business when the bailies thereof, without any P. 41.
warrant, or any offence or occasion given by him, apprehended him, "hurled him to thair tolbooth, committed him to close warde, suffering none to have accesse to him." Moreover, some few days before they P. 42.
sent their drummer through the town, to discharge all the inhabitants by open proclamation from leasing any house to him or his servants and from selling him meat or drink. He has offered them very substantial caution to answer any persons who have claims against him according to law, "yit the saids Lords [sic] will heere no sic motion of the compleaner bot out of malice deteanes him in warde purposlie to disgrace and discredit him so farre as in thame lyis." Charge having been given to James Kirkwood, Thomas Corskie and William Brysone, bailies of Dumbar, to compear and produce the complainer, they compeared by George Purves, their town clerk, who produced the pursuer, and declared that he was lawfully warded for refusing to find caution at the instance of a neighbour in the town. To this the pursuer replied that the defenders could not reasonably burden him with the finding of such caution, inasmuch as he himself was a burgess there and by the privilege of his burgess-ship was free of finding such caution. To which the said George Purves, in name of the said burgh, replied that the pursuer was no burgess of the said burgh, but was most deservedly deprived of "his favor and his burges ticket riven and destroyed" for a number of insolencies, disorders and contempts. This he proved by production of an act and rolment of the burgh court of Dunbar, dated 5th September, 1632. The Lords find that the pursuer was very lawfully warded by the bailies of Dunbar, and remit him back to the provost and bailies P. 43.
thereof to be warded by them until his further censure; assoilzieing the defenders from his complaint against them.

Complaint by
Mr Joseph
Brodie, parson
of Keith,
against John
Gald, footman
to the laird of
Innermerkie,
and others for
hamesucken.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and Mr Joseph Brodie, parson of Keith, as follows:—The carrying of hagbuts and pistols has been very strictly prohibited. Yet, on 9th May last, being Saturday, when the said Mr Joseph was at his private meditation in his chamber, John Gald, footman to Innermerkie, Gilbert Greene, his steward, William Troup, footman to Young Innermerkie, John Cumming of Murthlake, William Duff at the kirk of Pittrifine, John Moreis at the kirk of Glas, and Thomas Millar, younger, at the kirk of Arbrone, with others armed with guns, came by way of hamesucken to the dwelling house of the said Mr Joseph, the said John Gald having assumed a chapman's pack, and "they all entered in the compleaners closse, where findeing ane begger with ane infant on her backe the said John Gald threw her to the ground and swore he would ly with

Decrets,
April 1635.
February 1639.
P. 43.

her at the ministers doore. Thairafter they entered into the hall and demandit of the servants of the hous what they would give thame; and fell out in manie vyld speeches unworthie to be rehearsed. Quherupon the minister, haveing come frome his chamber and putt thame to the yett, the said John Gald returned with ane gun on the ane hand and ane suord on the other, and cryed alloud to the minister and bade him come out and he sould give him als strong sneissing as ever he tasted. Thair-after he and his associats all boddin with suords and gunns ranne with suche force on the yet that they brak doune a great part of the wall quhairon the yett hingeth and thairafter retired a litle, bendit thair gunns and shot at the chamber window where they knew the minister was accustomed to sitt, and then departed with thair suords drawin." The pursuers compearing personally, and of the defenders Gilbert Greene, William Duff, John Moreis, Thomas Milne and John Gald appearing, and confessing that they had misbehaved themselves as above stated, the Lords commit them to ward within the tolbooth of Edinburgh, there to abide upon their own charges until they are released; and they ordain William Troup and John Cuming, who failed to appear, to be put to the horn and escheated for their contempt.

Sederunts,
January 1635.
November
1643.
Fol. 14, a.

"Charges aganis Balvenie for his compeirance to answer upon his contempt and dissobediencie in departing home without finding caution conforme to the Counsellis ordinance."

Edinburgh,
21st July 1635.
The Laird of
Balveny.

"Ane act anent Harthills libertie."

Harthill.

Sederunts,
January 1635.
November
1643.
Fol. 14, b.

Sederunt:—Chancellor; Privy Seal; Glasgow; Wintoun; Roxburgh; Tracquir; Bishop of Dumblane; Clerk Register.

Edinburgh,
22nd July
1635.

"The quhilk day his Majesteis letter concerning the tannage, with the information concerning the same, wes givin up to the commissioners for the burrowes, who promiseist to give in thair ansuer thereto the morne at nyne of the clocke in the morning."

Anent the new
proces of
tanning.

Acta, June
1634-April
1636.
Fol. 91, b.

Sederunt:—Chancellor; Privy Seal; Glasgow; Erroll; Mairshell; Mar; Murrey; Winton; Kingorne; Roxburgh; Dumfreis; Tracquir; Belheaven; Bishop of Edinburgh; Bishop of Dumblane; Lord Naper; Master of Elphinston; Clerk Register; Advocate; Justice Clerk.¹

Edinburgh,
23rd July 1635.

"The Lords of Secreit Counsell continewes the Marques of Huntleis appearance till Tuisday nixt."

Marquis of
Huntly.

"The Lords of Secreit Counsell, according to ane warrand and direction in writt, signed be the Kings Majestie and this day presentit unto thame, gives and grants licence to Major Thomas Moffat to transport furth of this kingdome the number of thre score men quhilks wer formerlie allowed for ane recrue to his companie in Sprusse under

License to
Major Thomas
Moffat to
transport
sixty men for
service in
Sweden.

¹ In the Sederunts this is given as a *post meridiem sederunt*.

the crowne of Sueden without pane or danger to be incurred be him or the skippers, maisters and owners of the shippes and vessellis wherein they sall be transported, notwithstanding the lait proclamatioun and discharge of all leveyes to be made and transported furth of this kingdome, whereanent the saids Lords dispenses be thir presents; commanding heirby all and sindrie persons who hes receaved anie of the said Thomas Moffat his companie to whome he hes advanced moneyes that they furthwith delyver to him his said men without making anie shift or delay therein as they will answer upon thair obedience at thair highest perrell; commanding alsua his Majesteis Admirall and his deputs and all magistrats to burgh and land within whois bounds anie of his fugitive souldiours who have receaved or sall receive his moneyes remaines to doe him justice aganis thame for causing thame stand to thair bargane. Followes his Majesteis missive for warrand of the act abonewrittin:—CHARLES R.—Right reverend father in God, right trusty and weilbelovit cousins and counsellers, right trustie and trustie and weilbelovit counsellers, we greit yow weill. We receaved your letter tuicheing the petition of Major Moffat, and, having considderit the grounds of your recommendation on his behalfe, we ar pleased that yow give suche licence as is requisite for the transporting of threscore men and that with all the possible diligence that may be for the reasons expressed in your letter. And if anie of that number to whome he hath advanced or sall heereafter advance moneyes for serving with him in the warres abroad will not stand to thair bargane or have fled to avoide the same, our further pleasure is that yow interpose our auctoritie in so farre as is agreable to our lawes or the custome in the like caises for making thame performe thair agreement, for whiche these presents sall be warrand. We bid yow farewell. From our Court at Oatlands, the 17 of July, 1635.”

Sir Alexander
Leslie.

“The quhilk day the missive letter underwrittin signed be the Kings Majestie and directed to the Lords of Privie Counsell wes presented to the saids Lords and read in thair audience, of the quhilk the tennor followes:—CHARLES R.—Right reverend father in God, right trustie and weilbelovit cousines and counsellers, right trustie and trustie and weilbelovit counsellers, we greit yow well. We being humbelie sued unto in behalfe of Sir Alexander Leslie, knight, for our passe to save him from being troubled in his passage to parts beyond the seas it is our pleasure that to this purpose yow grant unto him anie suche passe as yow sall thinke fitt and necessarie for his saife transportation and as he sall lawfullie and pertinentlie desire, for whiche these presents sall be unto yow sufficient warrand. We bid yow farewell. Frome our mannour of Greenewiche the 30 of June, 1635.”

Warrant for
the release of
John Leith of
Harthill from
the Tolbooth
of Edinburgh.

“Forsamekle as John Leith of Harthill hes found caution and souerty actit in the bookes of Secreit Counsell that he, being fred and releaved of his waired furth of the tolbuith of Edinburgh, where he presentlie remaines, sall compeir personallie before the saids Lords upon the xv

Acta, June
1634-April
1636.
Fol. 92, a.

Acta, June
1634-April
1636.
Fol. 92, b.

day of Januar nixt and underly thair will and pleasure anent suche things as sall be layed to his charge under the pane of three thowsand merkes, as alsua that in this meane time the said Johne sall observe our soverane lords peace, keepe good rule and quyetnes in the countrie with his Majesteis subjects, and that thereby he hes satisfied the saids Lords thair ordinance made to this effect, thairfoir the Lords of Secreit Counsell ordains and commands the provest and bailleis of Edinburgh to putt the said Johne Leith to libertie and fredome furth of thair tolbuith and suffer him pas where he please, notwithstanding anie arrestments made or to be made upon him since the day of his first imprisonment, whereanent the extract of this act sall be to thame ane warrand. And to the effect the said Johne may the more commodiouslie sattel his effaires at home and attend the dyet foresaid the saids Lords hes givin and grantit, and be the tennor hereof gives and grants warrand, libertie and licence to the said Johne to resort and repaire in the countrie and to be untroubled in his person be vertew of anie hornings, captions or commissions whereupon he hes beene warded or anie other warrand for debts till the twentie day of the said moneth of Januar nixt, discharging heirby all shireffs, stewarts and all others his majesteis subjects and officers to burgh and land and als all messengers of armes of all apprehending, arresting or warding the said Johne be vertew of anie of the hornings, captions or other warrand foresaid, discharging, &c."

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie M^r Roger Mouat, advocat, as procurator for the principall and cautioner under subscriyving and gave in the band underwrittin, desyring the same to be insert and registrat in the bookes of Secreit Counsell in maner and to the effect conteanit therein; quhilk desire the saids Lords finding reasonable, they have ordained and ordains the said band to be insert and registrat in the saids bookes of Privie Counsell conforme to the claus of registratioun therein conteanit, of the quhilk band the tennor followes:—Be it kend till all men be thir present letters me, Patrik Leith of Kirktown of Rayne, to become actit and obleist, lykeas be the tennor heiroy I bind and obleis me and my airis as cautioners and souerteis for John Leith of Harthill, that he, being fred and releved furth to the tolbuith of Edinburgh, where he is now prisouner, sall compeir personallie before the Lords of Privie Counsell upon the fyftene day of Januar nixt and underly suche course and order as sall be tane with him in anie thing can be layed to his charge under the pane of three thowsand merkes; and alsua that in this meane time the said Johne Leith sall observe our soverane lords peace, keepe good rule and quyetnes in the countrie with all his Majesteis good subjects under the said pane of three thowsand merkes. And I, the said Johne Leith, bind and obleis me and my airis to warrand, freith, releeve and skaithlesse keepe my said cautioner of his becoming cautioner for me in the premisses and of all pane and danger he may incurre therethrow. And for the mair securitie we ar content and consents thir presents be

Bond by
Patrick Leith
of Kirktown of
Rayne for the
appearance of
John Leith of
Harthill before
the Council on
15th January
next and
meanwhile to
keep the peace.

Fol. 93, a.

insert and registrat in the bookes of Privie Counsell to have the strenth of ane act and decreet of the Lords thair of, with letters and executoriallis to pas thereupon in forme as effeiris; and for registrating heirof makes and constituts M^r Roger Mouat, advocat, our procurator. In witnes whair of we have subscrievd thir presents with our hands, writtin be M^r Johne Callendar, servitour to James Primerose, clerk of his Majesteis Privie Counsell, at Edinburgh the xxij day of July, the yeere of God j^m vj^o and threttie fyve yeeres, before thir witnesses, M^r Williame Oliphant of Kirkhill, M^r Andro Logie, parson of Rayne, George Thomsone, writter, and James Donnaldsoun. *Sic subscribitur*, Patrik Leyth of Kirktoun Rain, Jhon Leithe of Harthill, W. Oliphant, witnes, M. A. Logie, parson of Rayne, witnes, Geo. Thomsone, witnes, Ja. Donaldsone, witnes.

Acta, June
1634-April
1636.
Fol. 93, a.

Edinburgh,
23rd July 1635.

[Sederunt as recorded above.]

Decreta,
April 1635-
February 1639.
P. 44.

Complaint by
Mary Cock-
burn, lawful
daughter of
the deceased
Sir John
Cockburn of
Ormiston,
against her
husband,
David Lundie
of Achtermearnie, for
ill-usage.

Complaint by Marie Cockburne, lawful daughter of the deceased Sir John Cockburn of Ormestoun, Justice Clerk, and spouse to David Lundie of Achtermearnie, as follows:—Some years ago she was married to the said David Lundie and has borne to him six children. She has behaved herself in all dutiful respect to him, "lookeing for ane ansuerable meiting on his part. Nevertheles it is of truthe that the said David, aganis the dewties of mariage and respect quhilk he owed to the gentlewoman's birth, hes this long tyme bygane verie shamefullie and barbarouslie abused her, with the particulars quherof she is loath to trouble his Majesties Counsell. But now at last he hes withdrawin frome her meat, drinke and all others necessars, hes served inhibitions aganis her, discharged his tenants to ansuer her anie thing for enter-teanment of her and her children thair naturall lyves, and at last hes shot the gentlewoman and her childrein to the doores and putt them to beggarie so as they ar lyke to sterve." Both pursuer and defender P. 45. compearing and having been heard, the Lords, "understanding and being trewlie resolved of the unnaturall and unkynd behaviour of the said David Lundie toward his said spous, and that they cannot for the present cohabit togidder in that Christian harmonie quhilk becometh thame," modify to the pursuer for her entertainment four chalders of victual, half bear and half meal, with 200 merks of silver and five dozen fowls to be paid to her yearly during her separation from her husband, from the south-east side of the lands of Achtermearnie possessed by James Melvill as tenant thereof, her entry to be at this present crop of 1635; and this without prejudice of any provision formerly made by the defender to the rest of her children.

Supplication
for protection
by George
Gordon of
Ranie that he
may satisfy
his creditors.

Supplication by George Gordoun of Ranie as follows:—"Out of his preposterous affection" to Sir John Leslie of Wardes and George Gordoun of Neutoun he became cautioner for them in certain sums of money, for which he is now heavily distressed, and all the more so

Decreta,
April 1635-
February 1639.
P. 45.

because of the protections granted to them, which have brought their creditors down upon him. He can get no relief unless he receives the like protection, which accordingly he craves. The Lords grant this until 15th January next, being the date of the protection granted to the Laird of Wardes.

P. 46.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and Francis Wilkiesone, burgess of Lauder, as follows:—The carrying of hagbuts and pistols is straitly prohibited, yet Robert Lauder of that Ilk, William Lauder, his brother, and William Lauder at the Croce, having resolved, out of hatred and malice against the said Francis, to take his life, on 3d July last, when they understood that he had ridden out of the town, lay in wait for him in his own meadow for two hours, and perceiving him coming upon the highway between Erilstoune and Lauder, they, armed with hagbuts and pistols, fiercely assailed him "with ane battoune prepared for the purpose and strake him and his horse thair-with on divers parts of thair bodies." He strove to escape to the next town "be speid of horse," but these persons rode after him, "lighted and drew thair suords and gave him manie cruell wounds on diverse parts of his bodie to the effusion of his blood and perell of his lyffe; and they threaten and avowis if he preasse to take anie of thame with captions, they will putt a paire of bullets in him." Both pursuers and defenders compearing and they and certain witnesses produced by the pursuers having been heard, the Lords find that Robert Lauder lay in wait for and assaulted the said Francis on the highway as alleged, and commit him to ward in the tolbooth of Edinburgh until they release him, the Lords declaring that while he remains there he shall be free of any arrestments for civil debts. Further, the Lords ordain the said Francis Wilkiesone and Robert Lawder to find law surety each to other in the books of Privy Council in 1000 merks; and they ordain ten merks to be paid to each witness, being a horseman, and five merks to each footman by the said Robert Lauder.

Complaint by
Francis
Wilkieson,
burgess of
Lauder,
against Robert
Lauder of that
Ilk and others
for assault.

P. 52.¹

¹ Omitted at
its proper
place in the
Register.]

Supplication by Sir James Leslie, knight, gentleman of his Majesty's Privy Chambers, and Thomas Dalmahoy, servitor to James, Marquis of Hamiltoune, his Majesty's commissioners in the matter underwritten, narrating that his Majesty, considering the great inconvenience and abuse hitherto occasioned in the country by the ungoverned sale and immoderate use of tobacco, which has now grown to that excess that it is generally and promiscuously sold in all places and by all persons at their pleasure, though it is often so rotten and corrupt as to endanger the health of the lieges, was pleased to commit to the supplicants the task of effecting a reformation of the same. To this end he granted unto them a patent dated at Quhythall, 19th April, 1634, by which they are authorised during seven years from the date thereof to license such persons as they shall find fit for retailing tobacco upon such mutual terms as they might arrange. Act and proclamation was thereupon made discharging all other persons from selling tobacco under the

Proclamation
enforcing the
Acts of Parlia-
ment regula-
ting the sale of
tobacco.

penalty of the confiscation of their tobacco and such other penalties as ^{Decreta.} their Lordships should impose. By a later act and proclamation his ^{April 1635-} Majesty, by the advice of their Lordships, modified 100 merks as the ^{February 1639.} fine for all unlicensed persons who should sell tobacco in less quantities than one stone weight, the one-half of which fine was to go to the informer and the other half to the commissioners. These acts and proclamations have been ratified and approven, with several additions made thereto. Further, his Majesty, with their Lordships' advice, has empowered the sheriffs of the shires and other inferior judges within the realm, at the option of the commissioners, to deal with the contraveners of these acts within their several jurisdictions, by commission dated 4th November last and proclamations made thereupon; and by his letter dated at Theobalds, 19th May last, his Majesty willed their Lordships to take effectual order that all magistrates to burgh and land and all heri- ^{P. 53.} tors within this kingdom see his royal proclamations concerning the sale of tobacco strictly observed, and suffer no irresponsible person to remain within their respective jurisdictions who shall be found to contravene the said acts and proclamations. And in respect that the actions to be prosecuted by the supplicants before these inferior judges in this matter will be both "tedious and sumptuous to thame" (the said actions being of so small importance), if the order usual in these inferior judicatories be observed, it will be necessary for their Lordships for remedy hereof, and for the ease of the subjects who live remote from Edinburgh, to grant commission to these inferior judges as after mentioned:—The ^{P. 54.} Lords, after advising, grant therefore commission and warrant to all sheriffs of shires, provosts and bailies of burghs, bailies of bailiaries and regalities and all their deputes, in the option of his Majesty's said commissioners to hold courts and call before them all contraveners of the said acts and proclamations, as well "in feriat tyme of vaccance as session," during the term of the said commission, and deal with such delinquents either by oath of party or probation of witnesses, and to enforce their decrees, doing all things necessary therein, provided that no person is convened "in harvest bot upon oath and that they be callit to suche a place to give oath as they may convenientlie turne home at night." As also their Lordships empower all such judges to proceed against all masters of families, whose wives, children and servants of their knowledge contravene the said acts and proclamations, the masters being answerable for their wives and servants. They also empower the said commissioners to seize all tobacco found in the hands of unlicensed persons, the same to be made forthcoming and the parties to pursue therefor within ten days after the seizure. They ordain all magistrates and inferior judges to concur with the said commissioners in the execution of this commission, and that the commissioners may obtain letters against such to compel them to do the duty of their offices herein, without any ^{P. 55.} dispensation with the penalties and fines mentioned in the said acts and proclamations; all irresponsible persons being committed to ward until

Decreta,
April 1635.
February 1639.
P. 55.

they find caution to forbear and conform. Further, the Lords forbid and discharge all advocacion by contraveners from the said judges to the Lords of Council and Session, or suspending of the judgments given against them by the said inferior judges, discharging the clerk of the bills and his servants from passing any bills of advocacion or suspension in such cases; and if any advocacions or suspensions be granted they must be to the Lords of Secret Council only. And whereas there are several irresponsible persons, residing in different parts of this kingdom, who contemptuously contravene the said acts, the Lords direct that they be imprisoned till they find caution for their obedience and conformity. Publication hereof is ordained to be made at all places needful.

Justices of
Peace, 1612-
1639.
Fol. 65, b.

"Anent the supplicatioun presentit to the Lords of Secret Counsell be Sir Coline Campbell of Glenurquhie and Sir James Campbell of Lawers, makand mentioun that where it hes pleased the saids Lords to make choise of thame to be justices of peace within the shirefdome of Perth, quhilk charge they ar not able to undergoe becaus, as is notour to the saids Lords, they ar both aged and become so infirme and weake that they ar not able to travell aniewhere frome thair awne houses, so that for anie thing that may be expected frome thame that service will be altogidder neglected, humbelie desiring thairfor the saids Lords to exoner the supplicants of the said charge and to putt in thair place Duncane Campbell, fear of Lavinsheth, and Mungo Campbell, fear of Lawers, who ar men of good and sound judgement and able to attend that service, lykeas at mair lenth is conteanit in the said supplicatioun; quhilk being read, heard, seene and considerit be the saids Lords, and they knowing perfytelie the infirmitie and abilitie of the saids Lairds of Glenurquhie and Lawers and that they ar not able to undergoe the charge foresaid, nor to travell aniewhere frome thair awne houses, thairfor the saids Lords hes fred, exonered and releevd, and be the tennor of this present act freiths, exoners and releves the saids supplicants of the charge foresaid and declares thame free thairfor in all time coming. And forder the saids Lords hes nominat, made and constitute, and be the tennour heirof nominats, makes and constitutes Duncane Campbell, fear of Lavinsheth, and Mungo Campbell, fear of Lawers, to be twa of the justices of peace within the said shirefdome of Perth; to witt, the said Duncane in the place of the said Coline Campbell of Glenurquhie and the said Mungo Campbell, fear of Lawers, in place of the said Sir James Campbell of Lawers, and hes adjoynned, and be thir presents adjoynes the saids Duncane and Mungo Campbells to the remanent justices and commissioners of the peace within the said shirefdome, ordaining thame to have voice and place with the remanent justices of the said shirefdome, and to possesse and exerce the said place with als great fredome, libertie and privilege as anie others of the justices of peace within the said shirefdome exerces thair places; commanding heirby the conveenner and remanent justices of peace within the said shirefdome to receave the saids Duncane and Mungo Campbells to be ordinars of thair number and

Edinburgh,
23rd July 1635.
Anent the
supplication
of Sir Colin
Campbell of
Glenurchy and
Sir John
Campbell of
Lawers to be
relieved from
accepting the
office of
Justice of the
Peace in the
Sheriffdom of
Perthshire, to
which the
Council had
elected them.

Fol. 66, a.

to take thair oath for thair faithfull administratioun of thair place and charge, quhereanent the extract of this present act sall be to thame a warrand."

Justices of Peace, 1612-1639.
Fol. 66, a.

Edinburgh,
23rd July 1635.

Sederunt :—Chancellor; Privy Seal; Wintoun; Kingorne; Roxburgh; Dumfreis; Bishop of Edinburgh; Bishop of Ros; Bishop of Dumblane; Justice Clerk.

Sederunts,
January 1635.
November 1643.
Fol. 14, b.

The Earl of Errol and the Earl Marischal to find caution that their tenants will keep the peace.

"The quhilk day the Lords, being informed of some disorder latelie fallin furth betuix the tennents of the Earles of Erroll and Mairshell, and the saids noblemen being callit to thair ansuer, the Lords for preventing of further trouble and keeping of the peace ordanis both parteis to find lawborrowes to others under the pane of twentie thowsand pundis and ordanis thame to produce thair cautioners to the Counsell in the afternoone."

The new process of tanning.

"The burrowes promeist to delegat some of thair number to meit with the Earle of Mar the morne at nyne of the clocke to conferre with him and to give him satisfactioun anent the mater of the tannage."

Edinburgh,
23rd July 1635,
post meridiem.
The sale of tobacco.

"The quhilk day Sir James Leslie, having givin in a bill containing certane orders for regulating the sale of tobacco, the Lords remitts the consideratioun thair of to the Advocat, ordaining him to report his judgement anent the justice of his desire."

Fol. 15 a.

The Marquis of Huntly.

"The Lords continewes the Marques of Huntlies appearance till Tuisday nixt."

Edinburgh,
28th July 1635.

Sederunt :—Chancellor; Privy Seal; Glasgow; Erroll; Mairshell; Mar; Murrey; Wintoun; Kingorne; Roxburgh; Lauderdaill; Stirline; Tracquair; Belheaven; Bining; Lord Alexander; Bishop of Ross; Bishop of Dumblane; Lord Naper; Clerk Register; Justice Clerk.

Acts, June 1634-April 1636.
Fol. 93, b.

The Marquis of Huntly.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie George, Marques of Huntlie, for obedience of the act made to this effect."

Caution by Mr William Chalmers, Treasurer clerk, for Allan M'Eanduy.

"The quhilk day in presence of the Lords of Secreit Counsell compeired personallie M^r Williame Chalmers, Thesaurar clerk, and become actit and obleist as cautioner and souertie for Allane M^eEanduy that he shall compeir personallie and exhibite with him his sone, Johne Camron, before the saids Lords upon Thursday nixt, under the pane of fyve thowsand merkes."

Caution by James Gordon of Letterfourie and Donald Farquharson of Monaltrie for Rannald M^rRannald of that Ilke.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie James Gordoun of Letterfourie and Donnald Ferquharson of Monaltrie, and become actit and obleist as cautioner and souertie for Rannald M^rRannald of that Ilke and Angus Camron, tutor of Glenneveis, that they sall compeir personallie before the saids Lords upon Thursday nixt under the pane of fyve thowsand merkes."

Acta, June
1534-April
1636.
Fol. 93, b.

"The quhilk day in presence of the Lords of Secreit Counsell com-
peired personallie Sir Johne Grant of Freuchie, and become actit and
obleist as cautioner and souertie for Johne Murrey of Glenstrae and
Patrik Murrey, his brother, that they sall compeir personallie before the
sajds Lords upon Thursday nixt under the pane of fyve thowsand
merkes."

Caution by Sir
John Grant of
Freuchie for
John Murrey
of Glenstrae
and Patrik
Murray, his
brother.

Fol. 94, a.

"Anent our soverane lords letters direct, makand mentioun,—Forsa-
mekle as the Lords of Privie Counsell hes thought it meit and expedient
for the better preserving of his majesteis peace and restraining the
misrule and insolenceis of the lawlesse and insolent persons in the
Hielands that the hail landslords and chiftans of clans in the Hielands
sall be putt under caution for making thair men, tennents and servants
and suche as they ought to answer for obedient to the lawes and for
redresse and satisfacioun of parteis skaithed, conforme to the acts of
parliament made thereanent, and anent the charge given to Malcolme
McFarlane of Gartavertoun, Walter McFarlane, his sone, and George
Buchanan, appearand of that Ilke, to have compeired personallie before
the Lords of Privie Counsell this present 28 day of July instant, pro-
vided to find the said cautoun and souertie conforme to the saids acts of
parliament in all points under the pane of rebellion, &c., with certifica-
tioun, &c., lykeas at mair lenth is conteanit in the saids letters, execu-
tions and indorsations thair of; quhilks being callit and Sir Thomas
Hope of Craighall, knight baronnet, compeirand personallie for his
Majesteis interesse, and the said Malcolme and Walter McFarlans and
George Buchanan being oftymes callit and not compeirand, the
Lords of Secreit Counsell ordains letters to be direct to denunce
thame our soverane lords rebels and putt thame to the horne and to
escheit, &c."

Malcolme
McFarlane of
Gartavertan
and others to
be denounced
rebels for
failing to
present them-
selves before
the Council in
accordance
with the Acts
of Parliament
anent the
responsibility
of Highland
landlords for
their dependen-
dants.

Fol. 106, a.¹

[¹Omitted at
its proper place
in the
Register.]

"Anent the supplication presentit to the Lords of Secreit Counsell be
George Baird of Auchmedden, shireff principall of Bamf, makand mention
that where, upon the secund day of Aprile last, by warrand frome the
sajds Lords he manned and fortified the hous of Rothemay with poulder,
bullet and 24 souldiours with thair necessar furnishing, who remained
there be the space of sevin weekes, and for the space of foure weekes
thereafter till the fyfteene of Junij that the Marques of Huntlie by
warrand frome the saids Lords receaved the hous, the same was kept
be sax souldiours, all furnished in maner conteanit in the supplicants
compt, quhereby it will appeare that besides the dewteis lifted frome the
tennents of Rothemay the supplicant hes beene at the charge and
debursement of nyne hundreth fourescore three pundis nyne shillings of
his owne proper moneyes by and attour the charges of the taking and
transporting of the Ladie Rothemay and others rebellis fra time to time
as alsua in the persute and searching for the brokin men and others
imployments as his Majesteis service required; and whereas by act of
Counsell of the 15 of Januar last and by ane letter direct to the suppli-

Act ordaining
that George
Baird of
Auchmedden
shereff-princi-
pal of Bamf
be indemnified
for his
expenses in
connection
with his
services
against the
rebels in the
North.

cant for delyverie of the hous to the Marques of Huntlie the saids Lords ^{Acta, June 1634-April 1636.} hes declared that the charges bestowed be the supplicant upon taking ^{Fol. 106, a.} and keeping of the said hous sall be thankfullie repayed upon his accompts, and seing he hes used his best moyen, freindship and endeavoures to approve his dewtie and obedience to the saids Lords in this service, humbelie desyring thairfoir the saids Lords by act of Counsell to approve and allow of his said service and to give order for reall and tymous payment to him of his debursements according to his accompt, lykeas at mair lenth is conteanit in the said supplicatioun. Quhilk being read, heard and considerit be the saids Lords and they advised therewith, the Lords of Secreit Counsell allowes and approves of the said supplicant his service foresaid and hes recommendit and be the tennor heirof recommends to Johne, Erle of Tracquair, deputie thesaurar of this kingdome, the payment and satisfaction of the supplicant according to his accompt after tryell and consideration of the same and warrands thairrof."

Edinburgh,
28th July 1635.

[Sederunt as recorded above.]

Decreta,
April 1635-
February 1639.
P. 47.

John Bairdie
of Selvedge
relieved from
a process—his
pursuer having
failed to
appear.

This day John Bairdie of Selvedge, appearing before the Lords, produced a summons against him at the instance of William Blaikburne, bailie of Innerkeithing, for the alleged "staying of the said William his pleuche," and protested that as he had attended on this action these four Council days, and no compearance had been made for his pursuer, no further process should take place until he were warned of new and his expenses paid. This protestation the Lords admit.

Complaint by
David Seton,
servant to the
Laird of
Frendraucht,
against John
Leslie of
Pitcaple and
others for
assaulting the
complainer in
the Canon-
gate, Edin-
burgh.

Complaint by David Seatoun, servant to the Laird of Fendraucht, and by the said Laird for his interest, as follows:—The pursuit and invasion of any of his Majesty's subjects within the burgh of Edinburgh or within a mile of the residence of the Council is straitly discharged by act of Council and proclamation; yet John Leslie of Pitcaple, James Leslie of Aquhorteis, Alexander Leslie, his brother, John Leslie of Balquhen and Hector Abercrombie of Fetterneir, out of a deadly hatred to the said Laird of Fendraucht and his servants, having resolved to commit some desperate attempt upon them, on 22d instant, about 6 o'clock at night, lay in wait for the said David near the head of the Cannogait to take his life. "Understanding the tyme of his comeing up the Cannogait, being accompanieing William Coustine, his brother in law, in the solemnizing of his marriage, the said Allexander and James Leslies, or ever he wes awar, entered on the said David, and toukit him, and thairafter drew thair suords and whingers, and cruellie persewed him of his lyffe, strake out a number of straits at him and hes woundit him to the effusioun of his blood; and were not the assistance of the people of the toun, who concurred for his releiffe, they had undoubtedlie killed him." Pursuers and defenders both compearing, and the Lords having heard parties and witnesses, find that the said Alexander Leslie assailed the said David

Decreta,
April 1635-
February 1639.
P. 48.

P. 49.

with a drawn sword, and fine him for this £20, which he is to pay to the said David; and they ordain him to be committed to ward within the tolbooth of Edinburgh until he pay the same. The Lords, however, assoilzie the other defenders, against whom nothing was proved; but require the parties to find law surety to each other in the books of Secret Council, David Seatoun and John Leslie of Pitcaple, each in £1000, James Leslie in 1000 merks, and the said Alexander Leslie in 500 merks.

James Creichtoun of Fendraucht becomes cautioner for David Seatoun, his servant, that he will not molest John Leslie, younger of Pitcaple, James Leslie of Aquhorties and Alexander Leslie, his brother, nor any of theirs, except by order of law and justice, under the penalty of £1000.

Caution by the
Laird of Fren-
draucht for
David Seatoun,
his servant.

Mr Alexander Ramsay of Pitgarvie becomes cautioner for John Leslie of Pitcaple in £1000, for James Leslie of Aquhorties in 1000 merks, and for Alexander Leslie, brother of the said James, in 500 merks, that they will not molest the aforesaid David Seatoun, nor any of his, other-
wise than by order of law and justice: with clause of relief.

Caution by Mr
Alexander
Ramsay of
Pitgarvie for
John Leslie of
Pitcaple.

P. 55.¹

[¹ Omitted
from its proper
place in the
Register.]

Complaint by Janet Dowglas in Laroche and Alexander and Robert Maxwell, her sons, as follows:—On August, 1630, Patrick Agnew in Barmail, Alexander McClain in Casduchane, and others their accomplices, armed "with suords, battons and bandit stalves," came to the lands of Laroche and "violentie shoore, led, and away tooke a great quantitie of the compleaners cornes and beir, cruellie hurt the said Jonet, ane aiged woman, with thair wapons and hands and feit to the effusion of her blood, rugged the haire out of her heid, and so birsed and bruised her that she lay bedfast a long tyme thairafter. And upon the day of September, 1632, the said Patrick, accompanied with Allexander McLaine and Andro McIlheuche and with tua great mastise dogs, came to the lands forsaid, wirried and hundit the number of sextene sheepe with ane naig and meir quhilks they almost killed. And upon the day of October thairafter the said Patrick, with others his complices boddin with suords, bandit stalves, rungs and dogs, came to the compleaners saids lands, hundit thair dogs at fyve of the compleaners oxin and cruellie raive thair luggs and heids, draive and laired thame in a filthie boig almost over the heid and then battoned thame, and so birsed and bruised the saids beasts that shortlie thairafter they perished. And thairafter they came to the saids lands, and violentie reft away tuentie thraive of corne. And upon the

Complaint by
Janet Douglas
in Laroche and
her sons
against Patrick
Agnew in
Barmail and
others for
injuring the
property of the
complainers,
assault, and
hamesucken.

P. 56.

day of December thairafter the said Patrick came to the compleaners servants, when they were teilleing, and forced thame to remove thair pleuches and leive thair lawbouring. And upon the day of November, 1633, the said Patrick, with others his complices boddis, as said is, came be way of haimsuckin to the said Allexander his dwelling hous, brake up the doores thair of, entered within the same, searched for the compleaner, stogged the beds and brake the hail plenishing of the hous, and maisterfullie reft away 13 sheepe skinnies. And upon the day

of thairafter the said Alexander, being going out the hie way, the said Patrick came runing on him and with a rung feld him deid to the ground, and then went and tooke away ane gray naig perteaning to the said Allexander, raid and spoylled the same at his pleasure. Lykeas upon the day of Marche he came to the compleaners lands when he had teilled the same and, without order of law, sew and harrowed the said lands And, when the said Allexander desired him to forbeir such courses, he feircelie sett upon him and with his faldit neives cruellie woundit him in the head to the effusion of his blood." Charge having been given to the said Patrick Agnew and Alexander McClaine, and the said Janet Douglas and Alexander Maxwell appearing for themselves and in name of the said Robert, as pursuers, but the defenders not compearing, the Lords, after hearing the pursuers and their witnesses, find it proved that the said Patrick Agnew came to the said Alexander's dwelling house, broke up the doors and took away the skins libelled; that he hounded his dogs at the pursuer's sheep and oxen, and "hurt, wound and byt thame and that the dogs wirried sixtene sheepe," that he "strake and dang the said Jonet Douglas and Robert Maxwell, her sone, and that he poyndit the horse and raid thairupon at his pleasure"; for which they ordain him to be charged to enter himself in ward within the tolbooth of Edinburgh within six days and there remain until they relieve him; failing which he is to be put to the horn and escheated.

Decreta,
April 1635.
February 1639.
P. 56.

Supplication by Sir George Ogilvie of Carnowseis for continuance of protection that he may satisfy his creditors.

Supplication by Sir George Ogilvie of Carnowseis, as follows:—The protection granted to him and his cautioners for the selling of his lands and paying of his debts expires on 1st August and the completion of the negotiations to this end will require some further time. This he accordingly craves, and the Lords grant him until 31st December next.

Edinburgh,
28th July 1635.
The Coinage
Commission.

"The Lords appoints a meeting for the coyne the morne at foure of the clocke in the afternoone."

f Sederunta,
January 1635.
November
1643.
Fol. 15, a.

Allan
M'Eanduy.

"The quhilk day Allane M'Eanduy, compeirand, wes ordained to remaine in Edinburgh till he be releaved."

The Fishery
Commission.

"Ordains Sir Donnald Gorme and McClaine to attend the committee for the fishing upon Fryday at nyne of the clocke."

Edinburgh,
30th July 1635.

Sederunt:—St. Andrewes; Glasgow; Privy Seal; Erroll; Mairshell; Mar; Murrey; Winton; Kingorne; Roxburgh; Dumfreis; Stirline; Tracquir; Southesk; Bishop of Edinburgh; Bishop of Ros; Bishop of Dumblane; Lord Bining; Lord Naper; Clerk Register; Advocate; Justice Clerk.

Acta, June
1634-April
1636.
Fol. 94, a.

The Lordship
of Torphichen.

"The Lords of Secreit Counsell continewes the advising of the processe anent the erectioun of the lordship of Torphichen till the first Counsell day of November nixt, quhair of the Lord Torphichen and his Majesteis Advocat, being personallie present, ar warned *apud acta*."

Acta, June
1634-April
1636.
F.d. 94, a.

"The whilk day Johne Murray, *alias* M^cGregour, Patrik Murrey, his brother, Rannald M^cRannald, younger of that Ilke, Angus Camron, tutor of Glenneveis, Allane M^cEanduy of Lochyell, Johne Camron, his sone, and Alaster M^cDonnald of Glencoe wer committed to waird within the tolbuith of Edinburgh till they find cautoun for observing of the acts of parliament conforme to the Generall Band, and the saids Lords declares thame free of all arrestments during thair remaining in the said waird for this caus."

John Murray,
alias
M^cGregor,
and others
committed to
ward till they
find caution.

[Sederunt as recorded above, omitting Lord Naper.]

Edinburgh,
30th July 1635.

Decreta,
April 1635-
February 1639.
P. 50.

This day there compeared before the Lords William Hendersone of William Holland, Henrie Hendersone of Cleat and William Monypennie, messenger, and producing a summons against them by Sir Thomas Hope of Craighall, his Majesty's Advocate, and James, Malcolm and Matthew Maxwell in Mariekirk, for their coming to the ground of Howsbie, armed with hagbuts, pistols and other weapons, "brakeing up the doores, spoyling the cornes and scattering the same on the middings, ryveing aff the bands and cruiks aff the doores and for invading and persewing the persons forsaides with drawin rappers and halding bendit pistolets to thair breasts," protested that, as no one appeared to prosecute the charge to which they were now ready to answer, no further process should be allowed against them for the same without new citation and the payment of their expenses. This protestation the Lords admit.

Henderson of
Holland and
others relieved
from a process
—their pur-
suers having
failed to
appear.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, William Monypennie, messenger, and Mr Robert Hendersone, party grieved, as follows:—The carrying of hagbuts and pistols and the deforcing of messengers in the lawful execution of their office is a grievous offence, yet, when the said Mr Robert, having on 30th July 1634 obtained a decree before the Lords of Session against James Maxwell of Mariekirk and Malcolm Maxwell, his son, for payment of certain sums of money therein specified, and raised letters of horning thereupon, the execution of which he committed to William Monypennie, messenger, proceeded to poind some corn belonging to them standing upon the lands of Howsbie, and caused appraise the same by famous persons on the 9th and also upon the 15th of March last, the latter occasion being before noon in time of divine service, and though he offered the said corns that day to the said James and Malcolm Maxwell for payment of the sums at which they were comprised, and which they refused, when upon the following day the said messenger returned to these lands, "with horses, cairts and slaides to have medlit with the cornes and lookeing for trouble of no man, the saids James and Malcolm Maxwell, Mathow Maxwell, John Thomesone in Cleat, and Nicoll Stevinson there, all boddin in feare of warre with hacquebuts, pistolets and long-stalves, came to the said messinger, invadit and persewit him and his witness of thair lyves, gave thame manie blae and bloodie straike and reft the

Complaint by
William
Monypennie,
messenger, and
Mr Robert
Henderson,
party grieved,
against James
Maxwell of
Mariekirk and
Malcolm
Maxwell, his
son, for carry-
ing prohibited
weapons and
preventing the
said William
from executing
his office on the
goods of the
said James and
Malcolm
Maxwell.

cornis frome thame." The pursuers compearing but none of the defenders, the Lords, after examining the pursuers' witnesses, find that the defenders "cutted the seks quhairin the cornes apprysit were and that they intromettit with the same, and that they had hacquebuts and pistolets in thair companie," and ordain them to be charged to enter themselves in ward within the tolbooth of Edinburgh within 30 days, and there remain until they release them, upon pain of horning.

Edinburgh,
30th July 1635.
Caution by Mr
William
Cunningham
of Broomehill
for M^cFarlane
and his son.

"Mr William Cuninghame of Broomhill, cautioner for M^cFarlane and his sone ay and quhill they sall report ane band subscriyved be the Laird of Newwarke, Ardincaple, Foulwod, or Beltreis or anie of thame for observing the acts of Parliament made aganis landslords and chiftans of clannes or that otherwayes that they enter thame before the Counsell."

Decreta,
April 1635.
February 1639.
P. 52.
Sederunts,
January 1635.
November
1643.
Fol. 15, b.

Edinburgh,
30th July 1635.
Anent the
same.

Bond of caution by Mr William Cuninghame of Broomhill for M^cFarlane, elder of that ilk, and M^cFarlane, fiar thereof, that they will observe the acts of Parliament made anent landlords (*ante*, p. 26); with clause of relief. The Lords ordain this bond to stand in force until the Laids of M^cFarlane produce a bond of the like tenor subscribed by the Laids of Newark, Ardincaple, Foulwod or Beltreis, or any of them, as cautioners for them, and that the said Mr William Cuninghame exhibit the said Laids before the Council. (Not signed.)

Acts anent the
Marches and
Isles.
Fol. 50, a.

Edinburgh,
1st August
1635.
Alexander
Hamilton of
Haggs and
others
appointed
Justices of the
Peace in the
Sheriffdom of
Lanarkshire.

"Forsamekle as the Lords of Secreit Counsell ar informed that Alexander Hamiltoun of Haggis, Johne Hamiltoun of Udstoun, James Winrame of Woustoun and Archibald Stewart of Hessilsyid ar men verie weil affected to his Majesteis service and peace of the countrie, and ar of good knowledge, judgement and experience to undergoe the place of justices of peace within the shirefdome where they dwell, thairfoir his Majestie, with advice of the Lords of his Privie Counsell, hes made and constitute, and be the tennor heirof makes and constituts thame justices of peace within the shirefdome of Lanark, and hes adjoynned and adjoynes thame to the remanent commissioners and justices of peace of the said shirefdome with als great fredome, priviledge, warrand and auctoritie as they or anie others justices of peace within this kingdome bruikes and injoyes thair offices be vertew of the commissioun grantit to thame be his Majesteis patent under the great seale, and with als great auctoritie and jurisdiction as if thair names wer particularlie insert in the said commissioun, with power to thame to use and exerce the said office in all the liberteis and priviledges thair of and to concurre and joyne with the remanent justices of peace with thair best advice and counsell in all and everie thing tending to the forderance of his Majesteis service, keeping of the peace of the countrie and execution of the said commission; commanding heirby the conveenner and remanent justices of peace of the said shirefdome at thair first meiting to receave and admitt the persones foresaids to be of thair nomber and to grant thame voice and place amongis thame as if they

Justices of
Peace, 1612.
1639.
Fol. 66, a.

Fol. 66, b.

Justices of
Peace, 1612-
1639.
Fol. 66, b.

had beene particularlie insert in the commissioun foresaid and to take thair oath for the faithfull discharge of the said service, anent the doing quhairof thir presents sall be to thame ane warrand."

Decreta,
April 1635-
February 1639.
P. 57.

Sederunt :—Chancellor; Erroll; Mairshell; Mar; Murray; Win-
toun; Kingorne; Roxburgh; Dumfreis; Southesk; Traquaire;
Belheaven; Binning; Alexander; Bishop of Edinburgh; Bishop
of Aberdene; Bishop of Ros; Lord Naper; Clerk Register;
Advocate; Justice Clerk.

P. 58.

Complaint by Violet Dauline, widow of James Home, skipper in Leith, and Thomas Dauline, son of Mr John Dauline, advocate, as follows :—
The said deceased James was intrusted with the custody of "the evidents and writs of the said Hospitall of Leith and the chartour kist wherein some of the saids evidents were kepted." Shortly after his death Alexander Hay in Leith and David Logane there, came to the said Violet Daulin's house and took away "the said kist with the writs being thairin; and thairafter pretending that they wanted some of thair writs they came upon the day of to her said dwelling, and violentlie brake up her kists, coffers and others lockfast loomes, tooke furthe thair of her writts and what other things they pleased, and becaus, as they affirmed, she would not delyver to thame some evidents and writs belonging to the Hospitall, quhilk they alledgit were in her husbands hands, they threatned with manie fearfull oaths to take her husbands corps out of the grave and to lay the same among the deid horse in the Links of Leith to be consumed and destroyit be dogs and beasts; as also that they sould caus harle her selfe out of her hous on ane sled and laye her in the theives hole, tortor her in the boots, and at last procure ane warrand frome the Kings Majestie to persew her before the Justice and then to caus burne her quicke, as also that they sould cutt the said Thomas Dauline, her brother sone, in collops, and thairafter burne his hous above his head, unles he sould subscribe ane submission togidder with ane band drawin up be thame and certane others writs quherof she nether knew the tenor nor substance; quhilks, for the just feare of her lyffe and of the crueltie threatned against her umquhile husband and brother sone, she wes forcit to subscribe. Howbeit the said Allexander Hay had the best part of these writs in his keeping, as namelie the fundation Signature of the Hospitall of Leith, for delyverie quhairof he soucht fyve thousand merks. Quhilk being a mater of dangerous preparative, quherof she is persuadit the saids Lords would take notice and not suffer ane simple woman of seventie foure years of age thus to be wronged so neir the residence of the seat of justice." Charge having been given to the said David Logane and Alexander Hay to appear and produce the foresaid extorted deeds and see them cancelled, and answer to the complaint laid against them, and both pursuers and defenders compearing before the Lords on 14th July last, when there

P. 59.

was produced by the defenders the foresaid submission and decret for an extract of which they protested; and the said Thomas Dauline produced certain bonds and assignations made thereof in favour of the Hospitall of Leith, viz. (1) Bond by Archibald Drummond of Gibles-toune to James Home, skipper in Leith, and Violet Dauline, his spouse, for 500 merks, which with the yearly interest of 25 merks he promised to pay to them and their heirs and assignees before Whitsunday last, dated at Edinburgh 10th December, 1634: (2) Bond by Robert Maistertoune, burgess of Edinburgh, to the said James Home and Violet Dawline, his spouse, for 2000 merks payable at Whitsunday, 1635, for which Adam Scot, merchant burgess of Edinburgh, is cautioner, dated 11th December, 1634: (3) Bond by James Liddell, indweller in Leith, to the said James Home for 500 merks, payable at Martinmas, 1629, dated at Leith 6th June, 1629: (4) Bond by Nicol Moncreiff, portioner of Achtermuchtie, to the said James Home for 1000 merks, payable at Whitsunday, 1628, dated at Leith 1st October, 1627: (5) Bond by James, Earl of Abercorne, Claud Hamiltoun, his brother german, and Thomas Seatoune, brother german to the Earl of Wintoune, to the said James Home for 2000 merks, payable at Whitsunday, 1631, dated at the Cannogait 21st December, 1630: (6) Bond by Thomas Ker of Ancrum, as principal, and Sir John Steuart of Traquaire, now Earl of Traquaire, William Ker of Sinnells and James Ker of Over Chatto as cautioners, to the said James Home for 1000 merks, payable with the interest thereof at Whitsunday, 1625, dated at Edinburgh 27th November, 1624: (7) Bond by George Hagie, skipper in Leith, and the said James Home as his cautioner, to David Logane, skipper in Leith, for 500 merks, payable at Martinmas, 1630, dated at Leith 15th September, 1630: (8) Bond by Mr William Chalmer, Treasury Clerk, P. 60. and Mr Patrick Forrest, his cautioner, to the said James Home and Violet Dauline, his spouse, for 1000 merks, payable at Whitsunday, 1635, dated 15th December, 1634: (9) Bond by Mr James Gordoun, writer in Edinburgh, to the said James Home and Violet Dauline for 400 merks, payable at Whitsunday, 1635, also dated 15th December, 1634: (10) Assignation by the said James Home to . . . of a bond for 400 merks due by the said Mr James Gordoune, dated 28th May, 1632: (11) Assignation by the said James Home to the masters and skippers, indwellers on the south side of the Brig of Leith, of the bond foresaid due to him by Mr William Chalmer and his cautioner for 1000 merks, dated at Leith 28th June, 1632: (12) Assignation by the said James Home to the said masters and skippers of the foresaid bond by Archibald Drummond, dated 20th January, 1629: (13) Assignation by the said James Home to . . . in name and behalf of the masters and skippers in Leith of the foresaid bond by Robert Maistertoune, dated at Leith 1st August, 1633: (14) Assignation by the said David Logane, skipper in Leith, to . . . in name and behalf of the said

Decreta,
April 1635.
February 1639.
P. 59.

Decreta,
April 1635.
February 1639.
P. 61.

masters and skippers in Leith of the bond made by the said George Hagie and his cautioner, dated at Leith 4th January, 1631: (15) Assignment by the said James Home to . . . in name of the said masters and skippers in Leith of the bond foresaid made by Thomas Ker of Ancrum and his cautioner, dated at Leith 31st August, 1630: (16) Assignment by the said James Home to . . . in name and behalf of the said masters and skippers of the bond foresaid made by the Earl of Abercorne and his cautioners, dated at Leith 28th December, 1630; (17) Assignment by him to . . . in their behalf of the bond by Nicol Moncreiff, dated at Leith 31st August 1630, and (18) Assignment of a bond by Samuel Jonstoun of Elphinstoun to James Home for 1000 merks, dated 31st August, 1633: upon production of all which the said Alexander Hay asked instruments. Further, the pursuers produced witnesses to prove their complaint; whereupon the Lords, in consequence of "the manie great affaires occurreing at this tyme," appointed David, Bishop of Edinburgh, and Adam, Bishop of Dunblane, to examine these witnesses, and take trial of the complaint and report to the Council this 3rd day of August. Parties again compearing and the depositions of the witnesses before the said two bishops having been read and considered, the Lords assolzie the defenders as nothing was proved against them. "And the saids Lords, being verie carefull to have the truthe of this mater exactlie tryed and fund out, wherthrow the said Hospitall be not defraudit of that whiche is dew unto it, nor the saids persewers underly the aspersions and imputations that are layed upon thame," ordain the foresaid Submission and Decreet to be registered in the Books of Secret Council. Moreover, as both parties consent to the Lords of Privy Council being their judges in this matter, their Lordships ordain the said Violet to have a suspension of the charges to be raised and executed upon this decreet against her, she finding caution to pay whatever after trial shall be found due by her to the Hospital and poor. And the Lords nominate and appoint Thomas, Earl of Hadinton, Lord Privy Seal; Thomas, Lord Binning, his son; and David, Bishop of Edinburgh, or any two of them, to hear parties upon the reasons of the said suspension and report to the Council what they find therein; empowering them to call the parties and witnessess before them and "to proceed to the tryell and discoverie of the truthe of this bussines be imprisonement or otherwayes as they sall thinke good."

Registration by Mr Patrick Prymerose and Mr Samuel Gray, Registration of a submission by Violet Dauline, widow of James Home, skipper in Leith, for herself and as executrix and universal intromitrix with the property of her said late husband and herself, and with what was in his custody, and taking burden upon her for Thomas Dauline, son of the deceased Mr John Dauline, advocate, and for all others who had, have or shall have factory, commission or trust of her or the said deceased James Home, or

assignations or translations or other right whatsoever from her or her
 said husband to meddle with the above property, either pertaining to
 themselves or to any other persons and in special to "the Hospitall and
 seafairing men and poore thair of and maisters, skippers, mariners and
 saillers in Leith," on the one part, and David Logane, skipper in Leith,
 for himself and in name and behalf of the whole remanent mariners,
 sailors, skippers, masters and poor decayed people of the seafairing
 trade, inhabitants of Leith, on the other part, to the arbitration of Mr
 John Elphinstoune, indweller in Leith, James Jonstoune there, John
 Kello, maltman there, John Luickup, skipper there, Alexander Hay,
 now resident in the town of Leith, and David Robertstone, skipper in
 Leith, or any four of them, as mutually chosen by both parties in
 reference to "All and quhatsomever evidents, writs and securities, debts,
 soumes of money and gold and uthers quhatsomever perteaning
 and before did perteane or sall perteane to the said Violet and
 her said umquhile spous, James Home, and to the mariners,
 maisters, skippers, saillers and poore of thair calling, inhabitants
 within this toun of Leith, and there Hospitall, or that were in
 the possession, custodie or keeping of the said umquhile James Home or
 the said Violet Dauline or in the custodie of anie other person or
 persons, either made, granted or conceavit in thair awne favors or to
 the behove or in favors of the said umquhile James Home or the said
 Violet, or to her or his aires, executors and assignayes or in the name
 and to the behove of the said Violet or her said umquhile husband, to
 the behove of the said Hospitall and poore and other forsaidis, or in
 thair awne names entrusted to the behove and use of the said poore and
 Hospitall and others foresaidis in Leith; and anent what writs, evidents,
 securities, soumes of money and others quhatsomever, particularlie and
 generallie above specifeit, the said Violet Dauline for herselfe and in
 name and behalfe or takand the burden on her, as said is, salbe haldin
 or obleist to make furthcommand, present and exhibit and pay and
 delyver to the said David Logane, his aires, executors or assignayes to
 the behove and use forsaid thairanent; and anent the haille estate, bands,
 writs, securities, evidents, soumes of money and others whatsomever,
 perteaning or that did perteane or sall perteane to her or to her said
 umquhile husband or to the said hospitall, poore and others forsaidis in
 Leith, quhilks are presentlie in the hands and possession of the said
 Thomas Dauline in Edinburgh or quhatsomever other person or persons;
 quhilk writs, evidents and others forsaidis perteaning to her selfe or to
 her said umquhile husband, and speciallie to the said hospitall, poore and
 others forsaidis were and are abstracted and taken away unjustlie out of
 her hous in Leith be the said Thomas Dauline and as yit ar in his hands
 and possession, quhilk fra her heart now she repents, and desyres and
 sall caus produce fullie before the saids judges or anie foure of thame, or
 the odman and oversman to be elected be thame or anie foure of thame,
 the haille writs and others forsaidis perteaning, as said is, quhilk sall

Decreta,
 April 1635.
 February 1639.
 P. 62.

P. 63.

Decree,
April 1635.
February 1639.
P. 63.

be fund sall [*sic*] perteane, as said is; and anent what securitie sall be made, given and granted be the said Violet for her selfe and takand burdene on her in maner forsaid, as said is, to the said David Logane and his abone written to the behoove and use, as said is, anent the præmisses; and anent quhat discharges sall be granted upon the resset thair of be the said David Logane upon the resset of the same; and anent quhat sall be done be either of the saids parties to others anent or concerning the præmisses, as at more lenthe speciallie sall be conteanit in the clames to be given in be either of the saids parties *hinc inde* before the fornamit judges arbitrators, quhilk clames are heirby declarit to be als sufficient in all respects as if the samyne were at lenthe insert heirintill." The beforesaid judges accept the duty and undertake in case of disagreement to elect an oversman whose decision shall be final; and both parties agree to accept this decision as final and not to appeal against the same; also to register this deed in the books of Secret Council or Session, for doing whereof they appoint Mr Patrick Prymerose and Mr Samuell Gray, advocates, their procurators. The Submission, which was written by David Andersone, notary at Leith, is dated 9th, 11th, and 12th May, 1635; witnesses, James Mathesone, elder, Patrick Smetoun, Henrie Borthuick and Bartilmew Vertie, maltmen in Leith, Thomas Drysdail, indweller there, and William Smetoun, baker there, who attest the subscription of the said Violet Dauline on 9th May, and some of these with Andrew Burne, notary, and the said David Andersone attest the signature of David Logane on the same day. Follows the Decreet Arbitrall. Mr John Elphinstoune in Leith, Alexander Hay, resident there, James Jonstoune, maltman there, John Luikup, skipper there, and David Robertsoune, skipper there, as judges arbitrators appointed and accepting as above, having heard, seen and considered the claims, rights, reasons and allegations of both parties, "and having taken trew tryell of diverse others persons who had knowledge and insight in the government of the said hospitall," and of the estate belonging thereto and to the poor thereof of the seafaring calling, inhabitants of Leith and indwellers "within the parish of the South Kirk of Leith and Restalrig in common allanerlie for helping to defray thair common and voluntar burdings and to helpe and supplie the brethren of that trade and calling and others persons perteaning to that trade and calling alsweill who remaines furthe and out of the said hospitall, as within the same, induellers within the said parish allanerlie," decern and ordain the said Violet Dauline to pay and deliver to the said David Logane, in name and behalf of the said hospital, 6000 merks before 8th July next, with £1000 additional in case of failure and current interest while the same is unpaid, for payment of which the said David Logane and his heirs and assignees shall have right to pursue; further, they ordain the said Violet to pay to the said David Logan in the behalf foresaid 21,200 merks before 8th July next, with 5000 merks additional in case of failure and current interest while

P. 64

P. 65

P. 66

P. 67

unpaid ; for which likewise he shall have right to pursue ; further, they ^{Decreta,} ordain the said Violet to produce and cause all others who have the ^{April 1635.} same to produce to the said David Logane and his foresaids " all tickets, ^{February 1639.} compts, compt books, print books of navigation, and all other evidents, writs and securities quhatsomever," which they have, had, or were " in the custodie and keeping and within the lockfast kist perteaning to the uses forsaid's respective within the said Violet Dauline her duelling hous in Leith " at the time of her said husband's death or of his sickness whereof he died, and which belong to the said hospital, and have not already been exhibited and delivered up and in the possession of the other party " except the rights, bands and assignations of money and soumes of money and gold perteaning and belonging, as said is, to the common uses respective abone specifeit taken away, intronettit with and in the possession of the said Violet Dauline and these for whome she hes taken burdene and belonging to the said hospitall and common uses respective abone specifeit," which are already dealt with in the above payments : Also they decern the said Violet Dauline and her fore- ^{P. 68.} saids to grant a sufficient general discharge of all debts and others which she may claim from or against the said David Logane or others of his party, which discharge she and those for whom she takes burden are to warrant and defend in terms of this decret against all deadly : further, ^{P. 69.} if Violet Dauline fail in prompt payment of the above sums, they decern her to pay £1000 Scots to the said David Logane in name of damages *toties quoties*, and for his expenses in suiting the same, which sum he shall discharge simply by his oath and hand writ *in cumulo* without being required to detail how the same was spent ; and, finally, they ordain the said David Logane to grant sufficient discharges to the said Violet Dauline and others concerned upon the fulfilment of the terms of this decret, which she is to accept as sufficient for her and ^{P. 70.} them. Moreover, they are to use and enjoy the said submission only in so far as it shall not be prejudicial to the said masters, skippers, mariners and sailors in Leith, masters of the said hospital past, present or to come, or to the said hospital and poor thereof, or other persons belonging to the seafaring calling in Leith, or to his Majesty's Treasurer and Advocate to take action against her or other parties concerned if ^{P. 71.} they shall happen to fail in the observance of this decret ; and should the said hospital be unable by means of this decret to obtain all that is due by the said Violet and her foresaids, and payment of the damages it has thereby sustained, they decern the said Violet and those for whom she takes burden to pay the same as may be appointed by the Lords of Privy Council, in addition to the fulfilment of the terms of the decret. This decret they agree shall be recorded in the Books of Secret Council, and for registering thereof they appoint Mr Patrick Prymerose and Mr Samuel Gray their procurators. It is dated at Leith 4th July, 1635 ; witnesses, David Andersone, notary and writer hereof, James Mathesone, ^{P. 72.} elder, and Patrick Smetoun, maltmen, all indwellers in Leith, Thomas

Decreta,
April 1635.
February 1639.
P. 72.

Drysdail, Islay Herald, and Mr Robert Hedderweik, notary in Edinburgh.

Complaint by Robert Fletcher of Ballinsho, as follows :—The moss, Complaint by Robert Fletcher of Ballinsho against Lord Spynie for causing his dependants violently to debar the complainer's tenants from lifting peats in the Redmosse, belonging to the complainer. called the Ridmosse of Ballinsho, belongs to him heritably and has been in the possession of his predecessors past memory of man without any question moved against him or the tenants of the lands of Drumley, Inglestoune, inhabitants of the town of Forfar and the lands of other neighbours adjacent to his said moss, "who were ever in use to cast and winne thair pets in the said mosse and the compleaner had fyve hundreth merks yeerlie of mosse maille." But now Alexander, Lord Spynie, not content with his intolerable oppressions committed upon the complainer, and the pursuit of him for his bodily harm, is resolved to debar him from this moss and render it unprofitable to him. For this effect Henry Lindsay, bailie to the said Lord, George Stratoun, his chamberlain, and John Leonard, his officer, by direction of the said Lord, assembled together a number of persons, viz. John Craig in Craigheid, John Bowman there, Andrew Dalgetie there, David Durward in Fynheavin, John Duthie there, David Sampson there, John Peacock in the West Maynes, Charles Guild, Robert Doig in Echlo, John Marns there, Patrick Nicoll there, John Leonart in the Nether Bow, Alexander Buist, James Ramsay, Gilbert Achterlonie, John Bowman, elder and younger, John Cumyng in Balwilk, William Howie, William Cudbert, James Stewin, Thomas Gibsone, John Kyde, Andrew Fyff, Patrick Barrie, Andrew Morter, David Rae, David Man, John Dick, William Dick, David Dalgetie, Alexander Dalgetie, Alexander Dick, John Dergies, elder and younger, David Dairge, Andrew Duthie, Henry Cudbert, David Simesone and Stewart, all armed in warlike manner, and came to the said moss, where they "most shamefullie and unhonestlie strake and dang the poore people who had cassin the compleaners mosse, loosed and toomed thair cairts, kuist some of the pets in the mosse, and so threatnit and minassit the poore people as they were forcit to pay thame thair mosse maille." Charge having been given to the persons complained upon, and the pursuer compearing, but none of the defenders, the Lords ordain the latter to be put to the horn and escheated for their contempt."

Complaint by George Walker, son of the deceased Patrick Walker in Finglennie, as follows :—William Leslie of Ryhill, as principal, and Norman Leslie, his brother, and Hector Abercrombie of Fetterner, as his cautioners, were due by bond to the complainer's father and to him as his heir, 1000 merks and £300 of penalty for non-payment. They knew that he intended to register the bond, seeing he could not get payment; so the said William Leslie craftily upon Complaint by George Walker, son of the deceased Patrick Walker in Finglennie, against William Leslie of Ryhill and others for destroying a bond which the complainer held over the said persons. invited John and William Walker, the complainer's brothers, who had this bond in their keeping, to go home with him to his dwelling-house of Ryhill, where he pretended he had ready money and would pay them. There, after they had been for a time well entertained, William Leslie, Patrick

Leslie, his son, and Helen Gordoun, his spouse, "drew the tua boyes to Decreta, ane back part of the yaird of Ryhill, craved inspection of the band, and when they tooke furthe the same the saids persons reft the band from thame and raive the same in peeces, and with drawin whingers threatned to kill thame, if ever they sought the band againe, so as they were forcit for feare of thair lyves to depart." Charge having been given to these persons complained upon, and the pursuer compearing but not the defenders, the Lords ordain the latter to be denounced and escheated for their contempt." P. 73.

Complaint by John Tod in Luccor, Northumberland, against William Stevenson of Over Chatto, who is in possession of sheep which had been stolen from the complainer.

Complaint by John Tod in Luccor, in the county of Northumberland, as follows:—In December, 1633, there was stolen from his lands one hundred sheep which were brought into Scotland. He discovered and challenged them in the possession of William Stevinsone of Over Chatto, who has or had or has sold the same. He is a stranger, not acquainted with the laws of this kingdom and void of experience for the legal prosecution of his action for restitution. But the mutual duties of good neighbourhood between the two kingdoms crave that in matters of this kind summary justice should be done, and William Stevenson should be compelled to make restitution. The pursuer compearing personally, John, Earl of Traquaire, appeared for the defender, whom he acknowledged to be his tenant and servant, and declared that some six sheep had come "stragling athort the countrey sometyme upon the Laird of Hunthill his bounds and sometyme upon the Laird of Bonjedburgh his bounds, at last they came to the defender his bounds," who knew not to whom they belonged, but that he would cause his man restore these six sheep to the pursuer and make him answerable for any action before any judge ordinary who might be competent against him for the remainder of the sheep. The Lords accordingly ordain the defender to restore the said six sheep to the pursuer or pay him £5 for each of them, and reserve action to the pursuer for the recovery of the rest of his sheep according to law. P. 74.

Complaint by Mr. William Oliphant of Kirkhill, advocate, against certain of his creditors for illegal warding.

Complaint by Mr William Oliphant of Kirkhill, advocate, as follows:—Some years ago he was warded under trust for some debts of his brother, Sir James Oliphant, but was released upon condition that if he failed to satisfy his creditors he would re-enter to prison. As this depended upon the clearing of his said brother's engagements, he was unable to fulfil the condition and was obliged again to go to ward, but now his brother's debts have been settled and cleared, and he has borrowed from Sir Lues Stuart £50,000, wherewith he has given satisfaction to all his creditors, yet some of them "verie unhonestlie deteane him in warde and will not consent to his libertie, quhairby he is prejudgit in his affaires, especiallie in the winning of his coalheuche, quhilk greatlie concerns him in his standing and fortunes." Charge having been given to Sir Lues Stuart, John Oliphant of Bachiltoun, Mr Alexander and James Monteith, David Mitchell, merchant, John Slowan, merchant, Mr William Arthur, minister, Robert M^cBrair of Almagill, John Monro,

Decreta,
April 1635-
February 1639.
P. 75.

Henry Elphinstoune, Mr Robert Boyd, advocate, Mr Thomas Hamiltoun, Helen Achesone, relict of Mr John Dawline, Robert and Euphame Dauline, Alexander Lowis, merchant, Jean Fowler, relict of Mr James Drummond, and Drummond, their bairns, Thomas Lindsey, John Andro of Barbourlands, Jean Fairnie, William Carmichell, Alexander Wright, Laurence Scot, advocate, Robert Achesone for himself and as factor for Mr James Fleeming, Grissell Anderson, relict of William, Bishop of Galloway, Andrew and Mr William Cowper, their sons, John Andersone, Mr Samuel Gray, Laurence Oliphant of Gask, John and Thomas Carmichell, John and James Archibald, Thomas Scot, Violet Dauline, relict of James Home, skipper in Leith, and Thomas Dauline, to compear and see the complainer ordained to be put to liberty, or else to show a reasonable cause in the contrary, and the pursuer compearing personally, and of the defenders William Carmichell personally, John Fernie and Alexander Lowis by Mr Thomas Nicolson, younger, their procurator, and John Andro by Mr George Lawsons, his procurator, who declared that Sir Lues Stuart, his master, had taken upon him the payment of the said John Andro's debt, and all consenting to the liberation of the pursuer, the Lords ordain the provost and bailies of Edinburgh to liberate the pursuer in so far as he is warded at the instance of any of the parties above named.

P. 76.

P. 82.
[¹ Omitted in
its proper place
in the
Register.]

Complaint by Alexander Fergusson in Dauchikstoune of Touche, as follows:—On February, when he was in the house of William Mitchell of Westwood, "the said William, aganis the dewties of hospitalitie, pat violent hands in [*sic*] the compleaner and gave him manie bauch, blae and bloodie straiks on diverse parts of his bodie, speciallie upon the right arme to the great effusion of his blood, so as the same ranne blood and worsome a long space, quherby he wes disabled for ane quarter of ane yeere to labour his ground. And the said compleaner haveing removed himselfe frome the said hous, the said William Mitchell and Mitchell, his sone, followed after him with suords and rungs and others wapons quhairwith they had not failed to have slaine him if he had not with speid of foote wonne to his awne hous. And they dailie ly darnd at await for the compleaner, so as he darre not repaire in the countrey for doing his lawfull effaires." Pursuer and defenders both appearing and they and witnessess having been heard, the Lords find that William Mitchell assaulted the pursuer with his own staff and wounded him therewith, for which they ordain him to pay £10 to the pursuer, and other £8 for the witnesses' expenses. This sum of £18 is to be deducted from the money due to the defender by the pursuer.

Complaint by
Alexander
Fergusson in
Dauchikstoun
of Touch for
assault.

P. 83.

Sederunts,
January 1635-
November
1643.
Fol. 15, b.

"The quhilk day the Advocat craved of his Majesteis Chancellor that the whole counsellers might be ordained to find caution conforme to the General Band." The members of the Council and the General Bond of caution.

Acta, June
1634-April
1636.
Fol. 94, a.

Sederunt:—Chancellor; Privy Seal; Glasgow; Errol; Mairshell; Edinburgh, 4th August 1635.
Mar; Murrey; Winton; Kingorne; Roxburgh; Dumfreis;

Stirline; Southesk; Tracquair; Belheaven; Lord Alexander; Bishop of Aberdein; Bishop of Ros; Lord Naper; Clerk Register; Advocate; Justice Clerk.

Acta, June
1634-April
1636.
Fol. 94, a.

The Marquis
of Huntly and
the rebels in
the North.

"The Lords of Secreit Counsell prorogats the commissioun grantit to the Marques of Huntlie aganis the rebellis and brokin men in the north till the first Counsell day of December nixt, ordaining heirby the said Marques to compeir before the saids Lords that day be himselfe or his commissioners lawfullie warranted be him for reporting to the Counsell of his diligence in the executioun of the said commissioun; commanding alsua the said Marques to proceed aganis suche of the saids persons conteanit in his commissioun as are presentlie in the countrie and to exhibite thame before the saids Lords the day foresaid togidder with the laird of Glenneveis, Allane Camron, his uncle, Donnald Glas, brother to young M^rRannald, M^rPhersone, baillie depute to the said Marques, and Johne Gordoun of Auchinreth, quhilk he, being personallie present, promiseist to doe. And forder the saids Lords ordains the said Marques of Huntlie to find sufficient caution for observing of the acts of parliament made aganis landlords and chiftans of clans, and this caution being found the saids Lords gives warrand to the said Marques to goe home for doing of the service foresaid without prejudice alwayes of the former acts quherby he is tyed for the peace of the countrie."

James
Crichton of
Fendraught
to return
home.

"The whilk day the Lords of Secreit Counsell required James Crichtoun of Fendraucht, who was personallie present, to goe home and live in his awne bounds according to his place and qualitie."

Edinburgh,
4th August
1635.

[Sederunt as recorded above.]

Decreta,
April 1635.
February 1639.
P. 77.

Complaint by
Lady Rothemay
in which
she affirms
that she has
been wrong-
fully put to the
horn, and
craves that
she may be
relieved
therefrom.

Complaint by Katherine Forbes, Lady Rothemay, as follows:—She has been informed that she has been put to the horn for not compearing before the Council to answer for resetting the rebels of the name of Gordon by whom the peace of the country has been disturbed this year past, and that upon this horning their Lordships directed letters of treason against her for the rendering of her house of Rothemay to the herald who executed these letters. In obedience to their charge she rendered her house and removed herself and household from it, and she is now informed that their Lordships have caused her house to be delivered to the Sheriff of Bamff, who has placed some men in it, and they are maintained upon her rents to her great damage. Now it is of truth that the diet assigned to her was "in the tyme of the great storme quhilk fell out this late winter when there was no possibilitie of travelling on horse nor foote"; otherwise she would have appeared before their Lordships and purged herself of the foresaid imputations. She is now in attendance and willing to stand her trial upon these charges, wherefore she craves suspension of the horning and the

Decreta,
April 1635-
February 1639.
P. 77.

restoration of her house. Charge having been given to Sir Thomas Hope of Craighall, his Majesty's Advocate, and both he and Lady Rothemay compearing and having been heard, the Lords, in respect of Lady Rothemay's compearance and that she has found caution in 5000 merks to remain within the burgh of Edinburgh and four miles about the same until she obtain leave to depart and that she will appear before the Justice on three days warning, suspend the letters of horning and all that has followed thereupon, and ordain officers of arms to be charged "to relaxe the said ladie frome the said processe of horne, ressave her to his Majesties peace and give to her or anie others in her name the wand thairrof."

P. 78.

Complaint by William Ogilvie of Culbirnie, as follows:—In the action raised against him before their Lordships by the Laird of Fendraucht "anent the takeing of his tenents frome him, there wes ane exception proponed be the compleaner for eliding the said Laird of Fendraucht his desire propoting that the rounes quhilks the tua tenents challenged be the said Laird possest under him, ar for the present weele tenentsted and so he had no caus to compleane" This was admitted to the complainer's probation, and the 28th of July last was assigned to him for proving the same. But the persons who best know the truth of the matter refuse to appear unless they are compelled. Charge having been given to Thomas Watsone in Clunie, Robert Watsone there, and John Patersone in . . . to appear as witnesses in the said matter, and the pursuer and the Laird of Fendraucht being personally present, the Lords, after hearing them and the depositions of the said witnesses, find that "the said rounne of Corskie is sufficientlie tenentsted be sufficient and answerable tenents to the use and behove of the Laird of Fendraucht" and assoilzie the pursuer. They also ordain Fendraucht to pay £10 to each of the witnesses.

Complaint by William Ogilvie of Culbirnie against the Laird of Fendraucht anent two tenants of the said laird, whose tenancies the said laird challenges.

P. 79.

Complaint by George Kincaid, merchant burges of Edinburgh, as follows:—On 25th June last he obtained a decree of the Lords of Session against a number of his creditors, of whom Robert Horsburgh, dwelling in the Cannogait, was one, ordaining them to receive from him certain assignations and writs and the heritable right of his lands and houses in satisfaction of his debts, and forbidding them to trouble him in his person. Yet on 16th July last while the complainer was in the town of Peebles about 11 o'clock at night, Horsburgh apprehended him and put him in ward within the tolbooth of Peebles, and has since kept him there in contempt of the said decreet. The pursuer compearing by William Neilson, writer, his procurator, and Robert Horsburgh being personally present, and pleading justification for doing as was alleged in respect of the debts due to him, the Lords, after hearing parties, find that the pursuer was illegally apprehended and imprisoned and ordain the provost and bailies of Peebles to put him to liberty.

Complaint by George Kincaid, merchant burges of Edinburgh, against Robert Horsburgh for illegal warding.

P. 80.

Justices of
Peace, 1612-
1639.
Vol. 66 b.

"Forsamekle as the Lords of Secreit Counsell ar informed that Robert Ferquharson of Invercald is verie weill affected to his Majesteis

Edinburgh, 4th August 1635.

Robert Farquharson of Invercauld appointed a Justice of the Peace in the sheriffdom of Aberdeen.

service and peace of the countrie and is of good knowledge, judgement and experience to undergoe the place of justice of peace within the bounds where he dwellis, thairfoir his Majestie, with advice of the Lords of Secreit Counsell, hes made and constitut, and be the tennor heirof makes and constituts him one of the justices of peace within the shirefdome of Aberdein and hes adjoynned and adjoyns him to the remanent commissioners and justices of peace of the said shirefdome with als great fredome, priviledge, warrand and auctoritie as they or anie others justices of peace within this kingdome bruikes and injoyes thair offices be vertew of the commissioun grantit unto thame be his Majesteis patent under the great seale, and with als great fredome, auctoritie and jurisdiction as if thair names wer particularlie insert in the said commissioun; with power to him to use and exerce the said office in all and everie thing tending to the forderance of his Majesteis service, keeping of the peace of the countrie and executioun of the said commissioun; commanding heirby the conveenner and remanent justices of peace of the said shirefdome at thair first meeting to receave and admitt the said Robert to be of thair nomber and to grant him voice and place amongs thame as if he wer particularlie insert in the commissioun foresaid and to take his oath for his faithful discharge of the said service, anent the doing quherof thir presents sall be to thame ane warrand."

Justices of Peace, 1612-1639. Fol. 66, b.

William Douglas of Kelhead and others appointed Justices of the Peace in the stewartry of Annandale.

"The Lords of Secreit Counsell, being informed that Williame Dowglas of Kelheid, James Dowglas of Mouswell, M^r Robert Hendersone, parson of Lochmaben, and Andrew Murrey of Moriquhat ar men weill affected to his Majesteis service and peace of the countrie and ar of good knowledge, judgement and experience to undergoe the place of justices of peace within the bounds where they dwell, thairfoir his Majestie with advice of the Lords of Secreit Counsell hes made and constitut, and be the tennor heirof makes and constituts thame justices of peace within the Stewartrie of Annerdail and hes adjoynned and adjoyns him [*sic*] to the remanent commissioners and justices of peace of the said shirefdome with als great fredome, priviledge, warrand and auctoritie as they or anie others justices of peace within this kingdome bruikes and injoyes thair offices be vertew of the commissioun grantit unto thame be his Majesteis patent under the great seale, and with als great fredome, auctoritie and jurisdiction as if thair names wer particularlie insert in the said commissioun; with power to thame to use and exerce the said office in all and everie thing tending to the forderance of his Majesteis service, keeping of the peace of the countrie and executioun of the said commissioun; commanding heirby the conveenner and remanent justices of peace of the said stewartrie at thair first meeting to receave and admitt the persons foresaids to be of thair nomber and to grant thame voice and place amongs thame as if they wer particularlie insert in the commissioun foresaid and to take thair oath for thair faithfull discharge of the said service, anent the doing quhairof thir presents sall be to thame ane warrand."

Fol. 67, a.

Sederunts,
January 1635-
November
1643.
Fol. 16, a.

"The Lords ordanis Robert Ferquharson of Invercauld to be added to the commission for the justices of peace within the sherifdome of Aberdeen." Robert Farquharson of Invercauld made a Justice of the Peace.

Actis, June
1634-April
1636.
Fol. 94, b.

Sederunt :—Chancellor ; Privy Seal ; Glasgow ; Erroll, Mairshell ; Edinburgh, 5th August 1635.
Mar ; Wintoun ; Kingorne ; Roxburgh ; Dumfreis ; Stirlane ;
Southesk ; Tracquair ; Belheaven ; Lord Alexander ; Bishop of
Edinburgh ; Bishop of Aberdeen ; Bishop of Ros ; Lord Naper ;
Clerk Register.

"The quhilk day in presence of the Lords of Secreit Counsell compeired personallie Johnne Grant of Cardellis, and become actit and obleist as cautioner and souertie for Dougall Campbell in Cardellis that he sall compeir personallie before the saids Lords whenever he sall be lawfullie charged to answer upon the ressett of the Clan Gregour under the pane of three thowsand merkes." Caution by John Grant of Cardellis for Dougall Campbell in Cardellis.

"The Lords of Secreit Counsell ordains and commands Sir Thomas Hope of Craighall, knight baronnet, his Majesteis Advocat, to intent persute before his Majesteis Justice for wilfull errorr aganis suche of the assise of James Gordoun, sone to George Gordoun of Logyaltoun, as hes cleansed him of intercommoning with the brokin men in the north, notwithstanding of the notorietie of his guiltines of the said crime." James Gordon, son of George Gordon of Logyaltoun.

Sederunts,
January 1635-
November
1643.
Fol. 16, a.

"The quhilk day the Earle of Roxburgh exhibite to the Counsell a letter direct to him frome the Erle of Airth, beiring that he will be ansuerable for all brokin men and these of his name dwelling within his bounds, quherwith the Lords rested satisfied, and thereupon Lord Naper promiseit to give up a list of brokin men dwelling within the Earle of Airths bounds and to delyver the same to his Lordship to the effect he may exhibite thame." Edinburgh, 5th August 1635. The Earl of Airth becomes responsible for all the rebels within his bounds.

"The quhilk day the Lord Alexander exhibite certane articles to the Counsell for a remedie of the losse quhilk the lieges may susteane by the turnors, the consideratioun quhairof remitted to the Erles of Southesk and Tracquair, Bishop of Edinburgh and Lord Alexander, to be considerit and reported be thame the morne to the Counsell, lykeas the saids articles wer givin up to the said Lord Alexander." Anent the coins called "turnours."

Decreta,
April 1635.
February 1639.
P. 90.

Sederunt :—Chancellor ; Glasgow ; Erroll ; Mairshell ; Mar ; Wintoun ; Kingorne ; Roxburghe ; Dumfreis ; Southesk ; Belheaven ; Binning ; Alexander ; Bishop of Edinburgh ; Bishop of Aberdene ; Bishop of Ros ; Clerk Register ; Advocate ; Justice Clerk. Edinburgh, 6th August 1635.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, as follows :—By act of the Parliament held at Edinburgh on 20th November, 1475, it was statute and ordained "That where indytit persons are shawin before ane assisse in the accusation of a trespasse, Complaint by Sir Thomas Hope of Craighall, Lord Advocate, against Alex."

ander Irving
of Glenturke
and others for
unjustly
acquitting
James Gordon,
who was
charged before
him with
resetting
rebels.

notor or manifest knowledg being had of the trespasser, and if it happin the persons that passes on the assysse by favor or partiall meanes to acquyt the trespasser or trespassers, in that caise it sall be lawfull to the Kings Majestie and his Counsell to call the assysers and to inquire at thame whither they concordit all in ane voice and how many said all in ane voice and how manie ane other way, and they that are suspect *de temerario juramento* sall be accused before the King and his Justice, at what day and place it sall please his Majestie; and if these persons please to grant thair fault and *temerarium juramentum* to be punished thairfore according to the form of the old law, and if they deny or make excuse thair of be ignorance, that his Majestie or his Counsell sall give ane great assysse of noble persons and shaw to that assisse the evidence or notor knowledge of the trespasse in so farre as wes shawin to the first assysse, and thairafter if it beis fund that the first assisse acquat the trespassers be temerarie or wilfullie be favors or partialitie, so manie as beis convict of that cryme to be punished after the forme of the old law conteaned in the Book of the Regiam Majestatem. Nevertheles the persons that happins to be accused of the trespasse either to be convict or made quyt after the forme of the first delyverance and the false assysse to be punished, as said is." Yet true it is that James Gordowne in being cited before the Justice and his deutes in a justice court held on 5th August instant in the tolbooth of Edinburgh for treasonably intercommuning with traitorous persons in the north by whom the peace of the country was disturbed, and being put to the knowledge of an assise, consisting of Alexander Irwing of Lenturke, George Dempstar of Newtoun, Alexander Banerman of Elsik, James Seatoun, burgess of Aberdene, William Seatoun of Scethin, Alexander Keith of Duffus, George Bruce, burgess of Aberdene, George Gordoun of Tulofowdie, George Gordoun of Newtoun, Mr Matthew Lumisden in Aberdene, John Ogilvie of Glassachie, Charles Stein, litster, John Caddell, servitor to Ballindalloche, Abercrombie, fiar of Birkinbog, and Hector Abercrombie of Fetterneir, before whom many clear and pregnant evidences of his guilt were produced, as namely, his own confession, which was so undeniable and manifest that no person of sound judgment and open, honest and upright disposition could impugn it, yet these persons of assise "most temerarioulsie and wilfullie aganis thair conscience and knowledge acquat and cleansed the said James of the said cryme," though in a similar case before the said Justice on August instant these persons convicted other parties of the same offence. They have therefore incurred the penalty of *temerarium juramentum*, and should be exemplarily punished therefore to the terror of others. Charge having been given to these persons above named, excepting Alexander Keith, George Bruce and John Caddell, and all compearing except James Seatoun and confessing that in one voice they had acquitted the said James Gordoun and would stand to the justification of the same, upon which the King's Advocate asked instruments, the Lords of Council

Decreta,
April 1635-
February 1639
P. 80.

P. 81.

Decreta,
April 1635-
February 1639.
P. 82.

ordained the said defenders to find caution enacted in the Books of Adjournal, each in 1000 merks, that they will appear before His Majesty's Justice and his deputes within the tolbooth of Edinburgh on 2nd December next; and they are not to depart from Edinburgh until they find this caution.

Supplication by Robert Stirk, as follows:—In March, 1634, he was deprived by their Lordships of his office of messenger because Robert Adam, his witness, had taken in his name from five or six men in Kirkcaldie within £5 Scots; which never came to the supplicant's use and was taken without his knowledge, but, Adam being his servant, it was held as being his deed. He is a poor man, in great debt and without credit because of the loss of his office, and he has a household and family and nothing wherewith to sustain them. He therefore craves that their Lordships would give order for his restoration. The Lords recommend the supplicant to Sir James Balfoure of Kynnauld, Lyon king of arms, that he may be restored to his office seeing Alexander Peries, burgess of the Cannogait, has become cautioner for him in 1000 merks that he will dutifully discharge the office of messenger.

Supplication by Robert Stirk that he may be restored to the office of messenger, of which he declares that he has been wrongfully deprived.

Sederunta,
January 1636-
November
1643.
Fol. 16, b.

"A letter frome his Majestie for redresse of some Englishmen who wer robbed of thair barke and goods in the Lewes, whiche wes givin up to M^r Robert Bruce, agent for the Duke of Lennox, to be advised therewith and to report to the Chancellor."

Letter from his Majesty anent certain Englishmen who have been robbed of their ship and cargo in Lewis.

Sederunt:—Chancellor; Glasgow; Erroll; Mar; Roxburgh; Dum-freis; Southesk; Traquair; Bishop of Aberdein; Bishop of Ros; Lord Alexander; Clerk Register; Advocat; Justice Clerk.

Edinburgh, 6th August 1635, *post meridiem*.

"The quhilk day the Erle of Atholl nominat the Vicount of Stormont and Laird of Balliachan to be cautioners for the said Erle, conforme to the Generall Band, and Balliachan to be bound for the Lord Stormonts releeffe, and ordanis the Erle of Atholl to produce his band subscriyvit be the said laird of Balliachan upon the nixt Counsell day, quhilk is appointed to be upon the 22 day of September nixt."

The Earl of Atholl nominates Lord Stormont and the Laird of Balliachan as his cautioners.

"The quhilk day M^r Johne Murray, tutor of Strowane, become cautioner for the Vicount of Stormont conforme to the Generall Band."

Caution by Mr. John Murray for Viscount Stormont.

"The quhilk day M^r Adame Hepburne become cautioner for Richard Foullertoun for the indemnitie of Thomas Nicolsoun, Johne and William Hayes, under the pane of v^m merkes, ay and quhill the said Richard produce another sufficient cautioner."

Caution by Mr. Adam Hepburn for Richard Fullarton.

"The quhilk day the Erles of Erroll and Mar promiseist to be present the nixt Counsell day and to give the saids Lords satisfioun anent thair caution for observing the acts of Parliament."

Pledges by the Earls of Erroll and Mar to appear before the Council anent their cautions.

Fol. 17, a.

"A letter frome his Majestie anent the wrongs alledged done to these of the Associatioun for the fishing, with some complaints enclosed

Letter from his Majesty anent injuries

alleged to have
been done to
members of
the Association
for the Fishing.

Edinburgh,
7th August
1635.

within the same; the consideratioun quhairof continewed till the morne
and the missive and papers givin up to the Erle of Tracquair."

Sederunta,
January 1635.
November
1643.
Fol. 17, a.

Sederunt:—Chancellor; Glasgow; Dumfreis; Southesk; Tracquair; Belheaven; Bishop of Aberdein; Bishop of Ross; Clerk Register; Advocate; Justice Clerk.

Acta, June
1634-April
1636.
Fol. 95, a.

Proclamation
anent the
coinage.

" Forsamekle as the Lords of Secreit Counsell, considdering the great penurie and skarsetie of his Majesteis owne proper coyne within this kingdome and how that the moneyes now current within the same beares the stamps of forrane princes and ar of diverse weights, impressions and fynnesse hard to be discerned be the ignorant multitude; and the saids Lords, being carefull to foresee all lawfull wayes whereby moneyes may be brought within this kingdome and have course under his Majesteis owne impression and stampe, thairfoir the saids Lords hes ordained and ordains that everie person subject in the payment of bulyeoun sall bring in his bulyeoun to the coynehous and order sall be tane whereby it may be knowne that the bulyeoun sua to be delyvered be thame is brought frome beyond sea and is the returne of these commoditeis for quhilk the bulyeoun is dew; and that the drovers of goods, nolt and sheip be obleist to make returne of the prices of thair goods in his Majesteis proper coyne and that they find caution to that effect, and that they sall not wissell his Majesteis coyne with anie other forrane coyne and that they sall not sell nor dispoone upon the said coyne, whereby the same may be exported to the prejudice of the countrie and elusioun of the acts made in that behalfe; that the coalemaisters and saltmaisters receave no payment for the price of thair coale and salt in dollers after Martimes nixt bot in his Majesteis owne coyne and in kardikues and ryells, and if they sall receave anie forrane coyne that they imbring the same as bulyeoun to the coynehous, and for this effect that everie three moneth a survey be made of the custome bookes of the quantitie of the coale and salt and that the maisters of the coale and salt be conveyned to give ane accompt of the quantitie and qualitie of the moneyes receaved be thame for the price thairrof, quherein, if they contraveene be receaving anie other spesies of money than is aforesaid and that they receave anie forrane coyne quhilk they sall not bring in as bulyeoun to the coynehous, that they sall be severelie punished in thair persons and goods at the arbitrement of his Majesteis Counsell conforme to the acts of Counsell made thereanent: thairfoir ordains letters to be direct to make publicatioun heiroyf be opin proclamatioun at the mercat croces of Edinburgh, Linlithgow, Culros, Dysert, Dumfreis, Annand, Lochmaben, Kelso, Jedburgh and others places neidfull wherethrow nane pretend ignorance of the same."

Charge to
John, Earl of
Perth, and
others to
appear before

" Forsamekle as the Lords of Secreit Counsell hes thought it meit and expedient for the better preserving of his Majesteis peace and restraining of the insolenceis and misrule of the dissobedient persons in the Hielands

Fol. 95, b.

Acts, June
1634-April
1636
Fol. 95, b.

that the haill landslords and chiftans of clans in the Hiellands sall be the Council,
putt under caution for making of thair men, tennents and servants and as persons
suche as they ar obleist for be the lawes of the countrie obedient to law severally
and justice and for redresse of parteis skaithed, conforme to the acts of North.
parliament made thereanent; thairfor the saids Lords ordains letters to
be direct charging the persons underwrittin, they ar to say, Johne, Earle
of Perth, George, Earle of Caithnes, Williame, Lord Berridail, Johne
Sinclar of Dunbeth, Colquhoun of Lus, Archibald Lord Naper,
Walter M^cAwla of Ardincaple for himselfe and as baillie to the Duke of
Lennox, Archibald, Erle of Argile, Archibald Lord Lorne, James Lord
Ogilvie, Sir Coline Campbell of Glenurquhie, Sir James Campbell of
Lawers, Sir Alexander Meinzeis of Weme, Robertoun of Strowan,
Robert Steuart of Balliachan, Campbell of Ardkinles, Camp-
bell of Auchinbreck, Steuart, shireff of Bute, M^cCloud of
Coygath, Donnald M^cAngus of Glengarrie, M^cKeinzie of Garloch,
Stirline of Keir, Patrik, Erle of Tullibardin, Monro of
Foullis, the laird of Powrie Fotheringame, Lindsey of Edyell, the
shireff of Cromartie, Steuart of Appine, the constable of Dundie,
Buchanan of that Ilke, to compeir personallie before the saids
Lords upon the twentie twa day of September nixtocome provided to
find the said caution conforme to the saids acts of parliament in everie
point, under the pane of rebellion, &c., with certificatioun."

"Forsamekle as in the Parliament haldin at Edinburgh in the Proclamation
moneth of Junij, 1633, it wes statute and ordained that all persons of anent the Clan
the Clangregour who sould happin to be in this kingdome upon the xxv Gregor.
day of Marche thereafter sould give thair appearance before his
Majesteis Counsell that day, and failyeing thair of the nixt lawfull day
thereafter following, to the intent that suche of thame as hes alreadie
found caution and whis cautioners ar dead might find new caution
for thair good behaviour and renunce thair names and that suche of
thame as hes not found caution might find caution, with certification
to thame that compeired not that they sould be denounced his Majesteis
rebellis and thereafter persewed in maner specefeit in the said act of
parliament, as the same at lenth beiris; quhilk dyet the saids Lords of
Privie Counsell having upon diverse good considerations prorogat untill
the 20 day of July, 1634, hoping that all of that clan sould have
imbraced his Majesteis favour shawin unto thame, yitt they have beene
verie carelesse and negligent thair of and hes slighted and contemned the
said favour and hes thereby deserved that exemplar punishment whiche
be law is dew unto thame; bot the saids Lords, being loath to proceed
with that extremitie and rigour aganis thame, they have thairfor
thought meit to give unto thame ane new dyett, to witt, the first day
of December nixt to come, to the intent they may be inexcusable if now
they sall anie longer contemne this favour; and thairfor ordains letters
to be direct charging officers of armes to pas to the mercat croces of
Stirline, Perth, Dumbartane, Innernes, Couper in Angus, Dunkelden and

all others places neidfull and there be opin proclamatioun to make publicatioun of this new prorogatioun and continewatioun of the dyet foresaid till the said first day of December nixt, certifeing all and sindrie persons of the said clan who sall not preceislie keepe the said dyet that they sall not onelie be denounced rebellis and putt to the horne bot with that they'sall be persewed with fire and sword as rebellis and tratours to God and man with all rigour and extremitie."

Acta, June
1634-April
1636.
Vol. 96, a.

Proclamation
against such
persons in the
Western Isles
as molest the
boats pertain-
ing to the
Association for
the Fishing.

" Forsamekle as the Lords of Privie Counsell ar informed that of lait there hes beene manie great insolenceis committed be some of the inhabitants of the yles of this kingdome, not onelie upon his Majesteis subjects haunting the trade of fishing in the yles, bot upon the lords and others of the association of the royall fishing of Great Britane and Ireland, whiche ylanders comes in troupes and companeis out of the yles where they dwell to the yles and loches where the fishes ar tane, and there violentlie spoyles his Majesteis subjects of thair fishes and sometimes of thair victualls and other furniture and persewes thame of thair lyffes, breakes the schooles of thair herring and committs manie moe insolenceis upon thame to the great hinder and disappointing of the fishing, hurt of his Majesteis subjects, and to the high contempt of his Majesteis auctoritie and lawes; for preventing of the quhilks disorders in time comming the Lords of Secreit Counsell ordains letters to be direct to command, charge and inhibite all and sindrie persons inhabiting the yles of this kingdome and continent next adjacent thereto be opin proclamatioun at the parish kirks where they dwell and others places neidfull that nane of thame presooome nor take upon hand at anie time heerafter to resort nor repaire to anie of the yles and loches where fishes ar tane bot suche as hes good and lawfull warrand in writt frome thair maisters and landslords to doe the same and that they be provided and furnished with netts and all others things necessar for the fishing, and at thair coming to the yles and loches where the fishes ar tane that they behave thameselffes modestlie and in good order and in no wayes presooome nor take upon hand to molest, disturbe or trouble anie of his Majesteis subjects attending the fishing nor to spoyle thame of thair fishes or others goods under whatsoever cullour or pretext under the pane of most severe and exemplarie punishment to be inflicted upon thame; and if anie persons sall presooome to come to the said fishing without a warrand in writt frome thair maisters and landslords, and not being provided with netts and others things necessar for the fishing, as said is, with power to the landslords within whois yles and loches the fishes ar tane and to the quhilks the saids persons sall repaire, to arrest thair boats and vessellis and take thair saillis frome the raes and in no wayes suffer thame to goe to sea to disturbe the fishing bot to censure and punish thame according to the nature and qualitie of thair offence; and siclyke to command, charge and inhibite all and sindrie landslords and maisters in the yles, as namelie, George, Earle of Seafort, Sir Donald Mc'Donnald of Slait, Johne Mc'Cloud of Dynvegan, Johne

Vol. 96, b.

Acta, June
1634-April
1636.
Fol. 96, b.

M^cDonnald M^cAllane V^eEane of Ilantirum, Captane of the Clanrannald,
M^cNeill of Bara, M^cFingon and his tutors and curators
if he anie hes for thair interesse, M^cClaine of Coill, Sir Donnald
Campbell of Parbreck for his lands of Canna, that nane of thame
presoomie nor take upon hand to give warrands to anie persons what-
somever under thame bot to suche for whois good rule they will be
answerable and who sall be provided and furnished with netts and others
things necessar for the fishing under the pane abonewrittin ; and also to
command and charge the saids landlords and all others landlords in the
yles and continent nixt adjacent thereto to concurre, fortifie and assist
these of the Associatioun and others his Majesteis subjects haunting the
fishing and to withstand and resist all violence to be offerred unto thame
as they will answer upon the contrare at thair perrell."

Fol. 97, a.

" Forsamekle as the Lords of Secreit Counsell, remembering the great Charge to
disorders and troubles quhilks fell out and wer fostered and inter- certain speci-
teanned in the north parts of this kingdome this last winter by a fied persons of
number of the rebellious lymmars of the name of Gordoun, be whom the the name of
peace of that part of the countrie was verie farre disturbed and troubled the name of
and manie of his Majesteis subjects heavilie distrest in thair persons and Gordon to
goods, for preventing of the quhilks disorders in time comming it is appear before
thought meit and expedient that the hail persons of the name of the Council
Gordoun sall be bound up to his Majesteis peace and putt under good and find
caution to that effect ; and thairfoir ordains letters to be direct charging caution for
Adame Gordoun of Auchindoun, Sir Alexander Gordon of Cluny, keeping the
Gordouns, his brether, Sir George Gordoun of Geicht, George Gordoun, peace in the
appearand thairof, Johne Gordoun of Haddo, Sir James Gordoun of North.
Lesmore, M^r Robert Gordoun of Pitlurg, Gordouns, his sonnes,
Johne Gordoun of Buckie, Johne Gordoun, appearand of Buckie,
Alexander Gordoun of Dunkintie, Gordoun of Kincragie,
Gordoun, his eldest sone, Gordoun of Terpersie, Gor-
dons, his sonnes, Patrik Gordoun of Barnscot, Johne Gordoun of
Rotmeis, George Gordoun of Logyaltoun, Gordouns, his three
sonnes, Williame Gordoun of Knockaspeck, Williame Gordoun, appearand
thairof, John Gordoun elder of Achannachie, George Gordoun, appearand
thairof, Patrik Gordoun of Carnewhelpe, Gordoun, his sone,
Thomas Gordoun of Artlach, Gordouns, his sonnes,
Gordoun of Blelack, Gordoun of Cowclerachie, M^r Patrik Gordoun
of Braka, James Gordoun of Rothemay and his tutors and curators,
if he anie hes, for thair interesse, James Gordoun of Daock,
Gordouns, his sonnes, Johne Gordoun of Innermerkie, Gordoun,
his sone, Johne Gordoun of Park, Gordouns, his brether, Williame
Gordoun of Brodland, Alexander Gordoun of Garrie, Gordoun of
Tulliangus, Gordoun, appearand thairof, and Gordouns,
thair brether and sonnes, Gordoun of Lichestoun, Gor-
douns, his sonnes, Gordouns, his brether, Robert Gordoun of
Cowlithie, Patrik and George Gordouns, his sonnes, Gordoun of

Smithistoun, Gordoun of Craig, Patrik Gordoun, his uncle, George ^{Acta, June 1634-April 1636.}
 Gordoun of Newtoun, Gordoun of Birkinburne, Gordoun, ^{Fol. 97, a.}
 appearand thairrof, Gordoun of Tullishelt, Gordoun, appear-
 and thairrof, Gordoun of Baldornie, Gordoun, appearand
 thairrof, Gordoun of Corridoun, Gordoun, appearand thairrof, ^{Fol. 97, b.}
 Gordons, his uncles, and Gordouns, his brether,
 Williame Gordoun of Tulloch, James Gordoun of Letterfoure;
 Gordon of Tilliechowdie, Gordoun, appearand thairrof,
 Gordoun of Balgowane, M^r Thomas Gordoun of Pittindreich, Johne and
 Alexander Gordouns, sonnes to Sir George Gordoun of Geicht, Johne
 Gordoun of Ardlogie, Gordouns, his sonnes, Gordoun,
 sone to umquhill Patrik Gordoun, brother to the Laird of Geicht, Robert
 Gordoun, his brother, William Gordoun of Murack, Alexander Gordoun,
 his sone, Gordoun of Sauchin, Gordoun, appearand thairrof,
 Gordouns, their brether, Harie Gordoun of Glassauche, Alexander
 Gordoun of Abiryeldie, Gordouns, his brether, Alexander Gordoun
 of Achannachie, James Gordoun of Bomurrell, Thomas Gordoun of
 Gradoun, James Gordoun of Crabstoun, Gordoun of Birsmoir, etc.,
 to compeir personallie before the saids Lords upon the twentie twa day
 of September nixtocome provided to find sufficient and responsall
 caution for observing his Majesteis peace and keeping of good rule and
 quyetnes in the countrie under the pane of rebellion, etc., with certifica-
 tion, etc."

Nicolas Briot
 appointed
 Master of the
 Mint.

" Forsamekle as umquhill George Foullis, lait Maister Cunyear, being
 at the pleasure of God departed this life, it has pleased the Kings
 Majestie to make choise of Nicolas Briot to supplee that place and
 charge, and whereas there is no alteration presentlie of his Majesteis
 coyne in gold or silver, nather in weight, fynnesse nor proportioun, and it
 being verie necessar for manie speciall considerations that the Cunyiehou
 be sett aworke, thairfoir the Lords of Secreit Counsell ordains and
 commands the said Nicolas Briot to enter to his service and charge in
 the coynehou and to proceed in the working of the speces of gold
 and silver allowed to be past his Majesteis yrnes conforme to the
 contract sett down betuix his Majestie of famous memorie and umquhill
 Thomas Achesone, Maister Cunyear for the time, ay and whill his Majestie
 take forder order anent the establishing of the said Nicolas in his said
 place and office ather by a new contract to be sett down betuix his
 Majestie and him upon suche conditions as his Majestie with advice of
 his Counsell sall be pleased to prescrive or be anie other maner of way
 as his sacred Majestie sall appoint, quhilk sall be the warrand of the ^{Fol. 98, a.}
 said Nicolas his proceedings and going on in that service. Lykeas the
 said Nicolas, compeirand personallie before Johne, Earle of Tracquire,
 Deputie Thesaurar of this kingdome, whome the saids Lords authorized
 with power and commissioun to take the said Nicolas his oath, he gave
 his great and solemne oath to discharge the said office faithfullie,
 trewlie and diligentlie in all things belonging to that charge: Command-

Acta, June
1634-April
1636.
Fol. 98, a.

ing heirby the hail officers of the Coynehous to enter to thair severall callings and charges in the Coynehous and to proceed in discharge thair of at all times and occasions as they sall be required thereto be the said Nicolas and to acknowledge him in all respects in suche forme and maner as they did the said umquhill George Foullis; commanding alsua George Foullis, sone to the said umquhill George, to delyver to the said Nicolas all suche things concerning the said charge and office as wer in the possessioun and keeping of the said umquhill George, his father, and wer delyvered to his said father and receaved be him upon inventar and quhilks now properlie belongs to the Kings Majestie, and that upon a sufficient inventar to be made thair of under the hands and subscription of the officers of the hous and upon the said Nicolas his discharge to be given upon the receipt of the same; anent the doing of quhilks premisses this present act sall be unto these whome it apperteanes sufficient warrand. Followes the inventar above-mentiouned:—

At the Coynehous in Edinburgh, the ellevint day of August, j^mvj^o threttie fyve yeeres.

The whilk day the inventar underwrittin wes made and givin in be George Foullis, sone to George Foullis, late Maister of his Majesteis Coynehous, in the presence of Johne Achesoun, Generall of the said Coynehous, and in the presence of the remanent officers and members of the same, the particulars conteanit in the said inventar wer delyvered to Nicolas Briot, now Maister of the Coynehous, and wer receaved be him and in token of his receipt he has subscriyved the said inventar with his hand in presence of the said Generall and officers who hes lykewayes subscriyved the said inventar and in the presence of the witnesses underwrittin, viz.:—James Primerose, clerk of his Majesteis Privie Counsell, Mr George Halyburtoun, servitour to Johne, Earle of Tracquair, and Mr Johne Callendar, servitour to the said James Primerose.

Inventory of
subjects in the
Mint-house
delivered to
Nicolas Briot,
now Master
of the Mint.

Fol. 98, b.

In the first ane pyle of English weight of halfe ane staine.
Ane paire of great ballances in the compthous.
Twa paire small ballances.
Ane massie staine weight of brasse.
Ane caise of ane staine weight.
Ane massie halfe staine of brasse.
Foure copper shellis.
The compthous boord.
Ane caise with twelffe shottellis.
Twa boords covered with greene on the compthous boord all worne.
Sax tree troghes.
Fyve tree plaittis.
Ane hollow buist for souppings.
Sax paire of justing ballances quhair of three paire ar old.
Ane paire of little sheares.
Sax glasses for starke water.
Ane boord with ane furme in the tronning hous.

In the melting hous.

Acta, June
1634-April
1636.
Fol. 98, b.

Ane builyeing kettill.
Ane mortar of mettall with the pester.
Ellevin single casting lignetts of yrne.
Twa staine morters.
Three paire casting tongs.
Twa paire of hand tongs.
Twa ladellis.
Ane porring yrne.
Ane paire sett bellows for the gold hous.
Twa paire small bellows.
Ane coleraik.
Ane searche.
Ane mekle trogh for drying of the worke of wod.
Some puncheouns and tubs.

In the forging hous.

Sevin studeis of yrne.
Foure mellis.
Three hammers.
Three rounding hammers.
Three paire rounding tongs.
Three skivetts.
Twa paire of tongs.
Ane yrne padill.
Twa great yrne backes of chimneyes.
Foure paire stock sheares.
Ane paire ballance for justing.
Ane grindstane.
Ane standart with ballance.
Ane yrne chandler.
Three timber rebbets of wod.
Ane trogh.
Three tree plaittis.
Sax seidges.
Ane great kist for keeping the lignettis.
Foure justing boords.
Sax justing sheares.

Fol. 99, a.

In the gold hous.

Ane seidge.
Ane justing boord with ane paire of ballance.
Ane littill boord.

Acts, June
1634-April
1636.
Fol. 99, a.

Ane studdie of steill.
Ane mell.
Ane hammer.
Twa rounding hammers.
Ane paire stock sheares.
Ane paire hand tongs.
Twa skivetts.
Ane timber ribett.
Ane builyeing pan with ane can.
Three rullis with ane cutter.
Twa paire fynning tongs.

Sic subscribitur, BRIOT. Jo: Acheson, witnes; H. Oliphant, witnes and wardane; Thomas Glen, witnes and counterwarden; Charles Dickson, witnes, sinker; J. Prymrois, witnes; M. Halyburton, witnes; M. J. Callendar, witnes."

Sederunts,
January 1635-
November
1643.
Fol. 17, a.

"The Lords modifeis the soume of twentie merkes to everie ane of the witnesses produced betuix Thomas Nicolson and Richard Foulertoun to be payed be the said Thomas."

Payment of
witnesses be-
tween Thomas
Nicolson and
Richard
Fullarton.

"The quhilk day Murdoch McClaine of Lochbuy, compeirand person- allie before the Counsell, actit, band and obleist himselfe that none of his people sall come down and trouble these of the Associatioun the time of the fishing."

Caution by
Murdoch
McLean of
Lochbuy.

Sederunt:—Chancellor; Glasgow; Wintoun; Roxburgh; Dum- freis; Southesk; Tracquir; Bishop of Edinburgh; Bishop of Ros; Clerk Register; Advocat; Justice Clerk.

Edinburgh,
7th August
1635, *post
meridie.*

"The Lords gives power to the Erles of Hadintoun and Tracquir, Clerk Register and Advocat, or anie of thame, to pas suche bills in the time of vacance as they find just and reasonable."

The passing of
bills during
the time of
vacation.

Acta penes
Marchiarum,
cz., 1587-1636.
Fol. 50, b.

Registration by Robert Hepburne, advocate, of bond of caution by Mr Johne Murray, Tutor of Strowane, for Mungo, Viscount of Stormont, that he will observe the acts of Parliament anent landlords (*ante*, p. 26); with promise to relieve his said cautioner, and clause for registration of the bond in the books of Privy Council. The bond, which was written by Mr John Callender, servitor to James Prymrois, Clerk of Privy Council, is dated at Edinburgh, 7th August, 1635; witnesses, James Murray, brother to the Earl of Atholl, Thomas Naismith, servitor to the said Viscount, and Archibald Prymrois, son of the said James.

Edinburgh,
7th August
1635.
Registration of
bond of caution
by Mr John
Murray, Tutor
of Strowane, for
Mungo,
Viscount
Stormont.

Fol. 51, a.

Registration by Mr Laurence McGill, advocate, of a bond of caution by George, Marques of Huntlie, as principal, and William, Marques of Dowglas, as cautioner, that the said Marques of Huntlie will observe the acts of Parliament anent landlords (*ante*, p. 26); with clause of

Edinburgh,
11th August
1635.
Registration
of a bond of
caution for the

Marquis of
Huntly.

relief; and also clause of registration in the books of Privy Council. The bond, which was written by Archibald Prymerois, lawful son of James Prymerois, Clerk of the Privy Council, is dated at the Cannogait and Castle of Crawford, 7th and 9th August, 1635; witnesses, John Gordoun of Buckie, James Gordoun of Letterfourie, and Archibald Prymrois foresaid, to the Marquis of Huntly's subscription; and John Gordoun, servant to the Marquis of Huntly, and Alexander Lawrie, notary, servant to the Marquis of Dowglas, to the subscription of the Marquis of Dowglas.

Acta penes
Marchiarum,
etc., 1587-1636.
Fol. 51, a.

Registration
of a bond of
caution by
Hew, Lord
Fraser of
Lovat, for
George, Earl
of Seaforth.

Registration by Mr Laurence McGill, advocate, of a bond of caution by Hew, Lord Fraser of Lovatt, for George, Earl of Seafort, that he will observe the acts of Parliament anent landlords (*ante*, p. 26); with clause of relief, and of registration in the books of Privy Council. The bond, which was written by Mr John Callender, servitor to James Prymrois, Clerk of the Privy Council, is dated . . . 1635, but the day and the witnesses have not been inserted.

Fol. 51, b.

Registration
of a bond of
caution by
John, Earl of
Traquair, for
John Cameron
of Lochiel.

Registration by Mr Laurence McGill, advocate, of a bond of caution by John Camroun, fiar of Lochyell, as principal, and John, Earl of Traquair, as cautioner, that the said John Camroun will observe the acts of Parliament made anent landlords (*ante*, p. 26); with clause of relief, and also clause of registration in the books of Privy Council. The bond, which was written by Mr John Callender, servitor to James Prymrois, Clerk of the Privy Council, is dated at Edinburgh, 8th August, 1635; witnesses, Sir William Forbes of Craigievar, Mr William Chalmers, Treasury Clerk, Mr James Durhame, one of the clerks of Exchequer, and Mr John Oliphant, sheriff clerk of Edinburgh.

Fol. 52, a.

Edinburgh,
14th August
1635.

Sederunt:—Glasgow; Roxburgh; Annerdail; Dumfreis; Bishop of Edinburgh; Bishop of Aberdeen; Clerk of Register.

Acta, June
1634-April
1636.
Fol. 99, b.

Caution by Sir
Lachlan
M'Lean of
Morvern for
Sir Donald
Gorme of
Sleat.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Sir Lauchlane M'Claine of Morverne, and become actit and obleist as cautioner and souertie for Sir Donnald Gorme of Slait that Rorie M'Cleud, brother to John M'Cloud of Dynvegane, his wife, barnes, men, tennents and servants sall be harmelesse and skaithlesse in thair bodeis, lands, possessiouns, goods and geir and in no wayes to be troubled nor molested therein be the said Sir Donnald nor no others of his causing, sending, hounding out, command, ressett, assistance nor ratihabition, whome he may stop or latt directlie nor indirectlie in time comming otherwayes nor be order of law and justice under the pane of fyve thowsand merkes; and the said Sir Donald actit and obleist him and his airis to warrand and releeve his said cautioner of the premisses and of all danger he may incurre therethrow."

Caution by
Sir Lachlan
M'Lean of
Morvern for

"The quibilk day in presence of the Lords of Secreit Counsell compeired personallie Sir Lauchlane M'Claine of Morverne and become actit and obleist as cautioner and souertie for Rorie M'Cloud, brother to

Acts, June
1634-April
1636.
Vol. 90, b.

John McCloud of Dynvegan, that Sir Donnald Gorme of Slait, his wife, Rorie M'Leod, barnes, men, tennents and servants sall be harmlesse and skaithlesse in thair bodeis, lands, roumes, possessions, goods and geir and in no wayes to be troubled nor molested therein be the said Rorie nor no others of his causing, sending, hounding out, command, ressett, assistance nor ratihibition whom he may stop or latt directlie nor indirectlie in time coming otherwayes nor be order of law and justice under the pane of fyve thowsand merkes; and the said Rorie actit and obleist him to releve his cautioner of the premisses and of all pane, crime and danger he may incurre therethrow."

Vol. 100, a.

[No sederunt recorded.]

Edinburgh,
31st August
1635.

"Forsamekle as Williame Ros, sister sonne to James Gordoun of Letterfour, one of the principall rebellis and dissobedient persons in the north and be whome the peace of that countrie wes verie farre disturbed and troubled, being latelie tane and apprehended be Patrik Grant in and M^r Williame Falconner in and they being of purpose to have exhibite him to his Majesteis Counsell to have underlyne his deserved tryell and punishement, trew it is that in the meane time Williame Gordoun and Alexander Ferquharson in Migvie and M^r James Ferquharson, writter in Edinburgh, came upon the saids Patrik Grant and M^r Williame Falconner and violentlie tooke the said Williame Ros aff thair hands and caried him to Strabogie and delyvered him to George, Marques of Huntlie, by whome he wes ressett and interteanned as if he had beene ane free, obedient and lawfull subject, in high and proud contempt of his Majesteis auctoritie and encouraging of others disordered and brokin lymmars to continew in thair rebelloun, if this slip over unpunished. Thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the saids Williame Gordoun, Alexander and M^r James Ferquharsons, takers of the said Williame Ros frome the saids Patrik Grant and M^r William Falconner, and the said Marques of Huntlie, receaver of the said Williame frome thame, and who had, hes or contemptuously hes putt him away, to compeir, bring, present and exhibite the said Williame Ros before the saids Lords upon the xxij day of September nixt, to the intent order may be tane with him for his rebellion as apperteanes, under the pane of rebellion, etc., with certification, etc."

Charge to
William
Gordon and
Alexander
Farquharson
in Migvie and
of the Marquis of
Huntly to
appear before
the Council
and to present
William Ros,
whom they
have illegally
rescued from
justice.

Sederunt :—Chancellor ; Privy Seal ; Erroll ; Marshall ; Mar ; Wintoun ; Kingorne ; Roxburgh ; Annerdail ; Lauderdail ; Southesk ; Tracquair ; Stirline ; Bishop of Edinburgh ; Lord Lorne ; Lord Alexander ; Clerk Register ; Advocate ; Justice Clerk.

Vol. 100, b

"The whilk day in presence of the Lords of Secreit Counsell compeired Archibald, personallie Archibald, Lord of Lorne, and presented and exhibite before presents Allan

Cameron of
Lochiel before
the Council.

Declaration by
William, Earl
of Stirling,
Secretary for
Scotland, to
the effect that
while lately in
Stirling he
caused to be
arrested three
rebels, one of
whom, Robert
M^cFarlane, he
released on a
bond of caution
which the said
Earl produced
to the Council.

the saids Lords Allane Camron of Lochiell conforme to the act made to this effect and promiseist to reenter him in the afternoone." Acta, June 1634-April 1636.

"The whilk day in presence of the Lords of Secreit Counsell Fol. 100, b.
compeired personallie Williame, Earle of Stirlin, Secretar to our soverane
lord for the kingdome of Scotland, and expounded and declared that,
information being made to him at his lait being in Stirlin that Robert
M^cFarlane, sone to umquhill Androw Moir M^cFarlane, and Robert and
Malcolme M^cFarlans, sonnes to Gartaverton, three brokin men and
dissobedient to law and justice, wer within the said burgh of Stirlin, he
out of his respect to his Majesteis service and the peace of the countrie
and in the dewtie of his place, being a privie counsellor, caused apprehend
the saids three persons, of whome he dismiss the said Robert M^cFarlane
upon the band underwrittin givin to him for the said Robert, and he
hes brought the other twa M^cFarlans to the burgh of Edinburgh and
hes committed thame to waird there where they presentlie remaine.
Quhilk declaration made be the said Erle being heard and considerit be
the saids Lords and they having lykewayes read, heard and considerit
the band abonewrittin tane be the said earle for the said Robert
M^cFarlane and being weill advised therewith, the Lords of Secreit
Counsell finds and declares that the said Earle hes done good service to
his Majestie in the taking of the saids three persons and in the dimitting
of one and committing of the other twa to the tolbuith of Edinburgh,
and they allow and approve of his proceedings and doing therein and
exoners and discharges him of all and everie thing that may be impute
to him or objected aganis him for that caus, and ordains the said band
to be insert and registrat in the bookes of Privie Counsell, of the quhilk
the tenor followes:—Be it kend till all men be thir present letters, us
Johne Grahame of Rednoche, Johne Grahame of Gartur, Androw
Grahame of Monytraichie, Alexander Steuart of Annat, Johne Stuart,
fear thairof, his sone, Johne Dow Stuart in Glenfinlayes and Johne
M^cFarlane at Brigend of Turk to be bound and obleist, lykeas we be the
tennor heirof bind and obleis us, as cautioners and souerteis for Robert
M^cFarlane, sone to umquhill Androw Moir M^cFarlane, conjunctlie and
severallie, that he sall compeir personallie before the Lords of his
Majesteis Privie Counsell in the tolbuith of Edinburgh, or where it sall
happin thame to sitt for the time, upon the requisition of fourtie dayes
to be made to us or anie of us be his Majesteis Thesaurar, Thesaurar
Depute or Advocat, or anie others in thair names, there than to abide tryell
and judgement for whatsomever crime or offence committed be the said
Robert M^cFarlane at anie time bygane or quhilk may be layed to his Fol. 101 a.
charge at the instance of anie person or persons, and that he sall be
answerable thairfoir to his Majesteis lawes and, failyeing thairof, requisition
being made to us or anie of us, as said is, we bind and obleis us
and our airis conjunctlie and severally to content and pay to the said
Thesaurar his deputs and under receavers the soume of ane thowsand
punds money of this realme but fraud or guile, provyding alwayes that

Acta, June
1634-April
1635
Vol. 101, a.

the said requisition be made to us within the space of yeer and day nixt after the dait heirof, and in the meane time whill the said yeere be expired we bind and obleis us and our foresaids conjunctlie and severallie, as said is, for the indemnitie of all parteis who sall happin to be wronged, damnified or skaithed be the said Robert M^cFarlane or be anie others of his causing, command, ressett, assistance or ratihabitoun, whome he may stop or latt directlie or indirectlie otherwayes nor be order of law and justice; and if neid beis we bind and obleis us and our foresaids conjunctlie and severallie, as said is, to present the said Robert M^cFarlane to justice at anie time within the said yeere to be answerable for anie wrong, skaith or offence that he sall happin to committ in the meane time under the pane foresaid. And I, the said principall, bind and obleis me and my airis to warrand, freith, releeve and skaithlesse keepe my saids hail cautioners and thair foresaids of thair forenamit cautionrie abonespecefeit and of all coast, skaith, damage, expenses and interesse they or anie of thame sall happin to susteane or incurre therethrow be anie maner of way. Lykeas we, the saids cautioners, bind and obleis us and our foresaids to releeve and skaithlesse keepe others of the samine cautionrie and of all that may follow thereupon *pro rata* but fraud or guile. And we the saids principall and cautioners ar content and consents that thir presents be insert and registrat in the bookes of his Majesteis Privie Counsell or bookes of Adjournall and have the strenth of ane decreit of the Lords thair of, ordaining letters and executoriallis to be direct thereupon upon ane simple charge of sax dayes allanerlie and for that effect constituts, etc., our procurators to compeir and consent to the said registratioun, whereanent thir presents sall be ane sufficient warrand. In witnes of the quhilk thing we have subscriyved thir presents as followes, writtin be James Keir in Stirline at Stirline, the tenth day of September, the yeere of God j^mvj^o threttie fyve yeeres, before thir witnesses, M^r Harie Livingstoun, minister at Kippen, Robert Grahame, sone to umquhill Jasper Grahame of Blaircesnocht, Alexander Cuninghame, merchant burges of Stirline, and the said James Keir. *Sic subscribitur*, Johne Grahame, Johne Grahame of Gartur, Androw Grahame, Alexander Stewart, Johne Dow Stewart, Johne M^cFarlane, cautioners, and Robert M^cFarlane, principall abone-writtin, with our hands at the pen of the notars undersubscriyvand at our command becaus we cannot write ourselffes, *Ita est Joannes Williamesoun notarius de mandatis dictarum personarum scribere nescientium, ut asseruerunt, testantibus his meis signo et subscriptione manualibus. Ita est Magister David Forrester, connotarius in premissis requisitus de mandato dictarum personarum scribere nescientium, ut asseruerunt, testantibus his meis signo et subscriptione manualibus.* M^r Harie Livingstoun, witnes, Alexander Cuninghame, witnes, Robert Grahame, witnes, James Keir, witnes."

"The whilk day the missive underwrittin signed be the Kings Majestie and direct to the Lords of his Majesteis Privie Counsell, being ^{Letter from his Majesty requiring that}

Vol. 101, b.

there be no
exemption
from the sub-
scription of the
General Bond.

presented to the saids Lords be the right reverend father in God, Johne, ^{Acta, June 1634-April 1636.} Archbishop of S^t Andrewes, Lord High Chancellor of this kingdome, and read in thair audience, the saids Lords ordains the said missive to be insert and registrat in the bookes of Privie Counsell and to have the force of ane act of Counsell in all time comming, of the whilk missive the tennor followes:—CHARLES R.—Right reverend father in God, right trustie and weilbelovit cousins and counsellors, right trustie and trustie and weilbelovit counsellours, we greit yow well. Conceaving that it is verie expedient for the good of our service that no exemption be made of anie person frome giving the generall band who is interested in these bounds prescribed by our acts of parliament tuicheing that purpose bot that it be done without exceptioun of person, and to whiche purpose it being requisite that suche so interested in whome we repose cheefest trust (as you of that number ar and of whois affection to our service we ar confident) sould proceed by your good exemple, it is our pleasure that frome hencefurth no exemption be made by anie suche persons of your nember from readie and timelie signeing of the said band and performing suche others as ar necessar to be done tuicheing that purpose, whair of expecting from yow to see the exact performance we bid yow farewell. From our Court at Bagshot, the 15 of September, 1635.”

Declaration of
Council anent
the General
Bond.

“The whilk day the Lords of Privie Counsell, for avoyding of all ^{Fol. 102, a.} scruple and doubt that may be conceived be the noblemen and others who hes or sall subscrivve the generall band, finds and declares that, notwithstanding the termes and conception of the said band or of anie claus conteanit therein, the said generall band sall be no forder obligatorie aganis the parteis subscrivvers and thair cautioners bot according to the acts of parliament made thereanent allanerlie, and that this act sall be als sufficient as if the same wer particularlie insert in the bodie of the generall band; and siclyke the saids Lords declares that the parteis principall sall be bound conforme to the saids acts of parliament and that the cautioners sall be onelie lyable frome the dait of thair bands.”

Edinburgh,
22nd Septem-
ber 1635.

Complaint by
William, Earl
of Erroll,
against
William
Ogilvie in
Lungare and
others for
carrying
prohibited
weapons and
doing violence
to his lands
and tenants.

[Sederunt as recorded above.]

Decreta,
April 1635.
February 1639.
P. 84.

Complaint by William, Earl of Erroll, and Sir Thomas Hope of Craig-hall, King's Advocate, as follows:—In contravention of the laws forbidding the carrying of firearms and convocation of the lieges in arms, William Ogilvie in Lungare, George Ogilvie in Craigie, James Andersone in Vrese, James Bidie in Toux, David Rind in Mains of Dunnotir, James Rinde, his son, Alexander Nilsone at the Kirk of Fetrasso, Archibald Beane there, John Smith in Dunnotar, David Baxter in Gallotoun; James Nilsone at Fetrasso, Alexander Jack in Bræe of Fetrasso, Alexander Irwing there, Thomas Masone there, David Croll there, David Smith there, Robert Cruikshank there, James Baxter at Gibsloe, James Smith in Newtoun, William Lundie in . . . , John Burlie in

Cautoune, David Soutar in Heids, David Andersone at the Walkmylne of Petrasso, Robert Hamiltoune at the Mylne of Forrest, James Allerdese in Over Cragie, Andrew Hametoune, chamberlain, Alexander Keith in Cautoun, Patrick Govane at the Kirk of Petrasso, Archibald Laurence there, Stephen Bidie in Toux, Thomas Dolons, Andrew Milne, John Hunter there, James Ret at the Mylne of Forrest, William Ker in Fedders, Thomas Smith in Dunnoter, Alexander Grige in Woock, Alexander Hislop in Heack, James Clerk in Stanehyve, John Gray there, John and Thomas Brigfard there, James and John Crystie there, David and Gilbert Gilgour there, John Fergusson there, Gilbert and David Mason there, Alexander Grant there, Andrew Dredie there, Alexander Mar there, John Watt there, George Ros there, Archibald Cossar there, James Cruikshank in Cautoune, William Duncane at Cautie, George Lyall there, Alexander Scot in Glasloe, Robert Hametoun there, William Reed there, William Sparke in Heids, David Straitone in Stanehyve, Andrew Ker there, William Walker there, Andrew Donaldsone there, Alexander Cragie there, George Ritchie there, George Thomesone there, Thomas Glennie there, Thomas Lepar there, and George Keith there, with others to the number of fourscore persons, all armed in warlike manner with "lances, jedwart stalves, suords, steilbonets," and other invasive weapons, and with the forbidden "hacquebuts and pistolets," came on July last "in a tumultuous and unseemlie maner" to the said Earl's lands of Urie, and taking advantage of his absence, attending his Majesty's service in Council, "they with foot speds and flauchter speds delvit and kuist up the haille greene before the yet of the space, and so spoyled and defaced the said greene as it is unseemlie to be seene; and when they had cassin up the haille yeard, they caried and led the same away upon cairts and sleds and creills on horse backs toward the Castle of Dunnotir." Further, "they went directlie to the tenents of the lands of Urie and to thair houses thair of and cutted and destroyed a great quantitie of thair pets, cassin and winne be thame for thair winter provision in the said Earle his awne mosse, and so manie as they left uncuttit they caried with thame to thair awne privat houses," doing thereby all they could to provoke a breach of the peace, had not the pursuers patiently borne therewith, resolved to seek their remedy only by the law. Charge having been given to the persons complained against, and to Robert Thomesone in Gallotoune, James Hendersone in Karmon, and James Lichtoune in Woodhead as witnesses, and the pursuers compearing but none of the defenders nor witnesses the Lords ordain the latter to be put to the horn and escheated for their contempt.

Complaint by Dame Janet Lawsone, widow of Sir John Edmestoune of Ednem, and Edmestoune now of Ednem, her son, as follows:—
In the controversy before their Lordships between them, on the one part, and Sir Alexander Seatoune of Kilcreuch, Sir William Murray of Touchadame, Sir John Stirline of Arden, William Stirline of and William Cranatoune in Morestoune, on the other, as to the posses-

Complaint by
Dame Janet
Lawsone, widow
of Sir John
Edmeston of
Ednam, against
William Lyall
, and others for
debarring the
complainer

Decreta,
April 1635-
February 1639.
P. 84.

P. 85.

P. 86.

from entry
into the House
of Ednem, thus
contravening
the decree of
Council.

sion of the house of Ednem and the houses, buildings and barns thereof, their Lordships, by their decree of 26th September, 1633, allowed the complainer to keep possession of the rooms following, viz., the Laird's chamber, the Gallery, the Wardrobe and the "Loadner," all within the place of Ednem. She accordingly furnished these rooms with her own goods, and kept the keys of them, and her possession thereof was never quarrelled till upon 31st August last, when she and her said son went there upon their necessary business, William Lyall and William Cranstoune, tacksmen of the Mains of Ednem and keepers of the place thereof, notwithstanding of the earnest requests and desires of the complainers, "verie undewtifullie closit the yet and with disdainefull speeches refused in anie cause to give the compleaners entrie within the place and within the rouses reserved and allowed unto thame, constraining the compleaners therby to take thameselves to ane poore tenents hous for thair lodgeing that night and so manie nights thairafter as thair adois urgit thair abode there"; and they intend to debar them altogether from the said place. Both pursuers and defenders compearing personally and having been heard, the Lords ordain the pursuer to continue in possession of the house in terms of the former decree and discharge the defenders from all impeding of her in so doing until she be orderly removed therefrom in course of law.

Decreta,
April 1635.
February 1639.
P. 86.

P. 87.

Complaint by
Sir David
Crichton of
Lugton
against Dame
Janet Lawson
for debarring
the complainer
from entry
into the place
of Whytside.

Complaint by Sir David Creichtoune of Lugtoun, Dame Janet Edmestoune, his spouse, Margaret Edmestoune, her sister, and Nicol Elphinstoune, tacksmen to them of the lands of Fawsyde, as follows:—The said Laird and his spouse have good and undoubted right to the lands of Quhytsyde and manor thereof and have been in peaceable possession until now when Dame Janet Lawsoun, Lady Fawsyde, has resolved by way of bangsterie to debar them therefrom. Accordingly, on the 1st instant, she sent Mr William Cokburne, George Fortune, her servant, Patrick Yellolies, and James Mader, notary, to the place of Quhytsyde, which is possessed by the said tacksmen in the name of the complainers, and they, "with ane great forehammer and ane pleuche yron, brake up the yet of the place, raive aff the lockes and possest thameselves in the hous. And upon the Thursday thairafter she sent the said George Fortune to the place to sett on new lockes, and then sent bedding, meale and malt and other provisions, with direction to her servants to stay till she come and settled herself there this harvest; where she intends to keepe hous and uplift the rents therof and dispossesse the compleaners of the same." Charge having been given to the persons complained of and they all compearing personally together with Sir David Creichtoune of Lugtoun and Nicol Elphinstoune for the pursuers, the Lords, after hearing parties, assoilzie the defenders, because upon probation being referred to their oath of verity (except in the case of Lady Ednem) they all denied the charge.

P. 88.

Complaint by
John Craik in
Craigheid and

Complaint by John Craik in Craigheid, John Bowman, Andrew Dalgetie, David Durwart, John Duchtie, David Simesone, John Peacok,

Decrets,
April 1638.
February 1639.
P. 83.

Charles Guild, Robert Dog, John Mearnes, John Leonard, Alexander Bust, George Straitone, Gilbert Achterlonie, John Bowman, elder and younger, John Cumyng, William Howie, William Cudbert, James Staine, Thomas Dicksone, John Rid, Andrew Fyff, Alexander Lindsay, Patrick Barrie, Andrew Mortimer, David Rae, David Man, John and William Dick, David Dalgetie in Windiedge, Alexander Dalgetie there, Alexander Dick, John Darge, elder and younger, David Darg there, Andrew Duff there, Henry Cudbert, Andrew Davidstone, Kemp, and Stewart in , as follows:—Upon sinister information made to his Majesty's Council by Robert Fletcher of Bensho that they debarred him from the moss of Bensho and "strake and dang his servants who had in the said mosse," he charged the complainers to appear before his Majesty's Council upon 30th July last, and for not compearing he charged them to be put to the horn; but most wrongfully, for in obedience to the said charge they came in due time to this burgh, waited there all day and the day following, and finding no calling of the case, they from mere simplicity, thinking that the diet had deserted, went home. They therefore crave suspension. The pursuers being largely represented by most of their number, but Robert Fletcher not appearing, the Lords suspend the letters of horning.

others against Robert Fletcher of Ballinsho, whom they accuse of illegally charging them to appear before the Council and of failing to appear on the day appointed. The complainers crave suspension.

Complaint by John Hamiltoun, Chamberlain of Arbroth, as follows:—
On 27th July last Patrick Guthrie of Auchmuchthie was put to the horn for not paying to the complainer his escheat goods and he remains proudly at the horn in contempt of the law. The pursuer compearing but not the defender, the Lords ordain the latter to be charged to render for defiance of his houses of Achmuthtie and to enter ward in Blackness Castle until he have satisfied the letters of horning.

Complaint by John Hamilton, Chamberlain of Arbroth, against Patrick Guthrie of Auchmuchty for defiance of horning obtained at the instance of the complainer.

Complaint by Andrew Frenshe, shepherd in Maynshill, as follows:—
On he was in his own house lying in bed, taking his rest, when James Hepburn of Bearfurd, at the instigation of Dame Margaret Prestoune, his mother, came with some other accomplices by way of hamesucken under cloud of night to him, "violentie harled and drew him out of his bed, gave him a number of bauche and blae straits on divers parts of his bodie and left him for deid; and thairafter past to the byre, tooke out therof a kow and stirke with sex sheepe," and has brought the poor creature to the extreme point of misery. The pursuer compearing and also the said James Hepburne and Dame Margaret Prestoune, as defenders, the Lords after hearing parties find "that the said defender violentlie tooke the said persewer his kow and sex lambs," and for this great insolence they ordain him to pay to the pursuer £60 as the price of the cow, and 40s. for each of the lambs, but they assoilzie him from the rest of the complaint, because, the probation being referred to his oath of verity, he confessed that whereof he was convicted and denied the rest of the charge.

Complaint by Andrew Frenshe, shepherd, against James Hepburn of Bearfurd for assault and robbery of the complainer's cattle and sheep.

Complaint by Robert Alexander in Candren, as follows:—Upon when he was in peaceable manner in the dwelling-house of

Complaint by Robert Alexander in

P. 89.

P. 90.

P. 91.

Candren
against
William
Stewart in
Woodsyde for
assault.

James Turnbull in Paisley, in the company of William Stewart in Woodsyde, the said William, without any affront done to him, "uttered a number of opprobrious speeches aganis the compleaner and threatned to stab him in the bellie with a whinger." Upon this the compleaner withdrew and went home, but, as soon as the said William missed him, he pursued after and overtook him, and, "or ever the honest man was awar, haveing renewed his former bloodie threatnings, the said William with his said whinger stobbed him in the bellie, quherthrow he fell doune deid to the ground; and he, perceaveing that the honest man was not outright killed, he fetched ane other straike with the said whinger quherwith he had undoubtedly strucken the compleaner throw the heid if Allexander Pooke, ane neichbour, had not kepped the straike; and the compleaner behoved to be caried home in a sled to his awne hous where he hes lyne this long tyme bedfast under the cure of chirurgians in danger of his lyfe." Both pursuer and defender compearing and they and witnesses having been heard, the Lords find "that the said defender strake the said persewer in the bellie with a whinger," and ordain him to pay 200 merks to the pursuer and £5 to every one of the witnesses for their expenses; also to be committed to ward in the tolbooth of Edinburgh until he pay these sums, and until he find caution in their Lordships' books for the indemnity of the pursuer in 500 merks.

Complaint by
Mr Edward
Miller and
others,
choristers of
his Majesty's
chapel, against
Andrew
Sinclair, one of
their number,
for uplifting
16,000 merks,
granted by his
Majesty to the
choristers as a
body.

Complaint by Mr Edward Miller, John Watstone, Stephen Tulliedaff, P. 93.¹ Robert Cahoune, Francis Marchell and Eliezer McKiesone, "quiristers of his Majesteis Chappell," as follows:—The King was pleased to grant them the sum of 10,000 merks for a help and supply until further order was taken for their provision and maintenance in their said charge, and Andrew Sinclair, one of their number, without any warrant from the complainers, has uplifted the said sum and granted discharges thereupon. They would have overlooked his presumption in using their names thus without their leave, but, when they craved payment, "he shifted thame with idle excuses, putting thame aff frome day to day, so as by cleir compt he will have in his hand tua thousand sex hundreth and ten merks of thair money," and he refuses to deliver the same. Charge having been given to the said Andrew, who did not compear, and the pursuers compearing personally along with James Kennowie, W.S., who craved to be admitted for his interest in right of William Merser, his brother in law, which was granted, the Lords remit the trial and examination of the said Andrew Sinclair's accounts to David, Bishop of Edinburgh, and Dr James Wedderburne, present Dean of the Chapel, or to the said Dean himself, who are to cause the said Andrew pay what is due to the pursuers. And they are to report what they do to their Lordships on the first Council day of November, so that they may take order therewith as may be found necessary.

Edinburgh,
22nd Septem-
ber 1635.
Letter from
his Majesty

"A letter frome his Majestie for rectifeing the abuses committed at ferryes, quhereanent his Majesteis Advocat, according to his Majesteis letter direct unto him, exhibite before the Consall a paper conteaning the

Decreta,
April 1635-
February 1636.
P. 91.

[¹ Omitted at
its proper place
in the
Register.]

Sederunts,
January 1635-
November
1643.
Fol. 17, b.

Sederunts,
January 1635-
November
1643.
Fol. 17, b.

disorders and abuses at ferryes with the causes thereof and remedeis of anent abuses connected with ferryes.
the same."

"A letter from his Majestie in favors of Laird Leslie and the wedow Letter from his Majesty in favour of Laird Leslie and the wedow of Terrisoull, conforme whereunto ordanis thair debtors to be callit that order may be tane towards thair releeffe and satisfioun, and in the meane time ordanis no protection to be past to thair saids debtors nor of Terrisoull. thair surteis."

Acts, June
1634-April
1636.
Fol. 102, a.

Sederunt:—Chancellor; Privy Seal; Mairshell; Mar; Wintoun; Edinburgh, Roxburgh; Annerdail; Lauderdail; Southesk; Bishop of Edinburgh; Lord Lorne; Lord Alexander; Clerk Register; Advocate; Justice Clerk.

"Forsamekle as there is no report as yitt returned who sall be shireffs, Sheriffs, stewarts and bailleis of these shirefdomes, stewartreis and baillereis stewards, and whairof the nomination is in his Majesteis hand for the yeere to come, and the Lords of Secreit Counsell being carefull that in this meane time baillies nominated by his Majesty who have held their offices during the past year till the returne of the said report, the subjects be not prejudged of the dew course of law and justice and that his Majesteis awne service proper to retain the same during his Majesty's pleasure and dew to be performed be the saids shireffs, stewarts and bailleis be not neglected; thairfoir the saids Lords ordains letters to be direct charging the shireffs, stewarts and bailleis foresaids of whome his Majestie hes the nomination and election and who hes served in these offices this yeere bygane to continew in the saids offices and in the exercise and execution of all and everie thing proper and dew to thair place and charge and as they wer accustomed to doe the yeere bygane ay and whill they be discharged be the saids Lords, as they and everie ane of thame will answer to his Majestie and to the saids Lords upon thair office and obedience."

"The whilk day Johne Cuninghame, appearand of Barns, compeirand personallie before the Lords of Privie Counsell, produced before the saids Lords the report of the commissioun grantit to some noblemen and others for trying the necessitie of erecting a light on the Yle of May, the advising whairof the saids Lords continewes till the first Counsell day of November nixt, reserving alwayes to the said Laird of Barns to use his forder diligence the meane time, as he sall thinke fitting, quhairof Johne Sinclair, deane of gild of Edinburgh, being personallie present, is warned *apud acta*."

Fol. 102, b.

Decreta,
April 1635-
February 1639.
P. 92.

[Sederunt as recorded above.]

Edinburgh,
23rd Septem-
ber 1635.

Complaint by Sir Thomas Hope of Craighall, King's Advocat, and John Grant, apparent of Ballindallich, party aggrieved, as follows:—The resetting of the goods of rebels, thieves and sorners, and intercommuning with the traitor, James Grant, and his accomplices, has been forbidden by law, yet James McGilliechryst in Corries, George Murray of Blairfindiey, Complaint by John Grant, apparent of Ballindalloch, against James McGilliechryst in Corries and others for

resetting the
traitor James
Grant and his
accomplices.

John McAgie at the Boat of Fiddich, John McAuld in Findret, Robert McInrache in Achriachnie, Patrick McInteir in Glenconglas, Alaster Gordoune in Torres, Janet M'Inriache in , Thomas Innes in Elgine, and Andrew , skinner in , have, especially since he broke out of the Castle of Edinburgh, and in the years 1632, 1633, 1634 and this present year, "not onelie intercommoned and had intelligence with the said traitor and his complices be word, writ or message or otherways for directing and advising in the meanes how to putt thair wicked plots in executioun aganis the said John and his tenents, bot also at all occasions they have ressett and harboured the said James and his complices in thair houses, furnished thame with meit, drinke, hous and harberie and all others necessars"; and they have reset the goods acquired by the said James by stouthrief and keep them for his behoof; whereby they are the more emboldened to stand out. Charge having been given to these persons, and also to Farquhar Cumyng in Ruthen in Stradoune, Bremer Moir McEuchlie, Farquhar McInrioche, John Dow Robertsons in , David Steuart in , and William Andersone there as witnesses, and his Majesty's Advocate compearing personally, John Grant by Walter Hay, advocate, his procurator, also the said John McEgie appearing by John Mudie, writer, his procurator, who undertook to exhibit him before their Lordships on the first Council day of November next, but none of the other defenders or witnesses, the Lords ordain the persons not compearing to be put to the horn and escheated.

Decreta,
April 1635.
February 1635
P. 93.

Complaint by
John Grant,
fiar of Ballin-
dalloch, and
others against
Allan
M'Ranald of
Lundie, who,
at the
complainers'
instance, is at
the horn for
resetting the
traitor, James
Grant, to
which horning
the said James
pays no heed.

Complaint by John Grant, fiar of Ballindalloche, for himself and as master to Alexander Tailzeowr in Lindarchie, William Glaschen in Preistscheill, John Glaschen there, Helen Tailzeour, widow in Rilquhen, Alaster McOndohie in Edinglassie, John and Arthur Forbes there, and Alexander Reid in Coull, his tenants, as follows:—On 8th March, 1635, Allan McRannald of Lundie was put to the horn at the instance of the complainer for not finding caution in the Books of Adjournal to underlie the law before his Majesty's Justice for intercommuning with, resetting and hounding out of James Grant, the traitor, in certain heirships and stouthreifs, of which horning the said Allan takes no heed. Charge having been given to the said Allan, and the pursuers appearing by Alexander Don, their procurator, but the defender not compearing, the Lords ordain that he be charged by heralds, macers or pursuivants, and all havers or keepers, to deliver up his house of and to enter his person within the Castle of Blacknes, and there remain upon his own expenses, within fifteen days after the charge upon pain of treason.

Complaint by
the same per-
sons against
Angus
M'Ranald, who
is the superior
of the above-
named Allan

Complaint by the same persons, as follows:—On 2nd February, 1635, Allan McRannald in Lundie was put to the horn for not finding caution in the Books of Adjournal to underlie the law for intercommuning with James Grant, rebel, in sundry depredations committed by him upon the complainers; but to this horning he pays no heed. Now he

P. 96.

Decree,
April 1635.
February 1639.
P. 85.

is man, tenant and servant to Angus M^cRannald of Glengarrrie, who M^cRannald, and ought therefore to produce him to his trial, which he refuses to do yet has failed to produce him unless he is compelled. Charge having been given to the said Laird of Glengarrrie, who compeared by John M^cRannald, his procurator, and the pursuers compearing by Alexander Don, their procurator, the Lords, after hearing parties and witnesses, find that the said Allan M^cRannald holds lands in wadset for 5000 merks from the said Laird, who is his chief and superior, upon whom he depends and in whose country he haunts, and therefore they ordain the said Laird to present the said Allan before them so that he may be delivered over to his Majesty's Justice and underlie the law for his beforementioned crimes.

P. 94.

Supplication by Marjory and Magdalene Dunbar, daughters of the deceased Mr James Dunbar of Newtoun, and Mr Gavin Dunbar, chantor of Murray, for his interest, as follows:—These ladies having lawfully acquired the title and right to the lands of Newtoun, which belonged to their said father, they dispoined the said lands to the said Mr Gavin Dunbar, but they now learn that Alexander Dunbar of Ashleisk has procured a commission from their lordships against Alexander Duff, late burgess and clerk of Forres, as the alleged framer, and against William Forsyth, notary, as the alleged writer of the charter and infeftment of these lands of Newtoun given to them, and counterfeiter of the subscription of the said deceased Mr James, their father; and by virtue of this commission he has apprehended both these persons. “Bot, as appeires, this Alexander Duff, being upon some contrived plot aganis us with the said Allexander Dunbar, and being ane infamous person deposed from his place of clerkship in Forres for his undewtifull cariage, and a rebell and bankrupt, he hes beene enterateanned be him with all sort of faire dealing and hopes of rewarde, and the other being the more honest man, being tane upon the 17 of August last, hes beene kept prisoner ever since and not so muche as his wyffe and bairnes suffered to have accesse to him, bot is brought over heir as ane malefactor when as this Allexander Duff is suffered to goe frie; all whiche tyme the said Allexander Dunbar has travelled with the honest man to depone aganis the supplicants that they have corrupted him to counterfoote the chartour forsaid, and they intend after his exhibitoun before the saids Lords to extort frome him ane depositions of this kynde of purpose to draw us under the danger of so foule ane cryme.” The matter is one of a merely civil nature usually dealt with before the Lords of Session by an action of improbation, and they “are ever accustomed to sequestrate persons dilate or suspect of anie fraud or falset before they be examined;” therefore the petitioners crave that the said William Forsyth be put to liberty upon caution to appear before the Session, and not examined until then, and also that the said Alexander Dunbar may be ordained to exhibit the said Alexander Duff, “by whome the coosenage committed in this busines may be discovered.” The Lords, after advising, ordain the said Alexander Dunbar of Aslesk to set the said William Forsyth at

Supplication
by Marjory
and Magdalene
Dunbar,
daughters of
the deceased
Mr James
Dunbar of
Newtoun,
against their
title and right
to the said
lands of
Newtoun.

P. 95.

liberty upon his finding caution in 1000 merks to compear on 6th November next before the Lords of Session, declaring that if the supplicants and their cautioners fail in producing the said William Forsyth at the appointed day, not only shall they incur the foresaid penalty, but "the absence and flight of the said William Forsyth sall import aganis the supplicants a confession of the falset and sall worke in thair prejudice in the action of improbation and reduction." The Lords further ordain the said Alexander Dunbar of Aslesk to find the like caution acted in the Books of Privy Council for exhibition then of the said Alexander Duff, to whom, because he is in danger of the law for debt, they grant a protection until "Yoole" next.

Complaint by William and Janet Russell against David Mureheid for illegal warding.

Complaint by William and Janet Russell, sometime dwelling in Thorniehill pertaining to David Mureheid there, and now in Milnequarter, as follows:—The said David Mureheid alleges that certain of his nolt have been killed recently by the complainers, and without any warrant he, accompanied by James Spittell, brother of Mr Thomas Spittell, and Robert Fraser, came on July last to the complainers' dwelling house, "pat violent hands in thair persons, band thair hands behind thair backs and caried thame captives to the burgh of Edinburgh where they were committed to warde within the yrne hous there, where they yit remaine in great miserie without drinke, meit or bedding, lyke to sterve." Charge having been given to the said David Mureheid and John Stirline of Harbertshyre, his master, and they compearing along with John Arthure, procurator for the pursuers, the Lords, after hearing parties, ordain the provost and bailies of Edinburgh to put the pursuers to liberty.

Edinburgh, 23rd September 1636.
Justices of Peace in the sheriffdom of Forfar.

Lord Lorne and Allan M'Eanduy.

"The commissioun for the justices of peace within the schirefdome of Forfar to be renewed, Sir Johne Carnegie of Ethie to be conveenner, the Lord Carnegie, the young Constable, Sir Johne Carnegie of Craig, and Sir Alexander Carnegie of Balnamoone, to be eeked."

"The quhilk day the Lord Lorne exhibite Allane M'Eanduy conforme to his act."

Edinburgh, 24th September 1636.

Sederunt:—Chancellor; Privy Seal; Mairshell; Mar; Roxburgh; Annerdaill; Southesk; Tracquair; Lord Lorne; Lord Alexander; Clerk of Register; Advocate; Justice Clerk.

Three instead of four henceforth to constitute a quorum of the Commission anent lights on the Isle of May.

"Forsamekle as in the commission grantit to Johne, Erle of Mar, Johne, Earle of Rothies, George, Erle of Winton, David, Earle of Southesk, Johne, Earle of Wemes, Johne, Lord Lindsey, David, Lord Balcarres, Sir Alexander Gibsone of Durie, Mr Alexander Gibsone, his sone, Sir Johne Hamiltoun of Blaikburne, and Sir Johne Hamiltoun of Prestoun, for trying if there be a necessitie of erecting of a light or beaken on anie part of the yle of May and if the dangers quhilks hes fallin out at and about the yle of May might have beene preveenned by a light on the yle of May or if the like dangers may be heereafter prevented by a light

Decreta, April 1635-February 1639.
P. 97.

P. 98.

Sederunt, January 1635- November 1643.
Fol. 17, b.

Acta, June 1634-April 1636.
Fol. 102, b.

Acta, June
1634-April
1635.
Fol. 102, b.

on the said yle, and for doing of sindrie others things at lenth specefeit in the said commissioun, the quorum of the said commission is appointed to be foure, quhilke hes bred a great hinder and prejudice to the execution of the said commission, seing hardlie could foure of the commissioners be gottin conveenned to proceed to the execution of the same; for removing of the quhilks delay in time comming the Lords of Secreit Counsell declares that anie three of the commissioners nominat in the said commissioun sall be ane quorum, authorizing thame heirby with als ample power and commissioun to proceed in the execution of the said commissioun as if the first quorum of foure wer present, provyding alwayes that at everie dyet and meiting of the commissioners fyve of the nomber be warned to conveene."

Fol. 102, a.

"Anent our soverane lords letters direct makand mentioun—Forsamekle as the Lords of Privy Counsell hes thought it meit and expedient for preserving of his Majesteis peace and restraining of the insolenceis and misrule of the dissobedient persons in the Hielands that the hail landslords and chiftans of clans in the Hielands sall be putt under caution for making thair men, tennents and servants and suche as they ar obleist to answer for, obedient to law and justice and for redresse of parteis skaithed, conforme to the acts of parliament made thereanent; and anent the charge givin to Sir Alexander Meinzeis of Weme, Sir Johne Scrimgeour, Constable of Dundie, Alaster Robertsons of Strowane, James, Lord Ogilvie, to have compeired personallie before the saids Lords at ane certane day bygane provided to find the said caution conforme to the said acts of parliament in all points under the pane of rebelloun, etc., with certification, etc., lykeas at mair lenth is conteanit in the saids letters, executions and indorsations thairof. Quhilks being callit and Sir Thomas Hope of Craighall, knight baronnet, compeirand personallie for his Majesteis interesse and James, Lord Ogilvie, compeirand be M^r James Peirsons of Balmadie, who tooke the first Counsell day of November nixt for finding of this caution, and the remanent landslords foressaids being ofttyms callit and not compeirand, the Lords of Secreit Counsell ordains letters to be direct to denunce thame our soverane lords rebellis and putt thame to the horne and to escheit, etc., and superseids the outgiving of the saids letters till the said first Counsell day of November nixt."

"The Lords of Secreit Counsell ordains and commands Mungo Campbell, fear of Lawers, who wes personallie present, to find caution conforme to the generall band, whilk he promiseist to doe before his departure."

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Allane Camroun of Lochiel, and being desired be the saids Lords to find caution conforme to the generall band, otherwayes for keeping ward within the toun of Edinburgh till the countrie be sattled in peace and quyetnes, he wes for not finding of this caution committed to ward within the tolbuith of Edinburgh."

Sir Alexander
Menzieis of
Weme and
other Highland
landlords
denounced
rebels for
failing to
appear before
the Council
on a specified
day and find-
ing caution.

Mungo
Campbell, fear
of Lawers, to
find caution.

Allan Cameron
of Lochiel
committed to
ward for not
finding caution
in conformity
to the General
Bond.

The Earl of Traquair and the two rebels captured by the Earl of Stirling.

See ante, p. 104.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Johnne, Earle of Traquair, and protested that no criminall tryell sould be intentit aganis Robert and Malcolme McFarlans, brokin men tane be the Earle of Stirling and now prisonners in the tolbuith of Edinburgh, till the Duke of Lennox his commissioners be warned and heard thereanent."

Acta, June 1634-April 1636. Fol. 103, a.

Edinburgh, 24th September 1635.

Complaint by Alexander Dunbar of Westfield and others against Elizabeth Fraser and her husband, Thomas Dunbar, for defying the sentence of burning under which they lie at the complainers' instance.

[Sederunt as recorded above.]

Decreta, April 1635-February 1639. P. 99.

Complaint by Alexander Dunbar of Westfeild, and Patrick Dunbar of Westertoune, Alexander Dunbar of Asleisk and Thomas Dunbar of Grange, his curators, as follows:—On 15th August, 1634, Elizabeth Fraser, widow of Mr John Dunbar of Westfeild, and Thomas Dunbar, now her spouse, were put to the horn for non-payment to the complainers of five chalders of victual yearly; and they remain proudly thereat and go about in the country at their pleasure. The pursuers compearing by Mr William Dunbar, their procurator, but the defenders not compearing, the Lords ordain the latter to be charged to render their house of and to enter themselves in ward within the Castle of Blaknes within fifteen days under the pain of treason.

P. 100.

The Earl of Atholl.

"The Lords decernis aganis the Erle of Atholl for not production of his band, and superseids the outgiving of the decreit for the space of eight dayes, quhilk wes intimat to David Wod, servitour to the Vicount of Stormont, who promiseist to advertise the said Erle of Atholl."

Sederunt, January 1635-November 1643. Fol. 18, a.

Anent the Association for the Fishing.

"A missive frome his Majestie anent the fishing and ane answer writtin be the Consell to his Majestie thereanent."

Edinburgh, 25th September 1635.

Registration of bond of caution by Robert Campbell of Glenfalloch for Sir Colin Campbell of Glenurquhy.

Registration by Mr John Paip, younger, advocate, of a bond of caution by Sir Colin Campbell of Glenurquhy, knight, as principal, and Robert Campbell of Glenfalloch, as cautioner, that the former will observe the Acts of Parliament anent landlords (*ante*, p. 26); with clauses of relief and of registration in the books of Privy Council. The bond, which was written by Walter Dalgleisch, notary, is dated at Finlarg and 1st and 20th September, 1635; witnesses, Archibald Campbell, brother german to the Laird of Lawers, Mr Archibald Campbell, his eldest lawful son, and the said Walter Dalgleische.

Acta penes Marchiarum, etc., 1587-1636. Fol. 52, b.

Edinburgh, 26th September 1635.

The inhabitants of Cramond, where the plague now prevails, forbidden to leave the town lest they should spread infection.

[No record of sederunt.]

Acta, June 1634-April 1636. Fol. 103, b.

"Forsamekle as the Lords of Secreit Counsell ar informed that there is great appearance of the contagious sicknes of the pest within the toun of Cramond, wherein, if good order be not kepted and that the inhabitants thair of conteane thameselfes within the same and goe not abroad in the countrie, it is likelie that the said infection, if anie be, sall spread farder, if God of his mercie provide not remeid; and, whereas it is verie necessar in the meane time that all good wayes be used for preventing

Acta, June
1634-April
1636.
Fol. 103, b.

of the course of that infection, thairfoir the saids Lords ordains ane maissers of Counsell to pas to the toun of Cramound and there be opin proclamation at the parish kirk of Cramound the morne, being Sunday, the xxvij of this instant, at the going to the preacheing, to command and charge the haill inhabitants of the toun of Cramound to conteane thame-selffes within the said toun and no wayes to goe abroad out of the same upon whatsomever cullour or pretext, and in speciall that nane of thame resort nor repaire to the burgh of Edinburgh nor frequent one anothers companie under the pane of death, certifeing thame that does in the contrare without licence of the saids Lords had to that effect that the said pane of death sall be execute upon thame."

Sederunt:—Chancellor; Privy Seal; Mar; Roxburgh; Southesk; Edinburgh, 29th Septem-
Tracquire; Lord Alexander; Lord Lorne; Bishop of Edinburgh; ber 1635.
Clerk of Register; Advocate; Justice Clerk.

"Forsamekle as the Lords of Secreit Counsell ar informed that of late there hes beene some contestation within the burgh of Aberdein amongs the nighbours and inhabitants thairfoir anent the electioun of the magistrats and counsell of the said burgh, quhilk contestatioun is yitt fostered and interteanned within the said burgh and like to procure ane great heartburning and others inconvenients to the disturbance of the peace of the said burgh, for preventing whairfoir and for better preservation of the liberteis of the said burgh anent the election of thair magistrats and counsell, the ordinar dyet whairfoir hes beene upon some considerable respects continewed, the Lords of Secreit Counsell ordains letters to be direct charging the provest, bailleis, counsell and others having votè and election of the magistrats of the said burgh to proceed in a calme and peaceable maner to thair said election upon Wednesday nixt, the sevint day of October, conforme to the order prescryved in the acts of parliament made thereanent, certifeing thame if they failyie that the default of want of magistrats sall be impute to thameselffes and they sall be otherwayes censured for thair dissobedience at the sight of his Majesteis Counsell."¹

"Forsamekle as Johne Bell and Duncane Robertsons in Newheaven, both cleangers, having undertane to have gone to Cramond and there to have cleanged some persons infected with the contagious sickenes of the pest, they have verie undewtfullie, aganis thair promise and condition, delayed and continewed thair going to the said toun upon some impertinent and ydle excuses, especiallie that they ar forbiddin be thair maisters, landslords and others to doe the same, quhereupon forder trouble and infection may fall out, if remeid be not provydit; thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the saids Duncane Robertsons and Johne Bell to make thair addresse to the toun of Cramound within ane heure after the charge and there to burie

Fol. 104, a.

suche as ar dead of that sickenes and to cleange all others that ar presentlie or sall happin heirafter to be infected with the said sickenes under the pane of death, with certification to thame and they failyie they sall be apprehendit and execute to the death without favour; and siclyke to command and charge Johne Logane, maister and landslord to the saids persons, and all others whome it concerns, to caus and compell the saids cleansers to repaire to Cramound and to performe thair dewteis and offices carefullie, as the saids landslords and others will answer upon thair refusall at thair highest perrell; and siclyke to command and charge James Inglis of Neather Cramound and others gentlemen in that parish to have a speciall care and watchfull eye over the said cleansers that they goe not abroad nor use no slight nor policie quhilk may be caus of infectioun to others as they will testifie thair good affection and disposition to bestow thair panes and travellis for the weale of the bounds where they dwell."

Acta, June
1634-April
1636.
Fol. 104, a.

Appointment
of a commis-
sion to prevent
ships from the
Low Countries
from landing
plague-
stricken
persons on the
shores of the
Forth.

"Forsamekle as it is understand to the Lords of Privie Counsell that there is sindrie ports, parts and touns in the Low Countreis, where and with whome the subjects of this kingdome hes a daylie and frequent commerce and trade, infected with the contagious sickenes of the pest, and some shippes ar come frome thence with sicke and diseased persons of the said contagion in thame and hes quyetlie sett thair sicke and diseased persons ashoare, be whome some infection hes kythed in the toun of Cramound, and it is verie probable that the said contagion sall spread farther and have a farther course and progresse if God of his mercie prevent not the same and that all good meanes be used for that effect, and thairfoir the Lords of Secreit Counsell ordains letters to be direct to command, charge and inhibite all and sindrie maisters, awners, skippers and mariners of shippes and vessellis comming frome the Low Countreis toward this kingdome that nane of thame presoomie nor take upon hand to enter in anie port, creik, haven or harberie of this kingdome nor to sett anie of thair companie or equippage ashoare till first tryell be takin of the places whence they came and in what estat and condition the saids shippes and thair equippage and companie ar, and if they be in good health and free of all infection or suspicion of the said sickenes, under the pane of death. For the better execution whair of the saids Lords hes made and constitute and be the tennor heirof makes and constituts the persons particularlie underwrittin his Majesteis commissioners within the bounds following, viz.:

Fol. 104, b.

Dundas of that Ilke, Dundas, his eldest sone, and George Dundas of Maner, for the Queinsferrie; Sir Johne Hamilton of Grange, James Hamilton, his eldest sone, Walter Cornwall of Bonhard, Williame Drummond of Rickartoun, Thomas Dalyell of Binns, M^r Alexander Hamilton of Kinglas, Johne Hamilton, chamberlane of Kinneill, the provest and bailleis of Linlithgow, Alexander Bruce of Alva, Robert Drummond of Medhope, and Sir Johne Hamilton, younger of Barganie, for Borrowstounesse and Caribden; Williame, Erle of Airth, for Airth; Alexander,

Acta, June
1534-April
1635.
Fol. 104, b.

Lord Elphinston and Alexander, Maister of Elphinston, for Elphinston ;
Johne, Erle of Mar, and his bailleis, Schaw of Sauchie,
Bruce, elder of Clackmannan, Bruce, his sone, and
Blacader of Tulliallane for Alloway, Clackmannan and Tulliallan ; the
provest and bailleis of Culross, Sir Johne Preston of Valifeild, Robert
Bruce of Blairhall, and Gilbert Gourlay of Grange, for Culros and
Kincarne ; Alexander Bruce of Alva, Robert Colvill of Cleish and
Halket of Pitfirrane, for Torrie and the Lymkills ; and the
provest and bailleis of all burrowes and touns and the awners of
the coalehewes and saltpanns on the south and north coast of
the water of Forth and of others burghes, seaports and touns within
this kingdome ; with power to thame and everie ane of thame to caus
diligent attendance be givin within the bounds respective foresaids that
no ships coming frome the saids infected and suspect parts be suffered
to land nor to sett anie of thair companie or equippage ashoare nor that
they losse anie part of thair goods till first tryell be tane frome whence
they came and in what estait and condition the ship and her companie
ar and that they be warranted to come ashoare ; and if anie maisters,
skippers, mariners or passengers within the saids shippes sall preasse to
bring in thair shippes to anie harberie, port or creik and to sett anie of
thair companie aland, with power to the saids commissioners respective
to convocat his Majesteis lieges and by strong hand to withstand and
resist thair landing and coming ashoare, dispensing heirby with all
inconvenients whiche sall happin to fall out in the execution of this
service."

Fol. 105, a.

Sederunt :—Chancellor ; Privy Seal ; Tracquair ; Lord Lorne ;
Bishop of Edinburgh ; Clerk Register ; Advocate ; Justice
Clerk.

Edinburgh,
30th Septem-
ber 1635.

" Forsamekle as Williame Muddie, skipper, having come frome
in the Low Countreis, where he knew that the contagious sickenes of
the pest wes most violent, he verie unchristianelie, after he came in this
firth, sett ashoare at Werdie one callit Lyll, who wes sicke for
the time within the said ship and his sickenesse knowin to the hail
equippage ; and when, as he himselfe came ashoare and being examined
anent the estait and condition of his ship, what persons wer sicke
therein, and how manie persons he had sett ashoare and if all the
equippage of the said ship wer in good health, he most undewtifullie
and mischantlie denyed all, affirming the hail equippage of his ship to
be in good health, altho' after examination of his mariners he wes
brought to ane cleere confession that the ship wes infected and sindrie
persons sett ashoare out of the same. And, to the intent the truthe of
this mater, quhilk imports so neerelie the estait of the kingdome,
may be more formallie discovered and tryed, the Lords of Secreit
Counsell hes givin and grantit and be the tennor heiroyf gives and grants

Commission
appointed to
examine
William
Mudie, skipper,
anent his
landing
plague-
stricken per-
sons at Wardie.

full power and commissioun to the provest and bailleis of Linlithgow, ^{Acta, June 1634-April 1636, Fol. 105, a.} Mr Alexander Hamilton of Kinglas, Walter Cornwall of Bonhard, Thomas Dalyell of Binnis, Williame Drummond of Rickarton, and Alexander Bruce of Alva, or anie three of thame, the provest or one of the bailleis of Linlithgow being one of the three, to try and examine the said Williame Muddie, skipper, from what port of the Low Countrie he loused, what wes his dew course thither when he came in the firth, ^{Fol. 105, b.} if he patt anie of his companie and equippage ashoare at Werdie or anie other part within the firth after that he knew that they were sicke of the plague, what number of thame he patt ashoare, what wes thair names, and to report his depositions to the saids Lords upon the first Counsell day of November nixt; and in the meane time ordains the said Williame Muddie to be keeped and deteanned still in waird and in the stockes till forder order be givin concerning him; firme and stable halding and for to hald all and quhatsomever things sall be lawfullie done heerin."

Adam
Abircrombie.

"The Lords of Secreit Counsell gives and grants libertie to Adame Abircrombie of Auld Rayne to depart and pas home to his owne dwelling hous and otherwayes where he pleases, and freiths and releeves him of his present waird within the burgh of Edinburgh without pane or danger to be incurred be him or be Alexander Abircrombie of Birkinboig and Hector Abircrombie of Fetterneir in thair persons and goods, notwithstanding of the act whereby they wer obleist for the same Adam his remaining and keeping waird within the said burgh, quhereanent and all panes conteanit therein the saids Lords dispenses be thir presents."

Appointment
of a commis-
sion for
examining
into the
disorders in
the North.

"The quhilk day Johne, Archbishop of S^t Andrewes, Lord High Chancellor of Scotland, produced and exhibite before the saids Lords ane commissioun under the great seale of the dait at the fyftene day of September instant for trying the disorders in the north, made and grantit be his Majestie to the saids Lord Chancellor, Williame, Erle of Morton, Thesaurar; Thomas, Erle of Hadintoun, Lord Privie Seale; Johne, Erle of Mar, Robert, Erle of Roxburghe, William, Erle of Dumfreis, Johne, Erle of Tracquir, Williame, Lord Alexander, David, Bishop of Edinburgh, Johne, Bishop of Murrey, and Johne, Bishop of Ros, Sir Johne Hay, Clerk Register, Sir Thomas Hope, his Majesteis Advocat, and Sir James Carmichell, Justice Clerk; lykeas the saids Lords Chancellor and Privie Seale, the Erle of Tracquir, the Bishop of Edinburgh, Clerk Register, Advocat and Justice Clerk being personallie present accepted the commissioun upon thame."

Adam Gordon
of Park and
the disorders
in the North.

"The whilk day Adame Gordoun, callit of Park, compeirand personallie before the saids commissioners he exhibite unto thame his deposition in writt tuicheing his knowledge of the disorders in the north and made faith that the same wer of veritie. The commissioners ordaines ^{Fol. 106, a.} Adam Gordoun, callit of Parke, to be relaxt frome the hornings execute aganis him upon caution and ordains him to keepe waird

Acts, June
1634-April
1636.
Fol. 106, a.

within the toun of Edinburgh and twentie myle about the same, and to advertise Sir Johne Hay of Baro, Clerk Register, frome time to time of the place of his abode."

[Sederunt as recorded above.]

Decreta,
April 1635-
February
1639.
P. 100.

Supplication by Andrew Tosheoche of Monyvaird, as follows:—By his former petition he remonstrated to their Lordships how that Laurence Bruce of Culmalundie, abusing his Majesty's sacred ears, had purchased a royall remission to himself for the slaughter of David Tosheoche, the supplicant's father, and that he has stolen the same to the seals without presenting it to the Exchequer or making offers of satisfaction to the party, although the Treasurer Depute had used diligence to stop it. He has thereupon obtained himself relaxed from the horn and intends to go about and do what is prestable by any lawful subject, particularly to raise brieves and serve himself heir to his deceased father. This favour

Edinburgh,
30th September
1636.

Supplication by Andrew Tosheoche of Monzievaird praying that Laurence Bruce of Culmalundie may not be served heir to his father by reason of charges under which the said Laurence is lying.

ought not to be granted to him considering how he has abused his Majesty and their Lordships in this business, before whom the trial thereof is in dependence. He therefore craves that the Lords would give suitable instructions to the Director of Chancery in this matter. The Lords, after advising, ordain Sir John Scot, knight, Director of Chancery, to give forth no brieves for serving the said Laurence, as heir to his father; and if any have been already issued, they discharge the Sheriff of Perth and all others whom it concerns, from executing the same.

Edinburgh,
30th September
1636.

"A letter to the bailleis of Forfar and Dundie anent one Alexander Dickiesoun, suspect of the plague."

The plague.

"A letter to the magistrats of Stirline for tryell of one . . . Mitchell bewest Stirline anent the said contagioun."

The same.

[To the entry here respecting the appointment of the commission for dealing with the disorders in the North there is added] "and receaved and admitted M^r Gilbert Prymrois to be thair clerk."

"The quhilk day ane warrand wes past for payment of v^c merkes to Patrick Grant and M^r William Falconer for taking of William Ros, sister sone to Letterfour."

Patrick Grant and William Falconer rewarded for capture of William Ros.

[No record of sederunt.]

Acts, June
1594-April
1636.
Fol. 106, b.

"Forsamekle as albeit by diverse acts and proclamations made and published heirtofore the ressett, supplee and intercommoning with the rebellious and dissobedient persons in the north, as namelie of the name of Gordoun and their assisters and partakers, by whome the peace of the north parts of this kingdome is so farre disturbed thir twa yeeres bygane or thereby, wes straitlie prohibite under certane panes mentiouned and conteanit in the proclamations made thereanent, yitt it is of truthe that Alexander Gordoun, callit Suankie, page to the Marques of Huntlie, Johne Lichten, servitor to the said Marques,

Edinburgh,
15th October
1636.

Charge to the Marquis of Huntly to present before the Council certain persons of the name of Gordon, who are accused of resetting rebels, and for whom the said Marquis is responsible.

Alexander Gordon of Carneborrow, Johne Gordon of Artlache, George Acta, June
 Gordoun of Newtoun, James Gordon of Letterfour, Williame Gordon of 1634-April
 Glengarrick, Johne Gordon of Innermerkie, James Gordoun of Terrisoull, 1636.
 James Gordoun, baillie of Strabogie and Donnald Ferquharsone, baillie of Fol. 106, b.
 of Stradoun, all men, tennents and servants to the said Marques of
 Huntlie and suche persons as he is obleist to answer for be the lawes of
 this kingdome hes, at diverse and sindrie times, ressett, suppleed and
 intercommouned with the saids rebellis, hes kept trysts and meittings
 with thame, hes furnished and suppleed thame in all thair necessars and
 hes thairby encouraged thame to continew in thair rebellion, to the high
 contempt of his Majesteis auctoritie and disgrace of his gouvernement;
 thairfor the Lords of Secreit Counsell ordains letters to be direct
 charging the persons particularlie abonewrittin to compeir personallie;
 as alsua charging the said Marques of Huntlie, as he who be the lawes
 of the kingdome aucht and sould be answerable for thame, to enter
 and present thame before the saids Lords at a certane day to answer
 to the premisses and to underly suche order as sall be tane thereanent
 under the pane of rebellion, etc., with certification, etc.; as alsua charging
 M^r James Ferquharsone, as cautioner for the said Donald, to enter and
 present him before the saids Lords the day foresaid conforme to the act
 made to that effect and under the pane conteanit therein, with certifica-
 tioun to him and he failyie that he sall be decerned to have incurred
 the said pane, and letters sall be direct aganis him for payment thairof
 in forme as effeiris."

Charge to Lord
 Berriedale to
 present before
 the Council
 one of his
 servitors, who
 is accused of
 ressetting
 rebels.

" Forsamekle as albeit by diverse acts and proclamatiouns made and Fol. 107, a.
 published heirtofore the resett, supplee and intercommuning with the
 rebellious and dissobedient persons in the north, as namelie the name of
 Gordoun and thair assisters and partakers, by whom the peace of the
 north parts of this kingdome is so farre disturbed thir twa yeeres bygane,
 wes straitlie prohibite under certane panes mentiouned and conteanit
 in the proclamatiouns made heereanent, yitt it is of truthe that
 Abirnethie, servitour to Williame, Lord Berridaill, has at diverse and
 sindrie times ressett, suppleed and intercommouned with the saids
 rebellis, hes kept trysts and meittings with thame, hes furnished and
 suppleed thame in all their necessars and hes thereby encouraged thame
 to continew in thair rebellion, to the high contempt of his Majesteis
 auctoritie and disgrace of his gouvernement; thairfor the saids Lords
 ordains letters to be direct charging the said Abernethie to
 compeir personallie, and the said Lord Berridaill, as maister to him, to
 enter and present him before the saids Lords at a certane day to answer
 to the premisses and to underly suche order as sall be tane thereanent,
 under the pane of rebellion, etc., with certificatioun."

Edinburgh,
 27th October
 1635.

[No record of sederunt.]

" Forsamekle as the Lords of Secreit Counsell ar informed that there is

Act. June
1634-April
1635.
Vol. 107, a.

some Fleems ships guarded with wauchters come frome the Low Countreis toward this kingdome and they ar alreadie within the firth and intends to enter within some ports, harbereis and creiks of this kingdome and to take in thair loadning of coale and salt; and whereas the contagious sicknesse of the pest is verie violent and raging almost throw all the ports and touns of the saids Low Countreis and the resort of people therefra towards this kingdome cannot be without verie great appearance, suspicion and danger of the said infectioun; thairfoir the saids Lords, being carefull that all good and lawfull meanes be used for preventing of the said danger and infectioun they have for this effect ordained and ordains letters to be direct to command, charge and inhibite all and sindrie maisters, awners, skippers and mariners of shippes and veesellis coming frome the Low Countreis within this kingdome, als weill natives as strangers, and all passingers being therein, that nane of thame presume nor take upon hand to enter in anie port, creik, haven or harberie of this kingdome nor to come or sett anie of thair companie or equippage ashore till first tryell be takin of the places frome whence they came and in what estait and condition the saids shippes and thair companie and equippage ar, and if they be in good health and free of all infection and suspicion of the said sicknes, and that thereafter they gett licence to come ashore, under the pane of death, beside the confiscation of all thair movable goods and suche forder punishment as by law may be inflicted upon thame. And for the better execution heirof the saids Lords hes made and constitute and be the tennor heirof makes and constituts the persons particularlie underwritin his Majesteis commissioners within the bounds following, viz.,

Appointment
of a commis-
sion to prevent
ships from the
Low Countries
from landing
plague-
stricken
persons on the
shores of the
Forth.

Dundas of that Ilke, Dundas, his eldest sone, and George Dundas of Manner, for the Queinsferrie; Sir Johne Hamilton of Grange, James Hamilton, his eldest sone, Walter Cornwall of Bonhard, Williame Drummond of Rickarton, Alexander Bruce of Alva, Thomas Dalzell of Binnis, M^r Alexander Hamilton of Kinglas, Sir Johne Hamilton, yonger of Barganie, Robert Drummond of Medhop, Johne Hamilton, chamberlane of Kinneill, and the provest and bailleis of Linlithgow, for Borrowstounesse and Caribdin; William, Erle of Airth, for Airth; Alexander Lord Elphinston, and Alexander, Maister of Elphinston, for Elphinstone; Johne, Erle of Mar, and his bailleis, Sir Robert Bruce, elder of Clackmannan, Bruce, his sone, Sir Johne Blacader of Tulliallane, and

Schaw of Sauchie, for Alloway, Clackmannan and Tulliallane; the provest and bailleis of Culros, Sir Johne Preston of Valifeild, Robert Bruce of Blairhall, and Gilbert Gourlay of Grange, for Culros and Kincarne, Robert Colvill of Cleish, the said Alexander Bruce of Alva and

Halket of Pitfirrane, for Torrie and Lymkills; Johne, Erle of Wems, for the Wemes; and the provest and bailleis of all the burrowes and touns and the awners of all the coalehewes and saltpanns on the south and north coasts of the waters of Forth and Tay and of all others burrowes, seaports and touns within this kingdome, with power

Fol. 107, b.

to thame and everie ane of thame to caus diligent attendance be givin within the bounds foresaids committed to thair charge that no shippes coming frome the Low Countreis be suffered to land nor to sett anie of thair companie, equippage or passingers ashore, nor that they lose anie part of thair goods untill tryell be takin frome whence they came and in what estait and conditioun thair shippes and companeis ar and that they be warranted to come ashore; and if anie maisters, skippers, awners or passingers within the saids shippes sall preasse to bring in thair shippes to anie harberie, port or creik within this kingdome or to sett anie of thair companie on land, with power to the saids commissioners respective to convocat his Majesteis lieges and by strong hand to withstand and resist the incomming of the saids shippes and vessellis and the landing and comming ashore of anie of the persons being within the same, dispensing heirby with all inconvenients quhilks sall happin to fall out in the execution of this service; firme and stable halding and for to hald all and whatsomever things sall be lawfullie done heerin."

Acta, June
1634-April
1636.
Fol. 107, b.

Fol. 108, a.

[No record of sederunt.]

Edinburgh,
28th October
1635.

Proclamation
forbidding the
lieges from
frequenting
ships coming
from the Low
Countries,
where the
plague is
raging.

" Forsamekle as some shippes and vessells latelie comming from the Low Countreis, where the contagious sickenes of the pest is verie violent and raging, being stayed upon verie good and great considerations to come on land or to sett anie of thair companie and passingers ashore under the pane of death, quhilk might have served for a lawfull warning to all his Majesteis subjects to have forborne the resorting and repairing towards the saids shippes and the ressett of anie of the companie being within the same, yitt the Lords of Secreit Counsell ar informed that diverse of his Majesteis subjects hes had a frequent resort and repaire towards the said suspected shippes and cannot be restrained therefra in time comming unlesse some exemplar punishment be inflicted upon thame to the terror of others to offend in that kinde; thairfoir the Lords of Secreit Counsell ordains letters to be direct to command, charge and inhibite all and sindrie his Majesteis lieges and subjects be opin proclamatioun at all places neidfull that nane of thame presooome nor take upon hand to resort nor repaire, converse, ressett nor have anie handling or commerce with anie persons quhatsomever comming frome the Low Countreis till they be warranted be the saids Lords to doe the same, under the pane of death, beside the confiscation of all thair movable goods and suche forder punishment as by law may be inflicted upon thame; and siclyke to command and charge all and sindrie his Majesteis lieges and subjects to rise, concurre, fortife and assist his Majesteis commissioners nominat and sett down in the former acts and proclamatiouns in the dew execution of the commission grantit unto thame anent the resisting of the incomming of anie suspect shippes from the Low Countreis or landing of thair companeis and goods at all suche times and occasions as they sall be

Acts, June
1634-April
1635.
Fol. 106, a.

required thereto be the saids commissioners, as they and everie ane of thame will answer to the saids Lords at thair highest perrell."

"Forsamekle as in the course formerlie tane be the Lords of Privie Counsell anent the restraining of all shippes and vessells comming frome the Low Countreis frome landing or entering in anie port, creik, haven or harberie of this kingdome and for staying the setting ashore or landing of anie of the passingers, equippage or companie of the saids shippes, there wes no mention made of the Newheaven and parts thereof about perteaning to the laird of Innerleith, thairfoir the Lords of Secreit Counsell ordains letters to be direct charging Logane of Shirefbræ for the Newheaven and Sir George Tours of Innerleith for his whole bounds upon the sea coast, to caus diligent attendance be givin that no shippes comming frome the Low Countreis be suffered to land in thair bounds or to sett anie of thair companie, equippage or passingers ashore nor to lose anie part of thair goods untill after lawfull tryell tane that they ar cleane of that infection they be warranted to come ashore; and if anie of the skippers, awners, passingers or others being within the saids shippes sall preasse to come ashore or to lose anie goods being within the same that the said

Logane and Laird of Innerleith convocat his Majesteis lieges and by strong hand withstand and resist the incomming of the saids shippes and vessellis and the landing of anie persons being within the same, dispensing heirby with all inconvenients that sall happin to fall out in the execution of this service; firme and stable halding and for to hald all and quhatsomever things sall be lawfullie done heerin; and siclyke to command and charge all his Majesteis lieges and subjects to reverence, acknowledge, obey, rise, concurre, fortifie and assist the said

Logan and Laird of Innerleith in all and everie thing tending to the execution of this service; as they and everie ane of thame will answer to his Majestie and the saids Lords at thair highest perrell."

Sederunt:—Chancellor; Privy Seal; Wintoun; Bishop of Edinburgh, 4th November 1635.
burgh; Bishop of Aberdeen; Clerk Register; Advocate.

"Forsamekle as the Lords of Secreit Counsell ar informed that there is some new infection of the contagious sickenes of the pest within the toun of Neather Cramond, quhilke being a toun full of poore people, if they be suffered to goe abrod and wander out of the said toun it is verie likelie that they sall infect other parts quhilks ar yitt cleane and free of that infectioun, whereupon great inconveniences may fall out to the haill kingdome if some present course be not tane for restraining of thir people frome going abrod to anie part without the said toun; thairfoir ordains letters to be direct to command, charge and inhibite the haill inhabitants of the toun of Neather Cramound that nane of thame presoom nor take upon hand to resort nor repaire out of the said toun to no part of the parish of Cramound nor to the burgh of Edinburgh nor

Fol. 109, a.

no other part of the kingdome, bot that they conteane thameselffes within the said toun, and suche as ar infected of that sickenes that they keepe thair awne houses or suche others parts as they sall be directed and commanded be the bailleis or others having warrand and jurisdiction within the saids bounds, under the pane of death; certifeing thame that failleis and does in the contrare that the pane of death sall be inflicted upon thame without favour.”

Proclamation
forbidding the
skippers of
certain Dutch
ships from
landing their
cargoes for fear
of spreading
the plague.

“ Forsamekle as there is some ships come from Holland latelie towards this kingdome wherein there is onyeouns, hards and some others commoditeis verie dangerous and infective at this time when the contagious sickenes of the pest is so violent and raging through all the parts of the Low Countreis frome whence thir ships come, and they ar gone up the firth towards Caribdin to discharge thair loadnings and to take in new loadnings of coales, quhilk being a mater verie suspicious and dangerous and carying with it verie pregnant presumptions of great evill to follow thereupon if some good and lawfull meanes be not used quhilks at Gods pleasure may prevent and stay the course of that infection heir, thairfoir the Lords of Secreit Counsell hes thought it meit and expedient, concluded and ordained that the commoditeis and goods being within the ship, quherof George Hendersone is skipper, as alsua within the other Fleemish shippes, sall be returned and caried backe to the Low Countreis frome whence they wer brought. And the saids Lords allowes Johnne Maill and his wife and all others native passengers being within the saids ships to come ashore and to bring thair kists and clothes with thame, provyding that immediatelie after they come ashore they be closed up and sett apart in lodges, there to abide thair tryell for the space of sax weekes. And the saids Lordis straitlie recommends to the magistrats of Linlithgow and Borrowstounesse to provide lodges to the saids passengers upon thair awne expenses and to appoint a guarde to attend upon thame and to see thame handle thair kists and cloathes and to be cleanged; commanding heirby the saids passengers to obey the order and direction to be sett down unto thame be the saids magistrats, and not to contraveene the same under the pane of death, to be execute upon thame without favour. And siclyke the saids Lords allowes the owners of the coalehewes to furnishe coales to the Hollanders presentlie in the firth and to lay the coales at the ship side, provyding that they nor the caryers of the coales doe not enter within the shippes nor have no handling nor medling, brocking, changing nor wissilling with anie of the companie of the saids ships, bot that they keepe thameselffes free of thame and frome all and everie thing that may procure infectioun and danger. And the saids Lords ordains Williame Mudie, skipper, to be still deteaned in waired during the said Lords pleasure or otherwayes to be returned back to Holland as sall best please him, and ordains letters to be direct to make publicatioun heiroyf be opin proclamatioun at all places neidfull wherethrow nane pretend ignorance of the same.”

Acts, June
1634-April
1636.
Fol. 109, a.

Fol. 109, b.

"Forsamekle as upon the thrid of this instant, under cloud and silence of night, there arryved at the harberie of the Elie twa shippes of Kirkaldie, whair of William Hird and James Palmer ar maisters, and they, being demanded be the bailleis of the Elie frome whence they came, they declared that they wer come frome Londoun and that one of the shippes since thair lousing frome Londoun had beene in Tinmouthsheills where and in the toun of Newcastell there was great infection of the pest; quhereupon they being charged in his Majesteis name conforme to the commissioun sent to the saids bailleis to keepe themselfes and thair companeis aboard of the saids shippes and not to presooome to come to land till farther tryell wer takin from whence they came and in what estait and conditioun they wer, they made a faire show of obedience and promise to conforme themselfes to the charge givin to thame; bot that same verie night they, aganis thair faith and promise, came ashore and went to Kirkaldie, leaving some of thair boyes to attend thair shippes, quhereby it is verie probable and likelie that they ar come frome suspect parts and that they have concealed and borne up the truthe of that mater to the great endangering of the haill countrie. Thairfor the Lords of Secreit Counsell ordains letters to be direct to command, charge and inhibite the companie, equippage and passengers of the saids twa shippes and the maisters, awners and mariners of the same and of all other shippes and vessellis comming frome the Low Countreis or from Tinmouthsheills or Newcastell toward this kingdome that nane of thame presooome nor take upon hand to enter in the port of the Elie nor to come ashore nor to sett anie of thair companie, equippage or passengers ashore till first tryell be takin of the places frome whence they came and in what estait the saids shippes, thair companie, equippage and passengers ar, under the pane of death. And for the better execution of this commissioun the saids Lords hes made and constitute, and be the tennor heirof makes and constituts David, Lord Balcarras, Williame Sandelands of S^t Monnance, Sir James Sandelands, his sone, Robert Forbes of Reres, Williame Scot of Ardrosse, and Duddingstoun of Sandfurde, conjunctlie and severallie, his Majesteis justices and commissioners within the bounds of the Elie to the effect underwrittin, with power to thame to caus diligent attendance be givin that no shippes comming frome the saids suspected and infected parts be suffered to come aland nor to suffer anie of thair companie, equippage or passengers to come ashore nor to lose anie part of thair goods till first tryell be takin frome whence they come and in what estait and conditioun thair shippes and companeis ar and that they be warranted to come ashore; and if anie maisters, skippers, mariners or passengers within the saids shippes sall preasse to come ashore or to bring in thair shippes to the harberie of the Elie or to sett anie of thair companie ashore, with power to the saids commissioners, conjunctlie and severallie, to convocat his Majesteis lieges and by strong hand to withstand and resist the landing and coming ashore of the saids suspect persons, dispensing heirby with

Charge to William Hird and James Palmer, masters of two Kirkcaldy ships, not to land any persons at Elie, and to David, Lord Balcarras, and others to prevent the landing of persons from suspected ships at the said port to prevent the spreading of the plague.

Acts, June
 1634-April
 Fol. 109, b.

Fol. 110, a.

all inconvenients that sall happin to fall out in the execution of this service." Acta, June 1634-April 1636. Fol. 110, a.

Act forbidding the resett of Gilroy M'Gregor and others, who are common and notorious thieves.

"Forsamekle as Gilroy M'Gregour, Johne Dow M'Gregour, his brother, and M'Instalker M'Gregour, commoun and notorious theeves, being wearied with the peace and quyetnes quhilk of lait yeeres under his Majesties blessed government wes established in the Hielandis of this kingdome, and preferring the wicked and theevish trade of thair infamous predecessors to the obedience of the law and to all good order and honestie, they have brokin louse and associat unto thameselfes a lawlesse byke of infamous and theevish lymmars with whome they goe ravaging athort the countrie, and in all places where they may be maister they sorne upon his Majesteis good subjects, taking frome thame all and everie thing that comes narrest to thair hands, and where they find anie opposition or resistance they threaten his Majesteis subjects with all kynde of extremitie and sometimes with death; and whereas the ressett, supplee and connivence givin to thir lymmars encourages them to continew in thair theevish doings and to sorne and oppresse his Majesteis good subjects at thair pleasure, whereas, if the landlords and bailleis of the bounds where they haunt did thair dewteis and diligence in the persute, following and hunting of thir mischantis, they nather durst nor would presooome to runne louse as they have done. Thairfoir the Lords of Secreit Counsell hes resolved and concluded to call thir ressetters, supplears and connivers to thair answer and after tryell to censure and punishe thame accordinglie, and for this effect ordains letters to be direct to command, charge and inhibite all and sindrie his Majesteis lieges and subjects be opin proclamatioun at all places neidfull that nane of thame presooome nor take upon hand to ressett, supplee nor have intelligence be word nor writt with the saids persons nor thair infamous complices nor to furnishe thame meit, drink, hous nor harberie nor no other thing comfortable to thame, bot to raise the fray, hunt, shoute, follow and persew thame with fire and sword as theeves and tratours to God, thair king and countrie ay and whill they be apprehended and exhibite to thair tryell, certifeing thame that sall doe in the contrare that they sall be callit, persewed and exemplarly punished to the terrour of others."

Continuance of his protection to Sir George Ogilvie of Carnousie in accordance with a warrant from his Majesty.

"The Lords of Secreit Counsell, according to ane warrand and direction in writt signed be the Kings Majestie and this day presentit unto thame, hes prorogat and continewed and be the tennor heiroy prorogats and continewes the warrand formerlie grantit to Sir George Ogilvie of Carnowsseis and his cautioners to be untroubled in thair persons for anie debts till the fyftene day of Januar nixtcome, to the effect that in this meane time they may deale and travell with thair creditors and charge thame to compeir before the saids Lords to heare the said protec- Fol. 111, a.
tion continewed and thame decerned to receave suche satisfaction and underly suche order as his Majestie by his letter hes directed; and for this effect ordains letters to be direct, charging the saids creditours to

Acta, June
1634-April
1635.
Fol. 111, a.

compeir before the saids Lords at a certane day to the effect abonewrittin, with certificatioun to thame and they failie the saids Lords will prorogat the said protection for ane yeere, discharging in the meane time all shireffs, stewarts, bailleis and others judges and magistrats to burgh and land and thair deputs and als all messengers of armes of all apprehending, arresting or warding of the said Sir George or his cautioners be vertew of anie captions or other warrand quhatsomever for anie debts till the said xv day of Januar nixt, discharging, etc.—Followes his Majesteis missive for warrand of the act abonewrittin.—CHARLES R.—Right reverend father in God, right trustie and weilbelovit cousins and counsellers, right trustie and trustie and weil belovit counsellers, we greit yow weill. Whereas it hath beene humbelie represented unto us in behalfe of Sir George Ogilvie of Carnowssie, knight, that, in regarde of the great skarsetie of moneyes in the northerne parts of that our kingdome or by the unwillingnes of suche as have thame to lend the same, he cannot possiblie raise moneyes at this time for his creditors satisfaction, bot is most willing to dispone to thame heretablie suche part of his lands as sall be proportionable in worth to his debts where, if they sould insist with rigour by troubling his person, it would both prejudice thame and whollie disable him to take anie course for thair satisfaction; whereupon, though we have beene pleased to signe his protection, yitt we have with all thought fitt to require yow that yow call before yow his creditors (if yow sall find that thereby they be not putt to unnecessarie charge and trouble) for accepting suche reasonable offers, and in the meane time that he be protected under our great seale to the end he may have some time to make the best use he can of his estait for payment of his debts. We bid yow farewell. From our Court at Wodstock, the 30th of August, 1635."

[Sederunt as recorded above, adding the Justice Clerk.]

Edinburgh,
4th November
1635.

Complaint by George Leslie of that Ilk and Christian Lumisden, widow of Alexander Duff in Terrisoull, as follows:—Sir Alexander Gordoune of Clunie, Sir Alexander Gordoune, his son, Sir John Leslie of Wardes, John Gordoune of Innermerkie and Alexander Gordoune, apparent thereof, are indebted to the complainers in great sums of money, for recovery of which they have used all possible legal execution without avail, as by apprisings, private conveyances, and fraudulent dispositions made by them of their estates these persons have long frustrated and still mean to defraud them of payment. On the complainers humbly remonstrating these things to the King, his Majesty has been pleased by his letter to their Lordships to will them to convene the said persons and their cautioners before them. Charge having been given to the said Sir Alexander Gordoune of Clunie, Sir John Leslie of Wardes and John Gordoune of Innermerkie, as principals, and to Sir James Gordoune, elder of Leamore, George Gordoune of Newtoun, William Coutts, fiar of

Complaint by
George Leslie
of that Ilk and
Christian
Lumaden,
widow of
Alexander
Duff in
Terrisoull,
against Sir
Alexander
Gordon of
Clunie and
others, whom
they accuse of
illegally
obtaining
protection
against the
complainers,
who are their
creditors.

Decreta,
April 1635-
February
1639.
P. 101.

Auchtersoull, William Gordoune of Cottoune, William Leslie of Ryhill, ^{Decreta,} and William Abercrombie at the Mill of Dornoche, as cautioners for them, ^{April 1635.} and the said George Leslie compearing for himself and the said widow, ^{February 1639.} and the defenders, except John Gordoune of Innermerkie, for whom no compearance was made, being represented by Mr James Ferquharsone and Hew Ros, Writers to his Majesty's Signet, the Lords, after hearing parties, in terms of his Majesty's letter to them recall and rescind all protections granted to John Gordoune of Innermerkie, and declare that they will grant no further protections to him in prejudice of the pursuers. They also discharge the Keeper of the Great Seal and Director of Chancery from expeding any protections in his favour coming from Court at any time hereafter. But with regard to the other defenders, they, with consent of parties, continue the case till the last Council day of March next, of which parties being personally present were warned *apud acta*.

Lading of
Flemish ships
with coal in
the Forth.

"Ane act allowing the awners of coale to laden the Fleems ships being in the Forth." ^{Sederunt, January 1635.}

Earl of Eglinton and his service against pirates.

"A letter of thanks to the Erle of Eglintoun for his proceedings aganis the pyrats." ^{November 1643.}

[No record of sederunt.]

Edinburgh,
9th November
1635.

Charge to the spouse of Patrick [or Thomas] Anderson to remain in her own house, as against the law she has visited her husband's ship before it was declared free of the plague.

"Forsamekle as Thomas Andersone, skipper benorth the bridge of Leith, having latelie come within the firth from the Low Countreis, where the contagious sickenes of the pest is violentlie raging, and he being inhibited to come ashore or that anie sould resort or goe aboard of him till tryell wer first tane frome what port he loused and in what estait the companie of the ship wer, notwithstanding whairof the Lords of Secreit Counsell ar informed that , spous to the said Patrik Andersone, in contempt of order and to the endangering and hazarding both of herselfe and others, past privilie aboard of her husbands ship, where she remained a long time in companie with him and thereafter wes returned backe to Leith, where she now remaines in her dwelling hous be north the bridge; in quhilk respect and for preventing the danger that may ensew upon her libertie and promiscuous conversing with her nighbours the saids Lords ordains letters to be direct charging the said to conteane and keepe herselfe crosse in her awne hous and not to transgresse nor come furth thair of till upon tryell of her estait she be orderlie released, under the pane of death, with certificatioun to her and she failyie the said pane sall be inflicted upon her without favour."

Acta, June
1634-April
1636.
Fol. 111, b.

Edinburgh,
10th November
1635.

Sederunt:—Chancellor; Privy Seal; Bishop of Edinburgh; Bishop of Aberdeen; Clerk Register; Advocate. ^{Sederunt, January 1635.}

The Earls of
Wigtown and

"Missives to the Erles of Wintoun, Wigtoun, Mar, Master Elphinstoun, ^{November 1643.}

Fol. 19, a.

Sederunts,
January 1635-
November
1643.
Fol. 19, a.

Lord Alexander, Perth, to be heir, the Erle of Wintoun on Thursday, the rest this day aucht dayes, Perth to attend both Consell and Commission."

others
summoned to
attend meet-
ings of the
Council and
Commission.

Justices of
Peace, 1612-
1639.
Fol. 67, a.

"The quhilk day the commissions for the justices of peace within the shirefdomes of Fyffe and Kinroscher and Forfar wer renewed and choise wes made of the persons underwritin to be justices of peace within the saids shirefdomes, viz.:-

Edinburgh,
11th November
1635.

Appointment
of justices of
the peace
within the
sheriffdoms of
Fife, Kinross
and Forfar.

Fol. 67 b.

For FYFFE AND KINROSCHER:—The Archbishop of St Andrews; the Lords Thesaurar and Privie Seale; the Erle of Rothes; the Erle of Wemes; the Lord Lindsay; the Lord Burlie; Johne Leslie of Newtoun; Johne Lundie of that Ilk; Sir Johne Spotswod of Dairsie; Sir Johne Prestoun of Airdrie; Sir James Sandeland younger of St Monans; Johne Beatoun, fear of Balfoure; Sir Michael Arnot of that Ilk, knight baronnet; Sir Michael Balfoure of Deanmilne; Sir George Hamiltoun of Blaikburne; Androw Bruce, fear of Erleshall; Robert Forbes of Reres; Sir Robert Halket of Pitfirrane; Broun of Fordell; Sir Robert Colvill of Cleish; Johne Boswell of Pittedie; Sir Androw Murrey of Balvaird; Sir David Achinmowtie of that Ilk; M^r Peter Hay of Naughtoun; Alexander Narne of Sandfurde; Sir James Scot of Rossie; David Pitcarne of that Ilk; M^r Robert Aitton of Inchedernie; James Arnot of Fernie; M^r Alexander Gibson of Largo; M^r Andro Aittoun of Logy; the Archdeane of St Andrews; the person of Craill; the minister at Dumfermline; the minister at Merkinche; the minister at Sawline; the Laird of Balvaird, conveenner. FORFAR.—The Lord Chancellor; the Lord Thesaurar; the Lord Privie Seale; the Lords of Counsell and Session; the Bishop of Brechin; the Lord Carnegie; the Lord Ogilvie; the Lord Cowper; the Constable of Dundie; Scrimgeour, his eldest sone; Sir Johne Carnegie of Ethie; Alexander Areskine of Din; Sir Alexander Carnegie of Bonymoone; Sir Johne Carnegie of Craig; David Grahame of Fintrie; Sir Harie Wod of Bonytoun; Wod, appearand thair of; Thomas Fotheringhame of Powrie; James Lyon of Aldbar; Lindsey of Edyell yonger; the Laird of Strickmartine; the Laird of Innerquharitie; Halyburton of Keillour; Henrie Mauld of Dumbarro; Patrik Mauld of Panmure; Robert Arbuthnet of Findowrie; M^r Alexander Bisset, minister at Brechin; the parson of Kinnell; the minister at Glams; M^r William Malcolme, minister at ; Sir Johne Carnegie of Ethie, conveenner."

"The same day Sir Alexander Kennedie of Culzeane wes nominat conveenner of the justices of peace within the bailerie of Carict and ane commissioun past and exped thereupon without anie change (except in the said conveenner) frome the former commissioun."

Sir Alexander
Kennedy of
Culzean
nominated
convenor of
the justices of
the peace
within the
bailiary of
Carriack.

Acta, June
1634-April
1636
Fol. 111, b.

Sederunt:—Chancellor; Privy Seal; Glasgow; Winton; Bishop of Edinburgh; Bishop of Aberdein; Clerk of Register; Advocate.

Edinburgh,
12th November
1635.

"Forsamekle as the Lords of Secreit Counsell hes thought it meit and

Charge to William Mackintosh of Torcastell and others to appear before the Council and to find caution for those for whom they are responsible.

expedient for the better observation of his Majesteis peace and keeping of good order in the countrie that the hail landlords and chiftans of clans in the Hielands and borders sall be put under caution for keeping and observing the saids acts of parliament made aganis the saids landlords and chiftans of clans, for quhilk purpose the saids Lords ordains letters to be direct charging Williame M^oIntoshe of Torcastell, Andro M^oFerson of Grange, Angus M^oQuein of Corribroche, Ferquhar M^oAlaster of Dounie M^oGlashe, Angus M^oPhaill of Kinkell, Alexander M^oOnnell M^oFerquhar of Daache, Lauchlane M^oIntoshe of Stron, and Johne Schaw in Dell, to compeir personallie before the saids Lords at a certane day prepared and provided to find the said caution under the pane of rebellion, etc., with certificatioun, etc.”

Acta, June 1634-April 1636.
Fol. 111, b.

Anent a ship of Campvere.

“The Lords of Secreit Counsell remitts to the bailleis of Edinburgh the prescrying of orders for tryell of the persons and goods latelie come home to the harberie of Leith in a ship of Campheir as they will answer upon the faithfull discharge of thair dewtie.”

Fol. 112, a.

The guard-ship.

“The Lords of Secreit Counsell allowes victualls to be caried in to the captane of the wauchters ship provyding that no persons enter within the ship nor have medling with thame.”

Allan Cameron freed from ward on caution being found for him by the Earlof Morton.

“The whilk day the missive letter underwrittin, signed be the Kings Majestie and direct to the Lords of Privie Counsell, was presented to the saids Lords and read in thair audience, of the whilk the tennor followes:—CHARLES R.—Right reverend father in God, right trustie and weilbelovit cousines and counsellors, right trustie and trustie and weilbelovit counsellors, we greit yow weil. Having seene ane act of Counsell wherein the Erle of Morton, our treasurer principall, is become caution for Alane Camron, *alias* Mackilduy, his legall and peaceable behaviour and performance of what be law he is obliged as also for his compeirance before yow whensoever he sall be required, and finding withall that the said erle is content to be still bound for him in the same maner as appeareth be his band heerewith inclosed whiche we will yow to caus registrat in your bookes; our pleasure is that furthwith upon the receipt of thair band yow sett at libertie the said Allane. And becaus we ar informed that his sone, Johne Camron, is in fee of his estate, our pleasure lykewayes is that yow conveene him before yow and caus him subscribe cautioner in like maner for his father; for doing quhair of these presents sall be your warrand. We bid yow farewell. From our honnour at Hampton Court, the 27 of October, 1635. Quhilk missive being heard and considerit be the saids Lords and they advised therewith, the Lords of Secreit Counsell ordains and commands the provcat and bailleis of Edinburgh to putt the said Allane Camron to libertie and fredome furth of thair tolbuith and suffer him pas where he please; as alsua ordains the said band to be insert and registrat in the bookes of Privie Counsell that letters and executorialis may be direct thereupon in forme as effeiris, of the quhilk band the tennor followes:—I William, Erle of Morton, Treasurer of the kingdome of

Acta, June
1634-April
1636
Facil. 112, a.

Fol. 112, b.

Scotland, be these oblige me and my airis that Allane Camron, *alias* Allane McIldowie, sall in all time comming behave himselfe as a dewtiffull and obedient subject to our soverane lord and his lawes, and sall doe everie thing that by the lawes of the countrie he is obleist to doe for keeping of the peace and furtherance of his Majesteis service, and that he sall compeir personallie before the Lords of Privie Counsell whenever he sall be required to answer to whatsoever thing sall be layed to his charge and that under the pane of fyve thowsand pundis Scottish. And for the more sure performance heirof I am content that these presents be insert and registrat in the bookes of Counsell, in witnes quhairof I subscribe these presents with my hand the twentie foure of October, the yeere of God, 1635, before these witnesses, the Earle of Dumfreis, the Erle of Sterlin and Henrie Alexander. *Sic subscribitur*, MORTON; Dumfreis, witnes, Sterline, witnes, Henrie Alexander, witnes. And forder the saids Lords ordains letters to be direct charging the said Johne Camron to compeir before the saids Lords upon the xv day of December nixt provided to become cautioner for the said Alane conforme to the generall band; lykeas the said Alane being personallie present undertooke to exhibite his said sone before the saids Lords the day foresaid."

"Forsamekle as it is his Majesteis will and pleasure that Johne Camron, eldest lawfull sone to Allane Camron of Lochiell, sall become caution for the said Allane his keeping the acts of parliament made aganis landlords and chiftans of clans and for his dewtiffull behaviour and obedience in time comming, and that in respect the said Allane is onelie a lyverenter and the said Johne fear of his hail estait and living, lykeas the said Allane hes undertane to exhibite his said sone before the saids Lords for this effect upon the xv day of December nixt, thairfoir the saids Lords ordains letters to be direct charging the said Johne to compeir personallie before the saids Lords upon the xv day of December nixt provided and prepared to be cautioner and souertie for his said father in maner and to the effect abonewrittin, under the pane of rebellion, etc., with certification, etc."

Charge to John
Cameron to
appear before
the Council
and to become
caution for his
father, Allan
Cameron of
Lochiell.

[Sederunt as recorded above.]

Decreta,
April 1636.
February 1639.
P. 102.

Edinburgh,
12th November
1635.

Complaint by William and Alexander Howiesone, sons of Alexander Howiesone, portioner of Cramond, as follows:—On Sunday last, the 1st instant, as they were coming from Cramond to Edinburgh, John Stewart, son of David Stewart at the Brigend of Cramond, knowing that they were to make that journey, of malice aforethought lay in wait for them at the Water of Leith, set upon them at unawares, pursued them for their lives, and with a drawn dirk struck the said Alexander through the side to the hazard of his life, and the said William through the hand, almost cutting off the same. The said William Howiesone compearing for himself and his brother, but John Stewart not com-

Complaint by
William and
Alexander
Howieson
against John
Stewart for
assaulting
them on the
way from
Cramond to
Edinburgh.

pearing, the Lords, after hearing certain witnesses produced by the pursuer, find the complaint verified and ordain officers of arms to pass and charge the defender to enter himself in ward within the tolbooth of Edinburgh within six days and there remain upon his own charges until they relieve him; wherein if he fail, he is to be put to the horn and escheated.

Decreta,
April 1635.
February
1639.
P. 103.

Complaint by Robert Farquhar, bailie of Aberdeen, against Hector Abercrombie of Fetterneir for instigating certain persons to assault the complainer.

Complaint by Robert Ferquhar, bailie of Aberdene, as follows:—Hector Abercrombie of Fetterneir disposed to him the lands of Ryhill with the “mylne and mylnepleuche of Buchanstoun” for a certain price which he paid, and on 3rd September last he went, accompanied by Robert Mercer, notary, and Thomas Gordoune, bailie in that part, to take sasine thereof, not expecting “in this happie tyme of peace” that anyone would trouble or wrong him in so warrantable an action. But William Leslie of Ryhill, getting notice hereof, and resolved to debar the complainer from taking possession of the lands, but not daring to come forth in person for fear of caption, hounded out Patrick Leslie, his son, Leslie, his daughter, Gordoune, his wife, and others, who came fiercely upon the said bailie, and “without respect to his qualitie, being ane magistrat, they first shamefullie railed upon him, and with great stones persewed him and his companie and had almost feld him; speciallie woundit the said bailie on the arme to the effusioun of his blood and had almost brokin his arme; and the said Patrick with ane drawin whinger strake out diverse straiques at him and locked the mylne doore and [would] not suffer thame to take seasing.” Charge having been given to these persons complained upon, and the pursuer compearing by John Little, his procurator, but not the defenders, the Lords ordain the latter to be put to the horn and escheated.

P. 104.

Complaint by John Gordon of Park and George Caddell, his tenant, against Duncan Cumming in Glenrinnes for assaillt on the said George.

Complaint by John Gordoune of Parke and George Caddell, his tenant, as follows:—On , being Sunday, Duncan Cumming in Glenrinnes came by way of hamesucken to the dwelling house of the said tenant and, “without respect to the day being the Lords Sabbath, he shamefullie, barbarouslie and cruellie with a great batton prepared for the purpose dang the poore man and his wyffe and gave thame manie bauch and blae straiques on diverse parts of thair bodie to the effusioun of thair blood; and then he went to thair byre and by stowth-reiff tooke furthe thair of perteaning to thame and caried the same away with thame.” The pursuers compearing by George Sibbald, advocate, their procurator, but the defender not compearing, the Lords ordain him to be put to the horn and escheated.

Continuance of protection to William Gordon of Brodland.

“The protection granted to William Gordoun of Brodland prorogat till the last of Marche nixt.”

Complaint by Thomas Robesone in which he craves release from ward

Complaint by Thomas Robesone in the Abbey Yairds of Halyrudhous, P. 105. as follows:—He is detained in ward in the tolbooth of the Cannogait by several of his creditors for some small sums of money, and he is thus prevented from making “anie shift for thair satisfaction in the exercise

Decreta,
April 1635-
February 1639.
P. 105.

of his calling or yit to enterteanie him selfe; and, if he continow anie longer in prison, he will sterve for fault of enterテインement." Charge having been given to Andrew Caldwell, Mr William Chalmer, Elspet Andersone, Andrew Broune, Robert Keith, John Dicksons, John Glen, Thomas Armestrange, George Robesone, James Hair, David Gray, James Robesone, John Cockburne, Isobel Trotter, Archibald Kincaid, Mr Nicol Udward, Jean Coutis, Ludovick Keir, William Dick, John Monro, Thomas Broune, James Russell, John Ker and William Kerse, creditors of the complainer, to compear and see him liberated and a protection granted to him or show a reasonable cause to the contrary, and the pursuer compearing personally but none of the defenders save the said John Monro, who consented to the pursuer's liberation, the Lords ordain the bailies of the Cannogait to liberate the complainer, and also grant him their protection till 12th November, 1636.

that he may
satisfy his
creditors.

Sederunta,
January 1635-
November
1643.
Fol. 19, b.

"The quhilk day Mr William Chalmers, Thesaurar Clerk, compeirand personallie before the Counsell, exhibite Allane Camrone for obedience of his act and obligement."

Edinburgh,
12th November
1635.
Allan Cameron
of Lochiel.

Decreta,
April 1635-
February
1639.
P. 106.

Sederunt:—Chancellor; Privy Seal; Bishop of Glasgow; Alex-
ander; Bishop of Edinburgh; Bishop of Aberdene; Clerk
Register; Advocate.

Edinburgh,
17th November
1635.

Complaint by Matthew Reid in Craigdowes, as follows:—Sir Patrick McKie of Larg, having conceived a causeless hatred against him and resolved to take his life and means, dealt with William Maxwell, Steward-depute of Kirkcudbright, to cite him before him to answer *super inquirendis*, and they intend to proceed against him out of mere malice at the instigation of the said Sir Patrick and of McMillan in Porbreklay, his tenant, who is the complainer's avowed and deadly enemy and has entered in matters of blood with him. Also, Sir Patrick publicly avows that it is for revenge of quarrels and bloodshed between his tenant and the complainer that he has raised this action, and the better to achieve his purpose has secured that the holding of this criminal court will be at Monygaff, where no steward court has ever been held before, and where Sir Patrick has most of his friends and vassals and tenants, who will be used as assisers against him. They have arrested him and forced him to find caution to appear in the said town, "being ane poore simple man, not knaw[ing] the danger of suche ane hazardous persute, the evill quhair of he is now moved upon just ground to feare; becaus the Stewart depute, haveing tane this office in fermeing for ane yeerelie dewtie to the Earle of Nithisdail, Stewart principall, he uses all suche indirect shifts to make up his ferme dewtie; and the said Sir Patrick hes publictly avowed that he sall have the compleaners haill goods and geir. And it is a verie strange thing that suche ane proceedor sould be used aganis the compleaner, being ane honest man not tane with ane fang and who

Complaint by
Matthew Reid
in Craigdowes
against Sir
Patrick McKie
of Larg for
raising an
illegal action
against him
and seeking to
have the case
tried before a
prejudiced
tribunal.

never ressavd copie of ane dittay or anie lawfull charge wherwith to be advised ; and it is beyond the power of anie Stewart or his deputs thus to proceid in a mater of this kynd without particular commission frome his Majesties Counsell. Bot, becaus it hes pleased God to blesse the compleaner with some meanes, all this trouble is moved aganis him at the instigation of the said Sir Patrick under the cullour of the said Stewart depute his auctoritie, who being ane of the brether of the house of Logane, betuix whome and umquhile James Buittill, who wes uncle to the Vicount of Kenmure, the compleaners maister, there wes deidlie feid. In that regarde he is verie suspect to be judge to the compleaner." P. 107.

However, for clearing of his innocency the complainer has found caution in the Books of Adjournal to compear before his Majesty's Justice or such as the Council may appoint upon lawful citation under the penalties contained in the Acts of Parliament, and therefore the Stewart-depute, Sir Patrick M^cKie, and their procurator fiscal and clerk ought to be discharged from proceeding against him. Charge having been given to the said William Maxwell, Stewart-depute, Sir Patrick M^cKie,

M^cMillane, Paul Thomsone, procurator fiscal, and Robert Shennane, clerk, to compear and produce the whole process led against the complainer, and the pursuer compearing personally and also the said William Maxwell and Sir Patrick M^cKie for themselves and the remanent defenders, the Lords, after hearing parties, advocate the case from the tribunal complained of, to that of the Justice and his deputs, and discharge the said Stewart and his deputs from proceeding therein, but without thereby derogating from the rights, privileges and liberties belonging to the said Steward. And they ordain the pursuer to find caution for his compearance before the Justice upon a lawful citation under the penalties contained in the Acts of Parliament.

Complaint by
Gabriel Blair
against Patrick
Smeton and
others for
assault and
robbery.

Complaint by Gabriel Blair, as follows :—On , Patrick Smetoune, James Andersone and James Simesone in the Cannogait, without any warrant entered his house and warded his wife because they could not find him ; and again on September last, " under night," they violently entered his house, took him naked out of his bed, and, committing him to ward, kept him for eight days without any warrand and then dismissed him. And now lately upon October last they assaulted the complainer within the burgh of Edinburgh, struck him, and " reft his klokke frome him as if he were a commone theife." Both pursuer and defenders compearing, the latter produced " ane act and rolment of court of the burgh of the Cannogait of the date the nynt day of Apryle, beiring that the pursewer being callit and conveyened before the baillies and counsell of the burgh of the Cannogait for breakeing up the doore at the head of the trap of thair wardhous, thinkeing to have escaped and to have procured the escape of certane souldiours who were in warde with him, and that mater being verified aganis him be the depositioun of famous witnesses he wes for that caus ordaned to repaire the staire, decerned in a fyne of ten punds and ordanit to find caution for keeping of the peace,

Decreta,
April 1635.
February
1639.
P. 106.

P. 108.

Decreta,
April 1635-
February 1639.
P. 108.

and for not obedience of this ordinance he wes lawfullie committed to warde." The Lords accordingly assoilzie the defenders, and in order that they be no further troubled by the unjust complaints of the pursuer the Lords ordain "that no complaint be past or ressave anie delyverance at his instance aganis the defenders at anie tyme heirafter bot in presence and heiring of the haill Counsell."

Supplication by Alexander Dawnie, merchant burges of Edinburgh, as follows:—He has some tarred tackling in a ship of Roterdame lying at Borrowstoune, to which ship their Lordships have given warrant for receiving her lading of coals, and for this purpose she is now "lying on ground." The said tackling is not a commodity subject to infection and there is no suspicion of such aboard the said ship, wherefore he craves their Lordships' warrant for his receiving the said tackling out of this ship. The Lords remit the supplicant to the provost and bailies of Linlithgow and any two of the commissioners having charge within the bounds about Borrowstounes for preventing the landing from ships coming from Holland and suspect places, that they may do herein as the nature of the case requires.

P. 109.

Acta, June
1634-April
1636.
Vol. 112, b.

Sederunt:—Chancellor; Glasgow; Privy Seal; Perth; Tracquire; Edinburgh, Binning; Lord Alexander; Bishop of Edinburgh; Bishop of Aberdeen; Clerk of Register; Advocate.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Johne, Earle of Tracquire, his Majesteis Deputie Thesaurar, and produced and exhibite before the saids Lords the missive letter underwritin signed be the Kings Majestie and directed unto them, of the whilk the tennor followes:—CHARLES R.—Right reverend father in God, right trustie and weilbelovit cousines and counsellors, and right trustie and trustie and beloved counsellors, we greit yow weill. According to our pleasure signified unto yow in September last we receaved from our right trustie and weilbelovit cousine and counseller, the Earle of Tracquair, diverse letters frome yow with your opinions and proceedings tuicheing sindrie particulars recommended unto yow concerning our service, whairof having considerit and of what further we conceave at this present necessarie for the good thairof we have thought fitt agane by him (to whome we have fullie imparted our minde thereanent) to returne to yow our resolution concerning the same. Thairfoir it is our special pleasure that what the said Earle sall represent unto yow by word or writt that accordinglie yow see our directions heerin speedilie performed, whiche we will take as acceptable service done to us. We bid yow farewell. From our Court at Whitehall, the 10 of November, 1635."

Vol. 113, a.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Adam Abircrombie of Aldrayne for obedience of the act quherby he wes obliged to this effect and actit himselfe of new to keepe

Adam Abircrombie appears before the Council in

accordance with his bond. waird within the burgh of Edinburgh and not to remove therefra till he be releevd be the saids Lords under the pane of fyve thowsand merks." Acta, June 1634-April 1636.
Fol. 113, a.

Appointment of Sheriffs. "The Erle of Tracquair produced a list of the shireffs conforme quherunto ordanis missives to be direct to thame to accept and give thair oath." Sederunt, January 1635-November 1643.
Fol. 19, b.

Edinburgh, 20th November 1635. *Sederunt* :—Chancellor; Hadintoun; Perth; Dumfreis; Tracquair; Bishop of Edinburgh; Aberdein; Clerk Register; Advocate. Fol. 20, a.

The abuses of the ferries. "M^r Melvill produced ane act of court anent reforming the abuses of the ferryes, whiche with his Majesties letter and articles and the copy of the Consells ansuer to his Majestie wer delyvered to M^r Alexander Guthre, whome the Lords ordanis to communicat the same to the rest of the commissioners and to report upon Tuisday."

Edinburgh, 24th November 1635. *Sederunt* :—Chancellor; Glasgow; Privy Seal; Perth; Dumfreis; Tracquair; Lord Binning; Lord Alexander; Bishop of Aberdein; Clerk of Register; Advocate. Acta, June 1634-April 1636.
Fol. 113, a.

Sir John Grant of Freuchie decreed guilty of contempt for failing to appear before the Council and to present the traitor, James Grant, and others in accordance with his obligation. "Anent the terme assigned to Sir Johne Grant of Freuchie to have brought and exhibite before the Lords of Privie Counsell James Grant, the tratour, Robert Grant, his brother, and George Grant, his bastard sone, this present day, as in the act made to this effect at mair lenth is conteanit; quhilk being callit and the said laird of Grant not compeirand nor yitt having exhibite the saids James, Robert and George Grants be himselfe nor no others in his name the Lords of Secreit Counsell finds and declares that the said Laird of Grant hes violat and contraveenned his said act and not observed and kepted the same conforme to the tennor thairof, and thairfoir decerns him to have incurred and to incurre the panes conteanit in his Majesteis lawes and acts of parliament for not exhibition [of] the saids three persons; and the saids Lords superseids the extracting of this decret and sentence till the fyftene day of Januar nixt that in this meane time the saids Lords may see what diligence the said Laird of Grant sall use aganis the saids three persons betuix and that day."

Acceptance of the office of Sheriff. "The whilk day Sir Alexander Foullis, younger of Colintoun, as shireff of Edinburgh, Sir Johne Home of Blacader as shireff of Berwick, Johne Achinmowtie of Gosfuird as shireff of Hadinton, Andrew Riddell of Hayning as shireff of Selkirk, and Thomas Dalyell of Manerstoun as shireff of Linlithgow, compeirand personallie before the Lords of Secreit Counsell accepted the offices of shirefship upon thame and gave thair oathes for faithfull administratioun thairof." Fol. 113, b.

John M^cFarlane younger of Arrochar, produces John "The whilk day in presence of the Lords of Secreit Counsell compeired personallie Johne M^cFarlane, younger of Arroquhat, and produced and exhibite before the saids Lords Johne Dow M^cPhaill, *alias* Camron,

Acta, June
1634-April
1636.
Fol. 113, b.

ane brokin man and sorner, with Donnald M^cMartine his man, togidder Dow M^cPhail, also with Dougall M^cFarlane, brother naturall to the said Laird of M^cFarlane, whome he had imployed in taking the saids Johnne Dow and his man; quhilks three persons the saids Lords ordains to be committed to waird within the tolbuith of Edinburgh and to be interteanned be his Majesteis Thesaurar."

Decreta,
April 1635-
February 1639.
P. 109.

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

Edinburgh,
24th November
1635.

Supplication by Laurence Bruce of Coultmalundie, as follows :—On 24th June, 1618, "being midsomers mercat day," he "fell in ane pitie accident with umquhile David Tosheoch of Monyvaird upon the hie mercat gate of the burgh of Perth, in the quhilk conflict the said David, resaveing certane wounds, thairafter died." Since then the supplicant has been in perpetual exile, and seven gentlemen who were present at the conflict are now dead in exile, whereby both the supplicant's estate and theirs are ruined. His Majesty has been pleased to grant him a remission upon paying assythement to the party injured, and this assythement he has repeatedly offered, but all reconciliation is refused. He supplicated their Lordships in the matter on last to call the parties before them and ordain them to receive assythement as may be appointed by the Lord Chancellor, to whom the matter is remitted by his Majesty, or by the Council or a Committee of their number. Their Lordships then ordained parties to be cited, and immediately thereupon the supplicant sent away a messenger at arms to execute the same; but in respect of the great distance the letters are returned executed to Thursday next. Meanwhile the other party has charged the supplicant to appear for trial before the Justice to-morrow, and before the Exchequer on next Saturday, to hear the said remission reduced. Wherefore he craves that their Lordships would ordain the Justice and his deutes to continue the diet to 2nd December next. This the Lords do, so that the supplicant's letters may be reported, his offers of assythement considered, and effect given to his Majesty's letter.

Supplication
by Laurence
Bruce of
Cultmalundie
anent his
assythment for
the slaughter
of David
Tosheoch of
Monzievaird.

P. 110.

Sederunts,
January 1635-
November
1643.
Fol. 20, b.

"The Lords assigns to M^r Alexander Guthrie this day aucht dayes for giving in his ansuers in writt to the overtures and remedeis anent the ferries."

Anent the
ferries.

Acta, June
1634-April
1636.
Fol. 113, b.

Sederunt:—Chancellor; Glasgow; Privy Seal; Erroll; Perth; Wintoun; Dumfreis; Tracquir; Bishop of Edinburgh; Bishop of Aberdeen; Binning; Lord Alexander; Master of Elphinston; Clerk of Register; Advocate.

Edinburgh,
26th November
1635.

"The whilk day the missive letter underwrittin, signed be the Kings Majestie and directed to the Lords of Privie Counsell, was presented to the saids Lords and read in thair audience, of the quhilk the tennor

Letter from
his Majesty
requiring that
two commis-
sioners for the

Salt-masters
may be sent to
Court anent
the duties
levied on salt.

followes :—CHARLES R.—Right reverend father in God, right trustie and weilbelovit cousines and counsellers, right trustie and trustie and beloved counsellers, we greit yow weill. Whereas a proposition hath beene made unto us at this time tuicheing the increasse of our rent upon salt made within this our kingdome, and being willing before anie course be concluded therein that the saltmaisters of our kingdome of Scotland be heard for thair interest, it is our pleasure that yow conveyene thame before yow requiring thame to make choice of suche one or two persons of thair owne number as they sall thinke fitt to repaire to our Court with full power frome the rest to treate and conclude what sall be found necessarie tuicheing that purpose, wherein we, having at lenth imparted our minde to our right trustie and weilbelovit cousine and counsellor, the Earle of Tracquire, they may frome him know our further pleasure and proceed accordinglye. We bid yow farewell. From our honnor at Hampton Court, 6 November, 1635. Quhereanent a number of the saltmaisters of this kingdome being warned to appeare before the saids Lords to heare his Majesteis will and pleasure intimat to thame and they compeirand this day personallie before the saids Lords, togidder with Mr Alexander Guthre in name of the burrowes, and being at lenth heard heereanent, the Lords of Secreit Counsell ordains the saids saltmaisters and Mr Alexander Guthre to conveyene and meit the morne and to nominat and appoint twa commissioners to repaire to court and to create and conclude with the English commissioners what sall be found fitting anent the proposition made to his Majestie tuicheing the increasse of his rent upon the salt, as said is ; and the commissioners being chosin ordains thame to addresse thameselfies to the Erle of Tracquire frome whome they will understand what his Majestie hes recommendit to thame in the bussines ; and that they report to the Counsell upon Tuisday nixt the names of the commissioners.”

Acts, June
1634-April
1636.
Fol. 113, b.

Fol. 114, a.

Warrant
granted to
Captain Alex-
ander Gordon,
in accordance
with his
Majesty's com-
mand, to levy
and transport
sixty soldiers.

“The Lords of Secreit Counsell, according to ane warrand and direction in writt signed be the Kings Majestie and this day presented unto thame, gives and grants licence to Captane Alexander Gordoun, sone to Sir Alexander Gordon, uncle to the Erle of Sutherland, to levey and take up threescore of men within this kingdome for a recrue to Colonell Hepburne his regiment and to transport thame toward the said Colonell for the forderance of his service, without pane or danger to be incurred be the said Captane Alexander therethrow in his person or goods, notwithstanding whatsoever acts or proclamatiouns made in the contrare ; whereanent and all panes conteanit therein the saids Lords dispenses be thir presents ; discharging heirby all his Majesteis subjects of making of anie stop, trouble, hinder or impediment to the said Captane Alexander in the leveying and transporting of the said threescore men as they will answer upon the contrare at thair highest perrell. Followes his Majesteis missive for warrand of the act abonewritten :—CHARLES R.—Right reverend father in God, right trustie and weilbelovit cousins and counsellers, right trustie and trustie and weilbelovit counsellers, we

Acta, June
1634-April
1636.
Vol. 114, a.

greit yow weill. Whereas we have beene humbelie petitioned in behalfe of Captane Alexander Gordon, sone to Sir Alexander Gordon, uncle to the Erle of Sutherland, that having charge under Colonell Hepburne and particularlie warranted frome him he might be licenced to transport a recrue of men for the said Colonells regiment, in regarde that the long lying of these men upon his charge since the first time condescended upon for thair transportation is likelie to be the caus of the said captans ruine and hurt of manie of his freinds, it is our pleasure that with all diligence yow licence him to transport for the use foresaid threescore men according to the custome in the like caises, for whiche these presents sall be your warrand. We bid yow farewell. From our honnour of Hampton Court, 2 of November, 1635."

[Sederunt as recorded above.]

Decreta,
April 1635-
February 1639.
P. 110.

Edinburgh,
26th November
1635.

Complaint by James Jonstoune, natural son of the deceased Captain James Jonstoune of Lochous, as follows:—He has been charged at the instance of James Moffat, eldest lawful son, William, Thomas and Walter, also sons, Janet and Margaret, daughters of the deceased Mungo Moffet, John Moffat, husband of the said Janet, for his interest, and James Moffet in Hilhous, John Moffet of Meikle Holmesyde, and James and Robert Moffet, indwellers in the town of Moffet, as near kinsmen of the said Mungo, to find caution in the Books of Adjournal for compear-
ing before the Justice in the tolbooth of Edinburgh on 27th November and underlying the law for apprehending the said deceased Mungo Moffet, detaining him in the pit and prison of Moffet, and for his alleged
cruel slaughter. He has found caution, but these persons intend to proceed against him wrongfully, because the court alleged to have been held by him within the town of Moffat was held by James Wauche, bailie of the regality of Moffat, constituted by Walter, Bishop of Brechin, heritable proprietor of the barony of Moffat upon the resignation of William, Earl of Mortoun, and upon complaint given in by David Wilsoune, officer and keeper of their ward, against the said Mungo for threatening and abusing of the said David Wilsoune. The bailie having sent for the said Mungo to the court, when he came he broke out of new in the bailie's presence with many threatening speeches against the said David, who was present, and avowed that he would have his life, for which misbehaviour the bailie ordered him to be taken to ward, and he then with many opprobrious speeches threatened the said bailie. He remained in ward from 11 a.m. till 7 next morning, when John Coustoun in Viccarland became cautioner for him to the said James Wauche, who committed him to ward, that he would give satisfaction both to the bailie and officer. On being released the said Mungo went home and then to the harvest field, where he bound and stacked corn after six shearers all that day, and at night Mr David Wauche and John Coustoune, called the provost, "haveing hundert a

Complaint by James Johnstone, natural son of Captain James Johnstone of Luchhouse, against James Moffat and others, who have wrongfully charged him with the slaughter of Mungo Moffat, late indweller in the town of Moffat.

haire the said Mungo came after the dogs and haire to have redde the Decreta, April 1635-
 dogs frome the haire, and then went home to his awne hous and fra February 1635
 that he supped and went to bed in good health, and wes never seike nor P. 110.
 sore; bot upon ane incum in the night, lying in bed with his awne
 wyffe, died suddenlie without speikeing of ane worde; quhilk will be P. 111.
 provin be his awne wyffe who lay in bed with him, and whose name is
 not in the criminall letters." Their Lordships will thus perceive the
 case that is built up against the complainer by some of his unfriends,
 "who both be law and by law hunts for his lyffe, discredite and wraike."
 Charge having been given to the persons who complain against the
 pursuer and to Bessie Hunter, widow of the said Mungo, and all
 compearing, the Lords after hearing parties and witnesses, including the
 declarations of the relict, children and friends of the deceased man, find
 that the said Mungo was committed to ward by the said bailie for his
 misbehaviour against himself, that during his abode in ward he was in
 good health, and several of his friends had access to him, with whom he
 ate and drank and took tobacco, "and that upon the morne when he wes
 fred of his warde he past to his harvest feild and band and stoukit his
 cornes after his sheirers, and that in the meane tyme the said M^r David
 Vauche and John Coustoune, callit the provest, haveing start ane haire
 neir the part where the said unquhile Mungo was binding his cornes, P. 112.
 the said Mungo followed the haire to have redde it frome the dogs and
 that he kuist his bonet afore it; and that he had nather mutche nor clothe
 upon his heade, and in the following of the haire he lap als freeilie over
 the burne as if he had beene a yong man; and that he, haveing
 attendit the sheirers till about night, he come to his awne hous, supped
 and went to bed in good health, and wes nather seeke nor sore, and that
 a prinkling haveing fallin in his leggs and his awne wyffe being in bed
 with him halding him up he died suddenlie in her armes; and that his
 heid being narrowlie looked be some being in the hous who come in
 upon the raising of the shout for his death, they fand no kynde of
 swelling nor taken nor appeirance of anie hurt or harme he had
 resaved." The Lords therefore find the said James Jonstoune free and
 innocent of the slaughter of the said Mungo and of his detention in
 ward; and they ordain the Justice, Justice Clerk and their deputes to
 desert the diet appointed for his trial on these charges; all the more
 that the widow and friends of the deceased man gave no clear evidence
 against him and "declared they would not sueir the dittay."

Edinburgh,
 1st December
 1635.

Sederunt:—Chancellor; Glasgow; Privy Seal; Erroll; Mar; Acta, June
 Winton; Perth; Tracquire; Bishop of Edinburgh; Bishop of 1634-April
 Aberdeen; Lord Lorne; Lord Alexander; Clerk of Register; Fol. 114, b.
 Advocate.

Proclamation
 against the
 Clan Gregor

"Anent our soverane lords letters direct makand mention, Forsamekle as
 in the parliament haldin at Edinburgh in the moneth of Junij, 1633, it

Acts, June
1634-April
1636.
Fol. 114, b.

was statute and ordained that all persons of the Clangregour that sould ^{who have failed to present themselves before the Council on a specified day.} happin to be in this kingdome upon the twentie fyft day of Marche thereafter sould give thair appearance before the Lords of Privie Counsell that day and failyeing thair of the nixt lawfull day thereafter following, to the intent that suche of thame as hes alreadie found caution and whois cautioners ar dead might find new caution for thair good behaviour and renunce thair names, and that suche of thame as hes not found caution might find caution, with certification to thame that compeired not that they sould be denounced rebells and thereafter persewed in maner specefeit in the said act of parliament, as the same at lenth beirs; quhilk dyet the saids Lords of Privie Counsell having upon diverse good considerations prorogat untill the twentie day of July, 1634, hoping that all of that clan sould have embraced his Majesteis favour shawin unto thame, yitt they have beene verie carelesse thair of and hes slighted and in a maner contemned the said favour and hes thereby deserved that exemplarie punishment whiche by the law is dew unto thame. Bot his Majestie, being loath to proceed with that extremitie aganis thame, hes thairfor thought meit to give unto thame a new dyet, to witt, the first day of December instant, to the intent they might be inexcusable if now they sould anie longer contemne this favour. And anent the intimatioun made to the persons of the Clangregour of the prorogatioun of the terme and dyet appointed for thair compeirance before his Majesteis Counsell the first day of December instant to the effect they might be inexcusable if now they sould anie longer contemne his Majesteis favour shawin to thame, with certificatioun to suche persons of the Clangregour as sould not preceislie keepe the said dyet that not onelie they sould be denounced rebells and putt to the horne bot with that they sould be persewed as rebells and tratours with all rigour and extremitie, lykeas at mair lenth is conteanit in the saids letters, executions and indorsatiouns thair of, quhilks being callit and nane of the name of M^cGregour compeirand, the Lords of Secreit Counsell ordains letters to be direct charging officiaris of armes to pas to the mercat croces of Perth, Dunkelden, Cowper in Angus, Stirline, Tilliclay in Downe of Monteith, Dumbartane and others places neidfull and there be opin proclamatioun to denunce the said hail surname of M^cGregour our soverane lords rebells and putt thame to the horne and to escheit, etc."

F.1. 115, a.

"The Lords of Secreit Counsell for certane good considerations moving ^{Postponement of the trial of Lawrence Bruce for the slaughter of the Laird of Monzievaird. See ante, p. 139.} thame ordains and commands his Majesteis Justice, Justice Clerk and thair deputs to continew the criminall dyett appointed to Laurence Bruce of Cultmalindeis for his compeirance before thame the secund of this instant to underly the law for the slaughter of the lait laird of Monzievaird till the first Wedinsday of Junij nixt, takand new caution of the parteis for thair compeirance that day conforme to the order, quhereanent thir presents sall be to thame a warrand."

"Forsamekle as the Kings Majestie is informed that the provest and ^{Charge to the Provost of Aberdeen and} others officers of the burgh of Aberdein hes beene chosin this yeere

others to
appear before
the Council
anent the
alleged illegal
election of
magistrates in
the said burgh.

contrare to the approved custome of that burgh, used at all preceeding knowne times, wherein his Majestie, being unwilling that anie innovation be made or anie factious or unlawfull way used quhilks may procure and foster sedition and distraction in the said burgh; thairfor the Lords of Secreit Counsell, by his Majesteis expresse command and direction, ordains letters to be direct charging the present provest, and Paul Meinzeis, late provest of the said burgh, and the bailleis presentlie in office and these who wer in office the last yeere bygane and Walter Robertstone, clerk of the said burgh, to compeir be thameselffes or be twa of thair nomber for either side before the saids Lords upon the twelffe day of Januar nixt, and the said Walter Robertstone to bring and exhibite with him the acts of thair electioun of the present counsell and bailleis of the said burgh with the whole acts, minuts, instruments and protestations tane in the said election and the lytis of both the saids parteis at the election to be seene and considerit be the saids Lords, and if it sall be found that the said election hes not beene made according to the usuall and accustomable maner observed in the said burgh, then and in that caise to heare and see thame decerned to nominat for this yeere M^r Alexander Jaffrey to be thair provest and the officers who this last yeere had charge within the said burgh to be continewed for this yeere and to heare his Majesteis will and pleasure signified unto thame that heereafter thair elections be made in that faire and peaceable maner according to thair ancient custome, sua that his Majestie be not forder troubled therewith; as alsua to charge Sir Paul Menzeis, late provest, Gilbert Meinzeis of Pitfoddells, Gilbert Collisone and M^r Thomas Gray, lait bailleis, Walter Robertstone, merchant, Robert Alshoner, Robert Johnnestoun, George Meinyeis and Paul Meinyeis, who wer counsellors of the said burgh this last yeere and who wer the onelie electors in the said election, to compeir personallie be thameselffes before the saids Lords the said xij day of Januar nixt to answer upon thair behaviour and cariage in the said election and for thair proceeding therein aganis the ancient forme and custome of the said burgh and that they and the others persons foresaids compeir in maner foresaid under the pane of rebellion, etc., with certificatioun, etc.—CHARLES R.—Right reverend

father in God, right trustie and weilbelovit cousins and counsellors, right trustie and trustie and beloved counsellors, we greit yow weill. Whereas we ar informed that the provest and others officers of our burgh of Aberdein have beene chosin at this time contrarie to the approved custome of that burgh used at all preceeding knowne times, wherein being unwilling that anie innovation be made or anie unlawfull or factious way used, it is our pleasure that yow call before yow thair present provest and others whome yow sall thinke most interested therein, and if yow find the election not to be faire and accustomary that you caus thame nominat for this yeere M^r Alexander Jeoffrey to be thair provest and that they continue for that time thair officers who this last yeere had charge among thame, signifieing withall unto thame that it is

Acta, June
1634-April
1636.
Fol. 115, a.

Fol. 115, b.

Acts, June
1634-April
1635.
Fol. 115, b.

our speciall pleasure that heerafter thair elections be made in that faire and decent maner according to thair said ancient custome, that we be not further troubled therewith. We bid yow farewell. From our Court at Whitehall, the 18 of November, 1635."

"Anent the supplicatioun presentit to the Lords of Secreit Counsell be Francis Vanhoche, merchant in Middleburgh, and Gilbert Fraser, merchant burges of Edinburgh, makand mention that where the said Francis, having ane earnest desire to settle his compts with some merchants in this kingdome anent the lead ure, he resolved for that effect to repaire hither and imbarcked some fyve weekes agoe in Flanders and be contrarie winds wes drivin unto Hull, from whence he came be land to Edinburgh and to the dwelling hous of Gilbert Fraser, where he thought to have lodged. But the magistrats of the burgh, getting notice of the said Francis his comming to the said Gilberts hous, in respect of the contagious sickenes of the pest in Holland closed the said hous, where the supplicants wer kept as inclosed persons whill the Laird of Lamintoun procured thair releefe upon band givin be him that he sould take thame to the Leadhill and keepe thame there for abiding thair tryell, quhilk accordingle he did; and the supplicants remaines in his companie as yitt. And whereas the said Francis hes abiddin thir fyve weekes tryell and the said Gilbert hes abiddin thir 20 dayes tryell and abone, and nothing hes kythed upon thame, humbelie desyring thairfoir the saids Lords to make thame free and give thame libertie to goe where they please; lykeas at mair lenth is conteanit in the said supplicatioun. Quhilk being read, heard and considerit be the saids Lords and they understanding that the saids twa supplicants hes abiddin a lawfull tyme of tryell, thairfoir the Lords freiths and releeves thame of thair warde and grants thame libertie to pas where they please without pane or danger to be incurred to thame in thair persons and goods, anent the doing quhair of thir presents sall be thair warrand."

Supplication
by Francis
Vanhoche,
merchant in
Middleburgh,
and Gilbert
Fraser, mer-
chant burges
of Edinburgh,
that they may
be released
from the ward
in which they
have been
placed as
coming from
the Low
Countries,
where the
plague
prevails.

Fol. 116, a.

"The Lords of Secreit Counsell nominats and appoints Johne, Erle of Tracquire, Archibald, Lord of Lorne, William, Lord Alexander, and Sir Johne Hay, knight, Clerk of Register, or anie twa of thame to be assessors to his Majesteis Justice in the processe of error intendit aganis the persons who wer upon the assise of James Gordoun for thair wilfull error in cleanging the said James of intercommoning with the rebellis and brokin men in the north, notwithstanding of the notoriety of his guiltines of the said crime."

Appointment
of assessors for
the trial of the
persons who
acquitted
James Gordon
of intercom-
muning with
rebels.
See ante, p. 91.

[Sederunt as recorded above.]

Edinburgh
1st December,
1635.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and Alexander Montgomerie, servant to John M^cKenzie of Tarbet, as follows:—On September, while he was sitting at supper in his own house, Henry Forrester, servitor to William Dollace of Budget (whom

Complaint by
Alexander
Montgomery,
servant to John
M^cKenzie of
Tarbet, against

Decreta,
April 1635-
February 1639
P. 113.

Henry
Forrester,
servitor to
William
Dollas of
Budget, and
Donald Clunes
for assault.

he thought "his inteir freind," being "ane ordinar at his table and nothing bot all mutuall dewties of respect enterteanied betuix thame"), accom-
panied by Donald Clunes, came under cloud of night, "and making a hole in the broadsyde of the hous," one or other of them, "with a long hacquebut, charged with sex bullets, shot the compleaner at the hole of the hous and mutilat him in the arme," their intention being to slay him. The said Alexander, not knowing who it was that shot him, "continowed in his wonted freindship with the said Henrie," till on

May last, meeting with him at the kirk of Caddell, and having kept company with him all that day, the said Henry "would be so kynde as to convoy the said Allexander home; and being agaitward the said Henrie purposelie stayed behind the compleaner and or ever he wes awar of him or without speiking a word, he shamefullie strake him on the shoulders with a durke foure inche deepe, quhairby, the said Allexander haveing fallen to the ground, he gave him other thrie straike, thinking to have strukin him throw the bodie being lying on his backe, bot he wes preserved be the breast of his doublet." The pursuer compearing personally, but neither of the defenders, the Lords ordain the latter to be put to the horn and escheated.

Complaint by
John Brown of
Kirkhill
against Lord
Cranstoun for
instigating his
brother and
others to
assault the
complainer
and injure his
property.

Complaint by John Brown of Kirkhill, as follows:—The two and a quarter husbandlands of Ligertwoode belong to him, and the teinds thereof have been valued with the consent of Lord Cranstoune, the titular. This was a warrant to the complainer to lead his teind, paying the valued duty, and so this harvest he led and stacked his corns in his barnyard. Nevertheless, the said Lord Cranstoune directed and hounded out his brother Harie Cranstoune, Walter Scot, his servant, Gilbert Lauder, Robert Freter, Thomas, James and William Gibsoun, John Mack and Jasper Cranstoune, and others, who on 13th October last "came to the compleaners barneyard, klame over the dykes and went to the heid of the said corne stake, kuist the same over the dyks in thair kairts and caused big a stacke on the hie way betuix Ligertwood and the said barneyard." Thereafter, "rancountring the compleaner in the toune, the said Harie threatned to bind him to a cart arse and lay a hundreth on him and despytefullie strake him on the face with a whip." Again, on the 16th of the said month, the said Harry, Gilbert Lauder, Walter Scot, and others of the foresaid persons, at the direction of the said Lord, came to his barnyard, where he had a stack of teind
oats standing, "and in lyke maner lap over the dyke, rugged doune the stalke, kuist the same on cairts, sauld and dispoed thairupon to the behove of the said Gilbert." And when the complainer went with a notary to show his decree of valuation and make interruption, the said persons laid violent hands upon him, and "gripped him till the said Harie tooke his sword and whinger frome him." The pursuer compearing, likewise the said Harry Cranstoune, and also Lord Cranstoune for himself and the remanent defenders, the Lords, after hearing parties, remit that part of the complaint respecting the taking away of the corn

Decreta,
April 1635.
February 1635
P. 113.

P. 114.

P. 115.

Decreta,
April 1635-
February 1639.
P. 115.

to the judge competent; and with regard to the charges of assault against Harry Cranstoune, they assolzie the defender; because the pursuer, having referred for proof thereof to the defender's oath of verity, the said Harry, being sworn, "confessed that the said persewer, haveing charged him that in despyte of the Lord Cranstoune and all his freinds that he sould leade the teinds forsaid, and that he deserved no more bot that the said Harie would give him a whip, the said Harie thairupoun choppit him on the shoulder with a little rod he had in his hand."

Edinburgh,
1st December
1635.
The Middle
Shires.

"A warrand to Sir Johne Scot anent the commission for the Middle-shires."

Sederunta,
January 1635-
November
1643.
Vol. 20, b.
Vol. 21, a.

"The quhilk day M^r Alexander Guthre exhibite in writt a report of the estait of the Ferryes, quhilk was givin up to the Advocat to be advised therewith."

The state of
the ferries.

"The quhilk day, Johne Gordoun of Innermerkie having obtaned a protection for his saife appearance before the Consell and being attending at the Consell hous doore, he was notwithstanding of his warrand apprehended and committed to waird, information quhairof being made to the Consell and they finding that the officers had done wrong in committing of the said Innermerkie whos person wes secured, as said is, the Lords ordanis the provest and bailleis to putt Innermerkie to libertie and not to putt anie letters of caption in executioun aganis him during the time of his protectioun."

Charge to the
magistrates of
Edinburgh to
liberate from
ward John
Gordon of
Innermarkie,
who is under
the protection
of the Council.

Borders,
1638-43.
Vol. 96, b.

"The Lords of Secreit Counsell ordanis and commands Sir Johne Scot, knight, director of our soverane lords Chancellarie, to caus write and exped in English at the Chancellarie the conjunct commission for the Middle Shires of Scotland and England to the intent the great seale of the said kingdome of Scotland may be appended thereunto, notwithstanding there be not a speciall warrand sett down in cleere and expresse termes in the said commissioun to the said Sir Johne for wrytting and expeding of the same commission at the Chancellarie, anent the doing quherof thir presents sall be to the said Sir Johne a sufficient warrand."

Edinburgh,
1st December
1635.
Warrant to Sir
John Scot to
draw up the
conjunct com-
mission for the
Middle Shires.

Decreta,
Apr 1635-
February 1639.
P. 115.

Sederunt:—Chancellor; Privy Seal; Glasgow; Erroll; Mar; Dumfreis; Perth; Traquaire; Lorne; Binning; Alexander; Bishop of Edinburgh; Bishop of Aberdene; Clerk Register; Advocate.

Edinburgh,
3rd December
1635.

P. 116

Supplication by Charles M^cLaine of Finnane, as follows:—Allan M^cClane, his father, M^cClaine, his brother, and himself, were charged at the instance of the Laird of Lochbuy to compear before their Lordships on 24th November last, and the supplicant for obedience thereof came to Edinburgh on 20th November and appeared for himself and his father and brother before their Lordships on the 24th, but none of the pursuers compeared, save that John Nicoll, writer, attended and stated that Lochbuy was on his way and had procured a continuation for four Council days. The supplicant has remained at considerable diet.

Supplication
by Charles
M^cLaine of
Finnane that
he may be
relieved in the
meantime from
appearing
before the
Council, as his
accuser, the
Laird of Loch-
buy, has failed
to keep his
diet.

cost till now, and the sole purpose of the said procurator has been to put him to this expense. He therefore craves liberty to protest that, in respect of his compareance, no further procedure shall be lawful against them at the instance of Lochbuy or his tenants until they be cited of new. This the Lords allow, and also modify the sum of £40 to be paid by Lochbuy to the supplicant for his charges in attending this matter.

At the Chapel
of Holyrood
House,
6th December
1635.

Adam, bishop
of Aberdeen,
and Thomas,
bishop of
Galloway, take
their oath of
fealty for their
bishopricks.

"The quhilk day Adame, Bishop of Aberdein, and Thomas, Bishop of Galloway, gave thair oath of fealtie and made thair homage for thair bishopricks to the Lord Archbishop of St Andrewes, his Majesteis commissioner, in the said chappell after sermon and celebratioun of the halie communioun."

Edinburgh,
8th December
1635.

Sederunt:—Chancellor; Glasgow; Privy Seal; Mar; Perth; Dumfreis; Southesk; Tracquair; Lorne; Binning; Lord Alexander; Bishop of Aberdein; Bishop of Ros; Clerk Register; Advocate.

David, Earl of
Southesk,
appointed
additional
assessor in the
case of James
Gordon.

"The Lords of Secreit Counsell nominats and adjoynes David, Erle of Southesk, to the assessors appointed for assisting his Majesteis Justice in the processe of error depending before him."

See ante, p. 145.

—Menzies of
Weem, heir to
Sir Alexander
Menzies of
Weem, to be
responsible for
all persons on
the estate of
Weem, as his
father is
incapable from
age and
sickness.

"Forsamekle as it hes beene thought meit and expedient be the Lords of Secreit Counsell that the hail landlords and chiftans of clans in the Hielands and borders of this kingdome sall be putt under caution for making thair men, tennents and servants and others for whome they ar answerable obedient to law and justice, conforme to the acts of parliament made thereanent, and quhereas Menzeis, sone and appearand air to Sir Alexander Meinzeis of Weme, is fear of the hail living of Weme and hes the obedience of the hail persons for whome the Lairds of Weme ar bound to answer, and the said Sir Alexander is onelie lyverenter and ane aged sickelie man and so cannot be answerable for these with whome be the law he will be burdenned, necessar it is thairfoir that this caution be found be the said Meinzeis, fear of Weme, and for this effect the saids Lords ordains letters to be direct charging the said Meinzeis, fear of Weme, to compeir personallie before the saids Lords at a certane day provydit and prepared to find the said caution in maner and to the effect foresaid or ellis to show a reasonable caus why the same sould not be done, under the pane of rebellion, etc., with certificatioun."

"Forsamekle as it is understand to the Lords of Secreit Counsell that there is a verie great necessitie of a bridge upon the water of Milke in Annerdail, speciallie at that part thairof whiche is the commoun hie way and passage frome the south to the north and frome Annerdail towards Londoun, the want of quhilk bridge hes cost manie people thair lyffes, to the great discredite of the kingdome and to the hurt and

Recommendation that a bridge be constructed over the water of Milk in Annandale.

Decreta,
April 1635.
February 1636
P. 116.

Sederunt,
January 1636
November 1643.
Fol. 21, a.

Acta, June
1634-April
1636.
Fol. 116, a.

Fol. 116, b.

Acta, June
1634, April
1635.
Vol. 116, b.

wracke of manie familieis of whome diverse maisters lost thair lyffes at that water ; and whereas it is a worke most important and necessar for the credite of the countrie and saifetie of his Majesteis subjects travelling that way, thairfor the saids Lords hes thought meit and expedient that there sall be ane bridge bigged over the said water for the more sure and saife transport of passingers and goods passing that way, and it is thought meit that this bridge and the charges to be bestowed thereupon sall be furnished and advanced be the inhabitants within the shirefdome of Dumfreis and stewartrie of Annerdail, who ar the persons most interest in this worke and whome the same most properlie concerns. For quhilk purpose the saids Lords hes recom-mendit and be the tennor of this present Act recommends this warke and the bigging and perfytying of the said bridge to the benevolence and liberalitie of the noblemen, prelats, barons, burgesses, presbytereis and sessions of kirks and to others his Majesteis subjects to burgh and land within the bounds of the said shirefdome of Dumfreis and stewartrie of Annerdail, and to suche persons passingers as passe by the fuird where the bridge is to be built, requesting and desyryng thame to extend thair benevolence and liberalitie toward the forderance and advancement of this work in suche proportion and measure as they sall find fitting. And for the better ingaddering of this contribution the saids Lords hes nominat and appointed and be the tennor heiroyf nominats and appoints M^r Robert Henderson, minister at Lochmaben, M^r Robert Hereis, minister at Drysdail, M^r George Buchannan, minister at Kirk-patrikjuxta, and M^r David Rodgers, minister at Tunnergirth, to be collectors and ingadderers of the said contribution, ordaining thame for the better expedition and fordering of this worke to divide the saids bounds in foure parts, allowing to eache of thame his owne part; requesting heirby the saids collectors to be diligent towards the ingaddering of the said contribution and that they report to the saids Lords thair diligence and successe of thair travells in this bussines betuix and the aucht day of December, 1636 yeeres, quhilk the saids Lords declares to be the terme of this commissioun."

N^o. 117, a.

Sederunt :—Chancellor; Mar; Dumfreis; Tracquair; Lord Alexander; Edinburgh,
10th December
1635.
Bishop of Ros; Clerk Register.

"The whilk day the commissioners abonewrittin nominat be his Majestie anent the tryell of the disorders in the north upon the depositions of James Gordoun of Letterfoure and his confrontation with Adame Gordon, callit of Parke, ordains the said James to be committed to closse prison within the tolbuith of Edinburgh."

James Gordon
of Letterfoure
committed to
the Tolbooth
of Edinburgh.

Sederunt :—Chancellor; Dumfreis; Tracquair; Lord Alexander; Edinburgh,
11th December
1635.
Bishop of Ros; Clerk Register.

"Forsamekle as Donald Ferquharstone of Monaltrie being charged by a

Donald Farquharson of Monaltrie put to the horn for failing to appear before the Council anent the disorders in the North.

maisser of Counsell, personallie apprehendit, to have compeired before a delegat number of the Lords of his Majesteis Privie Counsell upon the tent day of this instant to have answered to suche things as sould have beene demanded of him tuicheing his knowledge of the disorders in the north and the authors and abbettors thair of and of his particular accesssion to the same, and the said Donald, being oftymes callit and in the conscience of his guiltines fearing the event of his tryell, he absented himselfe, and compeired not, for whiche his proud contempt and disobedience the Lords of Secreit Counsell ordains letters to be direct to maissers of Counsell or messengers of armes charging thame to pas to the mercat croce of Edinburgh and others places neidfull and with sound of trumpet to denunce the said Donald Ferquharson his Majesteis rebell and putt him to the horne and to escheit, etc."

Acts, June 1634-April 1636.
Vol. 117, a.

Mr James Farquharson, brother of the above-named Donald Farquharson, committed to ward as having been privy to the conduct of his said brother.

"The Commissioners nominat be the Kings Majestie for tryell of the disorders of the north finding by the examinatioun of M^r James Farquharson, brother to Donald Ferquharson of Monaltrie, that he hes beene upon the knowledge of the said Donalds flight and absenting himselfe from his tryell and that he hes concealed his said flight, being cautioner for his entrie, thairfoir the saids commissioners ordains the said M^r James to be committed to waird within the tolbuith of Edinburgh and forder decerns him to have incurred the pane of ane thowsand punds conteanit in his act and obligement and ordains letters to be direct aganis him for payment thair of as effeirs."

Vol. 117, b.

Edinburgh,
12th December
1635.

Sederunt :—Chancellor ; Dumfreis ; Tracquair ; Bishop of Ros ; Lord Alexander ; Clerk Register ; Advocate.

Mr James Farquharson to find caution that he will appear before the Council whenever he is summoned.

"The whilk day in presence of the commissioners abonewrittin appointed be his Majestie for tryell of the disorders in the north compeired personallie M^r James Farquharson, writter to his Majesteis signet, for obedience of the act quherby he wes obliged to this effect under the pane of ten thowsand punds, and the saids commissioners ordains him to find caution in the bookes of Secreit Counsell for his compeirance before the Counsell or before the saids commissioners when ever he sall be lawfullie charged, under the pane of a thowsand punds ; and this caution being found the Lords releeves him of his former caution."

Edinburgh,
15th December
1635.

Sederunt :—Chancellor ; Glasgow ; Erroll ; Mar ; Wigtoun ; Dumfreis ; Southesk ; Tracquaire ; Lorne ; Binning ; Alexander ; Bishop of Aberdein ; Bishop of Ros ; Clerk Register ; Advocate.

In accordance with the injunction of his Majesty, the Council authorises a general collection

"Forsamekle as information hes beene made to the Kings Majestie als weill by petition frome the inhabitants of Portpatrik in this kingdome and Donaghadie and adjoyning parts in Ireland as by the relation of diverse of the nobilitie and gentrie of both kingdoms that Portpatrik, being the cheefe passage not onelie for all that travell and trade betuix

1635, June
1634-April
1634.
Vol. 117, b.

Vol. 118, a.

this kingdome and Ireland bot lykewayes for all suche as travell frome towards the
 anie place of England towards the north of Ireland, is notwithstanding outlay of
 altogidder destitute of ane harbour and key, so that in stormes (whiche building a
 in that place ar violent) there is no releefe bot by hailing thair boates harbour and
 to shore, by reason whairof they ar forced to use small opin boates quay at
 the great danger of his Majesteis subjects and discouragement to suche Portpatrick.
 as trade or travell there. And whereas at the humble sute of the
 inhabitants of Portpatrik his Majestie hes alreadie givin order for a
 generall collection of moneyes over both his Majesteis kingdoms of
 England and Ireland towards the making of ane key and harbour there
 (the charge whairof by estimat will amount to abone threescore thowsand
 punds Scottish money), and his Majestie, considering that for diverse
 important considerations it doeth no lesse concerne the honnour and
 good of this his Majesteis ancient kingdome to contribute to so important
 and necessar a worke; thairfoir the Lords of his Majesteis Privie Coun-
 sell, according to ane warrand and direction in writt signed be the
 Kings Majestie and this day presentit unto thame, hes recommendit
 and be the tennor heirof recommends the furtherance and advance-
 ment of the said worke to the charitable consideration of all his
 Majesteis good and loving subjects of this his Majesteis kingdome of
 Scotland, as his Majestie hes alreadie done in England and Ireland,
 nowayes doubting bot that all his good subjects, dewlie considering the
 great use and proffite of the said worke als weill in the increasse of trade
 and saifetie of his Majesteis subjects, will be charitablie moved freelie
 and liberallie to extend thair liberall contributions toward the same, in
 the want quhairof all of thame doe daylie suffer ather in thair owne or
 thair freinds persons; requesting and desyring all his Majesteis saids
 subjects of whatsoever ranke and qualitie they be, als weill of the
 clergie as laicks, to extend suche proportion of thair favour and liberalitie
 towards the furtherance of this worke as the necessitie and importance
 of the caus requires. And the saids Lords hes committed and committs
 the collection of this contribution and benevolence of the people to the
 persons particularlie underwrittin, they ar to say, Johne Montgomerie of
 Cokilbie, M^r James Blair, minister at Portpatrik, Thomas Dunlop, writter
 in Edinburgh, Thomas Marjoribankes, customer at Portpatrik, or anie one
 of thame; givand, grantand and committand unto thame and everie one
 of thame full power, warrand and commission to deale and travell with
 all archbishops and bishops, noblemen, barons and gentlemen, synods,
 presbytereis and sessions of kirks, burrowes, touns and villages, and with
 all others his Majesteis subjects, als weill to burgh as land, anent thair
 benevolence and liberalitie towards the advancement of this important
 and necessar worke, quhilks commissioners sall have a book delyvered to
 thame by the clerk of his Majesteis Counsell, whairof everie leafe sall be
 marked be the said clerk, within the whilk booke the saids Lords requests
 all and everie persons who sall contribute to this worke to insert or
 caus be insert the sounes of money that they sall contribute and advance

in this earand, and, if anie person or persons by sleuth or negligence sall refuse or neglect to insert the said contribution, ordains and commands the saids commissioners to insert the said contribution thameselfes. And the saids Lords ordains the saids commissioners to report thair diligence in the premisses with thair bookes conteaning the names of the persons contributors and soumes of money collected be thame to the saids Lords upon the first day of Januar, 1637, to the intent the saids Lords may know what soumes of money ar collected and how the same sall be imployed, and the saids commissioners sall give thair great and solemne oath at the reporting of thair diligence and bookes foresaids that they have not omitted nor left out of the saids bookes anie of the persons names that contributed nor the soumes nor no part thair of that sall be contributed in this earand; requesting also the saids archbishops and bishops to give direction to the ministers within thair bounds and jurisdictions to admonishe and stirre up thair flockes and congregations to putt to thair helping hands and to contribute to this so important and necessar a caus. Followes his Majesteis missive for warrand of the act abonewritten:—CHARLES R.—Right reverend father in God, right trustie and weilbelovit cousins and counsellors, right trustie and trustie and beloved counsellors, we greit yow weill. Whereas we ar informed alsweill by petition of the inhabitants of Portpatrick in that our kingdome and Donaghadie and adjoyning parts in Ireland as by the relation of diverse of our nobilitie and gentrie of both these kingdoms that Portpatrick, being the cheefe passage not onelie for all that travell and trade betweene that our realme and Ireland, bot lykwayes for all suche as travell frome anie place of England towards the north of Ireland, is notwithstanding altogidder destitute of an harbour and key, so that in stormes (whiche in that place ar violent) there is no releeffe but by hailing thair boats to shore, by reason whair of they ar forced to use onelie small opin boates to the great danger of our subjects and discouragement of suche as trade or travell there. And whereas at the humble sute of the inhabitants of Portpatrick we have already givin order for a generall collection of moneyes over both our kingdoms of England and Ireland towards the making of a key or harbour there (the charge quherof by estimat will amount to abone fyve thowsand punds sterling); and considering that for diverse important considerations it doeth no lesse concerne the honnour and good of that our ancient kingdom to contribute to so good and necessarie a worke, we doe therefore heirby require and authorize yow to caus letters patents to pas immediatlie under our cashet and seales there for a like collection within that our kingdome toward the said work, or to take anie suche other course for raising thair of as sall be requisite. And whereas we ar crediblie informed that the want of innes in the roade frome Carlill to Portpatrick is a great discouragement to our subjects of these other kingdoms to travell and trade that way, where, if they wer built at necessarie places mentiouned in the inclosed list, it would be some meanes to

Acta, June
1634-April
1636.
Fol. 118, a.

Fol. 118, b.

Acta, June
1634-April
1635.
Fol. 118, b.

enriche that part of that our kingdome, besides the benefite that might redound thereby to all our subjects in generall travelling to and from our said realme of Ireland, our further pleasure is that, by the advice of the severall landlords and inhabitants of these touns and villages whome yow thinke it may most concerne, yow condescend in the best maner yow can how these innes may be convenientlie built and kepted by discreit persons, and to this purpose that suche as undertake to be keepers thair of be cherished to settle therein by granting thame what favour and immunitie can be lawfullie givin by yow, and to that end to deale earnestlie with the saids landlords and others interested as afore-said, all whiche we will take as verie acceptable service done unto us and for whiche these presents sall be your warrand. We bid yow farewell. From our Court at Bagshot, 29 July, 1635."

"Forsamekle as the Kings Majestie is informed that the want of inns in the road from Carlill to Portpatrick is a great discouragement to his Majesteis subjects to travell and trade that way, whereas if they wer built in necessarie places it would be some meanes to inriche that part of the kingdome, besides the benefite that might thereby redound to all his Majesteis subjects travelling to and frome Ireland, for the furtherance and advancement of the quhilk worke and in humble obedience of his Majesteis letter sent down to this effect the Lords of Secreit Counsell ordains a list to be givin in of the most commodious places where innes ar fitting to be erected to the intent the landlords may be writtin for and dealt with towards that purpose."

A list of places between Carlisle and Portpatrick to be given in where inns might be established for the convenience of travellers passing to and from Ireland.

"Forsamekle as the Lords of Secreit Counsell hes heard by the report of a nomber of the gentlemen parochiners of Cramound, who compeired this day before thame, that it hes pleased God to stay the course of the contagious sickenes of the plague wherewith the toun of Neather. Cramond wes visite so as thir fyve weekes bygane there hes beene no new infection there nor no kynde of suspicioun of the said sickenes, there being onelie ten houses yitt inclosed; to witt, the dwelling houses of David Patersone, wobster, Thomas Fairholme, younger, Johne Johnston, Helene Mungill, Johne Air, Thomas Gillespie, Adame Johneston, John Bell, cleanger, Duncane Robertsons, cleanger, and Johne Crichton, within the quhilks ten houses altho there be no knowne caus of suspicion yitt it is thought meit that they sall be still holdin inclosed and under restraint for some certane space to abide some longer tryell; and tuicheing the remanent inhabitants of the said toun, who for the most part ar a companie of poore people living fra hand to mouth and who hes underlyne verie great miserie and necessitie the time bygane of thair restraint, the saids Lords finds no caus why they sould anie longer be kepted under restraint and thairfoir allowes thame to haunt, resort and repaire to and fra in the countrie and to use thair trade and handling as formerlie they wer wont to doe without pane or danger to be incurred be thame therethrow in thair persons or goods, notwithstanding the direction and charge givin to thame in the contrare,

The town of Cramond, with the exception of ten houses, freed from the restrictions imposed on it during the plague.

Fol. 119, a.

whereanent the saids Lords dispenses be thir presents And whereas there is no necessitie that the cleangers brought frome Newheaven shall be longer kepted at Cramound, thairfor the saids Lords allowes thame to goe home, commanding thame to keepe thameselffes apart in thair houses till they be fred be the saids Lords. Commanding alsua the heretour and baillie of Newheaven and others inhabitants thairof to suffer and permitt the saids cleangers to repaire home to thair houses and to remane there at thair pleasure, they keeping thameselffes apart in thair houses till they be warranted to goe abrod; commanding alsua the persons foresaids closed up in Cramond to keepe thameselffes in thair houses and not to come abrod till they be warranted be the saids Lords under the panes conteanit in the former directions givin to thame heereanent."

The ten families still under quarantine in Cramond recommended to the charity of the neighbouring parishes.

" Forsamekle as the toun of Neather Cramound hes beene heavelie visite with the contagious sickenes of the pest thir diverse weekes bygane, upon occasion whairof the inhabitants of that toun hes beene inclosed and kepted apart be thameselffes all this time to thair great hurt, they being a companie of poore people living fra hand to mouth and having nothing of thair awne so as the burdein of thair interteanement hes hitherto lyne upon the gentlemen and others of the parish; and whereas now the course of that infection is at the pleasure of God stayed and the inhabitants of the said toun (ten familieis onelie except) ar allowed and warranted to goe abrod and follow thair trades and callings as formerlie they wer wont to do, and thir ten familieis, altho there be no knowne infection amongs thame, yitt upon verie considerable occasions it hes beene thought meit that they shall abide some longer time of tryell and shall still remaine closed up till they be warranted be his Majesteis Counsell to goe abrod; and whereas they ar a number of poore miserable creatures, having nather meanes nor credite to interteane thameselffes, and the gentlemen of the parish of Cramound having hithertills underlyne the burdein of the hail toun so as there is no reason that they shall be anie longer burdenned with that mater; thairfor the Lords of Secreit Counsell hes recommendit and be the tennor heiroyf recommends the miserable and distrest estait and condition of thir ten poore familieis to the charitable consideration and supplee of the inhabitants within the parishes of Edinburgh, Leith, S^t Cuthberts, Corstorphine, Dalmanie and Kirklistoun, requesting thame to extend thair benevolence to the helpe of thir poore miserable creatures in suche proportion and measure as it shall please God to move thair hearts, and to delyver the same to Johne Corstoun and Johne Beg in Cramound, bearers heiroyf, collectors appointed for ingaddering of this contribution; requesting alsua the ministers of the saids parishes to exhort and stirre up thair parochiners to contribute to this so necessar, charitable and pious a worke."

Appointment of commissioners to consider the report

" Forsamekle as the Kings Majestie, having formerlie recommendit to the Lords of Secreit Counsell the taking of tryell anent the expedience of erecting of lights on the May, and some commissioners being nominat

Acta, June 1634-April 1636. Fol. 119, b.

Acta, June
1634-April
1638.
-o. 120, a.

be his Majesteis Counsell to that effect and they having tane some panes therein and examined a number of persons thereanent, his Majestie hes beene of new pleased to recommend the sattling of this bussines to the saids Lords. For the better furthering whair of and satisfeing his Majesteis royall direction, the saids Lords hes nominat and be the tennor heirof nominats Johne, Earle of Wigton, William, Erle of Dumfreis, Johne, Earle of Tracquir, Johne, Bishop of Ros, Archibald, Lord of Lorne, Thomas Lord Binning, Williame, Lord Alexander, or anie three of thame (the Erle of Tracquir or Lord of Lorne being one) to whome the Lords gives power to conveene the committee and to consider the depositions takin in this mater and to report thair opinion thereanent to the saids Lords at thair best conveniencie. Lykeas the saids Lords assignes to the burrowes the xx day of Januar nixtocome to propone thair lawfull reasons and defences aganis the said tryell and erecting of the saids lights and report, whair of intimation wes made to Johne Sinclar and M^r Alexander Guthre in name of the burrowes, with this certificatioun, that if they neglect that dyet and compeir not that they sall not be heard to object aganis the said tryell heerafter. Followes his Majesteis missive for warrand of the act abonewrittin:—CHARLES R.—Right reverend father in God, right trustie and weilbelovit cousins and counsellers, right trustie and trustie and beloved counsellers, we greit yow weill. Whereas we understand that upon our letter directed to yow in June last tuicheing the erecting of a light upon the yle of May yow did select some of your owne number for trying the conveniencie thair of, whereupon an examinatioun and authentick report hath beene since takin and made upon the depositions of seafaring men and others interessed who for the cheefest part (speciallie suche whome the use thair of doeth most concerne) have acknowledged the conveniencie and necessitie of that light, to the end that without further delay the bussines may be settled according as it hes beene found requisite for the safetie of the lyves of our subjects; whiche having beene seene and considerit be us we see no reason why the same sould not according to the intent of our former letters be putt to due execution. Whiche recommending to your speciall care we bid yow farewell. From our honnor of Hampton Court, 6th November, 1635.”

[Sederunt as recorded above.]

Edinburgh,
15th December
1635.

Decreta,
April 1635-
February 1639.
P. 116.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and Gabriel Porterfeild of Hapland, as follows:—The said Gabriel recently obtained decret of removing against John Harper in Ryburne, Janet Harper, his sister, and Margaret Broune, his mother, for their removal from the lands of Hapland muire and the houses thereupon, but resenting this these persons threatened that, as soon as they removed, they would burn the house. Accordingly on 10th April last they set it on fire and closed the doors, “and before they were a rig lenth thairfra the

Complaint by
Gabriel Porter-
feild of
Hapland
against John
Harper in
Ryburne, his
mother, and
sister for
setting fire to
a house from
which they
had been

evicted by
the com-
plainer.

same was all in a great flamme and quicklie consumed." With this odious offence the complainers have thought it right to acquaint their Lordships. Charge having been given to the persons mentioned, and the pursuers compearing but not the defenders, the Lords ordain the latter to be put to the horn and escheated. Decreta,
April 1635.
February 1639.
P. 117.

Supplication
by Sir James
Lockhart of
Lee that he
may be relieved
from atten-
dance on
assizes on
account of his
age.

Supplication by Sir James Lockhart, elder of Lee, knight, as follows: P. 123.
—Their Lordships know that he is an old man and not now able to undergo the services in his Majesty's affairs in assises and otherwise, which he was wont to do, being now over eighty-two years of age, "and his infirmitie and weaknes did kythe in his attendance on the assyse of error." He craves therefore that their Lordships would exempt him from attendance on all assises in future. The Lords judge his desire to be a reasonable one and exempt him accordingly. [¹ Omitted at
its proper place
in the
Register.]

Masterless
men not to
pass between
Ireland and
Portpatrick.

"A missive to the Vicount of Airds for restraining of all brokin and maisterlesse men frome passing betuix Portpatrick and Ireland conforme to the acts made thereanent." Sederunts,
January 1635-
November
1643.
Vol. 22, a.

Edinburgh,
17th December
1635.

Sederunt:—Chancellor; Glasgow; Erroll; Mar; Dumfreis; Southesk; Tracquair; Lord Lorne; Lord Binning; Lord Alexander; Bishop of Aberdein; Bishop of Ros; Clerk Register; Advocate. Acta, June
1634-April
1636.
Vol. 120, b.

Report of the
commission
appointed for
revising the
evidence anent
the expediency
of erecting
lights on the
Iale of May.
See ante, p. 154.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Johnne, Erle of Tracquair, for himselfe and in name of the remanent commissioners appointed be the saids Lords for revising the report anent the necessitie of erecting of lights on the May and gave in in writt an accompt of their proceedings, of the quhilk the tennor follows:—*Apud Edinburgh, 17 Decembris 1635; Sederunt*:—Dumfreis, Tracquair, Bishop of Ros, Lord Lorne, Lord Bining, Lord Alexander. The whilk day the saids Lords of the committee, having carefullie read and considerit the report of the commission grantit to some noblemen and others for trying the necessitie of erecting a light upon the yle of May and having lykewayes seene the subscriptions of some particular touns and persons concerning that purpose, finds that the commissioners who wes formerlie entrusted with the tryell of this bussines hes proceedit verie orderlie therein and that at a meiting in Anstruther, finding that they wer not a full nomber they forboore to receave certane witnesses that wer produced before thame, quhereupon the witnesses, being necessitat to goe to sea, gave in thair depositions in writt subscryved with thair hands, and testified upon thair conscience, desyring the commissioners to present the same to the Counsell for thair exoneration in time comming: And finds by the depositions of the best and greatest part that there is a necessitie of erecting a light upon the May for the saife direction of shippes arryving within the firth; and that few, and these not verie considerable, doe oppose the same without giving a reason

Acta, June
1634-April
1636.
Fol. 120, b.

of their opinion, and some of thame of best marke hes beene of a contrarie minde of before, as may appeare by thair subscriptions. Lykeas some merchants of Edinburgh, being demanded concerning the expedience of erecting the said light, they disclaimed thair owne knowledge and referred it to the tryell of sailers and skippers. Of all whiche the said committee ordained a report to be made to his Majesteis Counsell."

Fol. 121, a.

"The Lords of Secreit Counsell ordains and commands Sir Thomas Hope of Craighall, knight baronnet, his Majesteis Advocat, to forbear the intending of anie criminall persute aganis Thomas M^cKie, notar in Wigton, for the falsset whairof he is challenged, till the xv day of Januar next."

Thomas M^cKie,
notary, not to
be criminally
pursued till
the 15th of
January next.

"The quhilk day Sir Alexander Carnegie of Bonymoone, compeirand personallie before the Lords of Privie Counsell, accepted upon him the office of shirefship within the shirefdome of Forfar and gave his oath for faithfull administration thairof."

Sir Alexander
Carnegie
accepts the
sheriffdom of
Forfar.

"The Lords of Secreit Counsell gives and grants libertie and licence be thir presents to James Gordoun, baillie of Strabogie, and James Gordoun of Terrisoull to repaire home to thair owne houses for doing thair lawfull effaires."

James Gordon,
baillie of Strath-
bogie, and
James Gordon
of Terrisoull
permitted to
return home.

"The Lords of Secreit Counsell, according to ane warrand and direction in writt signed be the Kings Majestie and this day presented unto thame, gives and grants lib^{er}tie and licence to Captane Robert Toures, sone to Sir George Tours of Innerleith, to levey and take up threescore men in this kingdome for a recrue to Colonell Hepburne his regiment, and to transport thame toward the said Colonell for the furtherance of his service without pane or danger to be incurred be the said Captane Robert therethrow in his person or goods, notwithstanding whatsoever acts or proclamatiouns made in the contrare; whereanent and all panes conteanit therein the saids Lords dispenses be thir presents; discharging heirby all his Majesteis subjects to make anie stop, trouble, hinder or impediment to the said Captane Robert Tours in the leveying and transporting of the saids threescore men as they will answer upon the contrare at thair highest perrell. Followes his Majesteis missive for warrand of the act abonewritten:—CHARLES R.—Right reverend father in God, right trustie and weilbelovit cousines and counsellers, right trustie and trustie and beloved counsellers, we greit yow weill. Whereas Captane Robert Toures hath warrant frome Colonell Hepburne for transporting a recrue for his regiment, it is our pleasure that yow licence him to levey and transport threescore men for the use aforesaid according to the custome in the like caises, for whiche these presents sall be your warrand. We bid yow farewell. From our honnour at Hampton Court, the secund of November, 1635."

Warrant to
Captain Robert
Toures to levy
sixty men for
Colonel
Hepburn's
regiment.

Sederunta,
January 1636-
November
1643.
Fol. 22, b.

"The Lords allowes James Gordoun, baillie of Strabogie, and James Gordoun of Terrisoull to returne home."

Edinburgh,
17th December
1635.

James Gordon,
baillie of Strath-
bogie, and
James Gordon
of Terrisoull.

Edinburgh,
22nd December
1635.

Sederunt :—Chancellor ; Glasgow ; Dumfreis ; Southesk ; Tracquair ; Acta, June 1634-April 1635.
Lord Lorne ; Lord Alexander ; Lord Binning ; Bishop of Aberdein ; 1635.
Bishop of Ros ; Clerk Register ; Advocate. Fol. 121, b.

Broken men
now in the
Tolbooth of
Edinburgh to
be prosecuted.

"The Lords of Secreit Counsell ordains and commands Sir Thomas Hope of Craighall, knight baronnet, his Majesteis Advocat, to persew all suche of the brokin men in the north as ar prisouners within the tolbuith of Edinburgh before his Majesteis Justice and his deputs upon the crimes whairof they ar delate with convenient diligence."

Edinburgh,
22nd December
1635.

[*Sederunt* as recorded above.]

Complaint by
Sir George
Johnston of
that ilk and
others against
Alexander
Forbes in
Braidhauch
and others for
assault and
other acts of
violence.

Complaint by Sir George Jonestoune of that ilk, knight baronet, and William Layng in Bareflat, Peter Fordyce there, George Walker, and William Clerke in Castlehill, tenants to the said Sir George, and Sir Thomas Hope of Craighall, King's Advocate, as follows :—The wearing and bearing of hagbuts and pistols and convocation of the lieges are strictly prohibited by law ; yet on August Alexander Forbes in Braidhauche, Mr George and John Forbes, William Simesone, messenger, George Touche in , and others to the number of forty persons, "boddin with suords, stalves, gunnis, pistolets and others wapons invasive, come be way of hamesuckin to the said Peter his hous and with great battons strake him deid to the ground." At the same time they came to the lands of William Layng and by virtue of a poynding were about to poynd the same, when a suspension was produced and shown to the messenger, who thereupon refused to proceed though the said Alexander urged him thereto and gave the messenger his bond of warrandice under the pain of 10,000 merks. Further, they "patt violent hands in the said William Clerk and George Walker, being his Majesteis frie lieges, caried thame captives with thame, patt the said William in prison and sett George at libertie upon great soumes of money given be him to thame, and by this meane have waisted the said Sir George his hail lands." Further, upon November last these persons aforesaid came to Sir George's lands of Bogiesyde, and "with gunnis and pistollets forcible withheld his tenents from labouring the same." Charge having been given to Alexander Forbes and George Touche, and there compearing Sir Thomas Hope, and Mr William Forbes, advocate, for the other pursuers ; and also the said Alexander Forbes for himself and for George Touche, the Lords, after hearing parties and their witnesses, assoilzie the defenders, as nothing was proved against them.

Decreta,
April 1635.
February 1639.
P. 117.

Complaint of
Elizabeth
Roswell, widow
of Patrick
Halket,
against the
Earl of Rothes,
whom she
accuses of
illegally pro-

Complaint by Elizabeth Bosuell, widow of Patrick Halket of , as follows :—She recently petitioned the King upon the great oppression committed upon her husband and herself by the Earl of Rothes, who put them from their lands, kept her husband in ward till he died, and procured the banishment of her two sons, of whom one, Andrew, has died in exile. She has obtained his Majesty's reply touching the pardon of

Decreta,
April 1635-
February 1639,
P. 119.

her other son, John, and that he may come home and enjoy the inheritance left to him by his father, in which the King has referred the trial of the matter to their Lordships, and ordains them to repon the said John, if his offence has been only that of carrying forbidden weapons. Charge having been given to the said Earl of Rothes, and the pursuer compearing by Halket, her daughter, and the said Earl by Mr David Aitowne, his procurator, the latter produced an Act of Adjournal, dated 13th June, 1632, narrating that the said Andrew and John Halket were lawfully banished for their armed and violent opposition made to the Sheriff of Fife and his deutes in the execution of a commission granted against them by the Lords of Privy Council, as well as the carrying of forbidden weapons, and that they voluntarily bound themselves in presence of the Justice depute to leave the kingdom and never return without his Majesty's license upon pain of death. The defender also produced an Act of Secret Council, dated 26th September, 1633, finding that the said Earl acted lawfully in the apprehending and warding of the said Patrick Halket and his two sons. The Lords accordingly find that these persons were deservedly banished the kingdom for the causes above mentioned and not simply for the carrying of forbidden weapons; and that his Majesty has been misinformed by the pursuer in this matter. They therefore assoilzie the said Earl in respect of the complaint.¹

curing the
banishment of
her two sons.

Acta, June
1634-April
1636,
Fol. 121, b.

Sederunt:—Chancellor; Glasgow; Dumfreis; Southesk; Tracquair; Edinburgh, 23rd December 1635.
Bishop of Edinburgh; Bishop of Aberdeen; Bishop of Ros; Lord Lorne; Lord Alexander; Clerk Register; Advocate.

"The Lords of Secret Counsell, having at lenth debated and considerit of the most seasonable and convenient time for decrying the dollers, they continew thair resolution concerning that purpose till the first counsell day of Februar nixt."

Postponement
of legislation
aunt the
circulation of
dollars.

"Forsamekle as the Lords of Secret Counsell ar informed that upon the day of last Nicolas Johnnestoun, spous to Mr Francis Irwing, commissar clerk of Dumfreis, being going frome her mothers hous to the Ladie Cokpooles hous in Dumfreis, she rancountered in the way with Marion Gledstanes, spous to the schoolemaister of Dumfreis, who after manie protestations of love and kyndnes invited the said Nicolas to her hous to drinke with her, whereunto she, having at lenth condescended and being in a quyet rounge of the hous in companie with the said Marion and her woman servant, there was a mutchkin of white wyne filled whair of the said Marion dranke out the first copfull to the said Nicolas her husbands good health, and whereas the said Nicolas was looking to the hingings of ane bed in the hous the said Marion filled the cop again and the said Nicolas, looking about, perceaved her tottering the cop in her hand as if she had the perrellis, whilk she gave to the

Appointment
of a commis-
sion to examine
Marion Gled-
stanes, spouse
to the school-
master of
Dumfries, who
is accused by
Nicolas John-
ston, spouse to
Mr. Francis
Irwing, com-
missary clerk,
Dumfries, of
seeking to
poison her.

¹ See Vol. IV. (Sec. Series), pp. 485-7, 496.

said Nicolas to drinke, wherein as appeared there wer some brayed Acta, June
nutmugs, whair of she, having tane a little drinke and offered the rest to 1634-April
the said Marion, she, pretending that it wes the said Nicolas husbands 1635.
health, urged her at three drinques to drinke the same out ; and there- Fol. 121, b.
after the said Marion tooke the cop and sett it doun saying the last that
dranke out of that cop loved the wyne the better of the nutmugs and
with that changed her countenance and grew reid. Quherupon the said Fol. 122, a.
Nicolas, fearing some harme and yitt not suspecting anie payson to be
in the cop, the said Marion tooke ane cleane lynning and said, 'I thinke
yee love not nutmugs,' rubbed the cop cleane, filled a drinke of wyne,
dranke thair of and her servant also. Thereafter the said Nicolas went
to the Ladie Cokpooles hous, bot in the way there came a great thirst
upon her so as she was forced to call for drinke and could skarse be
slockenned. Thereafter she came to her mothers hous, and, being
troubled with the like thirst, dranke weake aill and gott little rest all
the night. Upon the morne her stomach, bellie, thighes and legges wer
all swelled, and the day thereafter frome the papes downward her haill
bodie was so swelled as she was like a monster and kepted her chamber
twentie dayes till she grew a little better ; but shortlie thereafter she
wes forced to take bed agane and lay in great hazard of her lyfe untill
she receaved an antidote from Doctour Hamilton, wherethrow she
recovered her health in a part bot not fullie. Quhilk being a mater of
ane wicked and evill exemple and the saids Lords being carefull to have
the same narrowlie examined and tryed, thairfoir they have givin and
grantit and be the tennor hei of gives and grants full power and com-
mission be thir presents to Robert, Earle of Nithsdail, William, Erle of
Dunfreis, and Sir Robert Greirson of Lag or anie twa of thame to
convene the said Marion Gledstanes and her servant and the said
Nicolas Johnnestoun and suche others persons, by whome this mater may
be cleered before thame at suche times and places as they sall thinke
convenient and to try and examine thame anent this mater upon suche
interrogators, circumstances and evidences as they sall thinke fitting, and,
if they find pregnant presumptions aganis the said Marion, with power
to thame to committ her to waird there to remaine upon her awne
expenses till her forder tryell and punishment and to sett doun the
depositions in writt and to report the same to the saids Lords with
convenient diligence to the effect suche forder order and direction may
be givin heereanent as the merite of the caus requires."

Edinburgh,
23rd December
1635.
Extension of
protection to
John Houston
of Skelpie.

Supplication by John Houston of Skelpie, as follows:—During the Decreta,
period of his late protection he has used his best efforts for satisfying April 1635.
his creditors, and taken order with many of them, but the brevity of February 1639.
the time will frustrate these unless he obtain an extension. The Lords P. 120.
extend his protection till 1st June next.

Edinburgh,
23rd December
1635.
Anent the
money allotted

"Ane act exonerig the Bishop of Aberdein and Andro Sinclar of Sederunts,
thair intromission with the moneyes of the chappell and distribution of January 1635.
the same amongs the gentlemen quiristers, they consigning this nigh[t] November
1643.
Fol. 22, b.

vj^e lb. in the hands of the Bishop of Edinburgh to be givin be him to the choristers of Holyrood Abbey. See ante, p. 110.
 the quiristers, the Bishop alwayes receaving sevin pundis sterline till
 Andro qualifie the warrantable payment thair of to ane Englishman."

"Forsamekle as the Kings Majestie, out of his royall and princelie Edinburgh, 23rd December 1635.
 care and regard to repress the disorders and insolenceis quhilk of lait
 yeeres hes beene too frequent and commoun within the lait Borders of Proclamation
 Scotland and England, now callit the Middle Shires of both kingdomes, the appoint-
 hes established ane conjunct commission of some selected persons for ment of a
 either kingdome, whome his Majestie hes authorized with ample power conjunct com-
 and commissioun to use thair best meanes and endeavoures to repress mission for the
 the saids insolenceis and disorders and to reteane and hold the inhabi- Middle Shires,
 tants within the saids bounds under his Majesteis peace and obedience, together with
 as in the commission past and exped to this effect under his Majesteis a letter from
 great seale at lenth is conteanit; of the quhilk commission necessar it his Majesty
 is that publication be made to all his Majesteis subjects quhairthrow stating the
 nane pretend ignorance of the same; thairfoir the Lords of Secrett appointment
 Counsell ordanis letters to be direct, charging officers of armes to pas of the said
 and make publication of the said commission to all and sindrie his commission
 Majesteis lieges and subjects be opin proclamation at the mercat and defining its
 croces of Dumfreis, Peebles, Selkirk, Roxburgh, Kirkcudbright, Annand, powers.
 and others places neidfull, quhairthrow nane pretend ignorance of the
 same; of the quhilk commission the tenor followes:—

CHARLES R.—Charles, by the grace of God King of Scotland, England, France and Ireland, Defender of the Faith, to our right trustie cousines, Williame, Marques of Dowglas, and Robert, Erle of Nithsdail, and to our right trust cousines and counsellers, Robert, Erle of Roxburgh, Johne, Erle of Annerdail, and Williame, Erle of Dumfreis, and to our right trust cousine, Williame, Erle of Quenisberrie, and to our right trust cousine and counsellor, Johne, Erle of Tracquir, and to our trust cousines, James, Lord Drumlanricke, Johne, Lord Hereis, Robert, Lord Kirkcudbright, and James, Lord Johnestoun, and to our trustie and weilbelovit counsellers, Sir James Carmichell, Justice Clerk, and to our trustie and weilbelovit Sir Robert Greirsone of Lag, knight, Sir Johne Charters of Amisfeild, knight, Sir James Murrey of Falahill, knight, and to our right trustie and weilbelovit cousines and counsellers, Thomas, Erle of Arrundell and Surrey, Marshall of England, Theophilus, Erle of Suffolk, Master of Sen ports, and to our right trust cousines, Algarnon, Erle of Northumberland, knight of the most noble Order of the Garter, Francis, Erle of Cumberland, and to our right trustie and weilbelovit Williame, Lord Howart, Henrie, Lord Montrever, Henrie, Lord Clifford, and to our trustie and weilbelovit Sir Francis Howart, Sir Johne Fennick, knight baronnet, Sir Richard Grahame, knight baronnet, Sir Johne Luthrie, knight, one of our counsellers in the north parts, Sir George Dalstoun, knight, Sir Thomas Ruddall, knight, Sir Williame Carnabie, knight, Sir Williame Withringtoun, knight, Sir Williame Musgrave, knight, and to our weilbelovitts Roger Withringtoun and

Antony Huttoun, esquires, greeting. Whereas upon humble complaint ^{Borders, 1603-43.} and intimation of our good and loyall subjects within our shirefdomes of ^{Fol. 99, b.} Berwick, Roxburgh, Selkirk, Peebles and Dumfreis, and our Stewartreis of Kirkcudbright and Annerland, and within our shirefdomes and counteis of Northumberland, Cumberland, and Westmoreland, and of our subjects of the touns, parishes and villages of Norhame, callit the Holy Yland, and Bedlington, parcell of our Countie Palatine of Durhame and of our toun of Bervick upon Tweid, als weill within our realm of Scotland as England, that diverse malefactors within our shirefdomes, counteis, Stewartreis, ylands, villages, parishes, and touns foresaids, combyning thameselfes togidder and making unlawfull convocatiouns and assembleis togidder, als weill in places publick as privat, goe daylie armed and lead about als weill by day as by night ane armed power to attempt and committ diverse wicked and lewde attempts contrarie to the peace of both our kingdomes and contrarie to the lawes and customes in both thame had and respective used, by abusing, assaulting, wounding, mayming and wickedlie killing diverse of our subjects, and robbing and spoyling others of thair goods and others, taking and imprisoning and in prison keeping in extreme hunger and cold even unto death, untill they sall make and give greivous fynes for the redemption of thair persons, and also committing murthers, manslaughteris, burglareis, ravishments, robreis, feloneis, waists and depredations, besides burning of houssis and barnes full of cornes, and other greivous, notorious and intolerable outrages and offences committed from day to day, and also minassing and threatning with ^{Fol. 100, a.} paines of life and death all suche as sall in our course of justice prosecute anie of the offenders for the offences foresaids, to the great contempt of us, the breake of our peace and the terror of our subjects of both our realmes. And becaus it oftin hapneth that the offenders and delinquents committing the saids outrages and enormous offences in Scotland or England doe privilie convoy thameselfes frome one kingdome to another and that there is not one deputed nor appointed who will follow thame frome the one kingdome to the other and so arrest and take thame, and if they sould happin to be takin and apprehended in one kingdome and thereafter sent and remanded into the other, where the saids offences wer committed, there might interveene so muche time betuix thair remanding and coming to examinatioun and judgement so that in the meane time they might have opportunitie to escape and so become as outlawes to wander and to lurke in places unknowne and uncertane and to gett recept and harbour amongs thair favorites, freinds and parents; lykeas by confederacie and conspiracie of suche offenders and thair freinds and favorites the truthe cannot be certanelie found out by the assize and jurats of eache kingdome and dew punishment, as wer fitt, be executet upon thame, quhairby the hopes of impunitie might begett in thame a boldnes of offending; we, thairfoir, being carefull to provide for the good estait, securitie, peace and

Sorders,
1608-43.
Fol. 100, a.

Fol. 100, b.

Fol. 101, a.

quyetnes of our good and loyall subjects in our kingdomes of Scotland and England, as also to represser suche offenders, and being unwilling to pas by suche offences by anie connivence quhatsoever without thair dew punishement, putting singular trust in your care and circumspection for the punishment and prevention of anie of the offences foresaids to be committed hereafter, have appointed and assigned yow and everie one of yow and anie two or more of yow to persew, follow, take, and arrest all and everie suche persons, committers of the offences foresaids, in our saids shirefdomes, stewartreis, counteis, ylands, touns, hamletts, and parishes aforesaid, or anie of thame committing or flying for anie suche offences frome toun to toun, place to place, or frome one kingdome to another, untill they sall be takin and arrested, and that all our shireffa, stewarts, majors, bailliffes, justices of peace, provests and others ministers, and the rest of our loyal subjects of Scotland and England, be with thair whole power to yow thairin ayding and assisting als oft as they sall be by yow or one or more of yow upon that occasioun and behalfe thereunto called and warned, provyding alwayes that the Scottish man so takin be brought to the jayle and prison of Scotland and the English man to the jayle of England. And, becaus it oftin hapneth that, for the haynousnes and outragiousnes of the crimes and trespasses by thame committed and for others caussis and circumstances, it is necessarie that the present remedie of justice should be execute upon the saids offenders, whiche cannot be if they sould stay and await for the coming of the ordinar justitiar in the said place, we have assigned yow or anie three or more of yow, of whiche number one is to be of the kingdome of Scotland and the other of England borne, frome time to time and als oft as yow sall hold it neidfull, and at suche dayes, times and places as yow sall appoint, to inquire by the oathes of good and lawfull men of our saids shirefdomes, stewartreis, counteis, ylands, touns, villages, or parishes foresaids in whiche suche offences hes been committed, by whome the truthe of the fact may be best knowne and inquired according to the lawes and customes of these places wherein the offences wer committed, of all unlawfull assembleis, wounding, mayming or killing of our subjects, depredatiouns, imprisonments, murders, manslaughters, burglareis, ravishments, felloneis, robreis, fying of houssis and others oppressions, devices and injureis foresaids, by whomsoever committed within the saids shirefdomes, stewartreis, counteis, ilands, touns, villages, and parishes foresaids, or anie of thame, or by these whome yow by your selfes or by your command have imprissouned, or by anie other of thair confederats, and to heare and determine according to the truthe of the fact of all and singular the foresaids premisses according to the lawes and customes of the place where the saids offences sall happin to be committed, for whiche they ar to receave thair tryell, saving to us our amerchiements, fynes, forefaltours, and others dewteis thereby unto us apperteaning. We command all shireffa, stewarts, bailliffes, ministers of our counteis, stewartreis, touns, villages,

and parishes foresaids whome it may concerne, that at suche dayes and places, als oftin as yow ordaine, three or more of yow sall thinke fitt and thair of give notice by your warrand in writting, they caus come before yow or anie three or more of yow suche and so manie good and lawfull men of thair shirefdomes and baillereis als weill within thair liberteis as without, by whome and whois oath yow may inquire of the offences foresaids. And to the effect our service in the meane tyme may be the better and more quicklie exped, it is our pleasure that our commissioners, als well of our kingdome of Scotland as England, give notice and warning to some of the commissioners of the other kingdome of any execution to be used upon the offenders or of jayle deliverie to be holdin and kept by vertew of thir presents within anie of our saids kingdoms and of the prefixed times thair of, providing the warning be alwayes made to one of the commissioners for Scotland being of the quorum thair of after mentiouned, that it sall be lawfull, lykeas we by thir presents give and grant power and commission to our saids commissioners, als weill within our kingdome of Scotland as England, making warning, as said is, to hold court and sessioun within that kingdome wherein the saids commissioners sall happin to be, not expecting nor awaiting the presence of the commissioners of the other kingdome, and to proceed judicillie and orderlie and fullie to determine according to the lawes of the kingdome within the whiche the saids offences sall be committed aganis the offenders and committers thair of, and that in als lawfull and ample maner and forme as the commissioners of both our saids kingdomes of Scotland and England might doe, if all and everie one of thame wer personallie present. And it is our expresse pleasure that the persons after following, viz^t., William, Marques of Dowglas, Robert, Erle of Nithsdaill, Robert, Erle of Roxburgh, William, Erle of Quenisberrie, and Johne, Erle of Tracquair, sall be the quorum of the saids commissioners of Scotland, and that no judgement of court sall be holdin be vertew heirof except one of the said quorum be present heereat when the court is holdin in Scotland or warned thereto when the court sall be holdin in England. And further we give power and libertie to the saids persons of the quorum and everie one of thame not onelie by thameselfes, bot also suche persons as sall have warrand frome thame or anie of thame under thair hand, to take and apprehend all suche delinquents as may be apprehended by vertew of this commissioun, and that it sall not be lawfull to anie of the saids Scottish commissioners, not being of the quorum, to grant anie suche warrant for apprehension without the speciall knowledge and direction of one or other of the said quorum of Scotland. And, further, our will and pleasure is that these our letters of commission sall be made and sealed in due maner als weill under our great seale of Scotland as under our great seale of England, and without anie other warrand frome us to be had and obteanned in that behalfe; for quhilk purpose we have also caused a duplicat heirof to be made to pas under our great seale of England. And, further, we will,

Borders,
1608-43,
Fol. 101, a.

Fol. 101, b.

Borders,
1603-43.
Vol. 101, b.

and our pleasure and commandement is, that this our commissioun and all power and auctoriteis thereby givin and grantit sall remaine and continue in full power and force according to our meaning and intent therein specifeit untill we sall declare our will and pleasure under our privie seale or great seale of Scotland to the contrarie, notwithstanding of quhatsomever law or statute made in the contrarie. In witnes quhairof we have caused our great seale to be appended. Givin at Whitehall, the xv day of November, 1635."

Decreta,
April 1635-
February 1639.
P. 120.

Supplication by Sir George Jonstoune of Caskiben, as follows:—He lies under the burden of several debts, chiefly as cautioner for the Master of Forbes, and he is truly desirous of satisfying his creditors and relieving his own cautioners by selling some of his lands. For this he must have the assistance of lawyers, but he cannot wait upon them because of certain hornings against which he craves their Lordships' protection. The Lords grant him this until the last day of November next; but they except herefrom the debt due by the supplicant to Craigievar and the sum of 500 merks in which he was fined in the complaint against him by Alexander Forbes.

Edinburgh
29th December
1635.

Supplication
for protection
by Sir George
Johnstone of
Caskieben for
protection that
he may satisfy
his creditors.

Acta, June
1634-April
1636.
Vol. 122, a.

Sederunt:—Chancellor; Glasgow; Mar; Murrey; Winton; Trac- quair; Bishop of Edinburgh; Bishop of Aberdein; Bishop of Ros; Clerk Register; Advocate.

Edinburgh,
12th January
1636.

Vol. 122, b.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie George Suttie, ane of the bailleis of Edinburgh, and M^r Alexander Guthre, toun clerk thairrof, for thameselfes and in name and behalfe of the provest, bailleis and counsell of the said burgh, and declared that thair toun wes of intention to build ane Counselhous for his Majesteis service and desired the saids Lords to appoint some of thair nomber to visite and consider of the most convenient place where the same sall be built. For quhilk purpose the Lords nominats and appoints Johne, Erle of Tracquire, David, Bishop of Edinburgh, Johne, Bishop of Ros, Sir Johne Hay, Clerk of Register, and Sir Thomas Hope, his Majesteis Advocat, or anie three of thame, the Earle of Tracquir being one, to meit with the toun of Edinburgh and to consider and advise of the most fitting place for building of the said Counselhous."

Proposal of
the burgh of
Edinburgh to
build a new
Council-house,
and appoint-
ment of a
commission to
consider the
most suitable
site for it.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Sir George Ogilvie of Bamff, knight baronnet, shireff principall of the shirefdome of Bamf, nominat be the Kings Majestie for the yeere to come, and accepted upon him the said office and gave his oath for his faithfull discharge of the same."

Sir George
Ogilvie of
Bamff accepts
the shirefdom
of Bamff.

"The Lords of Secreit Counsell ordains and commands Sir Johne Scot of Scottistartvet, Director of our soverane lords Chancellerie, to write and exped the commission grantit be his Majestie to M^r Williame Elphinston, one of the senators of the Colledge of Justice, by the whiche

Mr William
Elphinstone,
one of the
senators of the
College of
Justice,

appointed
Justice-
General in
place of Archi-
bald, Earl of
Argyle.

commission his Majestie hes beene pleased to make and constitute the said Mr Williame Justice Generall of this kingdome during his Majesteis pleasure upon the resignation of the heretable right and title of the said office made be Archibald, Lord of Lorne, for himself and takand burdein on him for Archibald, Erle of Argile, his father, whiche commission and signature beares date at Whitehall, the 23 of December, 1635, notwithstanding that the said commission conteanes not in the bodie thair of a speciall warrand to the said Sir Johne for passing and expeding the same without anie forder precepts to be direct thereupon ather to the signet or privie seale; anent the doing whair of the extract of this act sall be to the said Sir Johne ane warrand."¹

Acta, June
1634-April
1636.
Fol. 122, b.

Edinburgh,
12th January
1636.

[Sederunt as recorded above, omitting Mar, Murrey, and Winton.]

Decreta,
April 1635.
February 1639.
P. 121.

Complaint at
the instance of
David Aikin-
head, provost
of Edinburgh,
against John
Gordon of
Innermerkie
for defiance of
horning.

Complaint at the instance of David Aikinheid, provost of Edinburgh, as follows:—On 19th October, 1634, John Gordon of Innermerkie was put to the horn at his instance for non-payment of a debt of 1000 merks and interest and expenses thereof, and at the horn he most proudly remains, "resorts publictly where he pleases, bruiks his houses, uplifts his rents and living and contemnes all ordinar execution of his Majesteis lawes." The pursuer compearing by George Leslie of that ilk, his procurator, but the defender not compearing, the Lords ordain heralds to pass and charge him and all others, havers of his houses of Edinglassie and Innermerkie, to render the same, and the defender to enter himself in ward in the Castle of Blacknes within fifteen days after the charge upon pain of treason.

Decision anent
the money
assigned by
his Majesty to
the choristers
of Holyrood
Abbey.

The Lords, having heard David, Bishop of Edinburgh, Andrew Sinclair and "the gentlemen and quiristers of His Majesties Chappell" upon the distribution of the 10,000 merks which his Majesty ordered the Treasurer and Treasurer Depute to pay, and which they did duly pay to the said Andrew Sinclair on behalf of the said choristers; and finding that Sinclair has out of this sum paid £7 sterling to Thomas Cargill at Londoune, who did some service in the chapel affairs, and so has yet in his hands £516 Scots which is detained by arrestments, the Lords ordain him to consign this £516 in the hands of David, Bishop of Edinburgh, who is to make equal distribution thereof between John Watson, Stein Tulliedaff, Mr Edward Miller, Francis Marche, Eleazar McKesone and James Creichtoune, who have not received full payment of their portions of the 10,000 merks; and, the said consignment having been made, the Lords discharge Adam, Bishop of Aberdene, and the said Andrew Sinclair of their whole intromission with the said sum.

¹ Sir William Elphinston was brother of Sir George Elphinstone of Blythwood, Justice-Clerk. In his youth he had been a professor of philosophy at Verac in France, and had there studied law. After holding the office of secre-

tary to Elizabeth, wife of the Elector Palatine, he received a place in the royal privy chamber, and thereafter was appointed Lord Justice-General.—Scot, "Staggering State of Scottish Statesmen" (Edin. 1872), p. 120.

Acta, June
1634-April
1636.
Vol. 122, b.

Sederunt:—Chancellor; Glasgow; Mar; Murrey; Winton; Edinburgh,
Tracquair; Bishop of Edinburgh; Bishop of Aberdeen; Bishop of
of Ros; Clerk Register; Advocate.

“The whilk day in presence of the Lords of Secreit Counsell compeired personallie Johne, Erle of Tracquaire, one of the commissioners of the Middle Shires, and reported to the saids Lords that he was informed that some of the theeves and outlawes of the Borders, fearing the diligence of the saids commissioners, had fled out of these parts and wer come quyetlie to Edinburgh and others parts thereabout, where they lurked, thinking to be free there of the power of the saids commissioners, and thairfoir craved the opinion of the table if he, as one of the saids commissioners and a counseller, might caus apprehend anie of thir theeves and outlawes within the burgh of Edinburgh and parts thereabout outwith the bounds of the Middleshires, quhilk the saids Lords declared he might lawfullie doe and ordained him to doe his diligence heerin and to report his proceedings to the saids Lords with the first occasion.”

Question by the Earl of Traquair whether, as a commissioner of the Middle Shires, he may apprehend Border outlaws who are lurking in Edinburgh.

Vol. 123, a.

“The whilk day in presence of the Lords of Secreit Counsell compeired personallie Johne Leith of Harthill for obedience of the act and obligation whereby he was bound for this effect, and produced ane new band subscryved be Patrik Leith, his former cautioner, for his compeirance before the saids Lords when he sould be charged and for keeping good rule and quyetnes in the countrie under the pane of three thousand merkes, quhereupon Adame Abircrombie of Aldrayne and Hector Abircrombie of Fetterneir, togidder with the said Johne Leith of Harthill, being at length heard anent the said Johne Leith his cariage since his last enlargement out of the tolbuith, and the saids Lords being weill advised with all that wes alledged and propounded be thame in this mater, they have ordained and ordains both the saids parteis to appeare before Adame, Bishop of Abirdein, at suche times as he sall prescrive, after his repaire to the north, and either of thame to nominat some freind by whois mediation thair differences may be removed at the sight of the said Bishop, whome the saids Lords ordains to make report of his proceedings heerin upon the first Counsell day of July, whilk dyet the saids Lords hes assigned to the said Johne Leith of Harthill for his appearance before thame to underly thair forder will and pleasure concerning him. And for the better enabling of the said Johne to saddle this bussines, the saids Lords prorogats the protection formerlie grantit to him untill the last day of the said moneth of July, discharging heirby all shireffs, stewarts, provests and bailleis and others officers whatsoever to burgh and land of all apprehending, arresting or warding of the said Johne for anie debts or soumes of money or anie other caus for whilk he wes formerlie warded, discharging, etc.”

Case of John Leith of Harthill, who is under suspicion of creating disorder in the North.

Edinburgh,
14th January
1636.

[Sederunt as recorded above.]

Decreta,
April 1635.
February 1636.
P. 123.

Petition by the
nine families
who have been
in quarantine
in Cramond
to be relieved
from the same.
See ante, p. 153.

Supplication by "the nyne poore families in the toune of Nether Cramond who hes been inclosed upon the suspition of the plague," as follows:—When their Lordships relieved the rest of the neighbours of their town and gave them license to go abroad in the country and attend their business, they commanded the supplicants still to keep their houses until their further pleasure was known. They have been obedient and "have truelie kepted thair houses sensyne now be the space of a heicht and tua changes of the moone and, Praised be God, there is no suspition among thame." They are but "a companie of poore miserable creaturs altogidder wrackit and undone, be thair long encloseing now be the space of diverse monethes," and being without means are like to starve for cold and hunger. Seeing "the cleangers are sent home" and all the neighbours are at liberty, they crave their Lordships now to set them free also that they may "make some shift for thair living." The Lords consent to the prayer of the petition and relieve the supplicants from their inclosing that they may go abroad in the country wherever they please, and "follow thair lawfull industrie for winning thair living."

Complaint by
John Grant,
apparent of
Ballindalloch,
against Angus
M'Ranald of
Glengarie, who
has failed to
present Angus
M'Ranald of
Lundie for his
trial at the
instance of the
complainer.

Complaint by John Grant, apparent of Ballindalloch, as follows:— P. 124.
On 23rd September last he obtained a decret from their Lordships against Angus M'Rannald of Glengarie, finding that Allan M'Ranald of Lundie, who was at the horn for criminal causes at the complainer's instance, held lands in wadset from the said Angus M'Rannald for 5000 merks, that the said Angus was his chief and superior and therefore answerable for his exhibition to his trial, and ordaining him accordingly to present the said Allan before the Council so that he might be tried by the Justice for his offences. But the said Angus will not obey unless he be compelled. Charge having been given to the said Laird of Glengarie, and the pursuer appearing by Alexander Don, his procurator, but the defender not compearing, the Lords ordain officers of arms to pass and denounce him to the horn and bring in all his moveable goods as escheated for his contempt.

Complaint by
the Earl of
Traquair
against John
Turnbull of
Bedroule and
his son for
cutting
trees in the
complainer's
woods.

Complaint by John, Erle of Traquaire, heritable proprietor of the P. 125.
lands of Huntliehill and dykes and woods of the same lying on the Water of Roule, as follows:—The cutting and destroying of green wood and planting is strictly prohibited by law, yet John Turnebull of Bedroule and Turnebull, his son, have for several years "pitifullie cutted and destroyed the said Earle his woods." Almost every other day from March to November last they have come to these woods and cut and taken away a great number of growing trees, old and young, and dealt therewith at their pleasure, so that the woods are now almost barren of trees. The pursuer compearing but not the defenders, the Lords ordain the latter to be put to the horn and escheated for their contempt.

Decretal,
April 1635-
February 1636.

P. 130¹.

[¹Omitted at
its proper place
in the
Register.]

Supplication by John Broune, skipper in Leith, master of the ship called *The John of Leithe*, James Smell, William Hamiltoun, John Simesone, William Norie, John Clewie, James Livingstoun, John Jouslie, John Cowan, Abraham and David Steuart, all of the company and equipage of the said ship, as follows:—In the month of last they were on their due course from Londoun to Rochell with a cargo of packs of cloth and other merchandise of considerable value, when they unfortunately fell in with three Turkish men of war at upon the coast of France, who pursued them very hotly from 7 o'clock in the morning till 4 in the afternoon, when, after making all the defence they could, they were overcome, their ship boarded, all that was valuable taken out, and then sunk. The supplicants were then carried to Salie in Baldevre and sold in the market there for slaves, "everie one of thame being chayned and fettered with yrons at the weight of 80 pounds. And in the day tyme they are haldin grinding at a mylne, haveing nothing allowed to thame bot a little quantitie of dustie bread and water, and in the night they are putt in foule holes tuentie foote under the ground quhair they ley miserablie lookeing nightlie to be eaten with rottens and myce." Being but a company of poor seafaring men, having nothing but their hires to redeem themselves with, and these so mean that they will effect nothing, their misery and thralldom threatens to be perpetual unless they are assisted therefrom by the benevolence of their countrymen. They therefore crave their Lordships to give letters of recommendation of their case to all noblemen, prelates, barons and gentlemen, presbyteries, sessions of kirks, burghs, and others, his Majesty's subjects, that they of their charity may assist to redeem the supplicants from their miserable slavery. The Lords grant letters of recommendation as craved within the bounds of Louthian, Lithgow, Stirline, Hadinton, Berwick and Fyffe, appointing John Broune and Walter Ros, indwellers in Prestoun, collectors of the contribution, who have found caution in the books of Privy Council for dealing faithfully therein; and they request the archbishops and bishops within the bounds named to stir up the ministers within their respective dioceses to stir up their parishioners to contribute hereto. The collectors are to have a collection book of which every leaf is to be marked by the clerk of Council, and they are to insert herein the names of all contributors and the amount they give, certifying that the same is truly kept upcn their oath; and the recommendation is to stand in force for one year.

Supplication
by John
Brown, master
of the ship
called the
John of Leith,
and his crew,
who have been
taken prisoners
by Turkish
pirates, that
the Council
authorise a
public sub-
scription for
their ransom.

P. 131.

Sederunt,
January 1635-
November
1643.
Vol. 22, b.

Sederunt:—Chancellor; Glasgow; Mar; Murrey; Wigtoun; King-
orne; Tracquair; Lorne; Bishop of Edinburgh; Bishop of
Aberdein; Bishop of Ros; Clerk Register; Advocate. 19th January 1636.

[No record of business.]

Edinburgh,
21st January
1636.

Sederunt:—Chancellor; Glasgow; Mar; Murrey; Wintoun; Wigtoun; Kingorne; Tracquair; Bishop of Edinburgh; Bishop of Aberdeen; Bishop of Ros; Clerk Register; Advocate.

Acts, June
1634-April
1636.
Fol. 123, a.

The heads of
two of James
Grant the
outlaw's
accomplices
presented to
the Council by
John Grant,
servitor to the
heir of Ballin-
dalloch.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Johnne Caddell, servitour to Johnne Grant, appearand of Ballindallach, and produced and exhibite before the saids Lords the heads of Thomas Bayne M^cAgie and Kenneth M^cGillimichaell, twa of James Grant's complices, who wer killed be Ballindallach and his servants, and the saids Lords having considerit of this service, they allow of the same and declares the same to be good and acceptable service to his Majestie and the countrie, whair of they will be myndefull as the occasioun of the said Johnne Grant his affaires sall offer, and ordains the heads to be sett upon the Neather Bow and the partie imbringer thair of to be satisfied be his Majesteis Thesaurar."

Proclamation
denouncing all
communication
with the
accomplices of
James Grant,
the outlaw.

"Forsamekle as altho be diverse acts and proclamations made and published heirtofore the ressett, supplee and intercommoning with the tratour, James Grant, and his rebellious complices wes straitlie prohibite and forbiddin and promise of rewarde made to suche as would take thame and present thame ather quicke or dead to his Majesteis Counsell, yitt his Majestie hes not found the effects whereunto his Majesteis subjects in dewtie and alledgeance wer tyed and bound to his Majestie, especiallie in a mater of this kynde, wherein the honnour and credite of the countrie is so farre interest, in so farre as the said tratour is overseene, hes his starting holes and ressetts both privat and publict in the countrie where he lurkes and lyes awaiting his occasions and opportunitis to disturbe the peace and quyet of the countrie, and for his better strenthening in his rebellious courses he hes associat unto himselfe ane infamous byke of lawlesse lymmars and rebels, as namelie, Robert Grant, his brother, George Grant, his bastard sone, Johnne Dunbreck of Urtane, Johnne M^cGrinnan, sone to umquhill Finlay M^cGrunnan, Johnne Beg M^cAllan M^cGrinnan, vagabound, Johnne Forbes, vagabound, Forbes, his brother, vagabound, Thomas M^cAlaster M^cWilliam Voir in Glenconiglas, Johnne M^cInriach, sone to umquhill James M^cInriach, vagabound in Stradoun, Alaster M^cInriache, vagabound, his brother, Thomas Dunbreck, sone naturall to the said umquhill [*sic*] Johnne Dunbrek, Grant, sone to umquhill Thomas Grant in Knockilie, David Steuart in Skerdustane, Elspitt Innes, spous to the said James Grant, Issobell Grant, spous to Robert Finlay M^cInroy in Glenmoreston, M^cInroy, his sone there, Dulchie in Urquhart, Donald, Johnne and Ewin Dulcheis, his three sonnes, who concurring all togidder in counsell and execution hes done and does what in thame lyes to stirre up new disorders and troubles in the north, to the hurt of his Majesteis peaceable and good subjects and disgrace of his Majesteis government. And thairfoir the Lords of Secreit Counsell ordains letters to be direct to command, charge and inhibite all and sundrie his

Fol. 123, b.

to June
14 April
1636, b.

Majesteis lieges and subjects be opin proclamation at all places neidfull that nane of thame presooome nor take upon hand to ressett, supplee, conceale, nor intercommoun with the said tratour, James Grant, and his rebellious complices foresaids, furnishe thame meate, drinke, hous nor harberie, nor have intelligence with thame privatlie nor publictlie be letters, messages nor no other maner of way upon whatsoever cullour or pretext, bot that they hunt, follow and persew thame, raise the fray and shoute thame as tratours and theeves to God, thair prince and countrie, reveale the places of thair reset and abode, and advertise his Majesteis commissioners and suche as sall be in pursute of thame where they ar and may be found at all occasions, under the pane to be callit, persewed and punished with all rigour, conforme to the lawes made in this behalfe; and siclyke to intimat and declare to all his Majesteis lieges and subjects that who ever will take and apprehend the said James and his rebellious complices foresaids and bring and present thame alive, and failyeing thair of thair heads, that they sall have the rewards specifeit and conteanit in the former acts and proclamations, quhilks sall be givin to thame in thankefull and readie payment."

L 124, a.

[Sederunt as recorded above.]

herein,
April 1636.
February 1639.
p. 125.

Edinburgh,
21st January
1636.

p. 126.

Complaint by Andrew Manuell in Ladyflat, tenant to Dame Helen Elphinstoun, widow of Sir William Cockburne of Langtoun, and now spouse of Mr Harie Rollock, one of the ministers of Edinburgh, and the said Dame Helen, as liferentrix of these lands, and her said husband for his interest, as follows:—James Hidelstoun in Langtoun is in debt to the said Andrew Manuell, who was obliged for recovery thereof to sue him before the Sheriff of Berwick. Because he did so, Sir William Cockburne of Langtoun, son of the said Dame Helen, forgetful of the many obligations of nature and otherwise by which he was engaged to her, cited the poor man to a court held by him for that purpose and fined him in a sum of money for raising his action before the Sheriff, and thereafter sent his officer to the poor man's house and meddled with a great quantity of his goods. By such oppression he makes it impossible for the said Andrew or any other tenant to live on these lands and so they will be cast waste. Charge having been given to the said Sir William Cockburne, John Dewar, his clerk, and Robert Sleich, his officer, and Mr Harie Rollock appearing for himself and the other pursuers, and Sir William Cockburne compearing for himself and the remanent defenders, the said Sir William confessed that he had fined and poinded the said Andrew for the cause libelled and that by virtue of a "custome observed be his father and others his prediceors aganis all suche of thair tenents who sould intent anie persuits in maters of this kynd before anie other judges nor the Lairds of Langtoun thair superiors," and he contended that as the matter was of a civil nature he was content that it should be decided by the Lords of Council and

Complaint by
Andrew Manuell in
Ladyflat,
tenant to
Dame Helen
Elphinstoun,
against Sir
William
Cockburn of
Langton, for
illegally citing
him to a court
held by the
said Sir
William.

Session. The Lords, after hearing parties and advising, find that they are the judges in the oppression libelled, and decern that the tenants of the jointure lands of Lady Langtoun are free and independent of the Laird of Langtoun's courts and not subject to the censure and jurisdiction thereof. They therefore find that the said Sir William has done wrong in this matter and fine him £20, to be paid to the said Andrew. They also discharge him from citing any of the said tenants to his courts or troubling them by any manner of way than legally under the penalty of £100 *toties quoties*; and in case he should, upon malice, cite any of his mother's tenants before him, the Lords declare all such citations to be null and void.

Edinburgh,
21st January
1636.

Appointment
of Mr James
Logan,
minister at
Smailholm, as
a justice of
peace in the
sherriffdom of
Roxburgh.

"Forsamekle as the Lords of Secreit Counsell ar informed that Mr James Logane, minister at Smailholme, is verie weill affected to his Majesteis service and peace of the countrie and is of good knowledge, judgement and experience to undergoe the place of justice of peace within the boundis where he dwells, thairfoir his Majestie, with advice of the Lords of Secreit Counsell, hes made and constitut and be the tennor heiroy makes and constituts the said Mr James ane of the justices of peace within the shirefdome of Roxburgh, with als great fredome, priviledge, warrand and auctoritie as they or anie others justices of peace within this kingdome bruikes and injoyes thair offices be vertew of the commissioun grantit unto thame be his Majesteis patent under the great seale, and with als great fredome, auctoritie and jurisdiction as if his name wer particularlie insert in the said commissioun; with power to him to use and exerce the said office in all and everie thing tending to the forderance of his Majesteis service, keeping of the peace of the country and executioun of the said commissioun; commanding heirby the convenner and the remanent justices of peace of the said shirefdome at thair first meiting to receave and admitt the said Mr James to be of thair nomber and to grant him voice and place amongs thame as if he wer particularlie insert in the commissioun foresaid, and to take his oath for the faithfull discharge of the said service, anent the doing quhairof thir presents sall be to thame ane warrand."

The lights on
the Isle of May.

"Continewes the advising of the processe or hearing of the burrowes anent the light of the May till Tuisday nixt."

Edinburgh,
26th January
1636.

Sederunt :—Chancellor; Glasgow; Mar; Murrey; Winton; Kingorne; Southesk; Traquaire; Lord Alexander; Bishop of Edinburgh; Bishop of Aberdein; Bishop of Ros; Clerk Register; Advocate.

Sederunt.
January 1635
November
1643.
Fol. 23, b.

Acta, June
1634-April
1636.
Fol. 124, a

Ordinance
anent the late
election of
magistrates in
Aberdeen.
See ante, p. 144.

"Anent our soverane Lords letters direct makand mention, Forsamekle as the King's Majestie is informed that the provest and others officers of the burgh of Aberdein hes beene chosin this yeere contrare to the approved custome of that burgh used at all preceeding knowin times, wherein his Majestie, being unwilling that anie innovation be made or

Acts, June
1634-April
1636.
Fol. 124, a.

anie factious or unlawfull way be used quhilk may procure and foster distractioun and sedition in the said burgh, and anent the charge givin to Robert Johnnestoun, present provest, Sir Paul Meinyeis, late provest of the said burgh, George Johnnestoun, Johnne Hay, George Moresone, and Williame Forbes, present bailleis of the said burgh, Gilbert Collesone, M^r Thomas Gray, M^r Mathow Lumsden, and M^r Robert Ferquhar, lait bailleis of the said burgh, Gilbert Meinyeis of Pitfoddells, Walter Robertstone, merchant, Robert Alshouner, George Meinyeis, Paul Meinyeis, younger, who wer counsellors of the said burgh this last yeere, and Walter Robertstone, clerk of the said [burgh], to have compeired before the saids Lords in maner following; to witt, the present provest and bailleis and these who wer in office this last yeere bygane to have compeired be thameselfes or be twa of thair nomber for either side and the persons foresaids who wer counsellors of the said burgh this last yeere bygane and the said Walter Robertstone, clerk, to have compeired personallie before the saids Lords at a certane day bygane and the said Walter Robertstone to have brought and exhibite with him the acts of the electioun of the present provest and bailleis of the said burgh with the whole acts, minuts, instruments and protestations tane in the said electioun and the lites of both the saids parteis at the election to have beene seene and considerit be the saids Lords, and if it sould be found that the said election hes not beene made according to the usuall and accustomed maner observed in the said burgh that than and in that caise to have heard and seene thame decerned to nominat for this present yeere M^r Alexander Jaffrey to be thair provest, and thair officers who this last yeere had the charge to be continewed and the persons foresaids who wer counsellors of the said burgh this last yeere to have answered upon thair behaviour and cariage in the said electioun and for thair proceeding therein aganis the ancient custome of the said burgh, and they and all the persons foresaids to have compeired in maner foresaid under the pane of rebellion and putting of thame to the horne with certificatioun to thame and they failyied letters sould be direct *simpliciter* to put thame thairto, lykeas at mair lenth is conteanit in the saids letters, executions and indorsations thairrof. Quhilks being callit and the saids Sir Paul Meinyeis, George Johnnestoun, Gilbert Meinyeis of Pitfoddells, Walter Robertstone, merchant, Robert Alshouner, George Meinyeis and Paul Meinyeis, younger, M^r Robert Ferquhar, Gilbert Collesone, M^r Mathow Lumsdene, and Walter Robertstone, toun clerk, compeirand all personallie, and the said Robert Johnnestoun, being excused be ane testimoniall testifeing his infirmitie and inhabilitie to travell, and the saids George Johnnestoun and George Moresone compeirand in name of the saids Johnne Hay and Williame Forbes, and the said M^r Thomas Gray being excused in respect of his absence furth of the countrie before the charge foresaid gevin to him for his compeirance, the said Walter Robertstone, clerk, for obedience and satisfaction of the charge givin unto him produced and exhibite before the saids Lords the

Fol. 124, b.

processe of electioun of the present provest, bailleis and counsell of the said burgh with the hail acts, minuts, instruments, protestations and lytis made and tane in the said electioun. Quhilk processe, acts, instruments, lytis and protestatiouns being read, heard and considerit be the saids Lords, and they being therewith and with all that was propounded, produced and alledged be either partie in this mater weill advized, the Lords of Secreit Counsell finds and declares that the said electioun hes not beene made in that faire and peaceable maner whiche become dewtifull and good subjects to have done in a mater of this kynde and whilk hes occasiouned and fostered some factions and heart burning amongs the nighbours of the said burgh to the disturbance of the publict peace and tranquillitie of the same, and thairfor the saids Lords, according to his Majesteis missive letter writtin and directed unto thame, hes nominat, made and elected and be the tennor heirof nominats, elects and makes the said M^r Alexander Jaffrey to be provest of the said burgh for this present yeere, to witt, till the ordinar time of election about Michaelmes nixt, and lykewayes hes continewed and continewes for that same space the bailleis, deane of gild, thesaurar and counsellors of the said burgh (being traffiquing merchants and actuall inhabitants within the same burgh and suche as ar of another condition and qualitie to be removed and others to be chosin in thair place) in thair severall charges, places and offices wherein they served this last yeere bygane; to witt, before Michaelmes last, ordaining and commanding thame, as they will be ansuerable upon the dewtie of thair charge, to accept the said charge in and upon thame and to continew in the administration and discharge thair of till the time foresaid; commanding heirby the hail inhabitants of the said burgh to reverence, acknowledge and obey the magistrats now nominat and elected and continewed be the saids Lords in all and everie thing tending to the furtherance and advancement of thair place and charge and good of the said burgh as they and everie one of thame will ansuer upon the contrare at thair perrell; commanding also the persons who sall have vote in the said election heereafter to make thair elections in a faire and peaceable maner according to the ancient custome of the said burgh so that his Majestie be not forder troubled therewith. And the saids Lords declares that thir presents sall be without prejudice of the liberteis of the said burgh heerafter and whereunto this decret and ordinance sall make no derogation."

Charge to persons who were members of the Town Council last year to receive as provost, bailies, dean of guild, and treasurer those nominated by the Lords of Council.

"Forsamekle as the Lords of Secreit Counsell upon diverse good respects and considerations importing the peace and quyetnes of the burgh of Aberdein and settling the gouvernement thair of this present yeere hes made choise of M^r Alexander Jaffrey to be provest of the said burgh for this present yeere and hes continewed the bailleis, deane of gild, thesaurar and counsell who served the last yeere the supplee the same place and charge this yeere, thairfor the saids Lords ordains letters to be direct charging the bailleis, deane of gild, thesaurar and the

Acts, June 1634-April 1636. Fol. 124, b.

Fol. 125, a.

Acta. June
1634. April
1635.
Vol. 125, a.

remanent persons who wer upon the counsell of the said burgh this last yeere bygane to conveene in the counselhous of the said burgh within 24 houres after the charge and there to accept the saids offices respective upon thame and to give thair oath for faithfull administration of the same according as they and everie ane of thame possest and bruiked the saids offices in thair severall charges the said last yeere bygane, under the pane of rebellion, etc., and if they failyie to denunce, etc., and to escheit, etc."

Vol. 125, b.

"Forsamekle as the Lords of Secreit Counsell, having directed thair missive letters to Sir Johne Hamiltoun of Prestoun, Sir Samuel Johnestoun of Elphinstoun, Sir Robert Halket of Pitfirrane, David Preston of Quhythill, Sir Johne Blacader of Tulliallane, Sir Johne Prestoun of Valifeild, Sir Robert Colvill of Cleish, Johne Houstoun, Johne, Earl of Wemes, and Lord Sinclair, to have compeired before his Majesteis Counsell and to have subscryved the commissioun grantit be thame to Alexander Bruce of Alva, thair commissioner, anent the mater of the salt and for advancement of thair part of the charges and expenses allowed to thair said commissioner, they have verie undewtfullie neglected this dyet, so that this service wherein his Majestie expected to have gottin obedience is like to be neglected and cassin over, highlie to his Majesteis offence and contempt; thairfoir ordains letters to be direct charging the persons particularlie abonewrittin to make thair addresse to the burgh of Edinburgh upon Fryday nixt, the 29 of Januar instant, to the intent they may be readie upon the morne, being Saturday, to compeir before his Majesteis Counsell and in thair presence to subscryve the said commission and to advance thair part of the soume foressaid allowed for thair said commissioners charges, under the pane of rebellion, etc., with certification, etc."

Charge to Sir John Hamilton of Preston and others to appear before the Council anent a commission of inquiry into the manufacture of salt.

"Forsamekle as the Kings Majestie, having established a number of justices of peace throughout the hail shirefdomes of this kingdome and having authorized thame with ample power, commissioun and jurisdiction to doe all and everie thing whiche may import the conservation of the peace and the restraining and repressing of all disorders and others insolenceis prejudiciall to the peace, and his Majestie, looking that thir persons whome his Majestie made choise of, everie ane of thame within thair owne bounds and jurisdiction, sould have dewtifullie accepted the charge upon thame and used thair best endeavoures to approve thame-selfies answerable to the trust committed unto thame; yitt the Lords of Secreit Counsell ar informed that numbers of thir justices of peace throughout the severall shirefdomes of this kingdome slights and neglects this service and hes not accepted the charge upon thame nor keeps thair quarter sessions nor other ordinarie dayes of meiting, highlie to his Majesteis offence, disappointing the good effects quhilks his Majestie expected frome the panes, care and diligence of the saids justices of peace; thairfoir ordains letters to be direct charging all and sindrie the saids justices of peace throughout the severall shirefdomes of this

Charge to all persons who have been appointed justices of peace to accept the office, which many of them have hitherto neglected to do.

Vol. 126, a.

kingdome to accept the said charge upon thame and to keepe thair quarter sessions and all others ordinar dayes of thair meiting and to attend that service and carefullie and diligentlie to execute the same so far as belongs to thair charge, under the panes conteanit in the acts alreadie made thereanent, and forder to be callit and conveenned before his Majesteis Counsell to be exemplarlie punished in thair persons and goods for neglecting and slighting this important charge layed upon thame."

Edinburgh,
28th January
1636.

Complaint by
Hector Aber-
crombie of
Fetterneir
against Sir
John Leslie of
Wardes, who
refuses to pay
either principal
or interest of
the sum which
the complainer
advanced in
caution for the
said Sir John.

Complaint by Hector Abercrombie of Fetterneir, as follows:—Out of his preposterous affection to Sir John Leslie of Wardes he became cautioner for him in several sums of money, and has now paid on his account over 5000 merks, for which he can obtain no relief, for he will pay him neither principal nor interest. He has also used all legal diligence, but to no purpose, for Sir John has made fraudulent dispositions of his estates to Sir Alexander Gordoun of Clunie, as may appear by his remaining in the same and uplifting the rents thereof; and he has also obtained several protections of his person, though the complainer was never called to oppose thereto. Unless their Lordships provide a remedy the complainer and his family will be brought to extreme poverty. Charge having been given to the said Sir John Leslie, and he and the complainer both compearing, the Lorda, after hearing parties, declare that, if Sir John does not satisfy the pursuer of his debt both principal and interest before 31st March next, no further proration will be granted to him.

Anent the
lights on the
Isle of May.

Sir John Grant
of Freuchie
declared guilty
of failing to
apprehend the
rebel, James
Grant.

"The Lords continewes the mater anent the lights till the morne at twa of the clocke in the afternoone, quhereof the Laird of Barns and Mr Alexander Guthrie for the burrowes ar warned *apud acta*."

"Anent the dyet assigned to Sir Johne Grant of Freuchie to have compeired before the Counsell and to have exhibite with him James Grant, rebell, his sone, and brother, as the act made to this effect beirs; whiche being callit and the said Laird of Grant compeirand be James Gibsone, his procurator, who produced a testimoniall under the hand of certane ministers, testifeing upon thair conscience the said Laird of Grant hes faillyied in the taking and exhibition of the said James Grant decerns aganis him and finds him to have contravennd the tennor of this act and to have incurred the panes conteanit therein."

Edinburgh,
28th January
1636.

Sederunt:—Chancellor; Glasgow; Mar; Southesk; Tracquair; Lord Lorne; Lord Alexander; Bishop of Edinburgh; Bishop of Aberdeen; Bishop of Ros; Clerk Register; Advocate.

Sir John Grant
of Freuchie
denounced for
failing to
present the
outlaw, James

"Forsamekle as by ane act and ordinance of Counsell of the dait at Edinburgh, the fyft day of Marche last, it wes found and declared that Sir Johne Grant of Freuchie aucht and sould be answerable for his hail kin and clan of the surname of Grant, conforme to the lawes and

Acta, June
1634-April
1636.
Fol. 126, a.

Decreta,
April 1635.
February 1636.
P. 129.

Sederunt,
January 1635.
November
1643.
Fol. 23, b.
Fol. 24, a.

Acta, June
1634-April
1636.
Fol. 126, a.

Acta. June
1634-April
1636
F.d. 126, a.

practick of this kingdome, and thairfoir decerning and ordaining him as cheefe and chiftane of the surname of Grant to have brought and exhibite James Grant, the tratour, Robert Grant, his brother, and George Grant, his bastard sone, before the Lords of Privie Counsell or before his Majesteis Justice upon the second day of Junij last, as the act made to this effect at lenth proports; conforme whereunto diverse dyets being assigned to the said Laird of Grant for exhibition of the saids three persons, and now at last, the fyftene day of Januar instant being assigned to him for exhibition of the saids three persons, conforme to the act made to this effect, quhilk being callit this present day and the said Laird of Grant compeirand be James Gibsone, his procurator, who produced a testimoniall under the hands of certane ministers, testifeing upon thair conscience the said Laird of Grant his debilitie and sickenes, in respect quhairof the saids Lords excuses the absence and not compeirance of the said Laird, and freiths him of all contempt and dissobedience in that point; and whereas the said Laird of Grant, upon the 24 day of November last, was found to have contraveenned the said act and the extract thairof was continewed till the xv of this instant, and seing he hes now failyied in the not taking and exhibition of the said James Grant and others foresaids, and hes reported no satisfactorie diligence done be him for that effect, thairfoir the Lords of Secreit Counsell, now as of before, finds and declares that the said Laird of Grant hes violat and contraveenned the said act whereby he wes burdenned with the exhibition of the saids James, Robert and George Grants, and hes not observed and kepted the same conforme to the tennor thairof, and thairfoir decernis him to have incurred and to incurre the panes conteanit in his Majesteis lawes and acts of Parliament for not exhibition of the saids three persons, and ordains letters to be direct aganis him for satisfaction thairof in forme as effeirs, as alsua ordains letters to be direct charging officiars of armes to pas and denunce him our soverane Lords rebell and putt him to the horne, and to escheit, etc."

"Anent the supplication presentit to the Lords of Secreit Counsell be Patrik Leslie, merchant, burges of Aberdein, makand mention that where (*sic*) he hes had no little cause of greefe and displeasure this long time bygane for his Majesteis offence tane aganis him upon occasion of his behaviour at the late Parliament, and he cannot expresse how farre this greefe oppresses and vexes him, both in his spirit and person, and for reparatioun thairof he will studie in all time comming to the uttermost of his endeavours to approve himselfe a most humble, dewtifull and obedient subject to his Majestie and sall eshew all occasions quhilks may give the least caus of offence to his Majestie; and, whereas he is upon the counsell of the burgh of Aberdein this present yeere, he feares that this sall breed some new mater of offence to his Majestie and the saids Lords, and thairfoir his humble petition to the saids Lords wes that he might be fred and exonered of this charge, and that some other

Grant, and two others before the Council.

Supplication by Patrick Leslie, merchant burges of Aberdeen, who had given offence to his Majesty in the late Parliament, that he may be relieved from acting on the Town Council of Aberdeen till by his conduct he has regained the favour of his Majesty.

qualified person may be preferred to his rounge and place, till, upon Acta, June 1634-April 1636. Fol. 126, b.
 prooffe of his humble and dewtifull obedience and affection to his Majesteis service, his Majestie may be graciously pleased to thinke better of him; lykeas at mair lenth is conteanit in the said supplicatioun. Quhilk being read, heard and considderit be the saids Lords and they weill advised therewith, the Lords of Secreit Counsell ordains and commands the provest and bailleis of Aberdein to provide and foresee that the provest, bailleis and counsell of the said burgh subsist of nyne-tene persons and that the said Patrick Leslie be not of that number this yeere."

M°Kie of Mertoun and Thomas M°Kie, sheriff-clerk of Wigtown, to be pilloried at the town-cross of Edinburgh and afterwards banished.

"The Lords of Secreit Counsell ordains and commands his Majesteis Justice, Justice Clerk and thair deputs to pronounce doome and sentence aganis M°Kie of Mertoun and Thomas M°Kie, shireff clerk of Wigtoun, declaring thame infamous and to have lost thair present offices and to be incapable of anie charge in time comming, and thair movable goods to be escheit; ordaining thame to be caried be the hangman to het mercat croce of Edinburgh with a paper upon thair heads for a mark of thair ignominie and shame and that they be both banished the kingdome, Mertoun during the Kings pleasure and Thomas M°Kie during his lifetime, and never to retorne under the pane of death, remitting to his Majesteis Justice the day and time of the execution of this sentence."

Fol. 127, a.

Edinburgh,
28th January
1636.

[Sederunt as recorded above.]

Decreta,
April 1635.
February 1636.
P. 127.

Complaint by Beatrice Forbes, widow of Thomas Douglas, Burgess of Aberdeen, and Mr William Douglas, minister at Aboyne, her son, against Sir George Johnstone of Caskiben, for withholding certain sums due to the complainers.

Complaint by Beatrix Forbes, widow of Thomas Dowglas, burgess of Aberdene, and Mr William Dowglas, minister at Aboyne, her son, for his interest, as follows:—Sir George Jonstoune of Caskiben, knight, is due to them the sum of 3000 merks, the interest to the said Beatrix during her life, and the principal sum to her said son after her death. This interest is the only provision left to her by her late husband, and Sir George has withheld payment of it for years past. Further, they have no surety for repayment of the principal sum, for Sir George, upon sinister information and without their being called, has purchased a protection for a long space. Charge having been given to the said Sir George, who did not compear, and the pursuers compearing by P. 128. Alexander Forbes of Achintoull, their procurator, the Lords rescind the protection granted to the said Sir George in so far as concerns the complainers' claim.

Complaint by William Cunningham, uncle to the Laird of Montgrenane, against Sir Andrew Agnew of Lochnaw for robbing him of two documents.

Complaint by William Cunynghame, uncle to the Laird of Montgrenane, as follows:—On Sir Andrew Agnew of Lochnaw, sheriff of Wigtoun, violently reft from the complainer two evidents, and refused to restore the same, to the complainer's heavy hurt; and further on 18th June, 1635, he apprehended the complainer and warded him in the tolbooth of Wigtoun for the space of , the complainer having committed no offence warranting the same. Both parties compearing and the pursuer referring for probation to the

defender's oath of verity, the said Sheriff of Galloway being sworn, confessed that he took from the pursuer a bond in his own favour for six bolls of beir to be paid to him by the pursuer, but no other writ; and also that he committed the pursuer to ward upon the complaint of John Murdohe for not finding caution to keep the peace. Whereupon the Lords assoilzied the defender.

Sederunt :—Chancellor; Glasgow; Southesk; Lorne; Alexander; Edinburgh, 2nd February 1636.
Bishop of Ros; Clerk Register; Advocate.

Complaint by Mr Robert Ferquhar, burgess of Aberdene, as follows :—
On 2nd December last William Leslie of Ryhill, Helen Gordoune, his spouse, and Patrick and Isabel Leslie, his children, were put to the horn at the complainer's instance for failing to find caution for his indemnity in the Books of Session, and also for not compearing to answer to a complaint laid against them. Of this horning they take no heed. Charge having been given to the persons named, and the pursuer compearing personally, also the said William Leslie, for himself and in name of the remanent defenders, the Lords after hearing parties, understanding that the ground of their differences is a question of the title of the pursuer to the lands of Ryhill and Buchanstone which he has comprised from Sir John Leslie of Wardes and William Leslie of Ryhill for debt, and that the pursuer and his tenants are heavily oppressed by the defenders in their possession thereof, ordain the said William Leslie for himself and his wife and children to renounce all right and title he has to these lands and their pertinents and remove himself and all his belongings therefrom, but allowing him the use of the houses presently possessed by him till Whitsunday next and no longer, when he must remove precisely and leave all in as good order as they were at Whitsunday, 1635. He is also to permit the pursuer and his tenants to enter peacefully thereto and possess the same as their own heritage, doing "his best endeavors to gett the saids lands tenentsted," and not hinder, directly or indirectly, any person from taking the said lands; "and that the said William sail ratifie anie right that the said Mr Robert hes of the saids lands of Ryhill and others quhilk the said William had in woodsett with his blessing and kyndnes, quhilk the said William proumeist to doe." Further, the said William enacted himself for the indemnity of the said Mr Robert and his tenants and servants under the penalty of 500 merks, taking burden herein for his wife and children. Moreover, the Lords, in respect of the known distress the said William has sustained and sustains through his cautionry for the said Laird of Wardes, and in satisfaction for his kindness and interest in the said lands and their pertinents, ordain Mr Robert to discharge to the said William and to Hector Abircrombie of Fetterneir the 400 merks the said Hector was obliged to pay to Sir Alexander Gordoune of Clunie at Martinmas last for the said William's

Complaint by Mr Robert Farquhar, burgess of Aberdeen, against William Leslie of Ryhill and others for defying the sentence of horning under which they lie at his instance.

occupation of the lands of Ryhill of the crop 1635, to which the said Mr Robert is made assignee; but with this provision that if it shall be proved to their Lordships before 1st June next "that the said William hes misbehavit himselfe to the said M^r Robert," he shall be free of this discharge. This decision being intimated to them, both parties acquiesced herein and promised to give obedience to it.

The heir of Sir Alexander Menzies of Weime to be put to the horn for failing to appear before the Council as sponsor for the dependants of the estate of Weime.

It has been judged expedient "that the haill landislords and chiftans of clans in the Hielands and borders of this kingdome sall be putt under caution for makeing thair men, tenents and servants and others for whome they are answerable obedient to law and justice." And whereas Menzies, son and apparent heir to Sir Alexander Menzies of Weime, "is fear of the haill living and hes the obedience of the haill persons for whome the Lairds of Weime are obleist to answer, and the said Sir Alexander is onlie lyfrenter and ane aged man, and so cannot be answerable for those for whome be the law he will be burdened," it is necessary that this caution be found by the said fiar. To him there-fore charge was given to compear at a certain day bygone provided with caution conform to law, but he not compearing, the Lords ordain that he be put to the horn and escheated.

Charge to the admiral-depute of Dunbar and others to cause the country-people who have robbed the goods of a ship-wrecked vessel to restore the said goods.

"Forsameikle as M^r Allexander Gordoune in , Gilbert Harvi, Allexander Shand and Patrick Mar, burgesses of Aberdene, and there ship, upon the 27 of Januar last being by tempest of weather cassin upon the coast besouth Dunbar, there ship wes cast away and thame-selfies, by Gods providence, saved and brought to land, and haveing used thair best endevors and paines to recover some of thair goods furthe of thair brokin ship, the cuntrie people and rascall multitude came in great companies upon thame and verie unchristianelie robbed thame of all suche of thair goods as they had recovered, to the heavie hurt and prejudice of the distrest honest men and disgrace of his Majesties governement." Therefore the Lords of Council ordain and command Aitkine, Admiral-depute at Dunbar, the bailies and chamberlains of the Earl of Home, and all noblemen, barons, sheriffs, stewart-bailies, justices of peace and other magistrates to burgh and land, to call before them all persons dwelling within their bounds who have meddled with any of these goods or reset them, and after trial of their guilt cause them to restore the same or pay the value thereof, as the said admiral-depute and others will answer upon the contrary at their peril.

Complaint by Alexander Lyon of Muir-esk against Robert Low in Drumblair and others for assault on his servant and stealing a mare on which the said servant was riding.

Complaint by Alexander Lyon of Muir-eske and Walter Hendersone, his servant, as follows:—On December last Lyon sent his said servant with a mare on an errand from his house of , when Robert Low in Drumblour, James Moir in Baruine, Archibald Moir in Quhinnes, John Sinclair in Bogsmylne, Alexander Wentoune in Riache, Margaret Mylne there, and others, armed with swords, staves and other weapons, came fiercely upon the said Walter, "patt violent hands in his person, band him as ane theefe, caried him and his meir with thame to the place of Drumblair, quhair they kepted him [in] captivitie be the

Decreta,
April 1635.
February 1636
P. 133.

P. 134.

P. 135.

Decreta,
April 1635-
February 1639.
P. 135.

space of 48 houres," and as yet they keep and detain the mare. Charge having been given to these persons, who compeared by Mr James Baird, their procurator, and the pursuer, Alexander Lyon, also compearing for himself and his servant, the Lords, after hearing parties, remit the case to the Justices of peace within the sheriffdom of Aberdene to be tried and dealt with by them.

Complaint by Alexander Dick, writer, as follows:—On 23rd March, 1623, he obtained a decret before the Lords of Session against a number of his creditors, ordaining them to accept from him assignations of his whole goods, moveable and immoveable, present and to come, and to desist from troubling him in his person; and further, their Lordships by their decret of 8th July, 1624, declared that the production of the decret foresaid to the provost and bailies of Edinburgh would be a sufficient warrant to them to stay the execution of any letters of caption, etc., against him for the sums contained in the said decree. Yet on 30th January last Jean Hepburn, daughter of Patrick Hepburne of Beanstoune, one of his creditors, and who is in fee of the sums in which the complainer is indebted to her father, learning that the complainer was in Edinburgh, caused him to be apprehended and warded in the tolbooth, where he has since remained. Charge having been given to Michell Balfoure, spouse of the said Jean, and he compearing with Mr John Nisbet, his procurator, and the pursuer compearing also with Mr David Heriot, advocate, his procurator, the Lords, after hearing parties, refer the trial of the lawfulness of the apprehension and imprisonment of the pursuer to the Lords of Counsell and Session; and further, they ordain the provost and bailies of Edinburgh to put the pursuer to liberty, because Mr John Dick, son of William Dick of Braid, became cautioner that the pursuer will appear before their Lordships upon six days warning if the defender recover sentence in the Court of Session against him, under the penalty of paying to the defender all the sums he is due to her; and Mr Alexander Dick, son to the said Alexander, obliged himself to relieve the said Mr John Dick of all danger he may incur therethrough.

Complaint by Alexander Dick, writer, against Jean Hepburn, daughter of Patrick Hepburn of Beanstoun, one of his creditors, for warding the complainer contrary to the order of the Council.

P. 136.

P. 149.¹

[Omitted at its proper place in the Register.]

Complaint by Gilbert Menzeis, burges of Abirdene, as follows:—Complaint by Alexander Irwing of Kincowsie has conceived a deadly hatred against Gilbert Menzie, burges of Aberdeen, him, and, with the intention of taking his life, he came on, under cloud and silence of night, by way of hamesucken to the complainer's dwelling-house in Aberdene, and at unawares "strake him with a drawin whinger behind the back throw the bodie to the effusioun of his blood and hazard of his lyffe, and had not failed to have killed him outright if the neichbours had not restrayned him." He consequently lay under the care of surgeons for a year in great danger of his life and "will hardlie ever recover his wonted health againe." Both pursuer and defender compearing, the Lords find the said Alexander Irwing guilty as libelled, and fine him in the sum of 500 merks to be paid to the pursuer, ordaining him to be warded in the tolbooth of Edinburgh until

Complaint by Gilbert Menzie, burges of Aberdeen, against Alexander Irwing of Kincowsie for assault.

he pay the same. They also ordain him to pay the witnesses, every horseman £20, and every footman £10. .

Edinburgh,
2nd February
1636.

John Monro of
Lumlair and
others
appointed
justices of
peace.

"The Lords of Secreit Counsell understanding that Johne Monro of Limlair, Alexander M^cKeinyie of Garloch, Rorie M^cKeinyie of Aplecroce, M^r Donald Ros, minister at Lochbrome, Rorie M^cKenyeie there, M^r Murdo M^cLinnan, minister at Garloch, M^r Alexander M^cKenyeie, minister at Lochgarrow, Kenneth M^cKeinyie there, ar verie weill affected to his Majesteis service and peace of the countrie and ar of good knowledge, judgement and experience to undergoe the place of justices of peace within the bounds where they dwell, thairfoir his Majestie, with advice of the Lords of Secreit Counsell, hes made and constitute and be the tennor heirof makes and constituts the saids persons justices of peace within the shirefdome of Innernes, and hes adjoynned and adjoynes thame to the remanent commissioners and justices of peace within the said shirefdome, with als great fredome, priviledge, warrand and auctoritie as they or anie others justices of peace within this kingdome bruikes and injoyes thair offices be vertew of the commission grantit unto thame be his Majesteis patent under the great seale and with als great fredome, auctoritie and jurisdiction as if thair names wer particularlie insert in the said commissioun; with power to thame to use and exerce the said office in all and everie thing tending to the forderance of his Majesteis service, keeping of the peace of the countrie and execution of the said commission: Commanding heirby the conveenner and remanent justices of peace of the said shirefdome to receave and admitt the saids persons to be of thair nomber and to grant thame voice and place amongs thame as if they wer particularlie insert in the commissioun foresaid and to take thair oathes for thair faithfull discharge of the said service, anent the doing quhairof thir presents sall be to thame ane warrand."

John Fullerton
of Carleton
and others
appointed
justices of
peace in the
stewartry of
Kirkcudbright.

"The Lords of Secreit Counsell, understanding that Johne Fullertoun of Carleton, Williame Gordoun of Kirkconnell and Richard Mure of Cassincarie ar verie weill affected to his Majesteis service and peace of the countrie and ar of good knowledge, judgement and experience to undergoe the place of justices of peace within the bounds where they dwell, thairfoir his Majestie, with advice of the Lords of Secreit Counsell, hes made and constitute and be the tennor heirof makes and constituts thame justices of peace within the stewartrie of Kirkcudbright, and hes adjoynned and adjoynes thame to the remanent commissioners and justices of peace within the said shirefdome with als great fredome, priviledge, warrand and auctoritie as they or anie others justices of peace within this kingdome bruikes and injoyes thair offices be vertew of the commissioun grantit to thame be his Majesteis patent under the great seale, and with als great fredome, auctoritie and jurisdiction as if thair names wer particularlie insert in the said commission; with power to thame to use and exerce the said office in all and everie thing tending to the forderance of his Majesteis service, keeping the peace of the countrie and executioun of the said commission: Commanding heirby the

Decreta,
April 1635-
February 16
P. 149.
Justices of
Peace, 1612.
1639.
Fol. 68, a.

Fol. 68, b.

Justices of
peace, 1612-
1636.
Vol. 68, b.

conveenner and remanent justices of peace of the said stewartrie to receave and admitt the saids persons to be of thair nomber and to grant thame voice and place amongs thame as if they wer particularlie insert in the commission foressaid, and to take thair oathes for thair faithful discharge of the said service, anent the doing quhairof thir presents sall be to thame ane warrand."

Justicia,
April 1635-
February 1639.
p. 137.

Sederunt :—Chancellor ; Glasgow ; Southesk ; Lorne ; Allexander ; Edinburgh, 4th February 1636.
Bishop of Ros ; Clerk Register ; Advocate.

Complaint by Gilbert Greirson of Castlemadie and George Gordoun in Largerie, his servant, as follows :—On 15th May last Marion Ashennan, widow of George Gordoun of Strangassill, John, James and William Gordoun, her sons, David Gordoun in Clachanmarke, George Gordoun in Garlarges, Robert Ashennan of Culuha, John Reid in the Mains of Gornok, Gilbert M^cCornok of Barley, Thomas M^cCornok of Polmadie, John Garroch and John Murdoche there, Alexander M^cMillane, John Ireland, Angus M^cNacht, George M^cAdam, Alexander M^cAdam in . . . , Gilbert Gordoun in Knokreok, and others, came to the complainer's lands of the Woodheid of Largerie, where the said George had five darg of peats standing, and these they "harrowed" and destroyed, rendering them "als small as dust." Further, upon 5th June thereafter, the said David Gordoun, John Rid and others, came to the said George Gordoun's dwelling house by way of hamesucken, "violentlie pulled him out of the hous, caried him with thame to Glenlie," and kept him prisoner there for Again Alexander Gordoun of Erlestoun, out of a similar malice against the complainers and others, his neighbours, "hes closed up the kirk and mercat way quhilk led from Kirkcudbright to the toune of Air and hes beene ane common hie way past memorie of man throw the toune of Erlestoun; and he hes brokin doune the bridge of the burne of Erlestoun, and so heavilie prejudgit the common people in thair passage to kirk and mercat." Charge having been given to the said Marion Ashennan, James Gordoun, her son, and Angus M^cNacht, and the said Gilbert Greirson compearing for himself and his said servant, and Marion Ashennan for herself, her son and servant, nomination was made by Greirson of Sir John Maxwell of Conhaith and by the said Marion of James Chalmers of Gatgirth to arbitrate in the differences between them, both parties promising to abide by their decision without appeal.

Complaint by
Gilbert
Grierson of
Castlemadie
and George
Gordon, his
servant,
against Marion
Ashennan,
widow of
George Gordon
of Strangassill,
and others for
hamesucken
and other
illegal actions.

P. 138.

Complaint by Michael Hamiltoun of Easter Inche of Bathcat, as follows :—Peter Duncan, servitor to Alexander Hamiltoun in Kirk-toun, has conceived a deadly hatred against him and has resolved to take his life. For this effect, on 27th January last, he came to the complainer's lands of as he was ploughing, "and first in simulat maner bade the compleaner good even, bot or ever he wes aware, he being halding one of his pleuche oxin till his servants brought ane other

Complaint by
Michael
Hamilton of
Easter Inch,
Bathgate,
against Peter
Duncan,
servitor to
Alexander
Hamilton in
Kirkton for
assault.

pleuche, the said Peter come behind his backe with a great tree, feld him dead to the ground, and the ox, haveing flung him amongs his feete, the said Peter fatched ane other cruell straike at him, quhilk missing him, slew the ox, and the rest of the oxen ran away, and, being fast and bund, the most part of thame strangled and slew thame-selves, and all of thame are become unprofitable to him, to his heavie hurt." The pursuer appearing personally, but not the defender, the Lords ordain the latter to be put to the horn and escheated.

Edinburgh,
4th February
1636.

Edinburgh,
9th February
1636.

[In the Sederunt given here the Bishop of Edinburgh is added.]

Sederunt :—Chancellor ; Glasgow ; Wintoun ; Southesk ; Tracquair ; Lord Lorne ; Lord Alexander ; Bishop of Ros ; Clerk Register ; Advocate.

Sederunts,
January 1636
November
1643.
Fol. 24, b.
Acta, June
1634-April
1636.
Fol. 127, a.

Letter from
his Majesty
commanding
that hence-
forth all
decrees of
apprising be
registered.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Johne, Erle of Traquaire, deputie Treasurer to his Majestie, and exhibite and produced before the saids Lords the signature underwrittin, signed be the Kings Majestie, tuicheing the establishing of ane register for registratioun of all comprysings and keeping of the same be Sir Johne Hay, Clerk of His Majesteis Registers, and his deputs, of the quhilk signature the tennor followes:—CHARLES R.—Our soverane Lord, considering that diverse of his subjects bruik and possesse thair lands, milnes, wods, tithes, fishings and others perteaning to thame within Scotland by vertue of decreits of apprysing led and deduced at thair instance, quhilks decreits of apprysing have not beene nor ar not registrat in anie publict register as other heretabill writts and securiteis quhairby there ensues great hurte and prejudice als weil to the appryrsers as to others subjects aganis whome the appryssings ar led and deduced, as lykewayes the subjects who bargane *bona fide* with the parteis frome whome the lands and others foresaids ar or sall be apprysed can be in no securitie in thair bargans with thame, they not being able to have notice of thair inabilitytie to dispoine in respect that the comprysings aganis thame ar obscure, not being extant in anie publict register ; and our soverane Lord, being willing in time to come for the good of his subjects to prevent all inconvenients that may follow thereupon and to the effect the saids decreits of apprysing may be made furthcomming to all parteis having interesse, with advice and consent of his right trustie cousines and counsellors, Williame, Erle of Morton, Lord High Tresaurar of Scotland ; Johne, Erle of Traquaire, Deputie Tresaurar ; and remanent Lords of his Majesteis Privie Counsell and Exchequer thair of, statuts and ordains that all decreits of apprysing quhilks sall happin to be led and deduced at the instance of anie partie or parteis at anie time comming after the publicatioun heiroyf at the mercat croce of Edinburgh and others his Hienes royall burrowes of this kingdome, togidder with the Lords of Counsell and Sessioun thair approbation and deliverance to

Fol. 127, b.

Acta, June
1634-April
1636.
Fol. 127, b.

be writtin on the backe thair of sall be registrat in the register underwrittin within xx dayes after the same sall be approvin be the saids Lords, otherwayes the same to be null and of nane avail, force nor effect in time comming, the extract of whiche register sall be in all causes als valide, effectuell and sufficient and make als full faith as if the principall decreits of apprysing and approbation on the backe thair of were produced, except the same be offered to be improvin. And to the effect the said register may be the more faithfullie kept, his Majestie, with speciall advice and consent foresaid, statuts and ordains the saids register and registration of the saids decreits of apprysing to be registrat therein to pertaine and belong to his Majesteis trustie and weilbelovit counsellor, Sir Johne Hay of Baro, knight, Clerk of Register, during all the dayes of his lifetime, with full power to him to appoint particular deputs one or moe during his said lifetime, to receive from the parteis thair decreits of apprysing to be registrat and to caus registrat the same within xx dayes after the receipt thair of and to ingrosse the hail bodie of the saids decreits of apprysing with the approbation of the saids Lords on the backe thair of in the said register under the pane of deprivation of the saids clerkes deputed of thair places and of the office of notarie, and within the said space sall redelyver to the presenter of the same the saids decreits of apprysing marked be the said Clerk Register or his deputs to be by him appointed under thair subscription with the day, moneth and yeere of the said registratioun and in what leafe of the booke the same is registrat, and sall take allanerlie xxvj s. viij d. Scottish as the price of eache leafe of the said register compactlie writtin, and incaise the leafe conteane lesse to take lessee proportionallie and so accordinglie for eache page of the leafe and eache part of the page and so proportionallie for everie ane of the saids decreits of apprysing; and the saids decreits being so inserted, the registers ar to be filled up by the saids deputeis and to be marked by the said Clerk of Register and his deputs or anie of thame with a note of the particular nomber of leafes that the same sall conteane; and the saids registers, after the filling thair of, to be reported to the said Clerk of Register to remaine with him and his deputs and to be patent to all his Majesteis lieges, and extracts thair of to be givin by him and his deputs during the space foresaid to all who sall have to doe with the same, whiche sall make als great faith as the principalls except in caises of improbation: And ordains letters of publication to be exped heirupon, quhairthrow nane of his Majesteis subjects pretend ignorance thair of. And his Majestie doeth heirby promitt *in verbo principis* to ratifie thir presents in the nixt parliament and ordains that thir presents sall be past and exped in authentick forme under the great seale without passing of anie other seale or register; and thir presents to be a sufficient warrand to the Director of the Chancellarie and his deputs for writting heirof to the great seale and to the keeper of his Majesteis great seale for appending the great seale thereunto, for quhilks thir presents sall be thair warrand. Givin at

Fol. 128, a.

Whitehall, the 19th of Januar, 1636. Quhilk signature being read, Acta, June 1634-April 1636. Fol. 128, a. heard and considerit be the saids Lords, they find that the registration of comprysings of quhatsomever nature and qualitie is verie necessar and profitable for his Majesteis lieges and conduces muche for thair securitie, and that thereby manie prejudices will be prevented quhilks his Majesteis good subjects formerlie incurred through the not registration of the saids comprysings, and thairfoir the saids Lords hes ratified and approvin and be the tennor heirof ratifeis and approves the said signature and ordains the same to be insert and registrat in the bookes of Privie Counsell. And conforme thereunto the saids Lords hes established and be the tennor heirof establishes the said Register to be kept in maner foresaid, with this onelie alteration and declaration that incaise it sall happin anie of the saids apprysings not to be approvin be the saids Lords of Sessioun, nevertheles the same sall be presentit to the said Clerk of Register and his deputs to be registrat be thame within three-score dayes after the dait thairfoir with certificatioun, as is aforesaid. And the saids Lords ordains this register to be kept in Edinburgh to be furtheummand to all his Majesteis lieges, and, if neid beis that the service require the same to be kept in moe places for the ease of the lieges that the same sall be done be advice of the Lords of Privie Counsell. And ordains letters to be direct to make publicatioun heirof to all his Majesteis lieges quhairthrow nane pretend ignorance of the same."

Anent the
lordship of
Torphichen.

"The Lords of Secreit Counsell having, according to the remitt of Fol. 128, b. Parliament, receaved and heard the ansuers givin in be his Majesteis Advocat to the reasons conteanit in the petition exhibite to the parliament be Johnne, Lord Torphichin, tuicheing the different nature and qualitie of the lordship of Torphichin frome others erections that the samine did not fall under and within the compas of his Majesteis revocation and act of annexatioun of the superioriteis of kirklands to the Crowne, with the replyes, duplyes and triplyes propouned *hinc inde* be either of the saids parteis, the said Lords ordains the hail processe to be delyvered to Johnne, Erle of Traquaire, his Majesteis Treasaurar Deput, to the effect his Lordship may offer the same to his Majesteis royall consideration and report backe to the Counsell his Majesteis judgement and determinatioun concerning the same."¹

Anent
protections.

"The Lords of Secreit Counsell recommends to Johnne, Erle of Traquaire, to represent to his Majestie the prejudice susteanned by the lieges by frequent protections and to intreate his Majestie to give order for restraining the same in time comming."

Edinburgh,
9th February
1636.

[Sederunt as recorded above.]

Decreta,
April 1635-
February 1639.
P. 139.

Complaint by
Bessie
Fethanis,

Complaint by Bessie Fethanis, widow of David Jonstoune, shoemaker in Wolmet, as follows :—Patrick Edmestoune of Wolmet granted a tack

¹ See Index to the preceding Volume of the Register.

Decreta,
April 1636.
February 1639,
P. 130.

of a certain portion of his land to the complainer and her husband, and the survivor of them, in return for the sum of 550 merks borrowed by him from them. He also borrowed 400 merks from John Donaldsone, tailor in the Cannogait, using the complainer's name as principal and his own as cautioner, but granting a backbond to them acknowledging that the said loan was for his behalf. But having by this drawn the poor man's means into his own hand, he resolved to wreck and undo them. First he ejected them from their wadset lands, and then finding that they had raised letters on his bond to force him to keep his contract, he craved inspection of the bond and backbond from the complainer, and on her showing them he violently reft them from her and detains them. She complained of this in June last to their Lordships, but the said Patrick came to the poor woman and reft her letters of complaint from her; and ever since he has kept her in great misery and cast her out of her cottage. Both pursuer and defender compeared on 2nd February last, when their Lordships appointed Patrick, Archbishop of Glasgow, to hear them and report the case on the following Thursday. The pursuer duly attended the said Archbishop, but the said Patrick absented himself. This being reported to their Lordships on the 4th instant when the pursuer again compeared, but the defender absented himself, the Lords ordained letters of horning to be issued against the defender, superseding the giving of them out till this day. The pursuer again compearing, but not the defender, the Lords ordain him to be put to the horn and escheated.

widow of David
Johnstone,
shoemaker
in Wolmet,
against Patrick
Edmonston of
Wolmet, whom
she accuses of
robbing her
of bonds in her
favour.

P. 140.

Complaint by Janet Lose, widow of Patersone, burges of Innernes, and Mr Walter Ros, now her spouse, for his interest, and Alexander Patersone, son of the said Janet, as follows:—On December last, Mr Alexander Clogie, son of Mr William Clogie, minister at Innernes, meeting the said Alexander Patersone, a young boy of twelve years, upon the fields, because the latter “modestlie fund fault with him for beiring of unlawfull wapons,” ran upon the young boy and struck him on the face and head with his “faldit neiffes” to the great effusion of his blood and peril of his life. Further, when the said Janet “in faire termes” at her next meeting with the said Mr Alexander Clogie, “reprovit him for the violence offerit to her sone” he and Margaret Rawson, his mother, and Donald Scoler, *alias* Fraser, “invadit and persewed her of her lyffe, gave her a nomber of straike on the backe and bellie with thair hands and feit; and the gentlewoman, preassing to have eshewed thair furie by flieing into the next yet, the said Mr Alexander shamefullie strake her to the ground, trode on her with his hands and feit and left her lying for dead, so as she lay bedfast for eicht dayes thairafter in great paine and dollour to the hazard of her lyffe.” Charge having been given to the said Mr Alexander Clogie, Margaret Rawson and Donald Scoller, and the said Mr Walter Ros appearing for the pursuers, but the defenders not compearing, the Lords, having heard the complaint, remit the trial and censuring thereof to James, Earl of Murray,

Complaint by
Janet Lose
against Mr
Alexander
Clogie, son of
Mr William
Clogie, minister
at Innernes,
for assault on
herself and
her son.

P. 141.

George, Earl of Seafort, John, Bishop of Murray, and John, Bishop of Ros, or any two of them, the Bishop of Murray being one, who are to report their proceedings before 30th April next.

Decreta,
April 1635.
February 1639
P. 141.

Complaint by William Leslie, burghess of Elgin, against John Dunbar of Hemprigs, who defies the sentence of horning under which he lies at the instance of the complainer.

Complaint by William Leslie, burghess of Elgin, as follows:—On 14th December, 1627, John Dunbar of Hemprigs was put to the horn at the complainer's instance for non-payment of the principal sum of £171 4s. 4d., £50 of penalty, and interest and expenses of plea, with the further sums of £26, and £273 of principal, with £100 of expenses, but he most proudly remains rebel unrelaxed, goes about the country at his pleasure and enjoys his rents and living as if he were an obedient subject. The pursuer compearing, but not the defender, the Lords ordain the latter to be charged to render his houses and enter himself in ward within the castle of Blacknes within fifteen days upon pain of treason. P. 142.

Supplication by John Menzeis of Carlops for a licence to continue levying tolls to defray the maintenance of a bridge which the supplicant has constructed.

Supplication by John Menzeis of Carlingkips [*sic*], narrating that upon a petition given in by him on 2nd December, 1630, representing the ruinous condition of the bridge of Carlingkips, to the great inconvenience of the lieges going from this burgh to Bigger, Dumfries and other parts in the south, "who in the winter and others deepe tymes in the yeere when the water is great, are in great danger of drowning in rydeing the furde, lykeas diverse hes pitifullie drouned thairin, and others are forced at these tymes to ly on this syde a great space, awaiting the falling of the spait"; their Lordships, finding a great necessity for the building of a bridge over the said water, granted a warrant to the supplicant and his collectors to uplift for five years the following tolls, viz.:—from every foot passenger crossing the bridge, 1d.; every horseman 2d.; every horse laden with goods, 4d.; every cart laden with goods, 8d.; every ten sheep, 4d.; and every horse and ox going to be sold, 4d. The supplicant has built the bridge at great cost to himself and to the great convenience of the lieges, and the keeping it in repair will be no less costly than the building; and he therefore craves that their Lordships would continue his warrant for uplifting the tolls aforesaid. The Lords, understanding that the supplicant has built a sufficient bridge over the said water at his own charges and finding his desire reasonable, grant warrant to him to uplift these tolls for other two years and to apply the proceeds towards the maintenance of the said bridge. P. 143.

Supplication by Alexander Forbes of Achintoull that the Laird of Caskiben be forced to find caution of indemnity in favour of the supplicant—the Council having previously ordained that

Supplication by Alexander Forbes of Achintoull, as follows:—Upon his recent complaint against the Laird of Caskiben their Lordships ordained Caskiben to find caution for the supplicant's indemnity in 3000 merks and not to leave the town until he did so. Yet, all the while he was in the town Caskiben never offered to find any caution, and has now gone home in contempt of their Lordships' decree, with the intention apparently either of not finding caution at all or of deferring to do so until he has inflicted further injury upon the supplicant. He therefore craves that their Lordships would ordain that

Decreta,
April 1635-
February 1639.
P. 143.

the decreet and ordinance granted by them to the above effect on 22nd the said laird
December last shall be as obligatory against the said Laird of Caskiben should find
in law from the date thereof, and in all time coming, as if he had found such caution.
the said caution to the supplicant. This the Lords grant.

Sederunts,
January 1635-
November
1643.
Fol. 24, b.

"The Lords continewes the exhibitoun of Andro Aitkine in Playne Edinburgh,
and the execution of the charge givin to the provest and, bailleis of 9th February
Stirline for that effect to the 18 of this instant, ordaining thame and 1636.
the shireff depute of Stirline to make intimatioun heiroy to Androw Andrew Aitken
Aitkine, sone to the said Androw. in Playne.

Acta, June
1634-April
1636.
Fol. 128, b.

Sederunt:—Chancellor; Glasgow; Winton; Southesk; Traquaire; Edinburgh,
Lorne; Alexander; Bishop of Edinburgh; Clerk Register; 11th February
Advocate. 1636.

"Anent the overtures propouned tuicheing the abuses committed at the Anent the
ferryes and remedeis of the same and ansuers made thereto be the ferries.
burrowes and reply made be his Majesteis Advocat to the saids ansuers,
the Lords of Secreit Counsell ordains the haill processe to be delivered
to the Earle of Traquaire to be represented be him to his Majestie."

"Forsamekle as it is understand to the Lords of Secreit Counsell that Prohibition of
one of the greatest causes procuring the skarsetie and penurie of his the circulation
Majesteis proper coyne within this kingdome proceeds frome the uncon- of dollars
trolled libertie quhilk the subjects hes takin thir diverse yeeres bygane above the
to vent and putt out dollars promiscuouslie at thair best advantage, value of fifty-
whilks, being of diverse prints, weight and fynnes, hes notwithstanding six shillings.
had course farre above the trew worth and hes occasiouned the transpor-
tation of his Majesteis owne coyne, whereby not onelie hes the subjects
beene abused and wronged, to thair heavie hurt and skaith, bot it hes
caried ane foule imputation to the countrie that forrane coyne sould have
place abone his Majesteis owne proper coyne; for removing of whiche
abuse in time comming the Lords of Secreit Counsell hes thought meit
and expedient, concluded and ordained, after grave advice and mature
deliberation, that no dollers of whatsoever weight, print and fynnes
sall have course within this kingdome at anie tyme after the dait and
publication heiroy abone fiftie sax shillings the peece, and the halfes
proportionable; commanding heirby all his Majesteis subjects that nane
of thame presume nor take upon hand upon whatsoever pretext to
receave or delyver dollers at ane higher rate and price nor fiftie sax
shillings the peece under all highest pane that by course of law and
justice may be inflicted upon thame as proud contemnners of his Majesteis
royall auctoritie and command, especiallie in a point so highlie con-
cerning the good of the countrie; certifeing thame that sall doe in the
contrare that they sall be exemplarlie punished to the terroure of others;
and that letters of publication be direct heirupon wherethrow nane pretend
ignorance of the same."

Fol. 129, a.

Edinburgh,
11th February
1636.

[Sederunt as recorded above, substituting the Bishop of Ros for the
Bishop of Edinburgh.]

Decreta,
April 1636.
February 1638.
P. 144.

Complaint by
John Gardyne
of Dubstane
against Adam
Gordon,
captain of the
light horse-
men, for
stealing a
horse of the
complainer's.

Complaint by John Gardyne of Dubstane, as follows:—On or about 19th February, 1635, Adam Gordoune, captain of the light horsemen, with "some of his brokin complices," came to the complainer's stable about 12 o'clock noon, broke up the same and took therefrom a horse belonging to the complainer worth 400 merks, and gave it to John Gordone, son to Ardlogie, or Robert Seatoun of Fyvie, who has it in his possession at Kirkcoun of Fyvie, and refuses to give it up. Charge having been given to the said John Gordoun and Robert Seatoun, and the pursuer compearing but not the defenders, the Lords ordain the latter to be put to the horn and escheated.

Complaint by
Robert Dunbar
of Burgie
against
William
Gordon of
Arradoull, who
defies the
sentence of
horning under
which he lies
at the instance
of the
complainer.

Complaint by Robert Dunbar of Burgie, as follows:—William Gordoune of Arradoull is at the horn for non-payment to him of 4000 merks and expenses. He has been at great charges in prosecuting the said William for payment, but without success, and at last he has obtained letters of treason from their Lordships against him. By virtue thereof, on 5th September last, James Law, Snadoune herald, charged him to enter himself in Blacknes Castle and render his house of Arradoull within fifteen days; but he also disobeys this charge. The pursuer P. 145. compearing by Mr William Dunbar, his procurator, but not the defender, the Lords grant warrant to his Majesty's Advocate to pursue the said William Leslie before the Justice and his deputes on the charge of treason.

Supplication
by James
Duncher,
prisoner in
Algiers, that a
general
collection be
raised for his
ransom.

Supplication by James Duncher, prisoner in Argier among the Turks, as follows:—He has been for a long time and still is "deteanned in great miserie among the Turks, being compelled everie day to carie water on his backe throw the tounne, with ane iron chaine about his legg and round about his midle, instead of sarke, hois and shois, and for his meate there is allowed to him foure unce of bread daylie, als black as tarre, togidder with fourtie or three score of strips with ane rope of foure inches great upon his naked bodie, sometymes on his backe and sometymes on his bellie; and when the ship is to goe to the sea he must goe perforce and susteane the lyke miserie there; and all becaus he will not renunce his faith in Christ and become ane Turke. And quhairas they have offered to ransome him for tuelff hundreth merks, quhilk he hes not of his awne, he is forced to have recourse to the charitie of good Christians." He therefore craves that their Lordships would grant their letters of recommendation for a collection upon his behalf. This the Lords do, recommending the supplicant's miserable condition to the charity of all P. 146. archbishops and bishops, noblemen, barons, and gentlemen, burghs, towns, presbyteries and kirk-sessions, and other subjects of his Majesty to burgh and land within the sherifffdoms of Edinburgh and Berwick, and appointing David Corsaw in Dysert, the supplicant's uncle, collector of that contribution, who will have a care to cause delivery be made of

what is collected to the said supplicant, and has found caution to that effect. Edinburgh, 11th February 1636.

Sederunt,
January 1636-
November
1643.
Fol. 25, a.

"The Lords ordains the Archbishop of Glasgow, the Erle of Southesk, and the Bishop of Edinburgh, or anie twa of thame, to heare the Ladie Rothemay and Johne Gordoun of Park anent the differences standing betuix thame, and to deale and travell with thame for sattling of the same and for the releeffe of the said Laird of Park his ingadgements for the Laird of Rothemay, and to report to the Counsell their proceedings herein."

Sederunt :—Chancellor; Glasgow; Southesk; Tracquair; Lord Alexander; Clerk Register; Advocate. Edinburgh, 16th February 1636.

[No record of business.]

Acts, June
1634-April
1636.
Fol. 129, a.

Sederunt :—Chancellor; Glasgow; Murrey; Winton; Tracquire; Lorne; Lord Alexander; Bishop of Edinburgh; Clerk Register; Advocate. Edinburgh, 18th February 1636.

"The whilk day the missive letter underwrittin, signed be the Kings Majestie and direct to the Lords of Privie Counsell, was presented to the saids Lords and read in their audience, of the whilk the tennor followes:—CHARLES R. Right reverend father in God, right trustie and right weilbelovit cousines and counsellors, right trustie and trustie and beloved counsellors, we greit yow weill. Having beene pleased at this time to transact with the Lord Sempill for his heretable offices of the shirefship of Renfrew and bailerie of Paisley, and withall being crediblie informed of the sufficiencie and affection to our service of our trustie and weilbelovit Bryce Sempill of Cathcart, it is our pleasure that yow call for him and appoint him our shireff of Renfrew and baillie of Paisley till Michaelmas 1637, for whiche these presents sall be your warrand. We bid yow farewell, from our court at Whitehall, 19th of Januar, 1636. Quhilk missive being read, heard and considerit be the saids Lords and they advised therewith, the Lords of Secreit Counsell ordanis ane commissioun of shirefship and bailerie of the bounds fore-saids to be past and exped to the said Bryce Sempill and him to be writtin for to give his oath for faithfull discharge of his service."

Fol. 129, b.

"The whilk day in presence of the Lords of Secreit Counsell com-peired personallie James, Lord Johnestoun, and the petition givin in to the saids Lords be the presbyterie of Lochmaben tuicheing one Johnestoun, ane incestuous person, aganis whome commissioun was grantit be the saids Lords to the said Lord Johnestoun for his apprehension and exhibition to his tryell, and the said Lord being at lenth heard anent this mater, the Lords of Secreit Counsell assignes to the said Lord Johnestoun the twentie twa day of Marche nixt for exhibition of the said incestuous person before his Majesteis Counsell."

Letter from his Majesty appointing Bryce Sempill of Cathcart sheriff of Renfrew and bailie of Paisley.
Charge to James, Lord Johnstone, to produce before the Council a person accused of incest.

Warrant to the
Archbishop of
St. Andrews
anent the
estate of the
late Lord
Saltoun.

"The whilk day in presence of the Lords of Secreit Counsell com-
peired personallie Mr Alexander Gibsone, younger of Durie, one of the
ordinar clerkes before the Lords of Sessioun, and produced and exhibite
ane commission under the great seale of the dait at the

Acta, June
1634-April
1636.
Fol. 129, b.

day of whereby his Majestie hes givin power and warrand to
Johne, Archbishop of Sanctandrewes, Lord High Chancellor of this
kingdome, David, Erle of Southesk, Johne, Erle of Traquair, and certane
others conteanit in the said commissioun, or anie three of thame, to try
the forme and maner of the conveying and away putting of the lait Lord
Saltoun his estait and living. Lykeas the saids Lord Chancellor and Erles
of Southesk and Traquair, being personallie present, accepted this com-
mission in and upon thame, and nominat and appointed the said Mr.
Alexander Gibsone to be thair clerk, who, being lykewayse personallie
present, accepted that office and charge upon him and gave his oath for
his faithfull discharge of his service."

Charge to the
Commissioners
of Teinds to
attend a meet-
ing of the
commission
under threat
of horning.

"Forsamekle as the persons underwrittin, they ar to say, Patrik,
Archbishop of Glasgow, George, Earle of Winton, Johne, Earle of
Kingorne, David, Earle of Southesk, Thomas, Bishop of Galloway, Johne,
Bishop of Murrey, Johne, Bishop of Ros, George, Lord Forrester, Sir
Johne Charteris of Amisfield, Sir Robert Greir of Lag, Sir James Lok-
hart appearand of Lee, with the President of the Sessioun or Sir James
Lokhart of Balcolmie, and the commissioners for the burgh of Edin-
burgh and citeis of St. Andrewes and Glasgow, with the officers of
estait, being nominat and appointed to have attended the commission
for the surrenders and teinds for the moneth of Januar last, Februar
instant, and Marche nixtocome, for the better forderance and advance-
ment of the said commissioun, whilk hes had so manie delayes and
impediments by the negligent attendance of the commissioners, and it
being hoped that thir commissioners sould have carefully and diligentlie
attended the said service according to the trust reposed in thame, yitt
it is of truthe that the service hes beene verie farre neglected and
slighted be thame and manie peremptour dyets, quherunto parteis and
witnesses were warned and wer attending, hes beene disappointed, to
the great hurt of the lieges and hinder of the progresse of this com-
missioun, highlie to his Majesteis offence and contempt; thairfoir the
saids Lords ordains letters to be direct charging the persons particularlie
abonewrittin to make thair addresse to the burgh of Edinburgh with all
possible diligence and there to attend the said commission for the said
moneth of Februar instant and Marche nixtocome, under the pane of
rebellion, etc., with certification to thame that dissobeyes and slights
and neglects this so important a service and throw whois default the
progresse of the said commission sall happin to be disappointed that not
onelie sall the blame of the hinder and neglect of that service be layed
to thair charge, bot with that they sall be denounced rebels and putt to
the horne, and suche pecuniall fynes imposed upon thame as the saids
Lords sall thinke meit."

Fol. 130, a.

[Sederunt as recorded above.]

Edinburgh,
18th February
1636.Decreta,
April 1635-
February 1639.
p. 146.

Complaint by Gilbert Oustian, burgess of Edinburgh, as follows:—Out of his preposterous affection for George Oustian, his brother's son, he became cautioner for him when he was prisoner in the tolbooth of Edinburgh that he would re-enter to his ward on a certain day under the penalty of 500 merks. His nephew, careless of his own credit and the complainer's relief, neglected to do so, and Gavin Elliot and Helen Crystie, his spouse, at whose instance the said George was warded, summoned the complainer before their Lordships and by horning, caption and arrestment, have reduced him to great extremity. But now the said George has been apprehended and replaced in his ward in as good estate as when he was taken out of it, and therefore the complainer should be relieved of the burden he undertook for him and what has followed thereupon. Charge having been given to the said Gavin Elliot, and he compearing, and the complainer compearing by Susanna Watstone, his spouse, the Lords, after hearing parties and advising, relieves the pursuer of his cautionry foresaid and of all that has followed thereupon, seeing the said George Oustian is now entered to his ward and presently remains therein.

Complaint by
Gilbert
Oustian,
burgess of
Edinburgh, in
which he
craves relief
of caution for
his nephew,
George
Oustian, now
warded in the
Tolbooth of
Edinburgh.

Sederunt:—Chancellor; Glasgow; Wintoun; Southesk; Lorne; Edinburgh,
Alexander; Bishop of Edinburgh; Clerk Register; Advocate. 19th February 1636.

Sederunts,
January 1636-
November
1642.
Vol. 25, b.

"The Lords ordanis Malcolme Crawford to be committed to waird for giving a boxe to the Laird of Greenock beside the kirk stile and fynes him in v^c merkes to the King, without prejudice to the Lords of Session to take the tryell of the parteis misbehaviour in the session hous and to censure thame according to thair demerite; and ordanis Grenock to remaine in toun and not to depart till he be warranted to that effect."

Malcolm
Crawford
warded for
assaulting the
Laird of
Greenock at
the kirk stile.

Sederunt:—Chancellor; Glasgow; Hadinton; Winton; Dumfreis; Edinburgh,
Lord Alexander; Bishop of Edinburgh; Clerk Register; Advocate. 23rd February 1636.

Acta, June
1634-April
1636.
Vol. 130, a.

"The whilk day in presence of the Lords of Secretit Counsell compeired personallie M^r David Primerosè, advocat, as procurator for the parteis submitter and judges arbitrators underwritin and gave in the submission and decreit arbitrall following thereupon, desyring the same to be insert and registrat in the bookes of Secretit Counsell to the effect therein conteanit, quhilk desire the Lords finding reasonable, they have ordained and ordains the said submission and decreit arbitrall following thereon to be insert and registrat in the saids bookes of Privie Counsell and hes interpouned and interpons thair auctoritie thereto; and ordains letters and executorialls to pas therupon in maner and to the effect specifeit therein; of the quhilk submission and decreit the tennor and the

Submission by
Laurence
Bruce of
Cultmalundie
to the arbitra-
tion of a
commission of
five, of whom
the Archbishop
of St. Andrews
is the chief,
anent his
assythment for
the slaughter
of David
Tosheoch of
Monzievaird,
and the

judgment of
the said arch-
bishop anent
the same.

followes:—I, Laurence Bruce of Colpmalundie, being most willing for Acta, June
obedience of his Majesteis warrand direct to my Lord Chancellor for 1634-April
deliverie to me of his Majesteis remission under the great seale to 1636.
make all humble and submissive offer that lyes in my power to Androw Fol. 130, a.
Toshoche of Monyvaird and his honnorable kinsmen and freinds for
assythment and satisfaction of the unhappie slaughter of umquhill
David Toshoche of Monyvaird, his father, committed in the moneth
of July j^mvj^c and eightene yeeres, does by thir presents humbelie
submitt my selfe to the said right reverend father in God, the Lord
Archbishop of Sanctandrws, High Chancellor of Scotland, and to Johne,
Earle of Traquair, David, Bishop of Edinburgh, Adam, Bishop of Fol. 130, b.
Aberdene, and William, Lord Alexander, anent what assythment and
satisfaction sall be made be me to the said Androw Toshoche, now of
Monyvaird, for the slaughter of his said umquhill father in homage,
person, estait, lands, goods or geir or other possible way whatsomever,
whilk may give contentment to the said Androw and to his saids
honnorable freinds and kinsmen, my life being onelie excepted, and
whatsomever sall be decerned and ordained be the saids Lords all in
one voice, and in caise of variance among thame, be the said Lord
Chancellor be himselfe alone, at anie time betuixt the dait heirop and
the first day of Marche nixtcome, I as principall and with me, etc.,
as cautioners, binds and obleis ws and our airs, conjunctlie and
severallie, to obtemper, fulfill and obey the same, provyding the said
Androw Toshoche of Monyvaird, being lawfullie authorized with
consent of his curators or be some of his honorable freinds taking the
burden upon thame for him, be willing to accept this my humble offer
and remitt to me all greefe, rancour and offence of minde, and to give
to me lawfull and formall letters of slayns upon my fulfilling of that
quhilk sall be decerned be the saids Lords, and in caise of faillie on
thair part that immediatlie after the determination to be pronounced be
the saids Lords in maner foresaid his Majesteis remission under the
great seale quhilk is in my Lord Chancellor his hand be delivered to
me and that I be declared to be free of all criminall persute for the
said slaughter, and that order be givin be his Majesteis Counsell for
my securitie and indemnitie in my person in all time comming.
And we ar content that thir presents with the saids Lords
decreit and determinatioun be registrat in the bookes of Secreit
Counsell to have the strenth of ane decreit of the Lords thairrof,
with letters and executorialls to pas thereupon in most ample forme,
and the horning to pas upon ane simple charge of ten dayes
allanerie; and to that effect makes and constituts M^r David
Primerose, advocat, our procurator, to compeir and consent to
the registrating of the premises in maner foresaid. In witnes quherof
we have subscriyved thir presents with our hands at Edinburgh, the
twentie twa day of December, j^mvj^c threttie and fyve yeeres, before thir
witnesses, Androw Hay, servitor to the Archbishop of S^t Andrewes, and

rt. June
54 April
36.
d. 130, b.

N. 131. a.

Androw Tyrie and David Johnnestoun. *Sic subscribitur*, L. Bruce of Cultmalindeis, Santandrws, accepts, Traquair accepts, Da. Edenb. accepts, Ad. Aberdene accepts, Alexander accepts, A. Hay, witnes, A. Tyrie, witnes, David Johnnestoun, witnes. Followes the decreit :—Be it kend till all men be thir present letters ws, Johne, be the mercie of God, Archbishop of Santandrws, primat and metrapolitan of Scotland, and Chancellor thair of, one of the oversmen conteanit in the abakwrittin submission and thereby having power be our selfe onelie to decerne in the mater underwrittin in maner after mentiouned, with the speciall advice and consent of Johne, Erle of Traquair, David, Bishop of Edinburgh, Adam, Bishop of Aberdene, and William, Lord Alexander, judges arbitrators conteanit in the submission underwrittin, Forsamekle as Laurence Bruce of Cultmalindeis, being most willing for obedience of his Majesteis warrand direct to ws, the said Lord Chancellor, for deliverie to him of his Majesteis remission under the great seale to make all humble and submissive offer that lyes in his power to Androw Toshoch of Monyvaird, his honorable kinsmen and freinds, for assythment and satisfaction of the unhappie slaughter of umquhill David Toshoch of Monyvaird, his father, committed in the moneth of July; 1618 yeeres, be his abackwrittin submissioun subscrivit with his hand of the dait the twentie twa day of December last bygane, hes submitted himselfe to ws, the saids Johne, Archbishop of Sanctandrewes, Johne, Erle of Traquaire, David, Bishop of Edinburgh, Adame, Bishop of Aberdene, and Williame, Lord Alexander, anent what satisfaction and assythment sall be made be him to the said Androw Toshoch, now of Monyvaird, for the slaughter of his said umquhill father in homage, person, estait, lands, goods, geir or other possible way whatsomever quhilk may give contentment to the said Androw Toshoch and his saids honorabill freinds and kinsmen (his life being onelie excepted), and whatever we the saids fyve judges abone-namit all in one voice or in caise of variance amongst ws, we the said Lord Chancellor be ourselfe alone, sould decerne and ordaine to be done in the saids maters at anie time betuix the dait foresaid of the said abakwrittin submissioun and the first day of Marche nixtocome, the said Laurence Bruce of Cultmalindeis hes bound and obleist him selfe and his airs to obtemper, obey and fulfill the same in maner within conteanit, with provision that the said Androw Toshoch of Monyvaird, being lawfullie authorized with consent of his curators or be some of his honorabill freinds, takand upon thame burdein for him, be willing to accept his said humble offer and remitt unto him all greeffe, rancour and offence of mynde and to give unto him lawfull and formall letters of slayns upon his fulfilling of that quhilk sould be decerned be ws, and in caise of failye on thair part that immediatlie after the determinatioun to be pronounced be ws, in maner foresaid his Majesteis remission under the great seale (quhilk is in ours the said Lord Chancellers hands) be delivered to him and that he be declared to be free of all criminall persute for the said slaughter and that order be

givin be his Majesteis Counsell for his securitie and indemnitie in his person and estait in all time coming, as the said abackwritten submission of the dait foresaid at more lenth beirs. And we, having accepted the said submissioun and decisioun of the saids maters in and upon us, and having mett thereon, having God and good conscience before our eyes, we, the said Johnne, Archbishop of S^t Andrewes (in respect of some variance betuix us and the rest of the arbiters abonenamit who could not be alwayes present to attend and decerne therein and sua having power be our selfe onelie to decerne without advice and consent of the saids Johnne, Erle of Traquair, David, Bishop of Edinburgh, Adame, Bishop of Aberdene, and William, Lord Alexander, arbitrators who wer present and dealt with us to settle the saids maters), have decerned and given furth this our finall sentence and decreit arbitrall in the saids maters, in maner following. In the first we, after calling the said Laurence Bruce before us and hearing and finding him to be most penitent for the said unhappie slaughter and committing thairfof, and willing to give all assythment and satisfacioun that we sould thinke meit and necessar thairfoir, we decerne and ordaine the said Laurence Bruce in signe and token thairfof and testificatioun of the samine to compeir and present himselfe in the churche or at the mercat croce of the burgh of Perth in the option and at the pleasure and appointment of the said Androw Toshoch and his honnorabill freinds upon anie day he and they sall think meit and appoint to him betuix and the first day of May nixto-come and there in all humilitie and submissive maner requisite to confesse and acknowledge the said crime and slaughter and his unfained penitencie thairfor, and bare head and barefoote on his knees humbelie to aske and crave the said Androw and his freinds pardon, mercie and forgiveness thairfof humbelie submitting himselfe in thair will and to deliver to him in signe and token thairfof ane sword naiked by the point in presence of the said Androw, his honorabill freinds and others, whome he sall caus be present to that effect. And, for forder satisfaction and assythment to the said Androw and his saids haille freinds thereanent, we decerne and ordaine the said Laurence Bruce thankfullie to content and pay to the said Androw Toshoch all and haille the sowme of twelffe thowsand merkes good and usuall money of Scotland, haille and togidder in one soume, in numerat and doun told money at the feaste and terme of Witsonday, *in anno* 1636 yeeres, but longer delay, to be employed be him as he and his freinds sall thinke meit and at his and their pleasure; As alsua we decerne and ordaine the said Laurence Bruce to bind himselfe never to repaire nor resort heerafter willinglie nor wittinglie to anie place where the said Androw Toshoch or his freinds sall happin to be, bot sall eschew the places and flee the same where he sall understand thame to be at churche or mercat, least anie provocation be thereby givin by him to thame, and sall at his uttermost power stryve and endeavoure to deserve thair favour and goodwill. And whereas we understand that the said Laurence Bruce his lands ar burdenned with

Acta, June
1634-April
1636.

Fol. 131, a.

Fol. 131, b.

Fol. 132, a.

Act, June
1634, April
1636.
Vol. 132, a.

diverse soumes of money and he himselfe otherwise ingadged be reason of his troubles, so as as it will be difficill for him to pay the said soume of twelffe thowsand merkes decerned for assythment and more convenient for him to make disposition of his lands and estait to anie others at his best advantage, we decerne that in caise it sall happin the said Laurence betuix and the terme of Witsonday appointed for payment of the said soume to alienat and dispone his lands of Culmalindies, Easter and Wester Maynes thairof, Murrines, Mosheid, Greinhill, Weitfoote with the pertinents lying within the parish of Tibbermure and Shirefdome of Perth, irredimable ather to George Bruce, his brother, or Androw Bruce, his uncle, or to anie other person or persons quhatsomever the said Laurence sall onelie be astricted in payment of the soume of three thowsand merkes, the said Androw Toshoché and his curators giving to him ane sufficient letter of slayns and this to the effect the said Androw Toshoché, being lawfullie authorized with consent of his curators, may remitt to the said Laurence all greefe, rancour and offence of mynde conceived or that may be conceived be him aganis the said Laurence for the said slaughter and to give to him ane lawfull and formall letter of slayns therefore in suche dew and competent forme as effeirs upon the fulfilling and performing of the satisfaction and assythment and others heirby decerned in maner foresaid. And, in caise the said Androw and his curators refuse to accept and receive the satisfaction and assythment heirby decerned, in that caise we decerne and ordaine his Majesteis said remission under the great seale to be delivered to the said Laurence and that he sall be free of all criminall actions and persutes that ar or may be persewed aganis him for the said slaughter and that order sall be givin be his Majesteis Counsell for the said Laurence his securitie and indemnitie in his person and estait in all time comming, conforme to the tennor and provision of this abackwritin submission. And for the mair securitie we decerne and ordaine this our decreit arbitrall to be insert and registrat in the bookes of his Majesteis Privie Counsell to have the strenth of ane decreit of the Lords thairof, and letters of horning upon ane simple charge of ten dayes onelie, poynding and warding, the one but prejudice of the other, to pas heirupon, and for registrating heirof constituts M^r David Primerose, advocat, our lawfull procurators *promiteñ de rato*. In witnes quherof we have subscriyved with our hands thirpresents, written be M^r Williame Henrysone, servitour to Robert Pringill, writter to his Majesteis Signet, at Edinburgh and Cannogait, the saxtene and sevintene dayes of Februar, the yeere of God j^mvj^o threttie sax yeeres, before thir witnesses, Hew Scrimgeour and William Andersone, servitours to us, the said Lord Chancellor; M^r David Lindsey and George Steill, servitors to the said Bishop of Edinburgh; M^r James Gordoun, writter to his Majesteis Signet, and William Chalmers, servitour to M^r Williame Chalmers, Thesaurar clerk, witnesses to the subscription of the said Lord Alexander. (*Subscribitur*) Santandrws, Traquair, Da. Edenb.,

Alexander, H. Scrimgeour, witnes, W. Andersone, witnes, M. J. Gordoun, witnes, W. Chalmer, witnes, D. Lyndsay, witnes, G. Steill, witnes." Acts, June 1634-April 1636. Fol. 132, b.

Proclamation
forbidding all
tenants from
passing to
Ireland with-
out certificates
from their
landlords or a
justice of
peace.

" Forsamekle as, although by diverse acts and proclamatiouns made and published heirtofore, the transport of all persons frome Scotland to Ireland except noblemen, knights, justices of peace and gentlemen undertakers for the Yrish plantation and thair servants being in companie with thame wes straitlie prohibite and forbiddin under certane panes mentiouned and conteanit in the saids acts, notwithstanding the Lords of Secreit Counsell ar informed by petition givin in to thame frome diverse parts of the countrie that great numbers of persons, labourers of the ground and tennents to noblemen, barons and others landslords, being full handed with thair maisters fermes and dewteis, they make privie conveyances and dispositions of thair whole goods and then with the full hand steales over to Ireland, casting thair rouses waist in thair masters hands and if they be challenged at anie port or harberie they falselie give thameselffes out to be for the Yrish plantation; wherethrow manie good rouses and possessions ar left tennentless to the heavie hurt and prejudice of the gentlemen awners thairrof. For remeid whairof the saids Lords hes thought meit and expedient, concluded and ordained, that the acts and proclamations formerlie made anent the transport of persons and goods betuix Scotland and Ireland sall be revied and put in execution conforme to the tennor thairrof, and that letters be direct of new to command, charge and inhibite all and sindrie maisters, skippers, boatmen and mariners of anie shippes, barkes or other vessells that nane of thame presoomie nor take upon hand to receave in thair boats and vessells nor to transport furth of this kingdome to Ireland anie persons whatsoever, except before excepted, without a testimoniall in writt under the hand of the persons following; to wit, that all testimonialls for tennents be subscryvit be thair landslords and some justices of peace, testifeing that they ar honest and lawfull men and that they have satisfied thair maisters of all that they ar addebted to thame, and all others testimonialls under the hand of the shireff of the shire, stewarts of the stewartrie or some justices of peace bearing the persons desiring passage to be honest men worthie of passage, conforme to the acts and proclamatiouns made and published heirtofore and under the pane to be punished in thair persons conforme to the saids acts and proclamatiouns."

Fol 133, a.

Supplication
by George
Gordoun of
Logyaltoun
that the Coun-
cil modify an
allowance to
him during his
remaining in
ward—his own
means being
exhausted.

" Anent the supplication presentit to the Lords of Secreit Counsell be George Gordoun of Logyaltoun, makand mentioun that where he hes this long time bygane beene deteanned in waird be the saids Lords, and whereas he hes nothing to live upon, the meane portion quhilk he had of his owne being of a long time bygane spent; humbelie desiring thairfoir the saids Lords to modifie unto him a certane soume for his interteanement in waird, lykeas at mair lenth is conteanit in the said supplication; quhilk being read, heard and considderit be the saids Lords and they advised therewith, the Lords of Secreit Counsell hes modified and modifeis to the supplicant the sowme of twelffe shillings daylie for his

Acts, June
1634-April
1636.
Vol. 133, a.

interteanement during his remaining in waird, and ordains his Majesteis Thesaurar, deputie tressaurer and receavers of his Majesteis Rents to make payment to the said supplicant of the said soume daylie and ilke day since the first time of his commitment and in time comming during his remaining in waird, quhereanent thir presents with the said supplicant his acquittance sall be to thame a warrand."

Decrets,
April 1635-
February 1639.
P. 147.

Sederunt:—Chancellor; Glasgow; Wintoun; Southesk; Lorne; Edinburgh, 23rd February 1636.
Alexander; Clerk Register; Advocate.

Complaint by Jonstoune of Foulesheills, as follows:—On 23rd August last, as he was coming to his house in peaceful manner, John Achesoun in Rowstanefoote lay in wait for him at Midle Quarter, resolved to have his life, and at unawares, with a drawn sword, wounded him on the head and hand to the effusion of his blood and peril of his life. Both pursuer and defender compearing, the latter produced an act and rolment of the stewartry court of Annandaill, under the hand of John Richartstone, clerk of the said stewartry, dated 1st September, 1634, showing that he had been convened before that court, tried by an assise and convicted of the above offence, fined £50, and also £20 to the party, and ordained to be warded in the tolbooth of Lochmaben during the pleasure of the Steward of Annandaill. The Lords find that "the said Stuart of Annandaill hes done his dewtie in trying and censuring the said complaint, and thairfore decerns and ordains the said persewer to rest satisfied with the sentence forsaid pronuncit be the said stuart and not to trouble the said defender anie furdur with this mater."

P. 148.

Supplication by David Ros of Holme, Margaret Ros, widow, and John and Donald Ros, her sons, as follows:—On December last they were advertised to go and visit "Jonet Ros, thair sister, lying bedfast and heavilie deseased throw the shamefull and cruell straits given to her upon the back and bellie be M^r Allexander Clogie, indweller at Innernes, Margaret Rausone, his mother, and Donald Fraser, his fathers servant"; and they came in peaceable manner to the house of Janet Ros, and "stayed with her in absence of her husband bot one night." Hereupon the said Mr Alexander Clogie and Mr William Clogie, his father, simply because they were in the town of Innernes together, has raised action against them at the instance of his Majesty's Advocate, for convocation of the lieges, bearing hagbuts and pistols, and threatening them in the burgh of Innernes and kirk of Pettie, and this for the sole purpose of drawing them to expense. Their Lordships have been pleased to remit the trial of the wrong done to Janet Ros to the Earls of Murray and Seafort and the Bishops of Murray and Ros, and the supplicants crave that this complaint against them be remitted to them also. This the Lords do, and direct the supplicants to make intimation hereof to Mr William and Alexander Clogie.

Complaint by
—Johnstone
of Foulesheills
against John
Acheson in
Rowstanefoote
for assault.

Supplication
by David Ros
of Holme and
his family that
an accusation
of the lieges
brought
against them
by Mr Alex-
ander Clogie,
indweller in
Inverness, be
referred to the
Earl of Moray
and others.

The Laird of
Greenock and
John Houston
to find caution
for the in-
demnity of
Malcolm
Crawford.

Edinburgh,
25th February
1636.

"The Lords ordanis the Laird of Grenock, who wes personallie present for himselfe and Johne Howstoun in Commounside, to find caution to Malcolm Crawford for his indemnitie, under the pane of 3000 merkes."

Sederunt,
January 1635,
November
1643.
Fol. 25, b.

Sederunt :—Chancellor; Glasgow; Hadinton; Winton; Lorne; Alexander; Clerk of Register; Advocate.

Acta, June
1634-April
1636.
Fol. 133, a.

Anent the
supplication
of Adam
Abercromby
of Auldrayne
that he may
be relieved
from his ward
on his pledge
to appear
before the
Council when
summoned.

"Anent the supplicatioun presentit to the Lords of Secreit Counsell be Adame Abircrombie of Auldrayne, makand mention that, quhar upon sinister information of some of his unfreinds for his allegit ressett and intercommoning with the brokin men in the North, he hes beene kept heir under restraint thir twelffe moneths bygane, being ever readie to underly any lawfull and ordinar tryell for that crime and is content to find caution for his compeirance to his tryell when ever he sall be lawfullie charged, humbelie desiring thairfoir the saids Lords that he may be warranted and licensed to goe home at his pleasure, lykeas at mair lenth is conteanit in the said supplicatioun; quhilk being read, heard and considerit be the saids Lords, and they knowing that he hes long attended upon the tryell of this mater, thairfoir the saids Lords hes givin and grantit and be the tennor heirof gives and grants thair warrand to the said Adame to depart and pas home at his pleasure without pane or danger to be incurred be him in his person and goods notwithstanding anie act of caution found be him for keeping waird and remaining heir, whereanent the saids Lords dispenses be thir presents, because Sir Thomas Urquhart, fear of Cromartie, is become actit and obleist as cautioner for the said Adame that he sall compeir personallie before his Majesteis Counsell and answer to anie thing sall be demanded him anent the disorders in the North when ever he sall be lawfullie charged upon xv dayes warning under the pane of ane thowsand pund."

Caution for
Malcolm
Crawford.

"The quhilk day Malcolm Crawford nominat Mr William Cochran of Howstoun to be cautioner for him to the Laird of Greinock and Johne Howstoun under the pane of iij^m merkes."

Sederunt,
January 1635,
November
1643.
Fol. 25, b.

Edinburgh,
1st March
1636.

Sederunt :—Chancellor; Glasgow; Hadinton; Dumfreis; Lord Alexander; Bishop of Edinburgh; Clerk Register; Advocate.

Acta, June
1634-April
1636.
Fol. 133, b.

Proclamation
against eating
flesh in Lent.

"Forsamekle as the slaying, selling and eating of fleshe in time of Lent hes beene upon verie good considerations by diverse acts of Parliament and Secreit Counsell straitlie prohibite and discharged within this kingdome under certane panes mentiouned and conteanit in the same acts, nevertheles the Lords of Secreit Counsell ar informed that diverse persons of all rankes and qualiteis, preferring thair awne privat contentment to the obedience of the law, ceasse not in time of Lent to slay, sell and eate flesh at thair pleasure, to the great hurt of the commoun

Acta. June
1634. April
1636.
Vol. 133, b.

weale and contempt of all good order and government. And whereas the persons offending in this kynde presoomes of oversight and impunitie be reason of the connivence alledged shawin unto thame in tyme bygane, quhilk is ane inducement to thame to continew in thair wilfull contempt and breake of the law, thairfoir the Lords of Secreit Counsell hes resolved that with all rigour and extremitie they will execute the law aganis all suche persons as darre hereafter presooome to violat the same in this point, and thairfoir ordains letters to be direct to command, charge and inhibite all and sindrie his Majesteis lieges and subjects of what estait, qualitis and degree so ever they be, be opin proclamatioun at the mercat croces of the heid burrowes of this kingdom and others places neidfull, that nane of thame presooome nor take upon hand during this forbiddin time of Lent to eate or make readie for eating anie kynde of fleshe under the panes following to be uplifted of everie person contraveening so oft as they failyie; that is to say of everie erle ane hundreth punds, of everie lord ane hundreth merkes, and of everie baron fourtie punds, of everie burges, oastler and commoun cooke that sellis meate or drinke fourtie punds, and of everie other gentleman suche soumes of money as sall be imposed upon thame be the judges before whome they sall be tryed; as alsua that no fleshers presooome nor take upon hand to sell nor slay fleshe during the time foresaid of Lent under the pane of fourtie punds so oft as they failyie; and by and attour the payment of the pecuniall soumes foresaids the offenders sall be punished in thair persons and goods at the arbitrement of his Majesteis Counsell; and siclyke to command and charge all and sindrie shireffs, stewarts, provests and bailleis within burgh and all others bearing anie publict office and charge within this kingdome, and everie ane of thame within the bounds of thair severall offices and jurisdictions, to have a speciall care and regarde to see this present act observed in everie point, and where they sall happin to discover anie person or persons contraveening thir presents that they take notice of thair names and informe his Majesteis Counsell thairof to the intent the offenders may be callit to thair ansuer and punished accordinglye."

Vol. 134, a.

"Charles be the grace of God, etc. Forsamekle as we have givin and grantit and be the tennor heiroyf gives and grants libertie and licence to the Lords of our Privie Counsell, Sessioun and Exchequer, and to suche as sall accompanie thame at table, to eate fleshe during this forbiddin time of Lent and upon Wednesday, Fryday, and Saturday for the space of ane yeere nixt after the dait heiroyf without pane or danger to be incurred be thame therethrow in thair persons or goods, notwithstanding whatsoever acts and proclamatiouns made in the contrare, whereanent and all panes conteanit therein we dispense be thir presents, discharging heirby our Justice, our Advocat and Justice Clerk and all others our officers and ministers of our lawes of all calling, accusing or any wayes proceeding aganis the said Lords of our Counsell, Session and Exchequer and persons accompanying thame at table, as said is, or anie of thame

License to the
Council to eat
flesh during
Lent.

for the caus foresaid, discharging etc. Givin under our signet at Acta, June
Edinburgh, the first day of Marche, 1636. (*Subscribitur*), Sanctandrws, 1634-April
Glasgow, Hadinton, Dumfreis, Alexander, Da. Eden." 1636.
Fol. 134, a.

Edinburgh,
1st March
1636.

Andrew,
Master of
Fraser, and
others
appointed
justices of
peace in the
sheriffdom of
Aberdeenshire.

"The Lords of Secreit Counsell, understanding that Androw, Maister Justices of
of Fraser, Johne Gordoun of Parke, M^r William Davidsons, parson of Peace, 1612-
Achindore, Alexander Forbes, younger of Culquharne, Williame Forbes 1639.
of Tillikerie, Johne Forbes of Cors, William Forbes of Culquhanye, Fol. 68, b.
William Coutts, sometime younger of Achtercoull, John Forbes of Cor-
sindae, Arthure Forbes of Eight, Johne Forbes of Balnagask, M^r Robert
Gordon of Straloche, George Gordoun of Coclerachie, Alexander Reid of
Cults, Patrik Gordoun of Kirkhill, Robert Irwing of Fedderett, Williame
Seatoun of Mekle Coklaw, Francis Fraser of Kinmundie, William Fraser
of Faichfeild, Johne Keith of Glakriache, Williame Dalgarno of Black- Fol. 69, a.
water, Skeene of that Ilke, Irwing of Beltie, and
Robert Ferquharsons of Invercald ar verie weill affected to his Majesteis

service and peace of the countrie and is [*sic*] of good knowledge, judgement,
and experience to undergoe the place of justices of peace within the
bounds where they dwell, thairfoir his Majestie, with advice of the Lords
of Secreit Counsell, hes made and constitute and be the tennour heirof
makes and constituts thame justices of peace within the shirefdome of
Aberdein and hes adjoynned and adjoynes thame to the remanent com-
missioners and justices of peace within the said shirefdome with als
great fredome, privilege, warrand and auctoritie as they or anie others
justices of peace within this kingdome bruikes and injoyes thair places
be vertew of the commissioun grantit be his Majesteis patent under the
great seale, and with als great fredome, auctoritie and jurisdictioun as
if thair names wer particularlie insert in the said commissioun; with
power to thame to use and exerce the said office in all and everie thing
tending to the forderance of his Majesteis service, keeping the peace of
the countrie and execution of the said commission; commanding heirby
the convenner and remanent justices of peace of the said shirefdome to
receave and admitt the saids persons to be of thair nomber and to grant
thame voice and place amongs thame as if they wer particularlie insert
in the commission foresaid and to take thair oathes for thair faithfull
discharge of the said service, anent the doing quhairof thir presents sall
be to thame ane warrand."

Patrick
Kinnaird of
Inchture and
others
appointed
justices of
peace in the
sheriffdom of
Perth.

"The Lords of Secreit Counsell, understanding that Patrik Kinnaird
of Inchisture, James Gray of Ballgerno, George Bruce of Carnock, Robert
Bruce of Blairhall, Laurence Mercer of Aldie, Gilbert Ramsay of Bamff,
David Rattray of Craighall, James Blair of Ardblair, George Drummond
of Newtoun, Johne Blair of Pittindreich, Alexander Robertsone of
Downie, Johne Robertsone of Straloche, Johne Leslie of Mortcleuch,
M^r James Stewart of Ladywell, Robert Stewart of Balliachan, Alexander
Robertsons of Lud, David Grahame of Gorthie, Johne Grahame of Bal-
gowne, M^r George Grahame of Inchebrakie, Murrey of Abercarnie,
M^r Patrik Murrey, fear of Auchtertyre, David Murrey of Kinkell,

Justices of
Peace, 1612-
1632.
Fol. 69, a.

Fol. 69, b.

David Murrey of Buchantie, George Drummond of Balloche, Sir James Drummond of Machanie, Johne Drummond of Colquhyllie, James Drummond of Mylnenab, Grahame of Urquhill, Grahame of Brako, Sir George Stirlie of Keir, Sir George Muschet of Burnebanke, Johne Edmonstoun of Newtoun, Harie Home of Argatie, Grahame of Bolquhoppill, ar very weill affected to his Majesteis service and peace of the countrie and ar of good knowledge, judgement, and experience to undergoe the place of justices of peace within the bounds where they dwell, thairfoir his Majestie, with advice of the Lords of Secreit Counsell, hes made and constitute and be the tennor heiroyf makes and constituts thame justices of peace within the shirefdome of Perth and stewartries of Stratherne and Monteith and hes adjoynned and adjoyns thame to the remanent commissioners and justices of peace of the said shirefdome, with als great fredome, priviledge, warrand, and auctoritie as they or anie others justices of peace within his kingdome bruikes thair offices be vertew of the commissioun grantit to thame be his Majesteis patent under the great seale, and with als great fredome, auctoritie and jurisdiction as if thair names were particularlie insert in the said commissioun; with power to thame to use and exerce the said office in all and everie thing tending to the forderance of his Majesteis service, keeping the peace of the countrie and executioun of the said commissioun; commanding heirby the conveenner and remanent justices of peace of the said shirefdome at thair first meiting to receave and admitt the saids persons to be of thair nomber and to give thame voice and place amongs thame as if they wer particularlie insert in the said commissioun and to take thair oathes for faithfull discharge of the service, anent the doing quhairof thir presents sall be to thame ane warrand."

Act. June
1634-April
1636.
Fol. 134, a.

Sederunt:—Chancellor; Glasgow; Hadinton; Winton; Dumfreis; Edinburgh,
Lord Alexander; Bishop of Edinburgh; Clerk Register; 1636.
Advocate.

"The whilk day in presence of the Lords of Secreit Counsell compeired Bryce Sempill personallie Bryce Sempill of Cathcart and accepted upon him the office of shirefship of Renfrew and bailerie of Paisley and gave his oath *de fidei administratione*, conforme to his Majesteis letter direct to the saids Lords for this effect, quhereupon and anent the production of the said letter his Majesteis Advocate asked instruments."

"The Lords of Secreit Counsell gives and grants warrand, libertie and licence to Rannald M'Rannald of Kepache to resort and repaire home to his owne countrie for doing his lawfull effaires without pane or danger to be incurred be him therethrow in his person or goods, he finding sufficient caution and souertie actit in the bookes of Privie Counsell for his compeirance before the saids Lords betuix and the

Bryce Sempill
accepts the
sheriffdom of
Renfrew and
the bailery of
Paisley.

Rannald
M'Rannald
granted licence
to repair to
his home on
finding caution
that he will
appear before
the Council

when
summoned.

tenth day of May nixt to underly thair forder will and pleasure concerning him under the pane of three thowsand merkes."

Acta, June
1634-April
1636.
Fol. 134, a.

Edinburgh,
3rd March
1636.

[Sederunt as recorded above.]

Decreta,
April 1635-
February 1636
P. 150.

Complaint by
James Rae in
Torrieburn
against John
Sanders in
Torrieburn
for assault.

Complaint by James Rae in Torrieburne, as follows:—On November last John Sanders, maltman in Torrieburne, came to the complainer and earnestly dealt with him to go to the Newmylne and speak with Wright. He complied with his request, and, as they were coming home, the said John, at unawares, with a great baton prepared for the purpose, "gave him a deidlie strok along the fillets, quherwith he fell to the ground, and being lying thereon he gave him a number of other strais with the said battoun in diverse parts of his bodie and so birsed and bruised him as he wes unable to stirre, and then he harled him to a coalpott neir by quher he thought to have drowned him." The complainer consequently lay bedfast "in great paine and dollour" for weeks thereafter. Both pursuer and defender compearing and they and their witnesses having been heard, the Lords assoilzie the defender, against whom nothing was proved by the witnesses; and they ordain five merks to be paid by the pursuer to every witness for their expenses. P. 151.

Protection to
Cashogill.

"Ane protection to Cashogill till the first of Junii nixt."

Complaint by
William Young
in Spittleland
against the
provost and
bailies of
Jedburgh for
illegal warding.

Complaint by William Young in Spittleland, servitor to the Earl of Roxburgh, as follows:—On February last Mr John Rutherford, provost of Jedburgh, craftily drew the complainer to that town upon the pretext of transacting with him anent a small debt due by him to Robert Keith, merchant in Edinburgh, upon a promise made by the provost and renewed shortly before he entered the town that for twenty-four hours he would be free to pass and repass without challenge from any person. Yet, this notwithstanding, when he came into the town, the provost seized him and with the assistance of the bailies warded him in the tolbooth, where he presently remains. This being a matter of dangerous preparative, the said provost and bailies ought to be censured and the complainer released. Charge having been given to the said provost and he compearing and producing before their Lordships the said complainer, the Lords after hearing parties ordain the pursuer to be set at liberty because Douglas, apparent of Bonjedburgh, became cautioner for the pursuer that he would appear before the Lords upon the first Council day of June next and underlie such order as their Lordships shall take with him anent his rebellion and non-payment of his debts, under the penalty of payment of the whole sums of money to his creditors for which he was arrested in ward, first or last. They further ordain the pursuer to have letters for summoning the said Mr John and witnesses for proving the alleged promise made by him as stated above under pain of horning, declaring P. 152.

Decreta,
April 1635.
February 1639.
P. 152.

that it will be lawful to the said Mr John, in respect of his age and infirmity, to appear by his procurators.

Supplication by William Hay of Dalgetie, as follows:—Sir Alexander Hay, his father, having, by his affection to his friends and imprudent management of his estate, brought himself under great engagements, for fear of the rigour of his creditors, quietly conveyed his jewels, great sums of money, some bonds and other things belonging to him to some of his most trusty friends within the sheriffdom and town of Aberdene to be kept by them for his behoof and the supply of his necessities. This matter nearly concerns the supplicant, who is a distressed gentleman left under great burdens by his father, the money, jewels and others being of great value and importance, and these may very materially relieve him of the burden which he underlies for his father. He is informed that this money and the jewels, etc., were “within a kist entrusted to the keeping and possession of Leslie of Boquhen. He therefore craves that their Lordships would authorise Sir Alexander Irwing of Drum, sheriff principal of Aberdene, to go to the said Laird of Boquhen’s house and make search for the supplicant’s father’s “coffers and kists, and all other places quhair anie of his said fathers bands, soumes of money and others quhilk belonged to his said father are, and to opin the same and make inventar what he finds thairin, and to close the said kists, coffers and others parts forsaid to remaine in the said Laird of Boquhen his hous and to be furthcommand to the supplicants as accords of the law.” The Lords grant what is desired.

Complaint by Andro Quhyt, keeper of the tolbooth of Edinburgh, as follows:—He lately summoned James Creichtoune of Fendraucht before their Lordships for payment to him for the maintenance and jailor fees of William Beg, John Cassie and James and Alexander Cowie, extending to 300 merks, as also for the maintenance and jailor fees of Duncane Watsone, John Gordoune, Thomas Grant, Alaster Forbes, Robert Moir, Donald M’Airtor, John Menzies, James Gordoune, John M’Innes, George Wat, John Grant and John Greg, extending to £190, or, together, £390, reckoning for each person for each twenty-four hours 4s. for entertainment and 4s. for jailor fee. The complainer was desired to permit the matter to lie over until the return of Fendraucht to this town, but now the latter refuses to pay unless he is compelled. Yet the said William Beg, John Cassie, and James and Alexander Cowie “were apprehendit be his ladie in the fang, and sent over heir, and the rest of the saids persons executte and banished for thiftis and hearships committed be thame upon the said Laird of Fendraucht and his tenents, and he did informe his Majesties Advocat for persewing thame.” Charge having been given to the said James Creichtoune, and he and the complainer both compearing and having been heard, the Lords ordain the said Laird of Fendraucht to pay to the pursuer 200 merks for the four men above-mentioned taken by his

Supplication
by William
Hay of Dalgetie
that the Sheriff
of Aberdene
may be
authorised to
search for cer-
tain valuables
entrusted to
different
persons by the
supplicant’s
father.

Complaint by
Andrew
White, keeper
of the Tolbooth
of Edinburgh,
against the
Laird of Fren-
draucht, who
refuses to pay
for the main-
tenance of
certain persons
warded in the
Tolbooth at
the said
Laird’s
instance.

Lady and sent to Edinburgh and kept there; but they assoilzie him respecting the payment demanded for the other persons named.

Decreta,
April 1635.
February 1636
P. 154.

Complaint by James Monteith, baker, burgess of Edinburgh, against Mr Alexander Hay and William Wilkie for keeping him in ward, when he has not where-withal to maintain himself.

Complaint by James Monteith, baker, burgess of Edinburgh, as follows:—He has been cast into prison by Mr Alexander Hay and William Wilkie, and has nothing to sustain himself and his wife and three poor children; and he is like to starve there. Charge having been given to the said Mr Alexander Hay and William Wilkie, and the latter compearing personally, the former by John Henderson, his procurator, and the pursuer being also personally present, the Lords, upon consent being given by the defenders to the liberation of the pursuer, ordain the provost and bailies of Edinburgh to set him at liberty. He also acted himself to satisfy his creditors before the first Council day of June next, or failing thereof to appear before their Lordships that day and underlie such punishment as they should think fit.

At the palace of Holyrood-house, the 6th of March 1636. The Bishop of Dunblane.

Edinburgh, 8th March 1636.

"The quhilk day , Bishop of Dunblane, gave his oath of fealtie and homage."

Sederunts,
January 1635.
November 1643.
Vol. 26, a.

Sederunt:—Chancellor; Glasgow; Privy Seal; Wintoun; Lord Alexander; Bishop of Edinburgh; Clerk Register; Advocate.

Thomas and Violet Dawling and the hospital of Leith.

"The Lords declares that, before they enter to discusse the relevancie of the reasons of Thomas and Violet Dawlines suspensioun, they will take tryell of the truthe and cariage of the wrongs done to the hospitall, and for this effect ordanis the skippers of Leith be thameselffes or be Alexander Hay to give in thair interrogators upon Thursday nixt, and the saids Lords declares as they sall find occasioun that they will confront Thomas Dawline and Alexander Hay and suche others as sall be examined."

Edinburgh, 10th March 1636.

Sederunt:—Chancellor; Glasgow; Privy Seal; Murray; Dumfreis; Allexander; Bishop of Edinburgh; Clerk Register; Advocate.

Decreta,
April 1635.
February 1636
P. 154.

Complaint by John Inglis, merchant burgess of Edinburgh, against Josias Stuart of Ravenston for contempt of horning.

Complaint by John Inglis, merchant burgess of Edinburgh, as follows:—On 9th February, 1623, Josias Stuart of Ravinstoune was put to the horn at his instance for not paying to him £276; and also on , 1623, for non-payment of the principal sum of 4000 merks, 600 merks of expenses and the interest due thereon. The complainer accordingly P. 155. comprised the lands of the said Josias, was infest therein, and obtained decree of removal against him and his tenants, for their disobedience to which they were declared rebels on 19th April, 1632. Further, on the 15th September, 1634, the said Josias and his tenants were denounced rebels for non-payment to the complainer of the rents of the said lands. Upon all these hornings the complainer has raised captions twice, and has caused charge the magistrates in the bounds to apprehend the said Josias, but all have proved ineffectual. Latterly he obtained letters of ejection against the said Josias, and by virtue thereof on 1st October,

Decreta,
April 1635-
February 1639.
P. 155.

1634, the sheriff depute of Wigtounne went to the place of Ravinstounne, and in his Majesty's name charged the said Josias, William Steuart, his brothers, and many others who were in the said place to make open doors and give him entry so that he might place the complainer in possession, but they very proudly refused. Thus, notwithstanding all this legal action used by the complainer against him during the past thirteen years, the said Josias still keeps his house, uplifts his rents, and goes about in the country as if he were his Majesty's free subject. Charge having been given to the said Josias Stewart, and the pursuer comparing but not the defender, the Lords ordain that he be charged to enter himself in ward within the Castle of Blacknes, and he and all havers of his house of Ravinstoun to render the same to the herald executor of these letters within ten days under the pain of treason.

"Ane protection to Sir John Campbell of Caddell till the 20 of Apryle nixt."

Protection to
Sir John
Campbell of
Caddell.

Sederunt,
January 1635-
November
1643.
Vol. 26, a.

"The Lords continewes the mater anent the hospitall of Leith till Tuisday nixt with certificatioun to the skippers if they give not in their interrogators that day that no forder continuatioun sall be grantit to thame."

The hospital
of Leith.

Acta, June
1634-April
1636.
Vol. 134, b.

Sederunt:—Chancellor; Glasgow; Mar; Alexander; Bishop of Edinburgh, 15th March 1636.
Edinburgh; Clerk Register; Advocate.

"The Lords of Secreit Counsell gives and grants full power and commissioun be thir presents to Sir Johne Hay, Clerk of Register, Sir Thomas Hope, his Majesteis Advocat, and M^r Alexander Colvill, and M^r James Robertoun, Justice deputs, or anie twa of thame, to examine M^r Arthure Gillichrist, prisouner in the tolbuith of Edinburgh, anent the ressetting of Patrik Gilroy M^cGregour and others crimes quherwith he is charged."

Appointment
of commission
to examine
M^r Arthure
Gillichrist
anent the
ressetting of
Patrik Gilroy
M^cGregor.

"Forsamekle as it is understand to the Lords of Privie Counsell that Sir William Forbes of Craigievar hes latelie tane and apprehended Patrik Glas M^cGregour, Neill M^cPhatrik, Duncane Roy Dick M^cGregour, Johne M^cGregour, Johne Ussan M^cGregour, and Johne Dow Grant, all followers and complices of the rebell Patrik M^cGregour, callit Gilderoy, togidder also with one Johne Pillour and Thomas Cleriche, twa guydes and spydes unto the saids lymmars in all thair robeis and depredations; and whereas the exemplarie tryell of thir lymmars will greatlie conduce to the discoverie of thair authors, abatters and main-teanners and to the peace of the countrie, thairfoir the saids Lords ordains letters to be direct, charging the said Laird of Cragievar and all others in whois hands and keeping anie of the saids lymmars and brokin men ar or who heerafter sall happin to be tane, to bring and exhibite thame to the shireff of Aberdein and his deputs within 24 houres after the charge under the pane of rebellion, etc.; and to charge the said shireff of Aberdein and his deputs to receave the saids lymmars and

Charge for the
presentation
before the
Council of
certain rebels
of the clan of
M^cGregor, who
have been
apprehended
by Sir William
Forbes of
Craigievar.

brokin men frome the said Laird of Cragievar and others foresaids within ane houre after they be presentit to thame and to bring and carie thame to the shireff of Kincardin and his deputs within 24 houres thereafter under the said pane of rebellion, etc.; and to charge the said shireff of Kincardin and his deputs to receave the saids brokin men and lymmars frome the said sheriff of Aberdein and his deputs and to transport and carie thame to the shireff of Forfar and his deputs within 24 houres after they be presentit to thame; and to charge the said shireff of Forfar and his deputs to receave the saids lymmars frome the said shireff of Kincardin and his deputs within ane houre after they be presentit to thame and to transport and carie thame to the provest and bailleis of Dundie within 24 houres thereafter under the said pane of rebelloun, etc.; and to charge the saids provest and bailleis of Dundie to receave the saids lymmars frome the said shireff of Forfar and his deputs and to bring and carie thame to the shireff of Fyfe and his deputs within 24 houres after they be presentit to thame under the said pane of rebellion, etc.; and to charge the said shireff of Fife and his deputs to receave the saids lymmars frome the saids provest and bailleis of Dundie within ane houre after they be presentit to thame and to bring and exhibite thame to the bailleis of Bruntilland within 24 hours thereafter under the said pane of rebellion, etc., and to charge the saids bailleis of Bruntilland to receave the saids lymmars frome the said shireff of Fyfe and his deputs within ane houre after they be presented unto thame and to transport thame to the bailleis of Leith or Edinburgh within 24 houres thereafter; and to charge the saids bailleis of Leith or Edinburgh to receave the saids lymmars frome the saids bailleis of Bruntilland within ane houre after they be presentit to thame and to committ thame to waird within the tolbuith of Edinburgh till order be givin for thair tryell and punishment under the said pane of rebellion, etc.; and if they failyie therein, the times respective foresaids being bypast, to denunce, etc.”

Proclamation
against High-
land outlaws.

“ Forsamekle as albeit there hes beene diverse acts of Parliament and Secret Counsell made and published heirtofore aganis the ressett, supplee, harbouring, assisting of the disordered and brokin lymmars of the Hielands and aganis the hoording and concealing of thair goods and geir, and for suppressing of thift, stouthreafe, violent and maisterfull oppressions so frequentlie committed upon his Majesteis good subjects be thir disordered and brokin lymmars, as namelie ane act made be our lait gracious soverane lord of blessed memorie in his 14 Parliament, whereby it is declared, statute and ordained that everie theefe and sorner sall be esteemed the man and servant of him of whome he hes land in tillage or pasturage or whome the theefe, sorner or reaver accompaneis at conventions, gadderings or at anie violent deed, or in whois ground the said theefe or reaver is ressett or tareis togidder 12 houres with the knowledge of the landslord, being of power or abilitie to apprehend him, or who hes receaved band of manrent, purchast or givin band of maintenance to theeves or reavers or receaves thair calpes and hereyelds, as the

Acta, June
1634-April
1636.
Fol. 134, b.

Fol. 135, a.

saidis acts with a number of others acts made and published for that purpose more fullie propoerts. Notwithstanding the Lords of Secreit Counsell ar informed that Patrik M^cGregour callit Gilderoy, Johne Dow Gair M^cGregoir, Patrik Glas, Neill M^cArthure, Robert M^cGregour M^cEane M^cPatrik, M^cGregour, brother to Gilroy,

M^cInstalker, M^cComie, with ane infamous byke of others theeves and brokin lymmars hes associat and combynned thameselfes togidder, hes thair residence upon the lands neere to the forrests of Cublene, Glentanar, and in the mountans of Tullich, Glengarne, Strathdie, Strathdone and Cabrach, where they have ane peaceable and ordinarie abode and rest unmolested, challenged or persewed be anie persons, as if they wer lawfull subjects, and frome these parts they come in companeis of tymes in the darknes of the night down to the incountrie, falls unawars upon the houses and goods of his Majesteis poore subjects, persewes thame of thair lyffes, spoyles thame of thair goods, threatens thame with all crueltie if they presooome to compleane, forces thame to pay blacke maill and, being full handed with the spoyle of his Majesteis good subjects, they goe backe agane to the bounds foresaidis where they keepe mercat of thair goods peaceable and uncontrolled, highlie to the contempt of our soverane lord and disgrace of law and justice. For remeid whairof in tyme comming the Lords of Secreit Counsell hes resolved, concluded and ordained to putt all the acts of Parliament and Secreit Counsell formerlie made aganis the saidis brokin theeves and lymmars and aganis thair ressetters, suppleers, abatters and intercommouners to dew and full execution, conforme to the tennor thair of; and for this effect ordains letters to be direct to make publicatioun of the saidis acts, and to command, charge and inhibite all his Majesteis lieges and subjects, of what estait and qualitie so ever they be, that nane of thame presooome nor take upon hand to ressett, supplee, assist, mainteane, abate or defend the brokin theeves and lymmars particularlie abonenamit nor no others brokin and lawlesse lymmars, nor that they ressett nor hoord thair goods, blocke, buy nor bargane with thame thereanent nor keepe intelligence nor correspondence with thame upon whatsoever pretext, under the panes conteanit in the saidis acts and proclamations; and to command and charge all landslords and heretours of the rounmes and lands where thir brokin lymmars hes thair resset, abode and starting holes to rise, putt thameselfes in armes, and to hunt, follow and persew, shout and raise the fray, and with fire and sword to persew the saidis brokin theeves and lymmars, and never to leave aff thair persute till they be ather apprehended or putt out of the countrie; and if they be apprehended that they be delivered to the shireff of Aberdein to be committed him to waird till order and direction be givin for thair forder punishment; charging likewise all the saidis landslords and heretours to have a speciall care to keepe thair awne bounds free of thir brokin theeves and lymmars, certifeing thame and everie ane of thame within whois bounds the saidis lymmars sall be ressett twelffe houres togidder aganis the

tennor of the said act of Parliament that they sall be made comptable and ansuerable for the saids brokin lymmars and for all thair wicked deids, and they sall be persewed and processed for the same accordinglie.”

Sentence of death to be passed on John Dow M'Phail.

“Forsamekle as Johne Dow M'Phaill, being conveenned before his Majesteis Justice and putt to the knowledge of ane assise for certane points of thift, sorning and maisterfull oppression committed be him, and he being convict of the saids crimes, the pronouncing of doome upon some speciall considerations wes continewed be the Justice till he sould be consulted with his Majesteis Counsell thereanent; and now the saids Lords, having heard M' James Roberton, Justice Deput, anent the conviction of the said Johne, and being weill advised therewith, they find that the said John Dow hes beene a notorious offender and disturber of the peace of the countrie, and thairfoir ordains his Majesteis Justice to pronounce doome and sentence aganis the said Johne conforme to the lawes of this kingdome and merit of his offence, ordaining the execution of the said doome to be at the mercat croce of Edinburgh.”

Edinburgh,
17th March
1636.

Sederunt:—Chancellor; Glasgow; Mar; Wintoune; Perth; Alexander; Clerk Register; Advocate.

Decreta,
April 1635.
February 16
P. 156.

Complaint by Fergus Grahame of Blaawood against John Rome of Dalswinton and John Johnston of Staneres for assault.

Complaint by Fergus Grahame of Blaawood, as follows:—Johne Roume of Daswintoune has conceived a deadly hatred against him and is resolved to have his life. Accordingly, knowing that the complainer was bound to keep the peace with him upon pain of perjury and infamy, he determined either to make him perjured or to kill him; and on 1633, being the market day, seeing the complainer at the Bridgend of Dumfreis going about his lawful affairs, the said Johne Roume and John Jonstoun of Staneres came behind the complainer with a drawn sword, “strake out a number of strais at him and woundit him on the head to the effusion of his blood, and gave him manie other strais with the said suord on diverse parts of his bodie, quhairwith they had not failed to have killed him, wer not he wes rescued be the help of some gentlemen present for the tyme.” Both pursuer and defenders compearing, the Lords, after hearing them and their witnesses, find that the said John Roume assaulted the pursuer “and that he bled him on the cheeke, and that the persewer callit for Gods peace and the Kings. And in regarde that this persute proceedit upon ane former persut quhairin the said Fergus did deidlie wound the said John,” they ordained the said John Roume to pay £20 to each of the witnesses; and assoilzied the defenders from the other points of the complaint. Further, they ordain both parties to find caution for each other's indemnity in £500 in their Lordships' books; and this being done they discharge the act by which the said Fergus was bound for the indemnity of the said John under the pain of perjury, yet without prejudice to execution to follow upon the said

act for any thing done by the said Fergus contrary thereto at any time bygone.

Complaint by Christian Sutherland, spouse of William Clerser in Fors, and the said William for his interest, as follows:—On last Cornok Jonstoune, sheriff officer of Caithnes, came to the complainer's dwelling house, and without any offence given by her to him "cruellie strake her upon both the fillets and small of her backe with the shaft of ane Danise axe with suche violence, so as she, being great with chylde, travelled in her birth be the space of fyftene dayes, and at lenthe wes delyvered of ane deid bairne quhilk with the strokis wes felled in her wombe." The pursuer compearing personally but not the defender, the Lords ordain him to be put to the horn and escheated.

Complaint by Christian Sutherland, spouse of William Clerser in Fors, against Cornok Johnstone, sheriff officer of Caithness, for assault.

Complaint by William Cunynghame, tutor of Montgreenane, as follows:—On 2nd November last, Alexander Ahannay in Cults was apprehended in the town of Wigtoune upon a horning and caption at the complainer's instance for not finding caution to underlie the law for some points of theft and oppression committed by him upon the complainer. Having been presented to Patrick Agnew of Barmarth, sheriff depute of Wigtoune, who was charged to commit him to ward within the tolbooth of Wigtoune until he should be tried and punished for his offences, the said Patrick refused to commit him, and dismissed and sent him away. Charge having been given to the said Patrick Agnew, and the pursuer compearing but not the defender, the Lords ordain the latter to be put to the horn and escheated.

Complaint by William Cunynghame, tutor of Montgreenane, against Patrick Agnew of Barmarth, sheriff depute of Wigtown, for refusing to ward Alexander Ahannay, under accusation by the complainer.

Sederunt:—Chancellor; Hadinton; Mar; Alexander; David, Bishop of Edinburgh; Clerk Register; Advocate.

Edinburgh, 21st March 1636.

"The whilk day the Lords of the Committee, appointed be his Majestie for trying the disorders in the north according to ane particular warrand in writt direct from his Majestie to the right reverend father in God, Johne, Archbishop of Sanct Andrewes, Lord High Chancellor of this Kingdome, and whiche wes this day presentit and read in thair hearing, freeths, releves and enlarges George, Marquis of Huntlie, prisonner within the castell, frome his waird within the same to his owne loodging neir to his Majesteis palace of Halyrudhous, and confynes him to his said loodging with libertie alwayes to him to walke within one of the gardens or walkes within the precinct of the said palace, and no forder; commanding heirby the captane, constable and keepers of the said castell to putt the said Marques of Huntlie to libertie and fredome furth of the same to the effect he may make his addresse to his said loodging in the Cannogait, remaine and keepe waird within the same in maner abone prescryved till his Majestie sall signifie his fordour pleasure concerning him. Lykeas the said Marques, being personallie present, and this his Majesteis pleasure and ordinance foresaid being intimat to him, he, with all dewtifull respect acknow-

The Marquis of Huntly freed from his ward in the Castle of Edinburgh, and permitted to reside in his lodging in the Canongate.

ledged his Majesteis gracious favour showin to him and promiseist to give full obedience to the same. Followes his Majesteis missive for warrand of the act abonewrittin :—CHARLES R. Right reverend father in God, we greit yow well. Having beene humbelie petitioned in behalfe of the Marques of Huntlie that in regarde of his old age and weakenes of bodie we would be pleased to enlarge him to his owne loding neere to our palace of Halyrudhous that he might the better enjoy the benefite of suche things as ar requisite for him, whiche, seing it is onelie for his health, we ar willing to grant him; thairfour our pleasure is that after sight heirof yow caus release him frome our castell of Edinburgh and confyne him to his said loding neir to our said palace, and we will that he have libertie likewise to walke within anie of the gardens or walkes within the precinct of our said palace and no further, for whiche these presents sall be your warrand. We bid yow farewell. From our court at Whitehall, the 10th of Marche, 1636.

Edinburgh,
21st March
1636.

Anent an
action by
Richard
Seyman in
Chichester,
master of the
ship called
"The
Susanna,"
and Peter
Foxe, owner of
the cargo of
the said ship,
against Ranald
M'Allan Vic
Ean of Castle-
barrow and
others for
intromitting
with the said
cargo.

The Lords, with consent of parties and their procurators, continue until 10th July next the action at the instance of his Majesty's Advocate and Richard Seyman in Chichester in the kingdom of England, master of the ship called "The Susanna," and Peter Foxe of the city of Lumbreke in the kingdom of Ireland, owner of the goods in the said ship, which are valued at over £1000 sterling, against Ranald M'Allan VicEan of Castleborow, Donald Gorum M'Rannald Bowie VicAllaster, John Bayne M'Eane VicInlay, Donald M'Innes Roy, and a number of others, their accomplices, specified in the letters of summons, who are charged with convocation of his Majesty's lieges to the number of thirty persons, and coming "with barrells, casks and others engynes to the persewers barke and there drinkeing out and drawing of the wyne being in the barke day by day whill the haill wyne wes spent, tuicheing thair intromission and carying away of all the goods, merchandise and loading of the ship and barke, robbing and spoyleing of the pilat of all thair apparell and all other things quhilks were then aboard alsweele on thair bodies as in the barke, and violentlie taking frome thame the keyes of thair kists; and for causing a youth who wes one of the companie of the barke and had nothing to doe with the goods thairin to professe himselfe to be merchand of the barke and to subscryve a bill or other instrument for sale of the goods and merchandise in consideration of a soume of money, altho he ressaved nane; and tuicheing a purpose and resolutioun had be the said Rannald and his complices to sease upon the pilat and the rest of the companie of the barke and to send thame to the savages duelling on the mayne, compelling thairby the awner of the barke to take eight punds sterline for the bark although she wes worth ane hundreth and fiftie punds sterline." Of this continuation Mr William Maxwell, who appeared as procurator for the pursuers, and Andrew Darline, writer, who appeared as procurator for the defenders, are warned *apud acta*. And the Lords ordain a missive to be written to

Acta, June
1634-April
1636.
Fol. 136, a.

Fol. 136, b.

Decreta,
April 1635-
February 1636.
P. 201.

[* Omitted in
its proper
place in the
Register.]

decreta,
p. 1636.
February 1639.
p. 201.

Lord Lorne, desiring him to take some pains with the defenders for making redress and satisfaction to the pursuers, so that his Majesty hear no more of this matter hereafter.

sta. June
34 April
36.
L. 136, b.

Sederunt:—Chancellor; Glasgow; Privy Seal; Mar; Kingorne; Edinburgh, Southesk; Lord Alexander; Bishop of Edinburgh; Clerk Register; Advocate.

22nd March
1636.

"The Lords of Secreit Counsell having read, heard and considerit the processe of conviction of James Adie in Iacrage,¹ whereby he was convict of stealing of ane yow of 2 yeere old perteaning to James Russell in Garvathill and of the stealing of ane whyt yow from John Tailyeour in Drumchister, and of the stealing of 18 thraves of boir furth of John Johneston his barn yaird in Achingen, whilk was produced before the saids Lords be William Livingstoun of Westquarter, baillie of the regaltie of Callender, for obedience of the commission grantit to him be the saids Lords aganis the said James Adie, whereanent he desired the saids Lords thair advice and opinion what forme of doome he sould pronounce aganis the said James; the saids Lords, being weill advised with the said conviction, they ordaine the said baillie of the regaltie to pronounce doome and sentence aganis the said James Adie, ordaining him to pay the soume of ten merkes for everie one of the saids twa sheepe and the soume of ten merkes for the beir to the parteis foresaids, awners thair of, as alsua to take him actit in the said bailleis bookes never to steale nor to committ pyckerie at anie time heerafter under the pane of death to be execute upon him without favour."

Sentence on
James Adie in
Jawcraig for
stealing sheep
and corn.

decreta,
April 1635.
February 1639.
p. 156.

[Sederunt as recorded above, substituting Lorne for Alexander.]

Edinburgh
22nd March
1636.

Supplication by Sir Alexander Gordoune of Clunie, knight, as follows:—By decret of the Lords of Counsell and Session of 15th July last Mr Robert Ferquhar, bailie of Aberdene, was ordained to relieve the supplicant at the hands of his creditors contained in the said decret, by which also these Lords gave liberty to the said Mr Robert to accept security from the supplicant for the sums therein mentioned until 15th March last. The said Mr Robert has petitioned the said Lords and they have continued "this his option and election" till Lambmesse next. There are no other creditors to whom the supplicant is engaged except those at whose hands the said Mr Robert is to relieve him, and the said Lords having recommended to the Lord Advocate to represent the merit and equity of Mr Robert's desire for a continuation of his protection till that time, the supplicant craves that their Lordships would also extend the protection formerly granted to the supplicant, John Turnour his servant, and his cautioners till Lammas next. The Lords, having heard Sir Thomas Hope in reference to the truth of the information, grant the prayer of the petition.

Supplication
by Sir Alex-
ander Gordon
of Cluny for
continuance of
protection for
himself, his
servant John
Turner,
and his
cautioners.

¹ "Yowcraig" in Sederunts, but evidently Jawcraig in Stirlingshire.

Similar
supplication by
John Leslie,
younger of
Pitcaple.

Supplication by John Leslie, younger of Pitcaple, as follows :—During the period of his late protection he has taken order with a great many of his creditors to the extent of about 40,000 merks ; and he hopes that if his protection were extended he will be able to extricate himself from all his distresses. He petitions accordingly, and the Lords grant him an extension till 1st August next.

Decreta,
April 1635.
February
1639.
P. 159.

Supplication
by James
Pearson,
servitor to Hew
Tod, W.S.,
and John
Redpath,
messenger,
against James
Crawford in
Pleasance and
John Hog in
Drylaw for
seeking the
lives of the
complainers
when legally
attempting to
pound their
goods.

Supplication by James Peirsone, servitor to Hew Tod, W.S., and John Ridpeth, messenger, as follows :—James Craufurde in Pleasance, as principal, and John Hog in Drylaw as cautioner, are due 1100 merks to the said James Peirsone. This being the greatest part of his means and patrimony, he has been reduced to great misery and trouble this long time back by eleven suspensions (though all were discussed in the complainer's favour) and thirty protections, whereby the complainer has been prevented both of personal and real execution. Upon 2d January last, the said messenger and the said James Peirsone went to the lands of Drylaw to pound the goods of the said John Hog, but he, getting notice hereof, convocated about one hundred persons, viz. :—William Hog, Robert Hog, son of the said John, James Lermont in Lintoune, James Miller there, David Black there, George and Henry Jakson, Robert and John Aleson, and Adam Arnot, armed with swords, lances, Jedwart staves and other weapons, with which they assailed the complainers, "persewed thame of thair lyves, deforced the mæssinger in the execution of his office, chaissed the said James Peirsone be the space of tua houres, and constrayned him to take Peffer fuirde, quhilk wes not riddin thir hundreth yeeres quhair he had almost drowned ; and had not failed to have slaine him, were not the Laird of Fuirde ressavd him in his hous and saiffed him." Charge having been given to these persons and the pursuers compearing personally, also the said John, William and Robert Hog for themselves and the remanent defenders, the latter confessed having pursued the said James Peirsone, but declared that they did so by virtue of letters of caption executed against him, which they produced. They denied the deforcement of the messenger ; and the messenger having confessed that he had not entered upon the pointing, and "durst not doe the same for feare," the Lords assoilzie the defenders upon this point of the complaint. But, seeing that the complaint arises out of a controversy between the said James Craufurde, goldsmith, and James Peirsone, the Lords, desiring to see the same amicably settled, nominated Patrick, Archbishop of Glasgow, and Sir John Hay, Clerk of his Majesty's Register and Rolls, to be arbitrators between them in reference to all matters in debate, and to their decision both parties agreed to submit without appeal.

P. 161.

Edinburgh,
24th March
1636.

Sederunt :—Chancellor ; Glasgow ; Mar ; Kingorne ; Southesk ;
Alexander ; Bishop of Edinburgh ; Clerk Register ; Advocate.

Continuance of The Lords, upon considerable respects, prorogate the protection granted protection to

to Sir Alexander [Gordon] of Clunie, John Turner, his servant, and the cautioners of the said Sir Alexander until Martinmas next.

Sir Alexander
Gordon of
Clunie.

Supplication by Sir John Leslie of Wardes, as follows:—Mr Robert Farquhar, bailie of Aberdene, has lately recovered decree against him for 19,000 merks, with this proviso, that if he pay 12,000 merks before Martinmas he will be free of the payment of the balance. He is unable to do this or to satisfy his creditors without selling his lands and clearing his actions before the Session, especially an action of reduction at the instance of the said Mr Robert of a disposition by the supplicant of his estate to the said Earl of Rothes, because until the issue thereof no one will treat with him. The sale of his lands and his interest in this sum of 7000 merks is of such importance to him that he begged the Lords of Session to recommend to their Lordships the extension of his protection, and they have desired the Lord Advocate to do so. He accordingly craves an extension of his protection. The Lords grant him a continuation thereof till the 11th of November next.

Supplication
for continuance
of protection
by Sir John
Leslie of
Wardes that
he may satisfy
his creditors.

"The Lords of Secreit Counsell declaris that if the Lairds of Clunie and Wardes doe not satisfie thair creditors betuix and Martimes nixt, in that caise they sall never ressave ane farder protection heirafter."

Anent the
protection to
the Lairds of
Clunie and
Wardes.

Sederunt:—Chancellor; Glasgow; Privy Seal; Mar; Winton; Kingorne; Southesk; Alexander; Bishop of Edinburgh; Bishop of Aberdeen; Bishop of Ros; Clerk Register; Advocate.

Edinburgh,
31st March
1636.

"Forsamekle as albeit the ressett, supplie and intercommoning with Patrik Gilroy McGregour and Johnne Dow Garr McGregour, twa commoun and notorious theeves and lymmars, and of thair rebellious complices, hes beene verie straitlie prohibite and discharged be diverse acts and proclamatiouns made and published heirtofore, notwithstanding it is of truthe that the persons underwrittin; they ar to say, Alexander Simsons near Curgalph, Thomas Michie in Glencarnie, Johnne Gordoun thair, Johnne Forbes in Culfork, Alaster McChisten in Dilhandie, Alaster Couttis in Dilgrigie, all in Strathdone; Margaret Gardin, browster in Glenbuchet, William Muir and William Callum thair, William Couper and Duncane Cumming in Belrinnes, Johnne Grant, appearand of Ballindallach, Patrik Grant, his father, Alaster McGregour in Bamurrell, Gregour McGregour, his brother, in Kinabrok under McGregour, fewer thair of under the Erle of Mar, Johnne Gresich in Delbadie, Duncane Neorne; Allane Duruart, Johnne Peter, Alaster Gordoun and William Michie there under Thomas and William Tais, fewers to the Erle of Mar, James Riach, Alexander Scad, younger, and Johnne Runald in Dawen, Thomas Gordoun, smith, Alexander Fyffe in Goltrim, Johnne Fyfe in Lugie, Alexander Reid in Kirkton thair of, Thomas Thomesone in Broomhill, Thomesone, his sone, Johnne William and Alexander Reids, brether, and Johnne Ros in Ordie, William Morgen, browster, all in Tillichandeis land; James Smith in Badnacaiche, Duncan Ferrar in

Appointment
of a commis-
sion for the
trial of
resettlers of
rebels in the
North.

Secreta,
April 1635-
February
1636.
Fol. 162.

Acta, June
1634-April
1636.
Fol. 136, b.

Fol. 137, a.

Bellastrad, brewster, Patrik Ros, Johne Oig, and Johne Reid thair, ^{Acta, June 1634-April 1636, Fol. 137, a.}
 Johne Catenoch, browster, Johne Furd in Neather Riueus, George
 Gordoun, John McComie, Thomas and Robert Smiths, William Narne,
 George and William Rosses, and George Edward there, Johne and
 Patrik Smiths, James Ros, Johne Duncan, Alaster Elmslie, and James
 Middiltoun in Conyeord, David Ferquharson in Achmuran, Thomas
 Laing, his man, browster, George Ferquharson in Bellamoir, George
 Ferquharson in Miltoun, David Ferquharson, Johne Coutts, Robert
 Ewan, George and Patrik Williams, and William Coutts in Grodie, Johne
 Elmslie in Neather Hauche, Alexander Scad at the milne of Dunmatie,
 browster, Johne Gordon in Bountie, Johne Gillenders in Cobleheuche,
 Alexander Caddell and Robert Gillenders in Candakyle, Alexander
 Finlay in Bountie, Richard Gordoun in Ferrar, William Allanach in
 Glenmuck, Androw Young, browster there, Robert Caddell in Miltoun of
 Inchemarnoch, David Finlay and Alexander Roy there, William Fettes
 and Fettes, his daughter, Gilleroyes whoore in Cabrach, George
 Smith in Balater, Johne Gordoun thair, Alaster Bartill thair, Agnes Ire,
 widow, Robert Beg, Patrik Forbes, Alaster Chrystie and Johne Scad in
 the Muir, Johne Sandesone, James Patersone, William Scad, browster,
 James Tosich, James Smith, Johne Ferrie, Johne Patersone, Johne and
 Thomas Micheis, Johne Douechrine, Finlay and Androw Baynes, Alaster ^{Fol. 137, b.}
 Elmslie, James Mackerobie, William and Alaster Ritcheis, Finlay Elmslie
 and Johne Patersone, all in Tullich; the Laird of Abiryeldie, William
 McIldowie and Alexander Ego in Stragernick, Thomas Braibner in
 Craighews, William Forbes and Johne Ros, browster thair, James Lawrie
 there, Johne Doublair in Balachaboch, Johne Thomas, Johne Doue Grasich,
 Johne, Alexander and Patrik Coutts, James Blair and Williame Finlay
 there, Johne Gordoun, Allane Steuart, Alaster Lawrie and Williame
 Cunach in Daach of Abiryeldie, William and Alaster Forbesses in Larie,
 Johne Sandesone, smith, Alexander Gordoun, Johne Forbes, Duncan
 McWilliame, Johne Ego, Bean Roy and Donald Bayne there, James
 Gordoun in Cults, Finlay Ego in Neather Cults, browster, Gregour
 McEan Duy in Strathawin in Achnakyle, Alaster Roy McGregour, his
 brother, Donnald McGregour in Glenrinnis, Donnald McGregour at
 Auchtie in Braemurrey, Finlay McKardie in Corrihe in Stradone, Johne
 and Alaster McHardeis in Acrichachen, Thomas Gordoun in Crochlie,
 Issobell Sandesone, Gilroyes whoore, Elspitt Gordoun, Christian Forbes
 in Migvie, Maslie Garrow, Elspitt Caddell, Brokie in Glengarne,
 Annabell Ker in Cromar, Margaret Blakie in Skerdustane, Margaret
 Bayne in Tullich, Bessie Bayne there, P Bredie in Dalbedie, Patrik
 McKirnish in Tullich, Alaster Dow there, Alaster McInlun at the boate
 of Pitchase, William Roy there, Thomas Clerich in Balnahaglish, Johne
 Monteith in the seate of Dallegarroun, William Leslie, browster in
 Stradoun, William Forbes and Thomas Mitchie there, Johne Beg
 McGregour, William Maisson in Migvie, hes at diverse and sindrie
 times, als weil before as since the making of the saids proclamatiouns,

Acta, June
1634: April
1635.
Vol. 137, b.

Vol. 138, a.

ressett, hoorded, supplaid and interteanned the saids rebellious and brokin theeves and lymmars and thair complices with the goods and geir reft and stollin be thame, and hes furnished unto thame meate, drinke, hous, harbarie and all other things necessar and confortable unto thame, quherethrow the saids rebellious theeves and lymmars are not onelie strenthenned in thair treasonable and rebellious courses and encouraged to prosecute and follow out the same to the hurt of his Majesteis good subjects, but others undewtifull subjects takes the like boldnes upon hope of impunitie to minister unto thir brokin lymmars all kynde of confort and assistance, whereas, if thir ressetts wer denyed unto thame, they might be easilie overtane and presented to thair tryell and punishment; and the Lords of Privie Counsell, being carefull to have thir ressetts exemplarlie tryed and punished, and for the ease of the subjects finding it more expedient that this tryell sall be tane within the bounds and countrie where the delinquents dwellis than unnecessarlie to draw thame before his Majesteis Counsell; thairfoir the saids Lords hes made and constitute and be the tennor theirow makes and constituts the persons underwritin; they are to say, Arthure, Lord Forbes, Alexander, Lord Pitsligo, Sir Alexander Irwing of Drum, Doctor Johne Forbes of Corse, rector of the Universite of old Aberdein, Sir William Forbes of Craigivar, knight baronnet, Alexander Strauchane of Glenkindie, Johne Forbes of , William Duguid of Achinhoue, Johne Forbes of Balnagask, John Irwing of Beltie, Robert Ferquharson of Invercald and Mr Johne Ros of Easter Cluny, parson of Birs, or anie fyve of thame, the said Sir Alexander Irwing of Drum, the Lairds of Cors and Cragievar being alwayes three and without whome no commission to be, with power to thame to make choise of some of the others commissioners to supplee the place in thair absence or in caisse of the deceasse of the saids three commissioners or anie of thame, with pouer to the remanent commissioners of the quorum to make choise of some of the others commissioners to supplee thair place, as said is, our justices and commissioners to the effect underwritin, givand, grantand and demittand unto thame or anie fyve of thame, as said is, full power and commission, expresse bidding and charge, courts of tryell and justitiarie at quhatsoever parts and places convenient to sett, begin, affixe, hold and continew, sutes to make be callit, absents to amerchiat, unlawes, amerchiements and escheits of the saids courts to aske, lift and raise and for the same, if neid beis, to poynd and distreinye, and to apprehend or to caus apprehend and committ to waird all suche of the saids receptors, as upon citation to thair knowledge will become fugitives and outlawes, and tuicheing suche as they find to be responsall and lawbydding, to direct thair awne precepts and to caus warne and charge suche and so manie of thame as they sall thinke meit to compeir before thame at suche dayes, times and places as they sall appoint to underly thair tryell for the said ressett, and to deduce and leade probation aganis thame als weill by witnesses as be anie other lawfull and allowable forme of tryell,

conforme to the lawes of this kingdome, and tuicheing suche or so manie ^{Acta, June 1634-April 1636.} of thame as sall be convict or cleanged to sett down formallie in writt the processe of thair conviction authenticklie subscriyved, closed and sealed with the qualitie of the persons that sall be convict, and to report ^{Fol. 138, b.} the same to the saids Lords to the intent that they, after consideration thair of, may proceed to thair censure and punishment as accords; with power lykewayes to the saids commissioners to appoint clerkes and other officers and members of court neidfull; with power lykewayes to thame to searche, seeke, take and apprehend the saids Patrik Gilroy M^cGregour and Johnne Dow Gair M^cGregour and suche as sall be actuallie in companie with thame where ever they may be apprehended and to putt thame in sure firmance and captivitie till the saids Lords declare thair forder will and pleasure concerning thame, dispensing heirby with whatsoever inconvenientis sall happin and fall out in execution of this commission aganis thame; commanding heirby the provests and bailleis of all burrowes and touns to receave frome the saids commissioners suche prisouners as frome time to time they sall direct unto thame and to committ and keepe thame in thair wards till they understand the saids Lords thair forder pleasure concernning thame: And the saids Lords declares that it sall be lawfull to the saids commissioners, conjunctlie and severallie, or anie whome they sall imploy, to take and apprehend the saids Johnne Dow M^cGregours [*sic*] or anie of thair rebellious complices, resettors or whoores, as said is; and generallie all and sindrie others things to do, exerce and use quhilks for execution of this commission of the law and consuetude of this realme are known to perteane: Firme and stable halding and for to hald all and whatsoever things sall be lawfullie done heerin; and ordains letters to be direct to command and charge the remanent commissioners foresaids to convene and meit with these of the quorum foresaid at suche dyets and places as they sall appoint and to proceed and goe on faithfullie and diligentlie in the execution of this commission as they will ansuer upon the contrare at thair perrell; as alsua to command and charge all his Majesteis subjects whatsoever to use, concurre, fortifie and assist the saids commissioners in all and everie thing tending to the execution of this commission, and to do nor attempt nothing to the hinder nor prejudice thair of under all highest pane and charge that after may follow. This^e commissioun till the last day of Aprile, 1637, but revocation to indure."

Charge to landlords in the North to present the resettors of rebels for whom they are responsible before the Commission appointed for their trial.

"Forsamekle as the Lords of Secreit Counsell hes past and exped ane commissioun of the dait of thir presents to Arthure, Lord Forbes, Alexander, Lord Pitaligo, Sir Alexander Irwing of Drum, Doctor Johnne Forbes of Cors, rector of the Universitie of Old Aberdein, Sir William ^{Fol. 139, a.} Forbes of Cragievar, knight baronnet, Alexander Strauchan of Glenkindie, Johnne Forbes of , William Duguid of Achinhoue, John Forbes of Balnagask, John Irwing of Beltie, Robert Ferquharstone of Invercald, and M^r Johnne Ros of Easter Cluny, parson of Birs, or anie fyve of thame, aganis a great number of resettors of Patrik Gilroy

Acts, June
1634-April
1636,
F.L. 139, a.

M^cGregour and Johne Dow Gair M^cGregour and thair rebellious complices, quhilks ressetters dwellis within the bounds of Aboyne, Glentanar, Glenmuick, Strathawin, Cabrach and others lands perteaning to the Marques of Huntlie and within the bounds of Strathdie, Strathdon, Breamar, Cromar, Kilrynnie and others lands pertaining to the Erle of Mar and within the bounds and lands of diverse others barons, gentlemen and heretours in the north parts, who for the better tryell and punishment of the saids ressetters aucht to exhibite thame before the saids commissioners at suche places and dyets as they sall appoint; thairfoir ordains letters to be direct charging all and sindrie noblemen, barons and gentlemen, heretours of the lands where the saids ressetters dwellis, and thair bailleis to bring, present and enter respective, everie ane of thame, all suche of the saids ressetters as dwells upon thair ground or within thair jurisdiction before the saids commissioners or anie fyve of thame at suche dyets and places as they sall appoint to be tryed and examined anent thair said ressett under the pane to be callit before his Majesteis Counsell and punished according to thair demerits and lawes of the kingdome with all rigour."

"Forsamekle as Gilroy M^cGregour and Johne Dow Gair M^cGregour, Reward of £1000 Scots offered for the capture of Gilroy M^cGregor and John Dow Gair M^cGregor, two Highland outlaws. twa commoun and notorious theeves and lymmars, hes of lait associat unto thameselfes ane infamous byke of others insolent and lawlesse theeves and, all concurring togidder in a rebellious and treasonable societie, they goe in troupes and companeis athort the countrie not onelie in the Hielands, bot verie oft in the Lawlands where they committ cruell and detestable murders, slaughters, stouthreaffes, ravishing and forcing of weomen and all kynde of impietie upon his Majesteis peaceable and good subjects, highlie to his Majesteis contempt, disgrace of his Majesteis government and scandall and reproache of the countrie, that suche ane handfull of miscreants and unworthie mischeants sould be suffered so long to rin louse without controlment; and thairfoir the Lords of Secreit Counsell, till some forder course and order be tane for reducing thame to obedience, hes promitted and be the tennor heiroy promitts and faithfullie promises that whateomever person or persons will take the saidis Johne Dow Gair and Gilroy M^cGregours, and bring and present thame quicke to the saids Lords, and failzeing thairof thair heads, that everie suche person or persons sall have ane thowsand pundis Scottish money delivered to thame in present and thankfull payment for each of the saids Gilroy and Johne Dow Gair, and who ever will present anie of thair complices and followers and exhibite thame, they being alive or thair heads, sall have for thair panes and travellis ane hundreth or twa hundreth pundis and forder at the discretioun of the saids Lords. And whereas in the executioun of the commissioun grantit to the saids Lords to some noblemen, barons and gentlemen nominat therein for persute of thir rebellious theeves and lymmars the saids commissioners will be sometimes constrained to imploy persons not altogidder ansuerable and obedient to law and

F.L. 139, b.

justice, and the saids Lordis being willing if thir persons sall do anie worthie and memorable service that they sall have some taste of his Majesteis favour for thair panes, thairfoir the saids Lords promises and declares that if anie person or persons will take and bring in a more notorious and powerfull lymmar nor himselffe and will find caution for his good behaviour in time comming that everie suche person or persons sall have his Majesteis gracious favour and pardon for all thair bygane offences and sall be otherwayes acknowledged at the discretion of his Majesteis Counsell; and ordains letters of publication to be direct heir-upon in forme as effeirs."

Acta, June
1634-April
1636.
Fol. 139, b.

Edinburgh,
31st March
1636.

[Sederunt as recorded above.]

Decreta,
April 1635-
February 1639
P. 163.

Complaint by Peter Anderson, indweller in the Canon-gate, against Patrick Meldrum of Iden for defiance of the sentence of horning under which he lies at the complainer's instance.

Complaint by Peter Anderson, indweller in the Cannogait, as follows:—

On 1st June, 1635, Patrick Meldrum of Iden was put to the horn at complainer's instance for not paying to him £130 11s. 8d., and £20 of expenses; and he proudly remains thereat unrelaxed. Charge having been given to the said Patrick, and the pursuer compearing but not the defender, the Lords ordain letters of treason to be issued against the latter for rendering his house of and entering himself in ward within the castle of Blacknes within fifteen days after being charged thereto.

Edinburgh,
31st March
1636.

Registration of a bond of caution for David Lindsey of Edzell, that he will observe the Acts of Parliament anent the responsibility of landlords for their dependants.

Registration by Mr John Paip, younger, advocate, of a bond of caution by David Lindsay of Edzell as principal (who has been charged to compear before the Lords of Council on the 22nd of this instant September for the purpose), and Alexander Lindsey, fiar of Edzell, his son, Sir John Blair of Balgillo, knight, and John Symmer of Brathinsche, as cautioners for him, that he will observe the Acts of Parliament anent landlords [*ante*, p. 26]. The said David Lindsey and his son promise to relieve the other cautioners; and there is a clause of registration in the books of Privy Council. The bond, which was written by Thomas Ramsay, notary, servitor to the said David Lindsey, is dated at Edzell, Brathinsche and the 16th and of September 1635; witnesses, William Guthrie, brother of Alexander Guthrie of Kincaldrum, William Kynneir, servitor to Alexander Lindsey, fiar of Edzell, Walter Lindsey, servitor to David Lindsey of Edzell, and the said Thomas Ramsay.

Acta penes
Marchiarum.
etc., 1587-1636.
Fol. 53, a.

Similar act of caution for Walter M'Aulay of Ardincaple.

Registration by Mr John Paip, younger, advocate, of a bond of caution by Walter M'Aulay of Ardincaple, as principal, and John Bontein of Ardoch, as cautioner, that the former will observe the Acts of Parliament anent landlords [*ante*, p. 26]; with clauses of relief and of registration in the books of Privy Council. The bond, which was written by Archibald Prymerois, lawful son of James Prymerois, Clerk of the Privy Council, is dated at Dumbartane, 21st November, 1635; witnesses, David Watstone, clerk of Dumbartane; Walter Watstone, bailie thereof; and Robert Campbell of Sukock, burgess thereof.

Fol. 53, b.

Acts pones
Marchiarum,
etc., 1587-1636.
Fol. 54, a.

Registration by John Paip, younger, advocate, of a bond of caution by John M^cFarlane of Arroquhar, elder, and Walter M^cFarlane, fiar thereof, as principals, and John, Earl of Traquair, Lord Lintoun and Caverstoun, as cautioner, that they will observe the Acts of Parliament anent landlords [*ante*, p. 26]; with clauses of relief and of registration in the books of Privy Council. The bond, which was written by Archibald Prymerois, lawful son of James Prymerois, Clerk of the Privy Council, is dated at Edinburgh, 27th November, 1635; witnesses, John Veitch, fiar of Davick, Mr William Cuninghame of Bromehill, Mr George Halyburtoun, servitor to the Earl of Traquair, and the said Archibald Prymerois.

Registration of a similar act of caution for John M^cFarlane of Arrochar.

Fol. 54, b.

Registration by Mr John Paip, younger, advocate, of a bond of caution by Archibald, Lord of Lorne, as principal, and Duncan Campbell of Glenlyoun, as cautioner, that the former will observe the Acts of Parliament anent landlords and chieftains of clans [*ante*, p. 26]; with clauses of relief and of registration in the books of Privy Council. The bond, which was written by George Campbell, servitor to the said Lord of Lorne, is dated at Edinburgh, 25th September, 1635; witnesses, Mr Alexander Colvill of Blair, Justice Depute; Archibald Campbell, brother to the Laird of Lawers, and the said George Campbell.

Registration of a similar act of caution for Archibald, Lord of Lorne.

Fol. 55, a.

Registration by Mr John Paip, younger, advocate, of a bond of caution by William, Earl of Mortoun, Treasurer of the kingdom of Scotland, for Allan Camroun, *alias* Allane M^cIldowie, that he will behave himself as a dutifull and obedient subject, observe the laws, and compear before the Council when cited to answer for anything to be laid to his charge, under the penalty of £5000 Scots; with clause of registration in the books of Council, dated 24th October, 1635; witnesses, the Earl of Dumfreis, the Earl of Stirline and Henrie Alexander.

Registration of a bond of caution by William, Earl of Mortoun, for Allan Cameron.

Registration by Mr John Paip, younger, advocate, of a bond of caution by Archibald, Lord of Lorne, for Allan Camroun of Lochyell, who is presently in ward within the tolbooth of Edinburgh, that on his being set at liberty he will remain in the company of Lord Lorne until next Council day, viz. the 22nd September next, and then compear before their Lordships and underlie their further pleasure anent the peace and quiet of the country, under the penalty of 10,000 merks, besides the redress of all wrongs which he shall commit after the said day; with clause of registration in the books of Privy Council. The bond, which was written by Mr John Callender, servitor to James Prymerois, Clerk of the Privy Council, is dated at Edinburgh, 10th August, 1635; witnesses, James, Lord Kintyre, and Andrew Darline, writer.

Registration of a bond of caution by Archibald, Lord of Lorne, for Allan Cameron of Lochiel.

Fol. 55, b.

Registration by Mr John Paip, younger, advocate, of a bond of caution by Donald, Lord Rae, as principal, and Sir James Sinclair of Murkill, knight, sheriff of Caithnes, as cautioner, that the said Lord

Registration of a bond of caution for Donald, Lord Reay.

Rae will observe the acts of Parliament anent landlords and chieftains of clans [*ante*, p. 26]; with clauses of relief and of registration in the books of Privy Council. The bond, which was written by James Nicolsons, notary, is dated at Tung and Thurso, 11th and 13th August, 1635; witnesses, John, Bishop of Caithnes; William Innes of Sandsyde, sheriff depute of Caithnes; Mr Robert Monro, minister at Far; Mr William Abernethie, minister at Thurso; David Dunbar, burges of Elgine; and the said James Nicolsons.

Acta penes
Marchiarum,
etc., 1587-1636.
Fol. 55, b.

Edinburgh,
31st March
1636.

Mr Robert
Baron and
three other
ministers
appointed
justices of
peace in Aber-
deen, and
George Hume
of Derrington
justices of peace
in Berwick.

"The Lords of Secreit Counsell, understanding that M^r Robert Baron, Doctor William Guild, Doctor James Sibbald, and Doctor Alexander Ros, ministers at Aberdein, and George Hume of Dering-
toun ar verie weill affected to his Majesteis service and ar of good knowledge, judgement and experience to undergoe the place of justices of peace within the bounds where they dwell, thairfoir his Majestie, with advice of the Lords of Secreit Counsell, hes made and constitute and be the tennor heirof makes and constituts thame justices of peace within the shirefdomes underwritin, viz.—the saids ministers of Aberdein within the shirefdome of Aberdein and the said George Hume within the shirefdome of Berwick, and hes adjoynned and adjoynes thame to the remanent commissioners and justices of peace within the saids shirefdomes with als great fredome, priviledge, warrand and auctoritie as they or anie others justices of peace within this kingdome bruikes thair offices be vertew of the commission grantit to thame be his Majesteis patent under the great seale, and with als great fredome, auctoritie and jurisdiction as if thair names wer particularlie insert in the saidis commissions; with power to thame to use and exerce the said office in all and everie thing tending to the forderance of his Majesteis service, keeping the peace of the contrie, and execution of the said commission; commanding heirby the conveenner and remanent justices of peace of the said shirefdomes to receave and admitt the saids persons to be of thair nomber respective and to grant him [*sic*] voice and place among thame, as if they wer particularlie insert in the said commission and to take thair oathes for faithfull discharge of the service, anent the doing quhairof thir presents sall be to thame ane warrand."

Justices of
Peace, 1612-
1639.
Fol. 69, b.

Appointment
of justices of
peace within
thesheriffdoms
of Renfrew,
Kincardine,
and Clack-
mannan.

"The quhilk day commissiouns wer past and exped for establishing of justices of peace within the shirefdome [*sic*] of Renfrew, Kincardin and Clackmannan, and the persons underwritin were nominat for that charge:—

Fol. 70, a.

"For CLACKMANNAN.—The Lord Chancellor; the Lord Thesaurar; the Lord Privie Seale; the Lords of Counsell and Session; Archibald, Erle of Argile; Johne, Erle of Mar; William, Erle of Stirline; David, Bishop of Edinburgh; Sir Robert Bruce of Clackmannan; Schaw of Sauchie; M^r Johne Hay of Easter Kennet; M^r Robert Bruce of Wester Kennet; Stewart of Rassythe; M^r Edward Wright, minister at Clakmanan; M^r Johne Cragingelt, minister at Alloway;

Justices of
Peace, 1612-
1636.
Vol. 70, a.

M^r Thomas Strauchane, minister at Dollar. The said
conveenner.

"For RENFREW and PAISLEY.—The Lord Chancellor; the Archbishop of Glasgow; the Lords of Counsell and Session; the Lord Blantyre; Sir John Maxwell of Pooke; Sir Ludovick Howstoun of that Ilke; Sir Archibald Stewart of Castlemilk; Archibald Stewart of Blakhall; Patrik Maxwell, yonger of Newark; Williame Sempill of Foulwod; Alexander Cochrane of that Ilke; John Schaw of Grenock; M^r Williame Cochrane of Cowdoun; Alexander Porterfeild of that Ilke; Archibald Stewart of Orcharfeild; Robert Mure of Caldwell; Patrik Fleming of Barochane; John Birsbane of Bishoptoun; Uchter Knox of Ramferlie; William Mure of Glanderstoun; Sir William Ros of Murestoun; John Maxwell of Southbar; Mathew Birsbane of Rosland; Robert Pollok of that Ilke; M^r John Hay, parson of Renfrew; M^r Mathew Birsbane, minister at Killelen; Alexander Hamiltoun, minister at Lochwhinzeoch. The said M^r William Cochrane, conveenner.

"For KINCARDIN.—The Lord Chancellor; the Lord Thesaurer; the Lord Privie Seale; the Lords of Counsell and Session; the Erle of Mairshell; the Laird of Glenbervie; the Laird of Thornetoun; the Laird of Morphie; the Laird of Halkertoun; Sir Thomas Burnet of Lyes; Sir Gilbert Ramsay, fear of Balmaine; William Rait of Halgrein, James Burnet of Craigmyle; Sir John Dowglas of Barras; James Arbuthnot, tutor of Arbuthnet; M^r James Strauchane of Fettercarne; Robert Irwing of Monboddo; Patrik Falconner of Newtoun; M^r John Strauchane of Muretoun; John Barclay of Johnestoun; Robert Middiltoun of Caldham; Robert Buchane of Portlethame; M^r John Strauchan, minister at Kinneth; M^r Andro Mill, person of Fetterso; and the person of Fettercarne. The Laird of Morphie, conveenner."

Acta, June
1634-April
1636.
Vol. 139, b.

Sederunt:—Chancellor; Wintoun; Kingorne; Southesk; Bishop of Edinburgh, 1st April 1636.
of Edinburgh; Bishop of Aberdeen; Bishop of Ros; Clerk
Register; Advocate.

"The Lords of Secret Counsell, having tane to their consideration the chargeable and expensive debursements bestowed be M^r John Forbes of Cors, Doctor of Divinitie, and Sir Williame Forbes of Craigievar, knight baronnet, upon certane gentlemen of the name of Steuart in Atholl, whome they, out of thair affectioun to his Majesteis service and peace of the countrie, employed in service aganis Patrik M^cGregour, callit Gilroy, and his lawlesse complices, by whome the peace of the north parts of the countrie hath bene this long time bygane so heavilie disturbed, whois panes and travells have provin so successfull as there is now eight of these lymmars exhibite to underly thair deserved punishment; and the saids Lords, finding this so generous ane undertaking not

Modification of
2000 merks to
Mr John
Forbes of Cors,
Doctor of
Divinity, and
to Sir William
Forbes of
Craigievar as a
reward for
their capture
of Highland
outlaws.

Vol. 140, a.

onellie to deserve ane condigne remuneration bot also that tymous and thankfull payment sould be made of the charges bestowed be the saids Lairds of Corse and Cragievar in this employment, thairfor the saids Lords hes modified and be the tennor heirof modifeis the soume of twa thowsand merkes to be payed to thame for thair debursements foresaids, and the saids Lords ordains William Dick of Braid, in absence of his Majesteis thesaurar, to make payment of the soume of ane thowsand pundis of this modification; lykeas the said William being personallie present, out of his affection to the forderance and advancement of his Majesteis service, undertooke to doe the same; in regarde quherof the saids Lords ordains his Majesteis Thesaurar principall and deputie and receavers of his Majesteis rents to make payment and deliverie of the said soume of ane thowsand pundis to the said Williame Dick betuix and the first day of Junij nixtocome and that out of the first and readiest of his Majesteis rents, and this payment to be preferred to all others whatsomever, and if at that time there sall interveene anie necessar occasions disabling his Majesteis Thesaurars to pay the said soume, in that caise the saids Lords ordains his Majesteis saids Thesaurars to make payment to the said William of the ordinarie interest dew for the said soume fra the said first day of Junij till the full and compleit payment of the said soume, quhereanent the extract of this act with the saids lairds of Cors and Cragievar thair acquittances sall be unto the said Williame Dick ane sufficient warrand. And tuicheing the payment of the other fyve hundreth merkes of the said soume of twa thowsand merkes the saids Lords ordains the same to be payed out of the fynes following, viz.:—the fyne of Williame Livingstoun of West-quarter, extending to 300 merkes, the fyne of Johne Wyse, officer of the baronie of the Callendar, extending to 100 merkes, and the fyne of Williame Lokhart, sone to Robert Lokhart in , extending to the soume of 100 merkes; and the saids Lords reserves the determination of the rewarde dew to the saids Lairds of Corse and Craigievar for this thair generous undertaking and prosecution of this service till the returne of the Earle of Tracquir, his Majesteis deputie Thesaurar.”

Sentence of death on Harry Taynman, Hamburger, and Thomas Heyman, Englishman, commuted to banishment by command of his Majesty.

“Forsamekle as Harie Taynman, Hamburger, and Thomas Heyman, Englishman, being takin and putt to thair tryell for pyracie before Mr James Robertoun, admirall deputie of this kingdome, and the sentence of death being pronounced aganis thame the execution thairfor upon some speciall considerations wes continewed till his Majesteis royall pleasure wer knowin, lykeas now his Majesty be his letter in writt hes givin signifiatioun of his royall will and pleasure that thir twa persons sall be exeemed frome suffering of death for the said caus and therewith that they sould be made to enact thameselfes to abandon the kingdome with diligence and never to returne again under the pane of suche punishment as in the like caises is accustomed; and whereas the said Mr James Roberton, admirall deput, to whois charge this mater apperteanes, cannot convenientlie repaire to the burgh of Irwing, where

Acta, June 1634-April 1636, Fol. 140, a.

Acta June
1634 April
Vol. 140, b.

thir twa persons lyes, to take thame actit in maner foresaid in respect of his imployment otherwayes in his Majesties affaires quhilks cannot suffer delay, thairfor the Lords of Secreit Counsell gives and grants commissioun and warrand be thir presents to the said M^r James Robertson to make and creat some sufficient person, for whome he will be ansuerable, to be his deput for taking the saids persons actit in maner and to the effect foresaid as also to creat a clerk to supplee the place of the ordinar clerk in that mater allanerlie, ordaining the records to be made heirupon to be insert and registrat in the bookes of Admiralltie to have the force and effect of ane act of the Court of Admiralltie in time comming; anent the doing of the quhilks premisses this present act sall be to the said M^r James Robertson a sufficient warrand:—Followes his Majesteis missive abonewrittin. CHARLES R. Right trustie and right weil-belovit cousine, we greit yow well. Being informed that among some persons who wer of late executed in Scotland for pyracie ane Hamburger and one of our subjects wer takin, aganis whome no sentence of death wes givin till our pleasure wes knowin in regard they had beene takin and constrained to obey others in these wicked practises, it is our pleasure that they be exempted from suffering death for that fact, bot with all that they be made to enact thameselfes to abandon the kingdome with all diligence and never to returne agane under pane of suche punishment as in like caises is accustomed or thought fitt to be inflicted; and to that effect that yow give speciall order to your officers there and others whome it may concerne for seing our pleasure heerin put to dew execution, for whiche these presents sall be to yow sufficient warrand. We bid yow farewell. From our court at Whitehall, 20th of November, 1635."

Vol. 141, a.

"The Lords of Secreit Counsell, according to ane warrand and direction in writt signed be the King's Majestie and this day presented to thame, hes givin and grantit, and be the tennor heirof gives and grants full power and commissioun be thir presents to James, Lord Almond, colonell, and his deputeis, to levy and take up three hundreth men within this kingdome out of all suche persons within the same as he sall find willing to goe with him, and to transport thame over seas to be ane recrue for his regiment in the Low Countreis; with power to thame for this effect to caus towcke drums, displye cullours and to appoint officers over the said number of men for the better conduct and governement of the same, and all things heeranent to doe and use quhilk in suche caises ar usuall; firme and stable holding and for to hold all and whatsomever things sall be lawfullie done heerin; charging heirby all judges, officers and magistrats to burgh and land to assist the said lord and his deputeis in all and everie thing quhilk may forder the leveying and transport of the number of men foresaid. And if anie person or persons with whome they have already or sall heerafter bargane to serve under his charge have disbandonned or sall disbandonn and flee away and withdraw thameselfes from his service contrare to the trust whiche this nation

Warrant from his Majesty to James, Lord Almond, colonel, to levy three hundred men for service in the Low Countries.

hes long acquired in like services abroad, in that caise that the saids ^{Acta, June 1634-April 1636.} judges, officers and magistrats doe justice to the said lord aganis thame as accords, as they will ansuer upon the contrare at thair perrell. ^{Fol. 141, a.} Followes his Majesteis missive for warrand of the act abonewrittin.—
 CHARLES R. Right reverend father in God, right trustie and weilbelovit cousines and counsellers, right trustie and trustie and weilbelovit counsellers, we greit yow weill. Whereas we have beene humbelie sued unto by our right trustie and weilbelovit, the Lord Almond, tuicheing a recrue for his regiment, whereunto for diverse good respects being willing to condescend, it is our pleasure that yow licence him or his deputeis to transport for that use thre hundreth men according to the maner accustomed in like caises. And if he still make it appeare before yow that anie persons with whome he had barganned to serve under his charge have disbandonned or fled away whereby yow sall find that ^{Fol. 141, b.} they have prejudged him and wronged that reputation of trust whiche that nation hath long acquired in like services abroad that yow interpose our authoritie in so far as is agreeable to our lawes or custome in like caises for making thame performe what they have undertakin whiche we will accompt good service done to us and for which these presents sall be your warrand. We bid yow farewell. From our court at Whitehall, 9th Marche, 1636.”

Letter from his Majesty ordering the release from ward of Gregor and Patrick Murray who had been imprisoned on the ground that, as M'Gregors, they were responsible for all of that name.

“The whilk day the missive letter underwrittin, signed be the Kings Majestie and direct to the Lords of Privie Counsell, was presented to the saids Lords and read in thair audience, of the quhilk the tennour followes:—CHARLES R. Right reverend father in God, right trustie and weil belovit cousines and counsellers, right trustie and trustie and beloved counsellers, we greit yow weill. Whereas humble sute hath beene made to us for enlarging Gregour and Patrik Murreyes frome prison, where they wer committed for not taking burdein for the whole name of M'Gregour, representing that they have nather lands nor possessions in that our kingdome nor that anie of that name hold anie lands of thame and that by act of Parliament being prohibited to be callit by that name, they have takin upon thame the name of Morray, it is our pleasure that upon the signing of the generall band for thameselfes and finding caution for thair owne good behaviour and appearance before yow at the time prefixed by the said band or at what time so ever yow sall call for thame, yow give warrand to release thame [from] prison to goe about thair lawfull affaires; for which these presents sall be your warrand. We bid yow farewell. Frome our court at Whitehall, 9th of Marche, 1636.”

Commission to Mr William Douglas, mace of the Council, and others to apprehend such persons as are at the horn for failing

“The Lords of his Majesteis Privie Counsell, understanding that the persons particularlie underwrittin ar denounced rebels and putt to the horne be vertew of his Majesteis Thesaurar for not making payment to the collectors generall of the taxatiouns grantit in October, 1625, and July, 1630 yeeres, of the particular soumes of money following for thair parts respective of the twa generall taxations abonewrittin, they ar to

Acts, June
1634-April
1636.

Vol. 142, a.

say etc., as the letters of horning dewlie execute, indorsat and registrat to pay the beiris; at the processe quherof the saids rebells abonementiouned hes taxation of proudlie and contempnandlie remained since the times respective of their 1625 and 1630. denunciatiouns, as they doe yitt unrelaxt, takand no regarde of the saids denunciations, as they doe yitt unrelaxt, takand no regarde of the saids hornings, bot haunts publictlye and avowedlye in all parts of the countrie at thair pleasure as [if] they wer lawfull subjects, highlie to his Majesteis offence and misregarde of his hienes authoritie; thairfoir the Lords of Secreit Counsell hes givin and grantit and be the tennor heirof gives and grants full power and commission be thir presents to Mr Williame Douglas, maisser of his Majesteis Secreit Counsell, Mr Johne Hendersone, servitour to the Earle of Traquaire, Williame Steuart, Kintyre pursevant, and Robert Stark, servitour to Sir Johne Hay of Baro, Clerk of his Majesteis Registers, gentlemen of his Majesteis garde chosin be the saidis Lords to the effect underwritin, to pas, searche, seeke and take the persons rebellis foresaids where ever they may be apprehended, and to bring, produce and exhibite thame before the saids Lords to be takin order with for thair rebellion as accords; as alsua to pas, persew and take thair houses, remove thair servants and famileis furth thair of, make inventar of the goods and geir being thereintill and to report the said inventar to his Majesteis Thesaurar to the effect the saids goods may be made furthcummand to his Majestie as accords. As lykewayes the saids Lords ordains and commands the magistrats of all free burrowes within this kingdome where the saids gentlemen of his Majesteis garde sall happin to repaire with anie of the saids rebells that the saids magistrats receive the saids rebells aff thair hands, committ thame to saife custodie and waird within thair tolbuiths, keepe and deteane thame thereintill aye and whill they have payed the saids soumes for quhilks they ar denounced rebells, as the saids magistrats of the saids burrowes will ansuer upon thair highest charge and perrell: And ordains heralds, pursevants and messengers of armes to pas and make publication heirof at the mercat croces of the said burrowes of this realme and others places neidfull that nane of his Magesteis lieges pretend ignorance of the same; and to command and charge all and sindrie shireffs, stewarts, bailleis, bailleis of regaliteis and magistrats of burrowes within this kingdome to concurre and assist with the saids gentlemen of his Majesteis garde in all things tending to the forderance of his Majesteis service, as they will ansuer to the contrare upon thair highest charge and perrell."

[Sederunt as recorded above.]

Edinburgh,
1st April,
1636.

Decrets,
April 1636.
February 1639.
P. 164.

Complaint by Mr William and John Douglass, macers, as follows:— They gave in a supplication to their Lordships showing that they had been charged to pay to the collector of the taxations the sum of 100 merks imposed upon them by the stentmasters of the College of Justice, and their Lordships were pleased, in respect of their continual service in his Majesty's affairs and that in all time bygone they had been exempted

Complaint by Mr William and John Douglas to the effect that, not being members of the College of Justice, they may be relieved from the taxation.

from payment of any taxation, to discharge the said stentmasters from taxing the complainers, who are not members of the College of Justice. They showed their Lordships' act and delivered a copy thereof to Mr Francis Hay, writer, but this notwithstanding they are to be denounced. Charge having been given to Mr Francis Hay, James Stratoun, John Learmont, and Mr James Gordoune, stentmasters, as also to George Gordoune, messenger, for his interest, and pursuers and defenders all compearing, the Lords, after hearing parties, discharge the said stentmasters and messenger from troubling the complainers with this taxation, seeing they are not members of the College of Justice and therefore are not liable to contribute with them in their taxations.

Complaint by Oliver Thomesone, goldsmith, burgess of Edinburgh, in which he craves release from ward on the ground that he is willing to satisfy his creditors to the extent that he is still their debtor.

Complaint by Oliver Thomesone, goldsmith burgess of Edinburgh, as follows:—He is arrested and warded at the instance of William Dick and John Monro, his factor, for non-payment of £150 as the price of some beir; of John Wauchope for non-payment of £72, and of Archibald Broune for £8; but most wrongfully, for the greater part thereof is paid, and he is willing to pay the balance as soon as he possibly can. Charge having been given to these persons and to Stevin Boyd, bailie, for exhibition of the complainer, the pursuer compeared personally, also John Monro for himself and William Dick, and John Wauchope by his wife, while John Broune did not compear. The Lords, having heard parties, ordain, with consent of the creditors present, the provost and bailies of Edinburgh to liberate the pursuer, who consigned in the hands of the Clerk of Council an assignation made by him in favour of his creditors to a Bond of an annualrent of £62 and expenses due by John Maxwell of Castlemilk, with the legal diligence that has followed thereupon, and also to an action depending at his instance before the provost and bailies of Edinburgh against Jonet Duncan, sometime his servant, about a sum of £152. He further enacted himself to compear before the Lords upon the first Council day of June next and underlie their pleasure in this matter.

Supplication by Mr William Gordon, doctor and professor of medicine in the University of Aberdeen, that the towns of Banff and Aberdeen be charged to deliver to him two dead bodies for anatomical purposes.

Supplication by Mr William Gordoun, doctor and professor of medicine in the University of Aberdene, as follows:—"It is the custome of other famous universities quhair medicin is taught that the magistrats of these cities are obliged everie yeere to present tua bodies of men and tua of weomen to be publictlie anatomized; and now, sieing the supplicant is appoynted to teache medicin and anatomie, and hes exercised the students sufficientlie thir tua yeeres bygane in the dissection of beasts," he craves their Lordships to give order to the sheriffs, provosts and bailies of Aberdene and Bamff to deliver to him "tua bodies of men, being notable malefactors, executte in thair bounds, especiallie being rebellis and outlawis, and, failzieing of thame, the bodies of the poorer sort dieing in hospitalls, or abortive bairnes or fundlings, or of these of no qualitie who hes died of thare diseases and hes few freinds or acquaintance that can take exception, and this be the approbatioun of the Bishop of Aberdene, Chancellor of that Universitie, and on of his

Decreta,
April 1635.
February 1639.
P. 164.

P. 165.

P. 166.

Decreta,
April 1635-
February 1639.
p. 166.

Majesties Privie Counsell, who may caus use the said warrand with suche moderatioun and discretion, as nather the Universitie may wrong anie man of qualitie, nor be impedit be anie evill disposed persons without a lawfull caus and entress." The Lords grant warrant as craved.

p. 167.

Complaint by Mr Gavin Dunbar, chantor of Murray, as follows :—On 7th November, 1632, James and Ninian Dunbar, brothers of John Dunbar of Hemprigs, were put to the horn at the complainer's instance for not finding caution in the books of Session for the safety of the complainer and his wife, children and household; and they remain proudly at the horn unrelaxed. The pursuer compearing by Mr William Dunbar, his son and procurator, and the said James Dunbar being also personally present, the Lords after hearing parties ordain the said James Dunbar to find caution in their Lordships' books in 1000 merks for the indemnity of the pursuer, and they also ordain the said Mr William Dunbar to find caution in 500 merks for the indemnity of the said James Dunbar, who in their Lordships' presence swore that he dreads harm and oppression of him.

Complaint by
Mr Gavin
Dunbar,
chantor of
Murray,
against James
and Ninian
Dunbar for
contempt of
horning.

This day compeared personally Dunbar of Asklesk, and became cautioner for the said James Dunbar to the above effect, in 1000 merks; and the said James Dunbar promised to relieve his said cautioner.

Caution by
Dunbar of
Asklesk for
the said James
Dunbar.

Sederunt,
January 1635-
November
1641.
Vol. 2, a.

[Sederunt as recorded above, adding Lord Alexander.]

"The nixt Consall day appointed to be upon the fourth of May."

Edinburgh,
1st April,
1636.
Next meeting
of Council.

[Sederunt ut supra, una cum Glasgow.]

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie James Gordoun of Rothemay and promiseist to addresse himselfe to S^t Androis and follow out his studies thair if he had interteanment, quherupon his Majesteis Advocat undertooke to intent actionn before the Sessioun aganis Rothemayes mother for his interteanment."

Edinburgh
1st April,
1636, post
meridie.
James
Gordoun of
Rothiemay to
pursue his
studies at
St. Andrews.

Acta penes
Murchiarum
etc., 1587-1636.
Vol. 66, b.

Registration by Mr John Paip, younger, advocate, of a bond of caution by Mungo, Viscount of Stormount, for John Murray of Glenstrae and Patrick Murray, his brother, that they will keep good rule and quietness in the country, trouble and invade none of his Majesty's subjects, observe the laws and compear before the Council when required, each under the penalty of 3000 merks; with clauses of relief and of registration. The bond, which was written by Archibald Primerois, lawful son of James Primerois, Clerk of the Privy Council, is dated at Edinburgh, 1st April, 1636; witnesses, David Wod and Mr David Wemes, servitors to the said Viscount, David Hog, John Lorimer, and Hew Elder.

Edinburgh,
1st April,
1636.
Vol. 57, a.
Registration of
a bond of
caution by
Mungo,
Viscount of
Stormont, for
John Murray
of Glenstrae
and Patrick
Murray, his
brother.

Edinburgh,
16th April,
1636.

[No record of sederunt.]

Acta, June
1634-April
1636.
Vol. 142, b.

Charge for the conveyance of George Grant, bastard son to James Grant, the traitor, and two of his accomplices, to the Tolbooth of Edinburgh.

" Forsamekle as George Grant, bastard sone to James Grant, the tratour, and other twa of his rebellious complices ar latelie tane and apprehended be the Laird of Achindoun and baillie of Strabogie, in whois custodie and keeping they ar for the present, and whereas for the more exact tryell and exemplarie punishment of thir persons it is necessar that they be brought before his Majesteis Justice in Edinburgh, thairfoir ordains letters to be direct, charging the saids Laird of Achindoun and baillie of Strabogie to transport and carie the saids three lymmars to the shireff of Aberdein and his deputs within 24 houres after the charge under the pane of rebellion, etc. ; and siclyke to charge the said shireff of Aberdein and his deputs to receave the saids three lymmars frome the said Laird of Achindoun or baillie of Strabogie within ane heure nixt after they be presented to thame, and to carie thame to the shireff of Kincardin and his deputs within 24 houres thereafter ; as alsua to charge the said shireff of Kincardin and his deputs to receave the saids three lymmars frome the said shireff of Aberdein and his deputs within ane heure nixt after they be presentit to thame, and to carie thame to the shireff of Forfar and his deputs within 24 houres thereafter ; as alsua to charge the said shireff of Forfar and his deputs to receave the saids three lymmars frome the said shireff of Kincardin and his deputs within ane heure after they be presentit to thame, and to carie thame to the provest and bailleis of Dundie within 24 houres thereafter ; as alsua to charge the saids provest and bailleis of Dundie to receave the saids three lymmars frome the said shireff of Forfar and his deputs within ane heure after they be presentit to thame, and to transport and carie thame to the shireff of Fyffe and his deputs within 24 houres thereafter ; as alsua to charge the said shireff of Fyffe and his deputs to receave the saids three lymmars frome the saids provest and bailleis of Dundie within ane hour after they be presented to thame, and to transport and carie thame to the bailleis of Bruntilland within 24 houres thereafter ; and to charge the saids bailleis of Bruntilland to receave the saids lymmars frome the said shireff of Fyffe and his deputs within ane heure after they be presentit to thame, and to transport thame to the bailleis of Leith or Edinburgh within 24 houres thereafter ; and to charge the saids bailleis of Leith or Edinburgh to receave the saids three lymmars frome the saids bailleis of Bruntilland within ane heure after they be presentit to thame, and to carie and enter thame within the tolbuith of Edinburgh within six houres thereafter, therein to remane till they be tryed and punished as accords, under the said pane of rebellion, etc. ; and if anie of the persons foresaids faillie, the times respective foresaids being bypast, to denunce, etc., and to escheit, etc.

May
Novem-
1636.
1637, a

Sederunt :—Chancellor; Privy Seal; Winton; Lord Angus; Lord Edinburgh, 4th May 1636.
Alexander; Bishop of Edinburgh; Clerk Register; Advocate.

"The whilk day the Lords of Secreit Counsell, according to ane warrand and direction in writt, signed be the Kings Majestie and this day presented unto thame, receaved and admitted Archibald, Lord of Angus, to be one of the Privie Counsell of this Kingdome and to bruike and enjoy all the liberteis, honnors, digniteis, priviledges and immunitis proper and dew to that place; lykeas the said Lord of Angus, being personallie present and acknowledging with all dew respect his Majesteis royall bountie shawin unto him in preferring and advancing him to this place of honnour and dignitie, he, with all humble reverence on his knees, his hand lying upon the halie evangell, made and gave the oath of alledgeance and of a privie counsellor. Followes his Majesteis missive for warrand of the act abonewrittin :—CHARLES R.—Right reverend father in God, right trustie and welbelovit cousins and counsellors, right trustie and trustie and welbelovit counsellors, we greit yow weill. Now forasmuche as we ar well inclined to favour the person and familie of our right trustie and welbelovit Archibald, Lord Angus, and having conceived a good opinion of his sufficiencie and affection to our service, and being willing to encourage and make use of it, have thought fitt to promote him to be one of our Counsell of that our Kingdome; and it is our pleasure that, having administred unto him the oath accustomed in the like caises, yow admitt him to be one of our said Counsell, receaving him as one of your number, for whiche these presents sall be your warrand. We bid yow farewell. Givin under our hand at St James, 10th of Aprile, 1636."

Archibald,
Lord Angus,
admitted into
the Council.

"Forseamekle as albeit the resett, supplee and intercommoning with Patrick Gilroy M^cGregour and Johne Dow Gair M^cGregour, twa commoun notorious theeves and lymmars, and of thair rebellious complices hes been verie straitlie prohibite and discharged be divers acts and proclamatiouns made and published heirtofore notwithstanding it is of the that the persons underwrittin, they ar to say, Alaster Dow in the Gairch in the Cabrach, Callum Oig in Balquhiddel, Williame Mitchell in Boig in Cromar, Thomas Michie in Glencarnie, Patrik Michie in the Quhythous in Cromar, Patrik Grant, servitour to Ballindallach, Patrick Grant at Ballindallachs yett, Jonnet Grant, wedow in Ballahaglish, Dougl Buchenoch at the boate of Pitchais under Ballindallach, Dougl Buchen, servitor to Johne Grant of Kirkden, Johne M^cphatrik M^cJokie in Tullich under the Laird of Grant, Johne and Patrik M^cJokkeis, his sonnes, Alexander Forbes in Lochell, Johne Suiter in Sinnahard, William Morgan in Kirktown of Cushnie, Margaret Coutts, wedow in Cromar under M^r James Ferquharson, Donald Steuart of Innerchat in Birse,lauchlane Ferquharson at the Kirk of Kilrynnie, Johne Michie in Racharrachrie, Johne Mantache in Ballindallachs bounds, Patrik

Appointment
of a commission
to try the
resettlers of
Patrick Gilroy
M^cGregor and
John Dow Gair
M^cGregor.

¹ Afterwards 12th Earl of Angus and first Marquis of Douglas.

McGregour in Dundurcus under the Laird of Grant, Patrik Gillenders in Glenesk, Androw Dickesone in Dauach in Cromar, Colchestlein, Williame Chrystie in the mure of Ballater, and Tullich Allane Stewart in Craigros, James Gall in Abiryeldie, Thomas Braber under Abiryeldie, Johne Ros at the bridge of Gairvick, George Gordon in Neather Riven, Patrik Ros in Bellastrade, Johne Broune at the Milne of Logie, Allan Oig, Johne Gordoun of Bamurrell, Johne Gordoun, secund lawfull sone to Johne Gordoun of Corrochrie, Johne Gardin in Bellamore, Alexander and Robert Gardens, his sonnes, Williame Fraser of Craigtoun, McEanelair at the boate of Pitchais, William Roy there, Keandu, one of Gilroyes spyes and assisters, Henrie Sector in Delmuklachlie, Johne Allane there, Alexander Davidsone, boatman there, McDonach Kair, a little abone the bridge of Kairne, McAlaster Vorich McJames in Rathimurchus, and James Glas McIntosh there, hes at diverse and sindrie times, als weill before as since the making of the saids acts and proclamations, ressett, hoorded, suppleed and interteanned the saids rebellious and brokin theeves and lymmars and thair complices with the goods and geir, reft and stollin be thame, and hes furnished unto thame meate, drinke, hous, harberie and all others things necessar and comfortable to thame, quherethrow the saids rebellious theeves and lymmars are not onelie strenthenned in thair treasonable and rebellious courses and encouraged to prosecute and follow out the same to the hurt of his Majesteis good subjects bot others undewtfull subjects takes the like boldnes upon hope of impunitie to minister unto thir brokin lymmars all kynde of confort and assistance, whereas if thair ressett wer denyed unto thame they might be easilie tane and presented to thair tryell and punishment. And the Lords of Privie Counsell, being carefull to have thir ressetts exemplarlie tryed and punished, and for the ease of the subjects finding it more expedient that this tryell sall be tane within the bounds and countrie where the delinquents dwell than unnecessarlie to draw thame before his Majesteis Counsell, thairfoir the saids Lords hes made and constitute and be the tennor heirof makes and constituts Arthure, Lord Forbes, Alexander, Lord Pitsligo, Sir Alexander Irwing of Drum, Doctor Johne Forbes of Corse, rector of the universitie of Old Aberdein, Sir William Forbes of Craigievar, knight baronnet, Alexander Strauchane of Glenkindie, Johne Forbes of , Williame Duguid of Achinhoue, Johne Forbes of Balnagask, Johne Irwing of Beltie, Robert Ferquharsone of Invercald, and Mr Johne Ros of Easter Cluny, parson of Birse, or anie fyve of thame, the said Sir Alexander Irwing of Drum, the Lairds of Cors and Craigievar being alwayes three and without whome no commission to be, with power to thame to make choise of some of the others commissioners to supplee the place in thair absence, or in caise of the deceasse of the saids three commissioners or anie of thame, with power to the remanent commissioners of the quorum to make choise of some of the others commissioners to supplee thair place, as said is, his

Acts, May
1636-Novem-
ber 1639.
Fol. 143. b.

Fol. 144. a.

sta. May
30. Novem-
r 1639.
2. 144, a.

Majesteis justices and commissioners to the effect underwrittin; givand, grantand and committand to thame, as said is, full power and commission, expresse bidding and charge, courts of tryell and justiciarie at whatsom-ever parts and places convenient to sett, begin, affixe, hold and continew, sutes to make be callit, absents to amerchiat, unlawes, amerchiaments and escheits of the saids courts to aske, lift and raise and for the same, if neid beis, to poynd and distreinyie, and to apprehend or caus apprehend and committ to waird all suche of the saids resettters as upon citation to thair knowledge will become fugitives and outlawes, and tuicheing suche as they find to be responsall and lawbydding to direct thair awne precepts and to cau's warne suche and so manie of thame as they sall thinke meit to compeir before thame at suche dayes, times and places, as they sall appoint, to underly thair tryell for the said ressett, and to deduce and leade probation aganis thame, als weill be witness, etc., as be anie other lawfull and allowable forme of tryell conforme to the lawes of this kingdome, and, tuicheing suche and so manie of thame as sall be convict or cleanyed, to sett doun formallie in writt the processe of thair convictioun authenticklie subscribed, closed and sealed with the qualitie of the persons that sall be convict, and to report the same to the saids Lords to the intent they, after consideration thair of, may proceed to thair censure and punishment as accords; with power lyke- wayes to the saids commissioners to appoint clerkes and others members of court neidfull; with power lykewayes to thame to take and apprehend the saids Patrik M^cGregour, John Dow Gair M^cGregour, his brother, and suche as sall be actuallie in companie with thame where ever they may be apprehended, and to put thame in sure firmanee and captivitie till the saids Lords declare thair forder will and pleasure concerning thame, dispensing heirby with quhatsoever inconvenients sall fall out in execution of this commission aganis thame; commanding heirby the provests and bailleis of all burrowes and touns to receave frome the saids commissioners suche prisouners as frome time to time they sall direct to thame and to committ and keepe thame in thair wards till they understand the saids Lords thair forder will and pleasure concerning thame. And the saids Lords declares that it sall be lawfull to the saids commissioners, conjunctlie and severallie, or anie whome they sall imploy, to take and apprehend the saids Johne and Patrik M^cGregors or anie of thair rebellious complices and ressettters, as said is; and generallie all and sindrie others things to doe, exerce and use, quhilks for execution of this commission of the law and consuetude of this realme ar knowne to perteane: Firme and stable halding and for to hald all and whatsomever things sall be lawfullie done heerin; and ordains letters to be direct to command and charge the remanent commissioners foresaids to conveene and meit with those of the quorum foresaid at suche dyets and places as they sall appoint and to proceed and goe on faithfullie and diligentlie in the execution of this commission as they will ansuer upon the contrare at thair perrell, as alsua to

Ed. 144, b.

command and charge all his Majesteis lieges quhatsomever to use, Acta, May 1636-November 1639. Fol. 144, b.
 concurre, fortifie and assist, reverence, acknowledge and obey the saids
 commissioners in all and everie thing tending to the execution of
 this commission and to doe nor attempt nothing to the hinder nor
 prejudice thair of under all highest pane and charge that after may
 follow. This commission till the last day of Aprile, 1637, but revocation
 to indure."

Ordinances for
 the suppression
 of outlaws in
 the Highlands.

" Forsamekle as great numbers of the theeves, murderers and commoun
 and masterful oppressors of the Hielands be whome his Majesteis peace-
 able and good subjects in the inland ar so heavilie opprest and distrest
 in thair persons and goods ar borne and brought up within the hielands
 or ar indwellers and hes thair residence be thameselfes or be thair
 wyffes, barnes and servants within the same, as namelie within the braes
 of Mar, Lorne, Rannach, Glencoe, Glenlyon, Balquhidder, Lochaber,
 Abirtarfe, Stratherrick, Badyenoch, Stratherne, Strathdone, Strathdoun,
 Strathapey, Strathdie, Braemar, and Brae of Murrey, within the quhilk
 bounds there is diverse lands lords and chiftans of clans, who be the
 lawes of this realme and acts of parliament aucht and sould find caution
 for making of thair men, tennents and servants obedient to law and
 justice, and notwithstanding thair of manie of thir landlords hes not as
 yitt found the said caution, upon occasion quhair of great libertie is taken,
 upon hope of impunitie, to sorne, oppresse, kill and slay his Majesteis
 good subjects without controlment; for remeid whair of it is thought meit
 and expedient, concluded and ordained be the Lords of Secreit Counsell
 that all landlords and chiftans of clans who hes not as yitt found the
 said caution be charged to find the same under the pane of horning, and
 failyeing thair of to enter thair persons in ward, and ordains letters to be
 direct to this effect in forme as offeirs. And to the intent all these who
 dwellis in the hielands may be knowne to his Majesteis Counsell and
 lieges be name and surname and where is thair residence and how and
 under whome they live, it is thought meit, concluded and ordained that
 everie bishop within the hielands and yles sall twise everie yeere, to
 witt, 20 dayes after Witsonday and 20 dayes after Martimes, becaus of
 flitting and removing of tennents and servants, caus everie minister
 within thair dioceis give in to him upon his oath and conscience ane
 perfyte roll of the haill men, tennents and servants dwelling within thair
 parishes betuix sevintie and twelffe yeeres of age, be name and surname,
 with the place of thair residence and names of their landlords and
 chiftans of clans, to the intent the saids landlords and chiftans of clans Fol. 145, a.
 may be ansuerable and lyable for thair severall clans, tennents, servants
 and sub-tenants conforme to the Generall Band, and that the landlords
 and chiftans of clans have thair releefe aganis thair tennents and clans,
 without prejudice alwayes to the parteis of thair lawfull defence com-
 petent to thame of the law. And siclyke it is heirby ordained that each
 minister sall give in a roll of all sorners and lawlesse men usuallie
 haunting thair parishes and having no constant nor knowne residence to

Act, May
1636.
Vol. 145, a.

the shireffs of the shire or justices of peace where they resort, to the intent they may be apprehended and presentit to thair tryell; and that all landslords and chiftans of clans keepe thair awne bounds free of thame; and to the intent sorners may be knowne and distinguished from honest men, it is heirby concluded and ordained that no hieland man within the degree of a landslord or landit man travell anie where outwith three myles of thair parish without a testimoniall frome thair maisters or minister, and that all suche as wants the said testimoniall be apprehended as sorners and presentit to the narrest shireffs or justices of peace to underly thair tryell, and forder they sall be lyable in the payment of the soume of fourtie punds, provyding alwayes if they find good caution within the bounds where they ar apprehended to answeare before his Majesteis Counsell or shireff of the shire and for thair good behaviour in time comming, they sall not be committed. And, whereas there is a most shamefull and disgracefull trade of gayning commonlie practised in the hielands, to witt, when anie goods ar takin out of the inland or lowland there is diverse persons who will undertake to recover and bring backe the stollin goods to the awner upon condition sometime of the halfe and sometime of more of the stollin goods, quhilk in thair language is callit the *Taskall*, and they never present the theeves thameselfes becaus they ar either hounders out of the theeves or art and part of the theevish deeds thameselfes; for remeid whairof in time comming it is statute, declared and ordained that who ever sall practise the said unlawfull trade heerafter sall be repute, haldin and esteemed as art and partakers with the theeves in thair wicked deids and sall be punished thairfoir accordinglie. And whereas there is great numbers of sorners travelling athort the countrie without controlment and makes thair acquaintance with the lownes in the incountrie and by thame and in aill houssis ar ressett, and so learning the stait of the countrie they spoile and rob his Majesteis subjects where ever they come, for remeid quhairof it is heirby commanded and ordained that all landslords and maisters sall be bound for thameselfes and their tennents that if anie suche persons come to thair bounds or houssis that they sall not ressett thame unlesse they have the testimoniall foresaid, and if they want the said testimoniall that the saids maisters and landslords apprehend thame, if they be of power, and, failyeing thairof, that they advertise the nixt justices of peace within the time of thair abode there or within 24 houres thereafter at the farthest, and raise the countrie and make diligent searche for the saids sorners, wherein, if they failyie, that they sall be lyable in a fyne and censure at the discretion of the saids Lords; and that the hail countrie people be obleist to rise, concurre and follow the saids sorners with the saids justices of peace under the pane to be repute and haldin alike guiltie with the saids theeves and sorners in thair theevish deeds and sorning. And ordains letters to be direct to make publication heirof be opin proclamatioun at all places neidfull quherethrow nane pretend ignorance of the same; and to command and

Vol. 145, b.

charge all his Majesteis subjects whome these presents doe concerne to conforme thameselfes to this present act and ordinance in everie point, and to doe and performe all and everie thing injoynned unto thame be thir presents under the panes particularlie abonewrittin to be severelie execute upon thame without favour."

Acta, May
1636-Novem-
ber 1639.
Fol. 146, b.

Approval of
the conduct of
the commission
appointed to
try the
resettlers of
Patrick Roy
M'Gregor and
other Highland
outlaws, and
warrant given
to the said
commission to
pronounce
sentence on
the said
resettlers.

"The Lords of Secreit Counsell, having read, heard and considerit the report of the diligence done be the commissioners nominat be thame for trying the resettlers of Patrik Roy M'Gregour and others brokin hieland men in the north conforme to the commission grantit to thame for that effect, and speciallie anent thair proceedings aganis Patrik Forres in the Mure of Tullich, Alaster Dow Elmslie in Tullich, James Toshauche in Tullich, Alexander Scad in Dauan, Johne Sandesone in Tullich, Thomas Gordoun, smith in Dauan, and James Riach in Dauane, and being weill advised with the saids commissioners thair proceedings heerin and with the tryell tane be them of the qualitie of the saids resettlers and what they ar worth in lands and goods, the Lorde of Secreit Counsell finds and declares that the saids commissioners hes proceedit verie worthilie, formallie and orderlie in the execution of the said commission and conformed thameselfes to the trust committed to thame therein. And thairfoir the saids Lords alloues and approves of the saids commissioners thair proceedings as good and acceptable service done to his Majestie and the countrie. And forder the saids Lords hes remitted and be the tennor heiroy remitts to the saids commissioners the punishing of the resettlers particularlie abonewrittin in thair persons or goods according to thair qualitie and nature of thair severall offences, with power to thame for this effect to caus bring and present the saids persons in judgement and to pronounce doome and sentence aganis thame ather be imposing of fynes upon thame or punishing thame in thair persons according to the merite of thair offences, quhilks fynes they sall moderat and impose according to the thrid of the saids resettlers thair goods and what they ar worth in lands or goods; and that the saids commissioners caus thair doome and sentence be putt in execution without favour. Firme and stable halding and for to hald all and whatsomever things sall be lawfullie done heerin."

Appointment
of a
commission to
try George
Grant,
illegitimate
son of James
Grant, the
outlaw—the
boot to be
applied if
necessary.

"The Lords of Secreit Counsell gives and grants commission and warrand be thir presents to David, Bishop of Edinburgh, Sir Johne Hay, Clerk of his Majesteis Registers, Sir Thomas Hope, his Majesteis Advocat, and M^r James Robertson, Justice Depute, or anie twa of thame to examine George Grant, bastard sone to James Grant, and the others foure persons brought heir with him, anent thair guiltines of of the crimes layed to thair charge, especiallie anent the escape of the said James furth of the Castell; and for the better cleering of that point with power to thame, if neid beis, to putt the said bastard to the tortour of the boots."

[Sederunt as recorded above.]

Edinburgh,
4th May 1636.

Complaint by William Mudie, merchant burges of Edinburgh, as follows:—On 19th and 20th November last and 9th of April instant, James Hay of Tourlands as principal, and William Wallace of Prestickshaw and John Cunynghame of Hills, his cautioners, were put to the horn at the instance of the complainer for non-payment of 3000 merks of principal, 100 merks of penalty and expenses and collector fee due thereon; but of this horning they take no heed. Charge having been given to these persons, and the pursuer compearing personally but not the defenders, the Lords ordain them to be charged to render their houses of _____ and enter themselves in ward within the Castle of Blacknes within six days after the charge on pain of treason.

Supplication by the Justices of Peace within the constabulary of Hadinton, as follows:—Their Lordships recently gave order to the Master of his Majesty's works to visit the bridge of Lintoun and ascertain what charges would be required for repairing it; but as yet there is nothing done. They crave therefore a new order and direction in the matter, and at their suggestion the Lords grant full power and commission to Sir Antonie Alexander, Master of his Majesty's Works, with the concurrence of George, Earl of Wintoun, Sir Patrick Hepburne of Wauchtoun, John Auchinmowtie in Gosfuirde, sheriff of Hadinton, Sir Patrick Murray of Elibank, and John Sinclair of Stein-
None, or any three of them, the Earl of Wintoun being one, to pass to said bridge of Linetoun for the purpose aforesaid and report to their Lordships with all convenient diligence so that they may give their direction herein; and they appoint the sheriff to be convener of commissioners, who are to meet on such days as they find convenient.

Complaint by George Ker of Ormestoun, as follows:—John Cleland Fernilaw lately renounced a certain part of the lands of Fernilaw to his master, who gave a tack thereof to another person; but the said John, grudging thereat, on April last broke down the limekilns, houses and yards of the said lands and carried away the stones thereof. When the complainer came down from his house to make civil interruption to this procedure, the said John, without any respect to his master, "with manie execrable oathes swore that and he were hanged all that would take his part he sould leade away these stones; and when with ane drawin whinger strake out a number of straiques at him, and had not failed to have killed him if the neichboures had not tane him away. Bot shortlie thairafter he followed his maister as he was going to the lyme querrells, and with ane great batton strake at him or ever he was awar, quhairwith he had feld him deid to the ground if he had not cast up his hand to save his heid, so as with great difficultie the neichboours tooke him away, he in the meanetye uttering a number

Decreta,
April 1635-
February
1636.
P. 167.

P. 168.

Complaint by William Mudie, merchant burges of Edinburgh, against James Hay of Tourlands and his cautioners for defiance of the sentence of horning.

Supplication by Justices of Peace within the constabulary of Haddington, anent the repairing of the bridge at Linton.

Complaint by George Ker of Ormiston against John Cleland in Fernilaw, an ejected tenant, for injuring the complainer's limekilns and for assault.

of detestable speeches unworthie to be hard, quhairwith the compleaner patientlie comported, assuring himselfe that his Majesteis Counsell would take suche order heirin as the merit of the caus requyred." The pursuer compearing but not the defender, the Lords, after hearing witnesses produced in the case, find that the said John Cleland broke down the limekilns and struck the pursuer with a rung upon the head and shoulder, for which they ordain him to be charged to enter himself in ward within the tolbooth of Edinburgh within six days under the pain of rebellion, wherein if he fail he is to be put to the horn and escheated.

Complaint by
Lancelot
Greirson,
brother of
Robert Greir-
son of Barjarg,
against
William
Houston of
Cultreoch for
contempt of
horning.

Complaint by Lancelot Greirson, brother of Robert Greirson of Barjarge, as follows:—On 28th December, 1635, William Howstoune of Cultreoch was put to the horn at his instance for non-payment of 1300 merks of principal, £200 of expenses and certain interest due thereupon. But the said William most proudly remains at the horn in contempt of law and justice. The pursuer compearing by William Steinsone, servitor to Mr Lawrence McGill, advocate, his procurator, but the defender not compearing, the Lords ordain the latter to be charged to render his house of Cultreoch, and enter himself in ward within the Castle of Blacknes within ten days upon pain of treason.

Complaint by
Laurence
Bruce of
Cultmalundie
against his
assayntment for
the slaughter
of David
Tosheoch of
Monzievaird.
See ante, p. 193.

Complaint by Laurence Bruce of Cultmalundie, as follows:—In a decreet arbitral between him and Andrew Tosheoh, now of Monyvaird, the complainer was ordained to appear either in the kirk or at the market cross of Perth, at the option of the said Andrew and his friends, upon any day they should appoint before 1st May now past, and "there in all humilitie and submissive maner requisit he sould confesse and acknowledge the slauchter of umquhile David Tosheoch of Monyvaird and his unfeined penitencie for the same, and that bare heidit and bare-footed on his knees he sould aske and crave the said Andro and his freinds pardon, mercie and forgiveness for the said slauchter, and submit himselfe in thair will, and delyver to the said Andro in signe and token thairof ane sword naiked by the poynt in presence of his honorable freinds and others whome he sall caus be present to that effect. And for further satisfaction to the said Andro and his honorable freinds he wes decerned to make payment to the said Andro [of] the soume of tuelff thousand merks money, haill togidder and in ane soume in numerat and dountold money at the feast and terme of Quhytsonday now approacheing, bot longer delay; and he wes farder decerned to bind himselfe never to repaire nor resort heirafter, wittingly nor willinglie to anie place quhair the said Andro his freinds sall happin to be, bot that he sall eshew these places and flee the same both at kirk and mercat, and that he sall stryve and endeavor to deserve thair favor and goodwill." P. 172. Further, the judges, knowing that his lands were so burdened and himself so personally engaged by reason of his troubles, that the payment of the foresaid sum would be difficult to him, they decerned that, if before the date stipulated for payment thereof, he should dispone his lands of

Decreta,
April 1635.
February
1639.

P. 170.

P. 171

P. 172.

Deeds,
April 1636.
February 1639.
P. 172.

Cultmalundie, Easter and Wester Mains thereof, Mirrines, Mosheid, Grein hill and Weitfoote, lying in the parish of Dinmure and sheriffdom of Perth irredeemably, either to George Bruce, his brother, or Andrew Bruce, his uncle, or to any other person, he should then be astricted to the payment only of 3000 merks, the said Andrew and his curators giving to him a sufficient letter of slains, thus remitting the said slaughter and all grief, hatred or malice conceived against him on that account, which, if the said Andrew and his curators refuse, it was then decerned that his Majesty's remission under the great seal should be delivered to the complainer and he freed from all criminal pursuit on account of the said slaughter, and that order should be given by the Lords of Privy Council for the complainer's indemnity in time coming, as the said decret, dated 16th and 17th February last and recorded in the books of Privy Council on the 22d thereof, bears. In compliance herewith the complainer has disposed his lands specified in the said decret to his brother irredeemably, and therefore is now only obliged to pay to the Laird of Monyvaird 3000 merks. This he is most willing to do on receiving a letter of slains, which for the complainer's security must be signed by Monyvaird, lawfully authorised by his curators and others taking burden for him, and also by his mother, his father's widow, and John Robertsons, now her spouse, for his interest, and by the said Laird of Monyvaird's two sisters, John Murray, the husband of the younger sister, and the curators of the elder, as for themselves and the whole remanent kin and friends of the defunct. The complainer further represents that it ought to be determined according to equity and justice whether any part of the 3000 merks should be paid, either by Monyvaird himself or by the complainer to his said mother and sisters; and that Monyvaird should fix the day and place when and where he will have the personal assithement performed as aforesaid, before the complainer's part of the decree can be performed. Charge having been given to Andrew Tosheoche of Monyvaird, John Robertsons of Invar, Annas Grahame, his spouse, Margaret and Elspet Tosheoch, sisters of the said Andrew and John Murray, spouse of the said Elspet; and the pursuer compearing personally and the defenders by Mr David Primerose, advocate, also Archibald Campbell for his own interest, the Lords, after hearing parties and seeing the disposition made by the complainer to George Bruce, his brother, and the fore-said decret arbitral pronounced by John, Archbishop of St. Andrews, primate and metropolitan of Scotland; with consent of John, Earl of Traquair; William, Lord Alexander; David, Bishop of Edinburgh, and Adam, Bishop of Aberdeen; judges and arbitrators in the said matter, dated 16th and 17th February last, proceeding upon the submission made by the parties upon 22d December previous, for clearing of all doubts between the parties, decern and ordain that, if at any time hereafter the lands appointed to be sold and disposed by the said Laurence to the said George Bruce, or any part thereof, return into the possession

P. 173.

P. 174.

of the said Laurence or into the hands of any other person for his behoof or use, contrary to the intent of the said decree, that then the said Laurence and his brother George, who presently became cautioner for him, shall be liable in payment to the Laird of Monyvaird of 9000 merks in addition to the foresaid 3000 merks ; which by the said decreet are ordained to be consigned in the hands of James Primerose, Clerk to his Majesty's Council, precisely at Whitsunday next. This consignment the Lords ordain the complainer to make, and the money is to lie in the Clerk's hands until the letter of slains be signed by the parties and lodged in his hands, or in case of their variance by their Lordships themselves ; when the said James Primrose is to pay over the 3000 merks to the Laird of Monyvaird, receiving his acquittance therefor. Further, the Lords ordain the said Laird of Monyvaird to sign and seal, with advice of his curators, a sufficient letter of slains to the said Laurence Bruce, who is to cause the same to be drawn up in the form he shall judge fittest for his own security and deliver the same to the said James Primerose before 1st June next, so that James Primerose may hand it to the said Archibald Campbell to show to the said Laird of Monyvaird and his curators and obtain their signatures thereto. This letter of slains the Lords ordain the said Laird of Monyvaird to bring with him, sealed and subscribed, on 25th June next so that it may be delivered to the said Laurence. And for avoiding all occasion of future trouble between the parties the Lords ordain the said Laurence not to come within six miles of the house and place of Culmalundie and Monyvaird, and within four miles of the lands of the Laird of Lawers and his brothers ; nor on any account to go to the burgh of Perth, where the slaughter of the said Laird of Monyvaird was committed, wherein, if he fail, and upon complaint of parties it is found that he has contravened this ordinance, strict and severe order shall be taken with him as such contempt deserves. And the Lords further ordain the said Laurence to fulfil the personal assithement mentioned in the decreet when he shall be lawfully required to do so.

Complaint by
Gilbert Harvie,
younger,
burgess of
Aberdeen,
and others
against certain
countrymen in
the neighbour-
hood of
Dunbar who
have plundered
the cargo of a
ship which had
been cast
ashore.

Complaint by Gilbert Harvie, younger, burgess of Aberdene, for himself, and as acting for George and Mr Alexander Gordoun, Patrick Moir, and Alexander Shand, burgesses of Aberdene, as follows :—Being lately in the town of Camphire and finding there a barque belonging to Dundie, called , they freighted it for bringing home certain goods they had bought in Holland and Zeland. Having laden her and embarked, as they were nearing this kingdom and had reached Thorne-toune Loche, within four miles of Dunbar, on 27th January last “ the barke wes there overtane with a most feirfull and violent storme of weit and wind, so as the mariners and equippage of the ship stryveing with manie difficulties, and with painefull labour and travells were in end constrayned for lyffe and death to runne thair barke ashore, quhare she brake, bot the companie and equippage of the ship by Gods providence were preserved ; and there wes verie great possibilitie that the hail

Decreta,
April 1635.
February 1636
P. 174.

P. 175.

P. 174.

Durata,
April 1635-
February
1639.
P. 176.

loading might have been recovered if the barbarous and inhumane cruelty of the country people had not stopped the same; who perceiving the danger the barke was in and the appearance that she was lyke to be wracke, a great number of people, as namely, George Home in Quhythill, Alexander Fuir in Thornetoun, John Grinla there, William Donaldsone there, James Miller there, James Blair there, Thomas and John Mowis there, William and James Suanstouns there, Silvester Denholme in Thornetoune, John Ewat there, John Hall there, Charles Dickson there, Alexander Hoggart there, John Mitchelson in Scatraw, Alexander Symesone in Gaitsyde, James Litstar there, William Rid there, George Nisbet there, James Broune in Innerweik, David Guidall there, William McGill in Auldhamstoks, Robert Litstar in Colbrandspeth, James Rucheid there, Christian Lumisden there, Jonet Jonstoun there, George Heriot in Brokisburne, James Davidsons in East Barnis, James Donaldsone there, George Mylne there, James Achesone there, Alisone Jamiesone in Belheaven, John Rid in Dunbar, William Kellie there, John Liddell there and John Ridpeth there, conveyed themselves furnished with horse, cairts, sleds and all other things necessary for carrying and taking away of goods, come to the said barke, which was driven on the shore, cutted the syde of her with axes and other instruments, so as the hallow peis being within the barke ranne out at the holes which they made; and then they all concurring together, most inhumanly and barbarously, without pity or compassion of the complainers distress, intruded with the hallow waies being in the said barke, to wit, ten last of whyt peis, three lasts and ane halfe of soape, foure great pypes and thrie punsheons of alme, ane ball of maider, thrie balls of Gallis, twentie hundreth pund weight of sugar and nyne punsheons ten tries of whyt stiffin, twentie tries of rasins of the sunne, thrie trees of fegs, thrie punsheons of corse rasins, ten kinkens of powder, tua trees of brunstane, ane thousand pund weight of tobacco, seven barrell pypes, foure kinkens of indigo, foure hundreth punds of pepper, fiftie pund of cannell, threttene punds of meses, fyftene punds of saffron, twentie punds of nutmugs, ane thousand pund of rid brisell, ten peece of Holland cloth, threttie-six punds of silk, ane steik of Spanis taffetie, three trees of capresse, ane packet of pannels, foure hundreth punds of powder vessell and stoups; item sex hundreth and fiftie merks of reddie gold and silver being in a purse, with the hallow abulzeaments and clothing pertaining to the companie and equippage of the ship, and they sauld and disposed upon the same to the country people at their pleasure," who very wrongfully reset the same, knowing that they were thus unlawfully taken from the complainers. Charge having been given to the persons abovenamed, and the pursuer comparing personally, but none of the defenders, the Lords ordain the latter to be put to the horn and escheated.

P. 178.

P. 202.

(Omitted at
its proper place

Complaint as narrated above, but adding to the names of the defenders John Home of Beoparke, William Frude [*sic*], son of Alexander Furde in

Sentence by
the Council on
the persons

above accused
and on certain
others against
whom the
same
complaint was
lodged.

Thorntoun Loch, James Simesone, cordiner there, William Simesone in the
there, George Horsburgh there, William Gray there, William and [Register.]
Thomas Brysone there, Thomas Wood there, John Yong there, Cudbert Decreta,
Lyll there, George Craig there, George Speir there, John Hewart there, April 1635-
John Neil there, George Hall there, James Speir, John Ewat elder there, February 1639
Michael Craig there, James Mowat in Muttonholl, Thomas Bald in P. 202.
Laulatche, John Tait there, William Hog in Crocehous, David Hog in
Thorntoun Mylne, James Hog, his son, Thomas Yong there, Robert
Frude in Innerweik, John Brewster in Auldhamestocks, George Neilsone
there, Alexander and Robert Moreis in Belheavin, William Hamiltoun
there, John Nisbet younger there, William Bunkill, merchant in Dunbar,
Thomas Thorbrand there, George Trumbill there, William and George
Dugeons in Skaitraw, John Fender there, Jean Mitchelsone there,
Thomas Rattray there, George Petticrue there, Andrew Petticrue there,
Thomas M^cKie in Thorntoun loch, Alexander Blair there, James Blair
there, James Thin there, James Broune in Innerweike, Silvester Craig
there, James Martene there, William and George Frudes there, George
Bald there, Andrew Brouster in Auldhamestocks, John Dyet and James P. 203.
Maisson there, William Quhytheid in Colbrandspeth, John Jonstoun in
Pethheid, Jasper Home, younger in East Barns, Peter Fleeming there,
James Donaldsone there, George and John Mills there, James Achesone
there, and Patrick Diet in Dunbar. In this case they are said also to
have brought sacks. The pursuer compearing personally, and of the
defenders John Home of Beopark, William Frude, James Simesone,
George Horsburgh, William Gray, Thomas M^cKie, William Brysone,
Thomas Brysone, Thomas Wood, John Yong, Cudbert Lyll, James Thin,
George Craig, George Speir, John Ewat, John Neill, George Hall,
James Speir, Michael Craig, all in Thorntoun Loch, James Mouat
in Muttonholl, Thomas Bald, John Tait, William Hog, David Hog,
James Hog, Thomas Yong and George Petticrue in Thorntoun
loche, William Dugeon in Skaitlaw, George Dugeon there, Andrew
Petticrue there, John Fender there, Thomas Rattray there, Thomas
Sympsone in Dryburnfurde, Silvester Craig in Innerweik, James Martene
there, William Frude there, George Frude there, Robert Frude there,
John Bald there, John Brouster in Auldhamstocks, John Diet there,
George Neilsone there, James Maisson there, William Whythead in
Colbrandspeth, Jasper Home in East Barns, Peter Fleeming there, John
Mylne there, Alexander Moreis in Belheaven, Robert Moreis there,
William Hamilton there, and John Nisbet, younger, there; the others
being absent; there also compeared Mr Robert Bruce, advocate, in name
of James, Duke of Lennox, Lord Great Admiral of this kingdom, and
desired that the trial of this matter might be remitted to him and his
deputes in the Admiralty, to whom he claimed it properly belonged. The P. 205.
Lords, after advising, find that in respect of many circumstances of the
case they are themselves the competent judges in this instance but
without prejudice to the office of the Duke of Lennox as Admiral.

Decreta,
April 1636-
February 1639.
P. 205.

Parties having been heard, the Lords assoilzie the said William Gray, William Brysone, John Ewat, John Tait, Silvester Craig, William Bonkill, John Diet, James Maisson, Thomas Thorbrand, William Fuirde, and Jasper Home, who all, on the probation of their guiltiness being referred to their own oaths of verity, swore that they were innocent. The Lords further find that the remanent defenders who compeared have meddled with certain quantities of the goods above referred to, committing thereby a "verie great offence and inhumanitie aganis the saids persewers, whome in cristian dutie they sould have supported and relieved so farre as in them lay," and accordingly fine them in the following sums to be paid by them to the pursuer, viz., James Simesoune £10, William Simesone £40, George Horseburgh 40 merks, Thomas Wood £10, Cudbert Lyll £50, Thomas M^cKie £10, Thomas Brysone £40, John Yong £40, James Thin 20 merks, George Craig 50 merks, George Hall 50 merks, James Speir £50, Michael Craig £10, James Mowat £20, Thomas Bald 50 merks, William Hog 50 merks, David Hog 40 merks, James Hog 40 merks, Thomas Yong £20, George Petticrue £40, William Dugeon £10, George Dugeon £10, Thomas Rattray 50 merks, James Martine £10, George Furde 50 merks, Robert Furde 50 merks, John Bald 40 merks, John Browster £10, George Neilsone 50 merks, William Quhytheid 40 merks, John Mill £10, Alexander Moreis £10, Robert Moreis 20 merks, John Nisbet 50 merks, Patrick Diet 50 merks, and John Home of Beoparke £40; because they all granted and confessed that they had meddled with the goods in the said ship. And, further, the Lords ordain those of the defenders who failed to compear to be put to the horn and escheated for their contempt.

P. 206.

Sederunt ut supra.

Edinburgh,
5th May 1636.

Sederunt,
January 1635-
November
1643.
Vol. 27, a.

"A commissioun to the Bishop of Edinburgh, the Clerk Register, James Grant's Advocat, and Justice Clerk to examine James Grants bastard sonne and illegitimateson. thair complices."

"Certane acts aganis sorners."

Sorners.

"The Lords ordanis Thomas Laing to be putt to libertie be making Thomas Laing payment to the officer of the soume of 40 li., and to everie witnes 40s." freed from ward.

Acta, May
1636-Novem-
ber 1639.
Vol. 146, a.

Sederunt: — Chancellor; Traquaire, Treasurer; Privy Seal, Edinburgh, Winton; Alexander; Bishop of Edinburgh; Clerk Register; 24th May 1636. Advocate.

"The whilk day, in presence of the Lords of Secreit Counsell, compeired John, Earl of personallie Johne, Earl of Traquaire, Lord Linton and Caberston,¹ and Traquair, appointed

¹ According to Scot of Scotstarvet, Traquair in connection with the troubles that arose in "was first brought in by the Earl of Morton to be connection with the introduction of Laud's treasurer-depute to him, but within a few years Liturgy, and it was said of him that for forty he displaced the principal, and got the full possession of the treasury to himself." Traquair was years there had been no subject with such power in his hands. to be the most prominent of the Privy Counsellors

Lord Treasurer
in succession
to William,
Earl of Morton.

produced and exhibite before the saids Lords ane patent under his Acta, May
Majesteis great seale, by the whilk his Majestie wes graciouslie pleased, 1636-Novem
in regarde of the long prooffe and experience of the manie great services ber 1639,
done to his Majestie, als weill in his privat as publict affaires, be the Fol. 146, a
said Earle of Traquaire, to preferre and advance him to be Lord Great
Thesaurar, Comptroller Thesaurar of the new augmentations and Collector
or Thesaurar of the annuitie dew to his Majestie out of the teinds and
generall receaver of all his Majesteis rents, customes, casualiteis,
annuiteis, commoditeis perteaning to his Majestie within this kingdome,
als weill perteaning to the patrimonie of his Majesteis crowne as to the
principalitie belonging to the prince, his Majesteis darrest sone, prince
and stewart of Scotland, as in the said patent, containing diverse others
honnours, digniteis, priviledges and prerogatives conferred be his
Majestie upon the said Earle of Traquaire and quhilks formerlie
belonged to William, Erle of Morton, lait Lord Thesaurar of this king-
dome and wer resigned be him in his Majesteis hands, at lenth is
conteanit. Quhilk patent being read, heard and considerit be the saids
Lords, and they with all dew respect acknowledging his Majesteis
gracious favour showin to the said Earle of Traquaire, they tooke his
oath in a verie solemne maner for his faithfull and dewtifull adminis-
tration and using of the saids offices in all things belonging thereto,
ordaining him to have his place and vote in all the publict meetings
of the kingdome as Lord Great Thesaurar of the same; lykeas the white
staffe and masse wer delivered to the said Erle to be caried be and before
him as the badge of his office."

Letter of the
Marquis of
Huntly in
which he con-
fesses his
remissness in
suppressing
the disorders
in the North,
and promises
to be more
attentive in
future.

"The whilk day, in presence of the Lords of Secreit Counsell, com-
peired personallie George, Marques of Huntlie, and gave in the letter
underwrittin whilk he subscriyved with his hand in presence of the
saids Lords as ane acknowledgement of his neglect, faults and oversight
in not doing of his diligence in restraining of these insolenceis committed
be Adame Gordoun and his associats and for not using of his best
meanes for keeping the peace of the countrie, as at mair lenth is
conteanit in the said letter, quhilk letter he consented and desired to be
insert and registrat in the bookes of Privie Counsell to the intent
therein conteanit; quhilk consent and desire being heard and considerit
be the saids Lords and they finding the same to be just and equitable,
they have ordained and ordains the said letter to be insert and registrat Fol. 146, b.
in the saids bookes, of the quhilk the tennor followes:—I, George,
Marques of Huntlie, upon dew and good considerations, doe acknowledge
that the law required of me a more necessar and exact diligence in
restraining of these insolenceis committed be Adame Gordoun and his
associats, and with all I consider and doe humbelie acknowledge that
in my duetie and obedience to the King's Majesteis lawes I aucht,
without remembrance of the notour injureis done by Fendraucht aganis
me and myne, to have used my best meanes for keeping the peace of
the countrie; and as I doe in all humilitie confes my bygane faults, so

May
Novem-
ber 1639.
146, b.

I am heartilie sorie for the same and doe confes that if his Majestie sould have suffered the course of law to have gone aganis me that I was lyable to verie heaveie censure. Whairfoir I most humbelie beg his Majesteis pardon and with all doe oblige myselfe to amend this fault in time comming and sall use my best meanes for preserving the peace of the countrie; and for the mair securitie I am content that thir presents be insert in the bookes of Privie Counsell that execution may pas thereupon in forme as effeiris; in witnes whairof I have subscryved thir presents with my hand at Edinburgh, the xxiiij day of May, the yeere of God j^mvj^e xxxvj yeeres; *sic subscribitur*, Huntlye."

"Forsamekle as George, Marques of Huntlye, hes be his letters exhibite before the Lords of Privie Counsell this day and subscryved be him in thair presence confest and acknowledged his neglect and oversight in not using his best meanes for securing the peace of the countrie, as in the said letter of the dait of thir presents at more lenth is conteanit, and the saids Lords, being carefull that this letter sall not be obtruded nor objected aganis the said Marques to his hurt or prejudice in anie action or caus criminall or civill betuix him and the Laird of Fendraucht, thairfoir the saids Lords declares and ordains that the said letter nor no claus, point, head nor article conteanit therein sall never import anie hurt nor prejudice to the said Marques nor be obtruded nor objected aganis him in judgement nor otherwayes in anie action or caus criminall or civill concerning him and the said Laird of Fendraucht; commanding heirby all judges whome these presents doe or may concerne that they never suffer the said letter to be propounded nor objected in judgement or otherwayes aganis the said Marques nor to his hurt and prejudice in anie sort."

Declaration by the Council to the effect that the above letter of the Marquis of Huntly be at no time construed to his disadvantage.

"Forsamekle as George, Marques of Huntlye, be his letter exhibite this day before the Lords of Privie Counsell and subscryved be him in thair presence, hes confest and acknowledged that in duetie he aucht to have used his best meanes for keeping the peace of the countrie, that he hes beene negligent in that point and is heartilie sorie for the same, as at more lenth is conteanit in the said letter; and whereas the saids Lords hes seene and considerit the acts whereby the said Marques is bound in for keeping of his Majesteis peace and making suche persons as he is obleist to ansuer for obedient to law and justice, with the whiche acts the saids Lords rest satisfied; thairfoir the saids Lords, according to ane warrand and direction in writt signed be the King's Majestie and this day presented unto thame, hes fred, exonered and releevd, and be the tennor heirof freiths, exoners and releeves the said Marques frome his confyning and waird and gives and grants warrand and licence to him to depart and pas home at his pleasure, so as he may goe or staye at his best opportunitie without pane or danger to be incurred be him therethrow in his person or goods, notwithstanding whatsomever acts made in the contrare, whereanent the saids Lords dispenses be thir presents."

License to the Marquis of Huntly to return home.

Caution by the Marquis of Huntly that James Gordon of Letterfourie, on being released from his ward in the Castle of Edinburgh, will appear on a specified day before the Council.

"The whilk day in presence of the Lords of Secreit Counsell Acta, May 1636-November 1639. Fol. 147, a.
compeired personallie George, Marques of Huntlie, and become actit and obleist as cautioner and souertie for James Gordon of Letterfourie that the said James, being freed and releved of his present waird within the tolbuith of Edinburgh, sall remaine and keepe waird within the burgh of Edinburgh and the Cannogait and not remove nor depart furth thair of till he be fred and releved be the saids Lords; as alsua that he sall compeir personallie before the saids Lords the first Counsell day of Junij now approcheing and ansuer to suche things as sall be demanded of him under the pane of three thowsand merkes. *Subscribitur*, Huntlye. Followes his Majesteis missive for warrand of the act abonewrittin:—CHARLES R.—Right reverend father in God, right trustie and weilbelovit cousins and counsellers, right trustie and trustie and weilbelovit counsellers, we greit yow weil. Having perceaved by the depositions sent unto us concerning the Marques of Huntlie how carefull these commissioners unto whome we recommended the examination of that bussines have beene, we doe approve of thair proceeding and doe heartilie thanke yow for the same, and we doe find that the said Marques doeth justlie deserve to suffer for his misdemeamour. Bot in regard that he by ane acknowledgement under his hand hath had recourse to our mercie, having acknowledged his faults and promised amendiment in time to come, for these and manie other reasons we have thought him a fitter example of our clemencie than of our justice. Yitt, that the justnesse of our proceedings may be fullie knowne, as lykewayes our care to preserve the peace of that our kingdom, it is our pleasure that he first make ane acknowledgement before our Counsell and than a full assurance for his cariage according to the order prescribed for the peace of the kingdome, whiche having done, it is our pleasure that yow sett him at libertie; for doing thereof these presents sall be your warrand. Frome our Court at Whitehall, the 16 of May, 1636. Lett the like course be taken with Letterfury."

The pest.

"Certane acts anent the pest."

Edinburgh,
26th May 1636.

[No record of sederunt.]

Sederunt,
January 1635.
November
1643.
Fol. 27, a.

Proclamation
forbidding the
reset of
colliers and
other persons
from
Newcastle,
which is now
visited by the
plague.

"Forsamekle as it hes pleased God to visit the toun of Newcastle with Acta, May 1636-November 1639. Fol. 147, b.
the contagious sickenes of the pest, and upon occasion thair of great numbers of the coilyears and others serving thereabout hes lost thair service and worke and hes made thair addresse towards this kingdome, seeking imployment, service, ressett and interteanement heir, quhilk be all appearance may procure the said infection to come heir, to the great hurte of this kingdome if all lawfull meanes be not used for preventing the course and progresse of that infection, thairfor the Lords of Secreit Counsell ordains letters to be direct to make publication heirof be opin proclamation at all places neidfull, wherethrow nane pretend ignorance

Ida, May
1636-Novem-
ber 1639.
Vol. 147, b.

of the same, and to command, charge and inhibite all and sindrie maisters and awners of coalehewes and others his Majesteis subjects that nane of thame presooome nor take upon hand to receave in service nor to ressett anie of thir colyears come frome Newcastle nor no other suspect persons comming frome Newcastle nor others parts thereabout under all highest pane that by the lawes of the kingdome can be inflicted upon thame; certifeing thame that sall faillie and doe in the contrare that they sall be exemplarlie punished in thair persons and goods to the terrourof others."

" Forsamekle as it is understand to the Lords of Privie Counsell that there is some infection of the contagious sickenes of the pest in the citie of Londoun, the toun of Newcastle, and other ports in England, and, in respect of the daylie commerce and intercourse betuix this kingdome and these parts, it is verie likelie that the said contagious sickenes sall be brought in this kingdome if all lawfull and ordinar meanes be not used, quhilk at God's pleasure may prevent the same, thairfoir the saids Lords ordains letters to be direct to make intimatioun heirof be opin proclamatoun at the mercat croces of the sea ports and harberis within this kingdome, and to command and charge the magistrats of the saids ports and burrowes that they and everie ane of thame have a special care of the preservation of thair touns; and if anie shippes sall arryve heir frome these suspect parts in England that they give strait charge and direction to the companie and equippage of these shippes and passingers being within the same, that nane of thame presooome nor take upon hand to come on land nor to sett anie of the commoditeis or goods being within the shippes ashore till after a lawfull tryell that they ar not under suspicion of that infection they be suffered to come ashore; and that in all and everie thing quhilk may import the preservation and saifetie of thair touns they have that care quhilk becomes good magistrats and obedient and dewtifull subjects to his Majestie, and as they will be ansuerable upon the contrare at thair perrell."

Proclamation
enjoining
magistrates of
seaport towns
to keep strict
watch on
vessels coming
from London,
Newcastle, and
other ports
which are now
visited by the
plague.

Vol. 148, a.

Sederunt:—Chancellor; Glasgow; Hadinton; Winton; Alexander; Edinburgh,
Clerk Register. 23th May 1636.

" Forsamekle as it hes pleased God to visite the touns of Preston and Prestonpanns with verie great suspicion of the contagious sickenes of the pest, and the concourse of people of all rankes and qualiteis to the communioun quhilk is to be at the Kirk of Preston the morne, the 29th of this instant, is like to carie with it great danger and inconvenient to the countrie, if some good course be not tane quhilk at the pleasure of God may prevent the course of that infection, and whereas the celebration of the communion may be als convenientlie and with lesse danger done upon the Sunday thereafter following or anie other convenient Sunday, betuix and quhilk time it is likelie that it will be knowne whether or not there be anie cleere infection in the said toun, thairfoir the Lords of

The celebra-
tion of the
communion at
Preston and
Prestonpanns
postponed till
it is discovered
if the plague
has appeared
there.

Secreit Counsell, upon verie good considerations, hes thought meit and expedient to discharge, likeas be the tennor heirop they discharge the celebration of the communion at the Kirk of Preston and all preaching upon the said 29th of this instant and forder whill it sall please God to give a cleere light whether there is anie infection or cleare caus of suspicion in the said toun, and ordains letters to be direct to make intimation heirop at the parish kirk and mercat croces of Preston and Prestonpanns wherethrow nane pretend ignorance of the same, and to command, charge and inhibite the minister of Preston that he in no wayes presooome nor take upon hand to ministrat the said communioun or to preache the day foresaid bot that he attend a more convenient time when the same may be done without danger, as he will ansuer upon the contrare at his perrell."

Acta, May
1636 Novem-
ber 1632.
Fol. 148, a.

Commission to
George, Earle of
Winton, to
keep watch
over the
progress of the
plague in
Preston and
Prestonpanns.

" Forsamekle as there is manie cleere and pregnant presumptions and probable suspicions that the touns of Preston and Prestonpanns ar infected with the contagious sickenes of the pest, and the promiscuous resorting and haunting of the people of these touns one with another will not faile to produce great inconvenient if they be not haldin and kept in order and under obedience, and the Lords of Secreit Counsell, understanding the good affectioun of his Majesteis right trust cousine and counseller, George, Earle of Winton, and that he will be verie solist and carefull to contribute his best travellis, care and diligence in all and everie thing whiche may import the weale of the saids touns and of the rest of the kingdome, thairfoir the saids Lords hes nominat, made and constitute, and be the tennor heirop nominats, makes and constituts the said George, Erle of Winton, his Majesteis commissioner and justice in that part to the effect underwrittin givand, grantand and committand unto him full power, commission, warrand and authoritie to resort and repaire at all times and occasions, as he sall thinke meit, to the touns of Prestoun and Prestonpanns and to try and informe himselfe of the estait and condition of the saids touns, and to prescribe and sett down rules, acts, statuts and ordinances anent the preservation of the saids touns, and in speciall for keeping of foule and suspect persons, if anie sall happin to be, frome the cleane, and to command the saids suspect and foule persons to keepè thamselffes apart frome the cleane in suche places as sall be designed and allowed unto thame and not to presooome to come furth thairof till they be warranted and allowed be the said Earle of Winton to that effect under the pane of death; and generallie to doe and performe all and everie thing tending to the preservation of the saids touns and preventing the course and progresse of the said infection quhilk the saids Lords might doe being conveenned in Counsell: Firme and stable halding and for to hald all and quhatsomever things the said Erle sall lawfullie doe heerin."

Fol. 148, b.

Edinburgh,
1st June, 1636.

Sederunt:—Chancellor; Treasurer; Glasgow; Privy Seal; Southesk;
Bishop of Edinburgh; Aberdein; Clerk Register; Advocate.

Acta, May
1636-Novem-
ber 1639.
Fol. 148, b.

"The Lords of Secreit Counsell hes thought it meit and expedient that the packs perteaning to Patrik Wod, whiche ar latelie come frome London and wer packed there sall be singed with fire, and thereafter delivered to the said Patrik Wod and his servants in his name in presence of the Deane of Gild and one of the bailleis of Edinburgh, and that the rest of the packs whiche wer brought frome Newcastle sall be putt in some sure place at the sight of the said deane of gild and baillie of Edinburgh, there to be kepted, and not to be openned nor medled with till forder direction be givin be his Majesteis Counsell thereanent."

Anent the
treatment of
goods brought
to Patrik
Wod from
London, now
visited by the
plague.

Sederunts,
January 1635-
November
1643.
Fol. 27, b.

"The Lords appoints thair nixt meiting to be the morne at nyne of the clocke in the forenoone in the Counselhous to confer anent the mater of the coyne."

Meeting of
Council anent
the coinage.

Acta, May
1636-Novem-
ber 1639.
Fol. 148, b.

Sederunt:—Chancellor; Treasurer; Glasgow; Privy Seal; Winton; Edinburgh, Southesk; Lord Alexander; Bishop of Edinburgh; Bishop of Aberdeen; Clerk Register; Advocate; Sir R. Gordon.¹

2nd June 1636.

Fol. 149, a.

"The whilk day, in presence of the Lords of Secreit Counsell, compeired personallie Johne, Earle of Tracquir, Lord High Thesaurar of this kingdome, and produced and exhibite before the saids Lords the missive letter underwrittin, signed be the King's Majestie and direct to the saids Lords, of the quhilk the tennour followes:—CHARLES R.—Right reverend father in God, right trustie and beloved counsellor, right trustie and trustie and beloved counsellors, we greit yow weill. Having at this time fullie informed ourselfes frome our right trustie and weilbelovit cousine and counsellor, the Earle of Traquaire, tuicheing diverse particulars recommended by yow, and having at lenth considerit of what further we conceive to be necessarie at this time for the good of our service, we have beene pleased, out of the trust we repose in the sufficiencie of the said Earle and his affection thereunto, to impart the same fullie unto him; thairfoir it is our expresse pleasure that what he sall represent unto yow ather be word or writt that accordinglie yow see our directions therein speedilie performed, whiche we will take as acceptable service done unto us and for whiche these presents sall be your warrand. We bid yow farewell. From our court at Whitehall, 16 May, 1636."

Letter from
his Majesty
to the Earl of
Traquair.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Johne, Earle of Traquaire, Lord High Thesaurar of this kingdome, and according to the trust committed be his Majestie to him and instruction given to him be the saids Lords anent protections, signified and declared to the saids Lords that it wes his Majesteis pleasure that no protection could be heerafter grantit bot upon singular and considerable respects concerning his Majesteis service and good of the countrie knowne to the saids Lords and allowed be thame, as alsua

Instructions
from his
Majesty to the
Earl of
Traquair
anent
protections.

¹ In the *Sederunts* this is the *post meridiem* session of the Council.

that no protections sould be grantit in prejudice of hospitalls or of anie moneys whatsomever mortified to pious uses." Acta, May 1636-November 1639. Fol. 149, a.

Letter from his Majesty anent the trade in salt.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Johnne, Earle of Traquaire, Lord High Thesaurar of this kingdome, and produced and exhibite before the saids Lords the missive letter underwrittin, signed be the King's Majestie and direct to the saids Lords, of the quhilk the tennor followes:—CHARLES R.—Right reverend father in God, right trustie and weilbelovit cousines and counsellers, right trustie and trusty and beloved counsellers, we greit yow weill. We receaved your letter tuicheing the salt bussines, whereupon we did heare Alexander Bruce, commissioner from thence and those for this kingdome, tuicheing that purpose, the same being fullie debated both concerning the publict good of both nations and our owne benefite, we being alwayes willing to mainteane the priviledge of that our ancient kingdome, whair of we sall be carefull, have so moderated and ordered the bussines as may best tend to the conservation thereof, agreable (in so far as convenientlie may be) to the humble desires represented by your said commissioner; wherein having at lenth imparted our pleasure unto our right trustie and weilbelovit cousine and counseller, the Earle of Traquaire, our Thesaurar, we have by him thought fitt to lett yow know our proceedings tuicheing the same, seriouslie recommending unto yow that accordinglie yow give your best assistance in what sall be found neidfull concerning that our service, for whiche these presents sall be your warrand. Givin at our court of Whitehall, 17 May, 1636. Quhilk missive being read, heard and considerit be the saids Lords, they ordaine letters to be direct to the salt maisters to be heir this day aucht dayes to heare his Majesteis pleasure signified unto thame."

Letter of James Gordon of Letterfourie confessing his negligence, as baillie, in suppressing the disorders in the North.

"The whilk day, in presence of the Lords of Secreit Counsell, compeired personallie James Gordoun of Letterfourie and gave in the letter underwrittin, quhilk he subscriyved with his hand in presence of the saids Lords, as ane acknowledgement of his neglect, faults and oversight in not doing his diligence, as baillie and servant to the Marques of Huntlie, in restraining of these insolenceis committed be Adame Gordon and his associats, and for not using his best meanes for keeping the peace of the countrie, as at mair lenth is conteanit in the said letter, quhilk he consented and desired to be insert and registrat in the bookes of Privie Counsell to the intent therein conteanit; quhilk consent and desire being heard and considerit by the saids Lords, and they finding the same to be just and reasonable, they have thairfoir ordained the said letter to be insert and registrat in the saids bookes, of the whilk the tennour followes:—I, James Gordon of Letterfourie, upon dew and good considerations, doe acknowledge that the law required of me, as baillie and servant to the Marques of Huntlie, my cheefe, a more necessar and exact diligence in restraining of these insolenceis committed be Adame Gordon and his associats nor I have performed,

Acts, May
1536-Novem-
ber 1639.
Vol. 149, b.

and with all I consider and doe humbelie acknowledge that in my obedience to the King's Majesteis lawes I aucht to have used my best meanes for keeping the peace of the countrie, and as I doe in all humilitie confesse my bygane faults, so I am heartilie sorie for the same, and confes that if his Majestie sould have suffered the course of law to have gone aganis me that I was lyable to verie heavie censure. Whairfoir I doe humblie beg his Majesteis pardon and doe oblige myselfe to amend this fault in time comming and sall use my best meanes for preserving the peace of the countrie; and for the mair securitie I am content thir presents be insert in the bookes of Privie Counsell that execution may pas thereupon in forme as effeiris. In witnes quhairof I have subscriyved thir presents with my hand at Edinburgh, the second day of Junij, the yeere of God j^mvj^cxxxvj yeeres. *Sic subscribitur*, J. Gordoun."

"Forsamekle as James Gordon of Letterfoure hes be his letter exhibite before the Lords of Privie Counsell this day, and subscriyved be him in thair presence, confest and acknowledged his neglect and oversight in not using his best meanes for securing the peace of the countrie as in the said letter of the dait of thir presents at mair lenth is conteanit, and the saids Lords, being carefull that this letter sall not be obtruded nor objected aganis the said James to his hurt or prejudice in anie action or caus criminall or civill betuix him and the laird of Fendracht, thairfoir the saids Lords declares and ordains that the said letter nor no point, claus, head nor article conteanit therein sall never import anie hurt or prejudice to the said James nor be obtruded nor objected aganis him in judgement nor otherwayes in anie action or caus criminall or civill concerning him and the said Laird of Fendracht; commanding heirby all judges whome these presents do or may concerne that they never suffer the said letter to be propounded nor objected in judgement nor otherwayes aganis the said James nor to his hurt nor prejudice in anie sort."

Declaration by
the Council
that the above
letter shall not
compromise
the writer in
his relations
with the Laird
Frendraught.

Vol. 150, a.

"Forsamekle as James Gordon of Letterfoure, be his letter exhibite this day before the Lords of Privie Counsell and subscriyved with his hand in thair presence, hes confest and acknowledged that as baillie and servant to the Marques of Huntlie in dewtie he aucht to have used his best meanes for keeping the peace of the countrie, and that he hes beene negligent in that point and is heartilie sorie for the same, as at mair lenth is conteanit in the said letter, thairfoir the Lords of Secreit Counsell, according to ane warrand and direction in writt signed be the King's Majestie, hes fred, exonered and releevd, and be the tennor heiroy freiths, exoners and releeves the said James Gordon frome his confyning and waird and gives and grants warrand and licence to him to depart and pas home at his pleasure, so as he may goe or stay at his best opportunitie without pane or danger to be incurred be him there-throw in his persons or goods, notwithstanding whatsomever acts made in the contrare; quhereanent the saids Lords dispenses be thir presents."

Warrant for
the liberation
of James
Gordon of
Letterfoure
from his ward
and for his
return home.

Edinburgh,
2nd June
1636, *ante*
meridiem.

Sederunt:—Chancellor; Treasurer; Glasgow; Privy Seal; South-Sederunt, January 1635.
esk; Bishop of Edinburgh; Bishop of Aberdein; Lord Alexander; November
Clerk Register; Advocate. 1643.
Fol. 27, b.

Order for the
making of
small coins.

"The quhilk day the Lords of Secreit Counsell, for the better intercourse of small exchange amongs his Majesteis subjects and to the effect the moneyes to be appointed for that use may remaine within the countrie, hes thought meit, concluded and ordained that the whole bulyeoun presentlie payable and due to be brought in preceeding the dait heirof sall be wrought and strickin in 16 pennie peeces, 32 pennie peeces and v s. 4d. peeces; for quhilk purpose ordanis the General, Master and officers of the Mint to proceed to the melting, forging, working and printing of the said quantitie of bulyeoun in maner foresaid and to attend that service, everie one according to thair severall places and charge."

The Laird of
M^cRanald.
Post
meridiem.

"The quhilk day the Laird of M^cRannald being callit and not compeirand, the Lords decernis aganis him and his cautioneris and superseids the extracting of the decretit till the 23 of this instant."

Edinburgh,
6th June 1636.

Sederunt:—Chancellor; Treasurer; Glasgow; Privy Seal; Kingorne; Acta, May
Roxburgh; Southesk; Lorne; Lord Alexander; Bishop of 1636-Novem-
Edinburgh; Bishop of Aberdeen; Clerk Register; Advocate; ber 1639.
Sir Robert Gordoun. Fol. 150, a

Patrick
M^cGregor,
called Gilleroy,
and others
presented to
the Council
and a commis-
sion appointed
to examine
them.

"The whilk day Archibald, Lord of Lorne, presented and exhibite to the Lords of Privie Counsell Patrik M^cGregour, callit Gilleroy, togidder with Johne Glas M^cGregour and Gillespick M^cFarlane, twa of the said Patrik his complices, whome the Lords ordanis to be committed to waired within the tolbuith of Edinburgh; and the saids Lords gives commission be thir presents to David, Earle of Southesk, Archibald, Lord of Lorne, Sir Johne Hay, Clerk of his Majesteis Registers, Sir Thomas Hope of Craighall, his Majesteis Advocat, and M^r Alexander Colvill, Justice Deput, or anie twa of thame, not excluding anie counsellor who pleases to be present, to examine the said Patrik M^cGregour and his complices the morne at seven houres in the morning."

Edinburgh,
6th June 1636.
Commission
appointed to
examine
Gilleroy.

"A commission to the Erle of Southesk, the Lord Lorne, Clerk Sederunt,
Register, Advocat, Sir Robert Gordoun and Justice Deput, or anie twa January 1635-
of thame, not excluding anie counsellor who pleases to be present, to November
examine Gilroy the morne at sevin houres in the morning." 1643.
Fol. 28, a

Edinburgh,
7th June 1636.

Sederunt:—Chancellor; Treasurer; Glasgow; Privy Seal; Kingorne; Acta, May
Roxburgh; Southesk; Lord Angus; Lord Lorne; Lord Alex- 1636-Novem-
ander; Bishop of Edinburgh; Bishop of Aberdeen; Bishop of ber 1639.
Brechin; Master of Elphinston; Clerk Register; Advocate; Fol. 150, b.
Sir Robert Gordon.

Acta, May
1636-Novem-
ber 1639.
Fol. 150, b.

"The Lords of Secreit Counsell ordains and commands his Majesteis Direction Justice and his deputs to give order for directing of summons against anent ressetters of James Grant and Gilleroy for thair the ressetters and hounders out of James Grant and Gilleroy for thair compeirance to underly the law for the said crime."

"The whilk day the Lords of Secreit Counsell, according to ane Walter, bishop of Brechin, admitted into the Council. warrand and direction in writt, signed be the King's Majestie and this day presented to the saids Lords, received and admitted Walter, Bishop of Brechin,¹ to be one of the Privie Counsell of this kingdome and to bruike and injoy all honnours, priviledges, digniteis and immunitieis proper and dew to that place; lykeas the said Bishop, being personallie present and acknowledging with all due reverence his Majesteis gracious favour shawin unto him in preferring and advancing him to this honnour and dignitie, he in all humilitie upon his knees made and gave the oath of alledgeance and of a Privie Counsellor. Followes his Majesteis missive for warrand of the act abonewrittin:—CHARLES R.—Right reverend father in God, right trustie and weilbelovit cousines and counsellors, right trustie and trustie and weilbelovit, we greit yow weill. Understanding perfectlie the sufficiencie of the reverend father in God, Walter, Bishop of Brechen, and his affection to our service, we ar pleased in regarde thair of and for his better encouragement and enabling for our said service to advance and promote him to be one of our Privie Counsell there. It is our pleasure that, having administred unto him the oath accustomed in the like caises, yow admitt him to be one of our said Privie Counsell, receaving him in that place as one of your number; for doing whair of these presents sall be your warrand. We bid yow farewell. From our Court at Whitehall, the 16 of May, 1636."

"Forsamekle as Archibald, Lord Lorne, heretable justiciar of the south and north yles and of the shirefdome of Argile, out of his zeale and affection to his Majesteis service and the peace of the countrie hes carefullie bestirred himselfe and now in end succesfulie taken the arche Commendation of the Lord of Lorne for his apprehension of Patrick M'Gregor, alias Gilleroy, and certain of his accomplices. rebell Patrik M'Gregour, alias Gilroy, with some of his complices, be whome his Majesteis good subjects in the Hielands and north parts of this kingdome hes beene this long time bygane heavilie infested in thair persons and goods, whiche being a service verie considerable and whiche, in the consequence thair of, will greatlie conduce to the quyet and peace of the countrie, thairfoir the Lords of Secreit Counsell finds and declares that the said Lord of Lorne hes behaved himselfe as a generous and loyall subject, and that he hes done good, reall and acceptable service to his Majestie and the estait, and accordingleie approves the said Lord of Lorne his whole cariage and proceedings in this mater; ordaining remonstrance to be made to his Majestie of the said service and merite of the same. Lykeas the saids Lords declares that the said Lord of Lorne his taking of the said Gilleroy and his complices within the bounds of his justiciarie and exhibition of thame before his Majesteis Counsell

Fol. 151, a.

¹ Walter Whiteford, bishop of Brechin, had Moffat. He was consecrated bishop of Brechin first been minister of Monkland, then rector of in 1634.—Keith, *Catalogue of Bishops*.

heir to underly thair tryell and punishment, sall be at no time heerafter obtruded agains the said Lord of Lorne nor sall import anie prejudice or derogation to the right and privilege of the said Lord of Lorne his justiciarie, bot that the same sall stand in full force unprejudged or impaired be the exhibition foresaid; for quhilk purpose and for preservation of the liberteis of his office, ordains the said Lord of Lorne to sitt with and be assessour to his Majesteis Justice and his deputs in the trying and censuring of the said Gilroy and suche of his complices as ar apprehended be the said Lord Lorne."

Acta, May
1636-Novem-
ber 1639,
Fol. 151, a.

Edinburgh,
7th June 1636.

[Sederunt as recorded above.]

Decreta,
April 1636-
February 1639.
P. 178.

Supplication
by Alexander
Parke,
merchant
burgess of
Linlithgow,
that he may be
allowed to
unload a cargo
of grain
brought from
Rotterdam,
which the
Magistrates of
Linlithgow
have forbidden
him to do
from a ground-
less suspicion
of the plague.

Supplication by Alexander Parke, merchant burgess of Linlithgow, as follows:—About five weeks ago he laded a ship at Roterdame with corn, and eight days since she arrived at Borrowstounes, where he expected to have unladed the ship of her cargo and sold the same to the country people, but the provost and bailies of Linlithgow, and the commissioners appointed by their Lordships for keeping these bounds from the contagion of the pest, oppose the unlading thereof, and the corn is now beginning to heat and will become useless and thereby the supplicant will be wrecked and undone. There is no kind of suspicion within the ship, nor any sick person, and the only commodity is this grain. He therefore craves command from their Lordships to these persons to withdraw their opposition. The Lords, after advising, ordain the company of the said ship with the help of such workmen as they may think fit to employ at the sight and by the allowance of the magistrates of Linlithgow to discharge the cargo and put the grain in some lofts and other convenient places at Blacknes or Caridden, where it may be preserved from spoiling, and the said company and workmen remain apart by themselves with the grain till such time as the said magistrates shall prescribe their trial.

Complaint by
Mr James Law,
one of the
keepers of his
Majesty's
Signet, against
Thomas Veitch
in Lockhard,
for pulling
down a house
erected on the
lands of the
complainer by
his tenant,
Thomas
Murray.

Complaint by Mr James Law, one of the keepers of his Majesty's Signet, proprietor of the temple land of Kirkcud, and Thomas Murray, his tenant, as follows:—By good and undisputed titles the said Mr James Law has been in uninterrupted possession of the said land this long time past, until lately that the said Thomas Murray began to build a house thereupon for his dwelling near the spot where the same formerly stood, when, upon April last, Thomas Veitch in Lockhard came to the said tenant and threatened and menaced him and Robert Broune, workman, who was building the said house, and, having forced him to leave his work, "violentie pulled doune the tailesyle of the hous." After the said tenant had completely built the house and thatched it, the said Thomas came on May, and again compelled James Broune to leave his work, whereupon he "violentie pulled doune the thacke and a great part of the timber and walls of the said hous. And thairafter he come to the saids lands and violentie P. 179.

P. 180.

Decreta,
April 1636.
February 1639.
P. 130.

dimolished all suche parts of the said hous as he had not cast doune the day forsaid ; so as the poore tenant will be forced to ly in the feilds or to lay his maisters rounge waist." Charge having been given to the said Thomas Veitche, and both pursuers and defender compearing, the Lords, after hearing parties, remit the question of the right to the ground upon which the said house was built to the ordinary judge, and continue the present complaint until that has been decided. But in the meantime the Lords, being careful that the pursuer and his tenant shall not be prejudged of a dwelling house, desired parties each to nominate "some sufficient understanding man by whose sight the plot of ground, quhairupon the said hous is to be bigged, salbe designed and appointed." The pursuers accordingly nominated Robert Tuedie in Bordland, and the defender named James Geddes in Ruchan, and to them the Lords gave power to go to the ground of the said lands, and after informing themselves as to the place where a house may be most conveniently built, to design the said place, appointing the house to be built there, and to stand until it be decided by the judge competent whether the pursuer is entitled to build upon any part of the said lands. Meanwhile, with consent of the defender, the Lords ordain Thomas Murray to remain in the house in which he now abides until the two friends determine as aforesaid.

P. 131.

Complaint by Patrick Sands, notary, and William Morton, his servant, as follows:—He was employed by Laurence Bruce of Cultmalundie to act as agent in following out that chargeable process respecting his remission for the slaughter of Monyvaird, in the doing whereof he has not only taken great pains for the space of a year but has been at great expense and outlays, besides the preparation of several writs for him. On May last, Bruce came to the complainer's dwelling house in Leith and was kindly entertained there for two nights, when he earnestly dealt with the complainer to go with him to Cultmalundies, where he promised to give him satisfaction for his services. He agreed, and went with him to Bruntiland, where, "being reddie to take horse, he not onlie slipped frome his promise anent the compleaners satisfaction, but threatned to take his lyffe. And, upon the 19 of May last, the said Laurence, returning from Cultmalundie, he come to Bruntiland, went alongs the compleaners ludgeing, opinlie threatning, if he had him, to putt a suord throw him; and perceaving William Morton, the compleaners servant, comeing in at the yet, or ever he wes awar, he strake him over the heid with his drawin suord to the hazard of his lyffe, went up and doune with his drawin suord, poynting thairwith at the windowes of the compleaners ludgeing, provokeing him to come furthe, and avoweing, with manie bloodie oathes to have his lyffes [*sic*]. For quhilk purpose he awaited all occasions to effectuat his bloodie resolution. And accordingly, upon the 13 of May, the compleaner being going down the streit to take boating for Leith, the said Laurence come furthe of his lurking

Complaint by
Patrick Sands,
notary, against
Laurence
Bruce of
Cultmalundie,
for whom he
has acted in
connection
with his
remission
for the
slaughter of
the Laird of
Monzievaird,
but who not
only refuses to
remunerate
the complainer
but threatens
his life.

hole, boddin with ane rapper, dager and battoun prepared for the purpose, and or ever the compleaner was awar he feircelie sett upon him first with the battoun and thairafter drew his suord, strake out a number of strais at the compleaner, woundit him thairwith on diverse parts of his bodie, especiallie on the hand, to the effusion of his blood, and had not failed to have slaine him, were not his awne better defence and help of the people in the toune. And all this because the compleaner craved satisfaction for his debursements and service." Charge having been given to the said Laurence Bruce, and the pursuers compearing personally but not the defender, the Lords ordain the latter to be put to the horn and escheated.

Decreta,
April 1635-
February
1639.
P. 181.

P. 182.

Edinburgh,
7th June 1636.
Reward for the
capture of
Gillero.

"Ane act remitting to the Eale of Tracquair, Lord High Tresaurer, to reward and acknowledge the subservient ministers employed be the Lord Lorne for taking of Gilroy, according as the Lord Tresaurer in his discretion sall judge fitting."

Sederunt,
January 1635-
November
1643.
Fol. 28, a.

Edinburgh,
9th June 1636.

Sederunt:—Chancellor; Treasurer; Glasgow; Privy Seal; Kingorne; Roxburgh; Gallcuay; Lord Alexander; Bishop of Edinburgh; Bishop of Aberdeen; Bishop of Brechin; Master of Elphinston; Clerk Register; Advocate.

Acta, May
1636-Novem-
ber 1639.
Fol. 151, a.

Anent the salt
trade.
See ante, p. 250.

"The whilk day, in presence of the Lords of Secreit Counsell, compeired personallie Alexander Bruce of Alva, commissioner direct to the King's Majestie anent the bussines of the salt, with some of the salt masters who wer writtin for to this day, and the said Alexander imparted to the salt maisters present in presence of the saids Lords his Majesteis royall will and pleasure anent that mater, quhereanent the saids Lords ordains the salt maisters present to conferre and treate with thair said commissioner tuicheing the right ordering of that bussines till the rest of the salt maisters writtin for be heir."

Commission
appointed to
confer with
Nicolas Briot
anent the
Mint.

"The Lords of Secreit Counsell gives and grants commission be thir presents to Johne, Earle of Traquaire, Lord High Theasaurar of this kingdome, Patrik, Archbishop of Glasgow, Thomas, Erle of Hadinton, Lord Privie Seale; Robert, Earle of Roxburgh, William, Lord Alexander, David, Bishop of Edinburgh, Sir Johne Hay, Clerk Register, and Sir Thomas Hope, his Majesteis Advocat, or anie foure of thame, to conveene and meit at ten of the clocke upon Saturday nixt and to call before thame Nicolas Briot, and to treate and deale with him anent the conditions and nature of the contract to be past and exped concerning his Majesteis Mint betuix the Lords of Privie Counsell and the Maister of the Cunyehous."

Fol. 151, b.

Appointment
of a
commission to
examine
witnesses
anent the

"The Lords of Secreit Counsell, for the further cleering of the alledged wrong done to the Hospitall of Leith, gives and grants full power and commission be thir presents to Johne, Archbishop of S^t Andrewes, Lord High Chancellor of this Kingdome; Johne, Earle of Traquaire, Lord High

151. May
186. Novem-
ber 1639.
bl. 151, b.

Thesaurar of the said Kingdome, Patrik, Archbishop of Glasgow, Robert, Earle of Roxburgh, Archibald, Lord of Lorne, David, Bishop of Edinburgh, Adame, Bishop of Aberdein, and Walter, Bishop of Brechin, or anie foure of thame, the saids Lords Chancellor, Thesaurar, Roxburgh, or anie of thame being one of the foure, to conveene and meit at suche times and places as they please appoint, and to receave and examine suche witnesses as sall be produced before thame anent the wrong done to the Hospitall of Leith, as alsua to hear and receave all suche other probation as sall be used in that mater and to peruse and consider the probation alreadie deduced, and to report thair proceedings to the saids Lords at thair best conveniencie."

wrong alleged
to have been
done to the
Hospital of
Leith.

"The Lords of Secreit Counsell, having read and considerit the report of the diligence done be the commissioners nominat be thame for trying the ressetters of Patrik Roy M^cGregour and others brokin Hielandmen in the North, conforme to the commission grantit to thame for that effect, and speciallie anent thair proceedings aganis James Blair in Ballachalleauche, John Gordoun in Skaithgarnock, Allane Steuart there, Finlay Ego in Cults, Duncane Narne in Dalbadyie, Alaster Richie and William M^cRichie, and, being weill advised with the saids commissioners thair proceedings heerin and with the tryell tane be thame of the qualitie of the saids ressetters and what they ar worth in lands and goods, the Lords of Secreit Counsell approves of the saids commissioners thair proceedings in this mater, and the saids Lords ordains the saids commissioners to proceed aganis the saids hail ressetters who are alreadie convict in maner following; to witt, that they fyne suche of the saids ressetters as ar convict of wilfull ressett of the persons of the saids Gilroy and his complices allanerlie according to the thrif of what they ar worth in lands and goods, and suche of thame as have no lands nor goods that the saids commissioners caus keepe thame in waird for suche space as they thinke fitting and feed thame upon bread and water during that time, and thereafter caus burne thaim in the cheeke and banishe thame the countrie. And as concerning suche of the saids ressetters as ar convict not onelie of the ressett of the lymmars thame-selffes bot of thair stollin goods, that they caus putt twa of the most notorious of the saids ressetters to the tryell of ane assise and to pronunce and caus execute the sentence of death aganis thame, conforme to the lawes of the kingdome, and to caus fyne and punishe the rest according as is prescribed anent the ressetters of the persons of the saids lymmars, whereanent thir presents sall be to thame ane warrand."

Sentences
against the
resetters of
Gilleroy and his
accomplices.

fol. 152, a.

Justices of
Peace, 1612-
1630.
fol. 70 b.

"The Lords of Secreit Counsell, understanding that M^r Francis Edinburgh, M^cGill, minister at Kirkmichaell and Garvald, is verie weill affected to his Majesteis service and is of good knowledge, judgement and experience to undergoe the place of justice of peace within the bounds where he dwellis, thairfoir his Majestie, with advice of the Lords of Secreit Counsell, hes made and constitute and be the tennor heirof makes and justice of

9th June 1636.
Mr Francis
M^cGill,
minister at
Kirkmichael
and Garvald,
appointed a
justice of

peace in the
sheriffdom of
Dumfries.

constituts the said M^r Francis justice of peace within the shirefdome of Dumfreis, and hes adjoynned and adjoynes him to the remanent commissioners and justices of peace within the said shirefdome with als great fredome, priviledge, warrand and auctoritie as they or anie others justices of peace within this kingdome bruikes thair offices be vertew of the commission grantit to thame be his Majesteis patent under the great seale, and with als great fredome, auctoritie and jurisdiction as if his name wer particularlie insert in the saids commissions; with power to him to use and exerce the said office in all and everie thing tending to the forderance of his Majesteis service, keeping of the peace of the countrie, and execution of the said commissioun; commanding heirby the convenner and remanent justices of peace of the said shirefdome to receave and admitt the said M^r Francis to be of thair nomber, and to grant him voice and place amongs thame as if he wer particularlie insert in the said commission, and to take his oath for faithfull discharge of the service, anent the doing whair of thir presents sall be to thame ane warrand."

Justices of
Peace, 1612-
1639.
Fol. 70, b.

Edinburgh,
9th June 1636.
John M^cComie
and Callum
Forbes.

The accom-
plishes of James
Grant and
Gilleroy to be
tried.

"Charges for exhibition of John M^cComie and Callum Forbes, twa of Gilroyes complices before the Counsell."

Sederunt,
January 1635-
November
1643.
Fol. 23, b.

"The Lords ordanis his Majesteis Justice and his deputs to proceed to the criminall tryell of the complices of James Grant and Gilroy that ar in the tolbuith, and who be thair awne confessions ar guiltie, reserving alwayes the tryell of Gilleroy himselfe, John M^cComie, and the young boy brought over with Gilleroy, till a more fitting time."

Edinburgh,
11th June
1636.

Sederunt:—Treasurer; Glasgow; Privy Seal; Roxburgh; Gallo-
uay; Lorne; Lord Alexander; Bishop of Edinburgh; Clerk
Register; Advocate.

Acta, May
1636-Novem-
ber 1639.
Fol. 152, a.

Nicholas
Briot refuses
to accept the
office of
Master of the
Mint, on the
condition that
he is to be
restricted to
residence in
the kingdom.

"The whilk day the Lords of the committee, appointed be his Majesteis counsell for the mater of the coyne, having carefullie debated and inquired in the office of maister coynner and for thair better information having heard the officers of the Mynt and the most intelligent and understanding merchants tuicheing the dewtie incumbent to a maister cunyear and whiche is fitting and necessar to be performed be him, the Lords of the committee hes thought meit and expedient and accordingle concluded that the intrant maister coynner sall find sufficient and responsall caution for the faithfull discharge of his office, and that he sall satisfie and redresse all parteis interested, and reside within the countrie, and discharge his office in person, and not remove furth of the countrie without licence, under such panes, fynes and censures as the Lords of Privy Counsell, upon tryell of the said maister cunyear his neglect of dewtie, ather to the King or countrie, sall find the merite of his offence to deserve. Whiche conclusion and ordinance being intimat to Nicolas Briot, and he being demanded anent his willingnes and abilitie to performe the same, the said Nicolas Briot declared that he being his

Acta, May
1636. Novem-
ber 1639.
Fol. 152, a.

Majesteis officer in the Mynt of England sould not be burdenned to find caution for performance of his dewtie, and that it would be ane discredite unto him to be obliged and restrained in that kynde, and in respecte thair of he directlie refused to offer or sett anie suche suretie, and withall declared that he wes content to ~~as~~ the office and charge to be maister coynner of this kingdom upon the same conditions, fees and allowances that hes beene customablie paid to former maister coynners, provyding alwayes and with expresse reservation that he be not tyed to a settled residence within the kingdome, and that it sall be lawfull unto him to appoint deputs in his absence for discharge of the service; and that in regarde of the small benefite which the Mynthous heir will afford unto him, and that by his not residence to attend his charge in the Mynt of England he may forefeyte the fees and pensions quihilks he presentlie bruikes, amounting to the soume of three hundredth pounds sterline."

Fol. 152, b.

"It wes lykewayes remonstrat to the committee be the officers of the Coynehous that the office of maister cunyear wes incompatible with that of the graver and sinker of his Majesteis yrnys, and that the inconveni- ent both to King and countrie wes unavoydable whiche a person thus qualified (if willing) wer able to produce; besides that it cannot be instanced by anie former precedent that ever a maister coynner wes a graver or sinker of yrnys or had the skill and abilitie to doe the same."

Protest of the
officials of the
Mint against
combining the
Mastership of
the Mint with
that of other
offices
connected with
the same.

"It wes lykewayes remembred be the officers of the mynt that there is ane established uniformitie of the gold and silver coyne betuix the twa kingdomes, wherein there can be no change nor alteration, ather in weight, fynnesse or print, without consent of both. And seing Nicolas Briot intends to introduce a new forme of working by the milne which may make a cleere difference in the print of the coyne of this kingdome frome that of England to the breache of the compromitt and received orders made thereanent, his Majestie is heirby petitioned that he might be graciouslie pleased to forbear the introduction of anie novelteis in our Mynt and that our coyne be wrought according to the old forme and that Briots invention of his milne be not obtruded upon us till it be first received and approved of in England."

Protest by the
same officials
against
changing the
uniformity of
gold and silver
coins between
the two
kingdoms as is
proposed by
Nicolas Briot.

Sederunt,
January 1635.
November
1643.
Fol. 29, a.

"The Lords appoints thair nixt meiting to be upon Tuisday at nyne of the clocke, quherof ordanis intimatioun to be made to the officiaris of the Cunziehous, and that the counsell of Edinburgh make choise of direct some skilled and understanding men in the mater of money to attend the committee to give thair best advice and informatioun in suche things as sall be demanded of thame concerning that purpose."

Edinburgh,
11th June
1636.
Meeting of
Council
appointed for
the consider-
ation of the
coinage.

Acta, May
1636. Novem-
ber 1639.
Fol. 152, b.

Sederunt:—Chancellor; Treasurer; Glasgow; Privy Seal; Winton; Edinburgh, Gallouay; Dumfreis; Lord Lorne; Lord Alexander; Bishop of Aberdeen; Clerk Register; Advocate.

Edinburgh,
14th June
1636.

"Forsamekle as the ingaddering of the few maillis of kirklands and of Sheriffs and

Stewards
declared to be
responsible
for the levying
of feu-mails
and annuities
of teinds.

the annuitie of teinds dew to our soverane lord doeth also properlie belong to the charge of shireffs and stewarts as the ingaddering of his Majesteis awne rents, and the expenses to be made upon the collecting of the saids few maillis and annuitie of teinds (qubilk for a great part consists of small and meane dewteis) will exhaust the same and make thame unprofitable to his Majestie if this course to burdein the shireffs and stewarts therewith be not followed out, thairfoir the Lords of Secreit Counsell, be his Majesteis expresse warrand, allowance and directioun, hes thought meit and expedient, concluded, declared and ordained that all shireffs, stewarts and bailleis ar and sall be lyable to the ingaddering of the saids few maillis and annuitie of teinds in all time comming; commanding heirby his Majesteis Thesaurars, principall and deputie, and the remanent lords and commissioners of his Majesteis exchequer to see this order anent the ingaddering of the saids few maillis and annuitie of teinds to be preceislie kepted and observed, with this provision and declaration that the few maillis of suche kirk-lands as wer surrendred in his Majesteis hands and for the quhilks the titulars hes not givin satisfaction sall not be comprehended under this present act; and ordains letters to be direct to make publication heirop be opin proclamatioun at all places neidfull wherethrow nane pretend ignorance of the same. Followes his Majesteis missive for warrant of the act abonewrittin:—CHARLES R.—Right reverend father in God, and right trustie and weilbelovit cousines and counsellors, and right trustie and trustie and weilbelovit counsellors, we greit yow weill. Whereas the ingaddering of the few maillis of church lands and of the annuitie of teinds dew to us doeth als properlie belong to the charge of shireffs and stewarts as the ingaddering of our owne rents, and the expenses to be bestowed upon the collecting of the saids few maillis and annuitie of teinds (whiche for a great part consists in meane and small dewteis) might exhaust the same and make thame unprofitable to us if that course wer not followed to burdein the shireffs and stewarts therewith, thairfoir it is our speciall pleasure that be act of Counsell yow declare all shireffs and stewarts to be lyable to the ingaddering of the saids few maillis and annuitie of teinds and caus publishe the said act that nane pretend ignorance thairof; and that yow give order to our Thesaurars, principall and deputie, and to the remanent lords and commissioners of the Exchequer to see the said order kepted and observed in ingaddering of the saids few maillis and annuitie of tithes. And so trusting to your care heerin we bid yow farewell. From our Court at Whitehall, the 16 of May, 1636.”

Lordship of
Torphichen to
be held of his
Majesty in
feu-ferme.

“The whilk day in presence of the Lords of Secreit Counsell compeired personallie Johne, Lord Torphichin, and gave in ane act of Counsell of the dait the nynt of Februar last, whereby the saids Lords ordained the hail processe concerning the lordship of Torphichin to be delivered to Johne, Earle of Traquair, Lord High Thesaurar of this kingdome, to the effect his lordship might offer the same to his Majesteis royall con-

Acta, May
1636-Novem-
ber 1639.
Fol. 152, b.

Fol. 153, a.

Acta, May
1636-Novem-
ber 1639.
Fol. 153, a.

sideration and report backe to the counsell his Majesteis judgement and determinatioun thereanent, as the said act more fullie porports. And the said Lord Torphichin desired the said Lord Thesaurar to declare unto the said Lords his Majesteis will and determination anent the said lordship of Torphichin, quhereupon the said Lord Thesaurar produced and exhibite before the saids Lords ane signature under his Majesteis hand tuicheing the nature of the erection of the said lordship of Torphichin, bearing his Majesteis declaration and exception made in favour of the said Lord Torphichin anent the superioriteis of the baronie of Torphichin, and lands of Fallas perteaning thereto, lying locallie within the parishes of Torphichin and Livingstoun and shirefdome of Linlithgow, whiche, with the title and dignitie of Lord Torphichin and with the lands, teinds and others of the said lordship perteaning to the said Johne, Lord Torphichin, in propertie, his Majestie ordains to be haldin of his Majestie in few firme for payment to his Majestie of the soume of blanke

Fol. 153, b.

in the name of few ferme, as the said signature more fullie porports. Quhilk being read, heard and considerit be the saids Lords and they acknowledging his Majesteis gracious and royall favour shawin to the said Lord Torphichin in the exception and declaration before mentiouned, they past and exped the signature, and ordains the same to ly in the hands of the clerk of Counsell unregistrat ay and whill the few ferme dewtie be filled up be the Lord Thesaurar."

[Sederunt as recorded above.]

Edinburgh
14th June
1636.

Decreta,
April 1635-
February 1639.
P. 182.

Complaint by William Leslie of Ryhill, as follows :—He is informed that he has been put to the horn at the instance of George Walker, son of the deceased Patrick Walker in Little Fingene, for not compearing before the Council to answer to a complaint by the said George of "ryveing" of a band. The horning has been wrongfully executed because he was never charged to appear or he would willingly have obeyed. He has found caution in their Lordships' books in 300 [merks?] for compearing on the 8th instant in this matter, and for payment of £40 as his escheat if found liable therein, so that the said horning should be suspended. The pursuer compearing by Mr James Abercrombie, his procurator, but the defender not compearing, the Lords grant suspension as craved.

Complaint by
William Leslie
of Ryhill
against George
Walker for
illegal horning.

P. 183.

Complaint by George Moresone, burgess of Aberdene, as follows :—On 14th, 16th, and 26th March last George Gordon, younger of Geicht, as principal, and William Coutts of Achtercoull, as cautioner, were put to the horn at his instance for non-payment of 4000 merks of principal, 1200 merks of expenses, and due interest, and at the horn they contemptuously abide. The pursuer appearing by Quintin Kennedie, younger of Gicht, and writer, his procurator, and the defenders not compearing, the Lords ordain the latter to be charged to render their houses of Geicht and Achtercoull, and enter themselves in ward within the castle of Blacknes within fifteen days upon pain of treason.

Complaint by
George
Moriason,
burgess of
Aberdeen,
against
George
Gordon,
younger of
Gicht, and
William
Coutts of
Auchtercoull
for contempt
of horning.

P. 184.

Same complaint by the same against the same, and Alexander Abercrombie of Birkenbog.

Complaint by George Moresone, burghess of Aberdene, as follows :— On 14th, 16th and 26th March last George Gordon, younger of Geicht, as principal, and Alexander Abercrombie of Birkenboig, elder, and William Coutts of Achtercoull, as cautioners, were put to the horn at his instance for non-payment of the principal sum of 4000 merks, with interest due thereon, and 1200 merks of expenses, but at the horn they proudly remain as if they were not subject to law. The pursuer comparing by Quintin Kennedie, writer, his procurator, and Mr James Baird, advocate, appearing in name of James Cudbert of Draces, donator to the liferent of the said Alexander Abercrombie, and, being admitted for his interest, objected that no charge could be directed against the said Alexander Abercrombie for rendering his houses, because the said James Cudbert had procured a gift of the said Alexander's liferent of all his lands and heritages mentioned in the said gift, by virtue whereof the keys of the said house of Birkinbog were delivered to him. The Lords assign the 14th of July next for the proof of this allegiance and ordain parties concerned to be warned hereof.

Decreta,
April 1635.
February 1636
P. 184.

P. 185.

Supplication by George Gordon in Logiealtoun that he be freed from ward on the ground of sickness.

Supplication by George Gordone in Logiealtoun, as follows :— He has been in ward for the last twenty-six weeks, and has fallen sick and diseased. For want of the free air he is like to lose his life, and he prays the Lords to ordain the provost and bailies of Edinburgh to set him at liberty. The Lords grant the prayer of the petitioner, who has enacted himself to appear personally before their Lordships and answer upon such things as shall be laid to his charge, whenever lawfully cited so to do, under the penalty of £1000 ; and also that he will behave himself peaceably in the country as a good and dutiful subject.

P. 186.

The Earl of Home.

"The quhilk day the Earle of Home¹ received his patent in Counsell and ane act wes past thereupon."

Sederunt,
January 1635.
November
1643.

Edinburgh,
16th June
1636.

Sederunt :—Chancellor; Treasurer; Glasgow; Privy Seal; Wintoun; Wigtoun; Roxburgh; Gallouay; Dumfreis; Lorne; Alexander; Bishop of Edinburgh; Bishop of Aberdeen; Bishop of Brechin; Clerk Register; Advocate.

Fol. 29, a.
Acta, May
1636-Novem-
ber 1639.
Fol. 153, b.

Warrant from his Majesty empowering the Lord Chancellor to confer knight-hood on the eldest sons of baronets when they attain the age of twenty-one years.

"Forsamekle as the King's Majestie, having formerlie upon verie good considerations, both for freithing his Majestie from trouble and saving of the parteis whome it concernes from charges, gevin warrand and direction to his Majesteis Chancellor for the time being that the eldest sonnes of all baronnets, being of the age of 21 yeeres, sould be knighted whensoever they sould desire the same according to thair patents under the great seale, and his Majestie, being yitt willing upon the same considerations that the said course be continued, his Majestie for this effect hes givin warrand to the Lord High Chancellor of this kingdome to knight the eldest sonnes of all and everie one of suche baronnets who, being of the perfyte age of 21 yeeres compleit, sall desire the same without

¹ Sir James Home of Cowdenknowes, third Earl of Home.

Act, May
1636-Novem-
ber 1639.
Fil. 153, b.

putting thame to anie charges and expenses, as in the said warrant presented and exhibite this day before the Lords of Secreit Counsell at lenth is conteanit. Quhilk being read, heard and considderit be the saids Lords and they with all humble and dewtifull respect acknowledging his Majesteis gracious will and pleasure in this mater, they ordaine the said warrand to be insert and registrat in the bookes of Privie Counsell and to have the force of ane act of Counsell in time comming to the end the said Lord Chancellor and his successors in the charge of Lord Chancellor may knight the saids eldest sonnes of all baronnets without forder warrand, and that all whome it may concerne may take notice of his Majesteis royall pleasure heerin and ordains letters to be direct to make publication heirof quherthrow nane pretend ignorance of the same. Followes his Majesteis missive for warrand of the act foresaid.—CHARLES R. Right reverend father in God, we greit yow weill. Whereas we wer pleased by our letter unto our lait Chancellor to give power unto him or anie other for the time being that the eldest sonnes of all baronnets might be knighted, being of the perfyte age of 21 yeeres, whensoever they sould desire the same according to thair patents under our great seale, both for freing us frome trouble and saving them frome charges whiche thair repairing hither for that purpose might procure, and now, being willing upon the like consideratiouns that the same be continued, we have thought fitt heirby to renew our pleasure unto yow for that effect; and thairfor we will that yow knight the eldest sonnes of all and every one of suche barronnets who, being of the perfyte age of twentie one yeeres, sould desire the same without putting thame to anie charges or expenses, and our further pleasure is that yow make ane act of Counsell heirupon that your successors in your charge of Lord Chancellor doe the same without anie further warrand, and that all others whome it may concerne may take notice of our royall pleasure heerin; for doing whair of these presents sall be your warrant. We bid yow farewell. Frome our court at Whitehall, the 10 of May, 1636."

"Anent the supplicatioun presented to the Lords of Secreit Counsell be George Bruce of Carnock and Alexander Bruce of Alva makand mention, that where they, in humble obedience of the act of Counsell discharging the receaving of dollers for coale or salt, have verie preciselie, altho to thair great hurt, kepted the said ordinance, and, whereas now sindrie shippes arrives heir loadned with victuall, the owners and maisters whair of being loath to returne backe emptie they loaden their shippes with coale and hes nothing wherewith to pay the coale bot the dollers that they receive heir for thair victuall; and the supplicants darre not receive anie dollers from thame, and they have no other sort of money to deliver bot will carie thair dollers out of the countrie will be emptied of money, and the supplicants will be prejudiced in the price of thair coale; humbelie desiring thairfor the saids Lords to lett thame know if they may receive dollers for thair coale or salt frome these who brings in victuall, likeas at mair lenth is conteanit

Supplication
by George
Bruce of
Carnock and
Alexander
Bruce of Alva
that they may
be licensed to
receive dollers
from certain
foreign ship-
owners in
return for coal
and salt.

Fol. 154, a.

in the said supplication. Quhilk being read, heard and considerit be the saids Lords, and they weil advised therewith, the Lords of Secret Counsell gives and grants warrand and licence to the saids supplicants to receave suche dollers for thair coale and salt as ar received be strangers within the countrie for victuall sold be thame heir to the natives, without pane or danger to be incurred be thame therethrow in thair persons or goods, notwithstanding whatsomever act and proclamation made in the contrare whereanent the saids Lords dispenses be thir presents, reserving alwayes to the Lord High Thesaurar of this kingdome to try anie fallacie or circumventioun that may fall out upon this occasioun."

Acta, May
1636-Novem-
ber 1639.
Fol. 154, a.

Edinburgh,
16th June
1636.

[Sederunt as recorded above.]

Decreta,
April 1635-
February 1638.
P. 186.

Complaint by
Margaret
Crawfurd,
Lady Newark,
against
Patrick Max-
well, her
husband, for
ill-usage.

Complaint by Margaret Craufurde, Lady Newuarke, as follows:—

"Patrick Maxuell, her unnaturall and unkynde husband, haveing shaken off all these dewties quhilks aucht to be cherished and enterateined betuix man and wyffe, and they haveing lived togidder be the space of fourtie foure yeeres, and all mutuall dewties of love and friendship being enterateined betuix thame, and the compleaner haveing in this space borne to him sextene children, and haveing brought thame up in these exercises fitting for persons of thair birth and qualitie, and haveing all this time had the charge of his hous quhairin he fand the comfortable effects of her vertew and industrie; and the compleaner, lookeing for a constant continowance of his affection toward her, yit thir foure yeeres bygane she hes to her heavy hurt and greiff fund the contrare, and humblie represents to his Majesties Counsell some few particulars of his unnaturall and undewtifull cariage towards her: As, namelie, in the moneth of

1632, the compleaner, being sitting with him at supper in the place of Neuwarke accompanied with a minister and others strangers, he, without anie cause of offence done be her to him in worde or deid, most despytefullie strake [her] with his faldit neiffes upon the face, to the effusion of her blood and hazard of her lyffe, quhairthrow she wes caried to her chamber and bed and wes kept without comeing in publict for the space of halfe ane yeere. And in the moneth of November, 1633, the compleaner, being at supper at Neuwarke, quhen some gentlemen of good qualitie were present, her said unkynd husband fell out aganis her in most disgracefull speeches, and then he preist to have putt violent hands in her person, and verie hardlie could be stayed be the gentlemen present, who ryseing frome the table gripped and held him till his wyffe fled and eshewed his furie. And she, pressing still to satisfie his discontented humor by her good behaviour, come againe to the table, bot, how mucche the more the gentlewoman strove to give him content, he grew so mucche the more insolent aganis her. And about the Candlemes thairafter, the compleaner being in the hall of Newark attendinge her lawfull affaires, he,

P. 187.

secret,
 April 1635-
 January 1639.
 . 157.

without anie caus of offence offerit to him, upbraidit her with contumelious speeches and then come running to have stricken her, bot she, perceaveing his furie, fled so fast as her age and abilitie would serve her, and he with a suord followed her with all his speid, resolved to have killed her, if by Gods providence the persons forsaid had not haldin him, and the tyme he wes haldin he cryed out thir words saying, 'I sie the divell in thy face and ane evill turne in my hand to the'; and all the tyme first and last that the gentlewoman kept her chamber he would allow her nothing bot halfe ane oat loaffe and some small drinke in the day, commanding his servants to minister no better to her. And, notwithstanding of this hard cariage and keeping her as a prisoner, she patientlie packit up all his wrongs and stayed in the place till the day of last that he, perceaveing that his former mis-

behaviour could not move his spous to leive him, and knowing that she had no earthlie comfort bot Allexander Maxwell, her onelie sone now alyve, and Annas Howstoun, his spous, for keeping companie with her, he resolved to depryve her of thair companie and to make her wearie of her lyffe and abode there. And for this effect, upon the 15 of Januar last, he thrust his sones wyffe and himselfe out of the hous; and the night befor thair away putting he said to his chamber boy privilie these words:—"Will I never be quyt of that theife, my wyffe? I vow to God I sall fell her myselfe or fie some fellow to doe it." Quhilks speeches comeing to the gentlewoman's eares, who, perceaveing her husband's malice to have a daylie grouth, she for just feare of her lyffe retired herselfe toward Dumbartan, quhair she now remaines confortles and moyenless, haveing nothing to enterteaine her, and she darre not for feare of her lyffe come home." Charge having been given to the said Patrick Maxwell to compear and see some aliment allowed to his wife out of his estate, and the pursuer compearing personally with Mr. William Douglas and John Dunlop, her procurators, and the defender compearing by Mr John Gilmour and Mr William Maxwell, his procurators, who produced a written certificate under the hands of the Earl of Glencairne and some of the parishioners of Kilmacolme "testifieing the said Patrick his great age, his debilitie, weaknes and infirmitie of his bodie and inhabilitie to travell on horse or foote," the Lords after hearing parties and advising, "findeing it more meit and expedient for the weele of both parties that this mater sall be examined at home be some few number of the Counsell, who are weele affected to both parties, nor to be brought to a publict heiring, they have for this effect nominat and appoynted Patrick, Archbishop of Glasgow; Archibald, Lord Lorne, and William, Lord Allexander, or anie tua of thame, to try and informe thameselves truelie and sufficientlie of the estate of this bussines and what hes beene the behaviour and cariage of each partie toward others," and for this effect to cite the parties and their witnesses before them, take their depositions in writing, and report the same closed, signed and sealed to their Lordships upon the first Council day of November next,

upon which they will proceed to administer justice as the case may require. And if the commissioners find that a present modification is necessary for the relief of the pursuer, the Lords empower them to grant such to stand in force till Martinmas next, reserving to the defender all his lawful defences against any modification after the commissioners' report, but without prejudice to the granting of this temporary alimant.

Complaint by John M'Culloch of Ardwell against James Maxwell of Knock, who has raised an action against the complainer for stealing his sheep, a charge of which the complainer alleges that he is innocent.

Decreta. April 1635. February 16 P. 189.

Complaint by John M'Cullohe of Ardnell, as follows:—In December last James Maxuell of Knock and his wife, having bought from Alexander Maccullohe in Mertoun, the complainer's tenant, sixteen or eighteen old sheep, the said James's wife earnestly desired the complainer to permit them to go upon his ground for a certain time, and promised to give him satisfaction therefor to his contentment. He consented, and allowed them to go with his own sheep from December till May last, when the said James, with five or six of his men, came to the complainer's lands where the sheep were feeding and commenced to drive them away. On being informed of this the complainer came out of his house and desired the said James modestly to give him the promised satisfaction before removing the sheep, but he, "disdaineing to heere of suche a motion, fell out in most disgracefull speeches aganis the compleaner, avowing in despyte of him and all his kin, to carie these sheepe away; and, becaus some opposition wes made to him, he persewed the complainer with a long suord, quhairwith he had not failed to have killed him, were not his awne better defence." Being disappointed of his intention that day, the said James came on the following day with five or six persons to the complainer's dwelling-house, and sought for him to have his life, but missing him went to the lone where the complainer's herd, Alexander Jerdane, was keeping his master's goods, and commanded the herd to deliver these sheep to him, vowing to have his life if he refused; and because he refused, the said James "shamefullie strake him and left him lying for deid." And the said James has now raised criminal letters against the complainer for his compearance before the Justice on 6th P. 190. July next on a charge of stealing these sheep out of his flock, which charge he intends to prosecute with all the friendship and means at his command. This he has done out of pure malice, knowing that he cannot succeed in a conviction, but with the object of casting this aspersion publicly upon the complainer's name and credit. He alleges that his sheep were taken from the lands of Knock, whereas the truth is that they never were there, but were bred upon the complainer's lands and sold there as aforesaid. "The compleaners bypast cariage both in his privat and publict adois, will vindicat him frome this foule aspersion maliciouslie layed upon him." Both pursuer and defender compearing personally, the Lords, after hearing parties and advising, and desiring to have the truth of the business carefully examined, allow a precognition to both parties to prove their respective allegations; the pursuer to prove this his libel, and the defender to prove that his sheep were taken away, the lambs taken from their

mothers, and the marks removed; and assign to them the 7th of July next for this purpose upon pain of horning if they fail herein. And for their better information of the truth the Lords give commission to Mr George Kincaid, minister at , and Archibald Ramsay of Boigs, two neutral and indifferent men, to go and view the said sheep, see if the marks have been removed, and the lambs taken from them, and report what they find to their Lordships on 7th July next. And the Lords ordain the Justice, Justice Clerk and their deputes to continue the criminal diet aforesaid until 21st July next upon caution conform to the order, for doing whereof this act shall be their warrant.

Complaint by Susanna Hamilton, spouse of Robert Widrow in , Complaint by Susanna Hamilton, spouse of Robert Widrow, against Thomas Barbour in Levin and others for hamesucken. as follows:—Her husband has been absent from her for the past two years in his calling at the sea, and she knows not whether he is alive or dead. He left her and six small children “upone ane rental rounge belonging to the Lord Semple, quhilke her husband and his predcessors hes kepted these fourscore yeeres bygane” without any trouble or challenge, until lately that in December last, when the complainer was visited with severe sickness, Thomas Barbour in Levin, Archibald Hunter in Bettokburne, James Or, miller at Daff Mylne, Thomas Cochrane in , James Mudie in Bettokburne, James Hall in Over-toun, and others, armed with swords, staves and other weapons, came by way of hamesucken to her dwelling-house, and entering therein “unmercifullie and cruellie patt hands in the seeke woman, harled her out of her naiked bed to the feilds, layed her doune at a dyke syde quhair she sounned a long tyme and had almost died; they thrust her sex children to the doore, kuist furth her haill houshold stuffe and plenishieing, medled with her haill guidis and geir, horse, nolt and others moveables without order of law, and therby hes turned the poore woman to beggerie.” Charge having been given to the persons above named, and the pursuer compearing but not the defenders, the Lords ordain the latter to be put to the horn and escheated.”

Complaint by Patrick Chalmer, burgess of Elgin, as follows:—On April last Thomas Innes in Elgin was put to the horn at his instance for non-payment of a debt of £58 with interest and expenses; also on 20th January, 1635, and 4th April, 1636, William Grant of Cardells, as principal, and Duncan Grant of Condow, as cautioner, were put to the horn at the complainer's instance for non-payment of 100 merks, with interest and expenses; and they remain at the horn contemptuously. Charge having been given to these persons, and the pursuer compearing by Patrick Rankene, his procurator, but the defenders not compearing, the Lords ordain the latter to be charged to render their houses of and to enter themselves in ward within the castle of Blacknes within fifteen days under pain of treason.

Complaint by John Kers in the Boyne, as follows:—On May, Complaint by John Kers in the Boyne against John Gordoun, his son, and others armed with swords, staves and other

Gordon in
Wester Inver-
urie for
assault.

weapons, came to the lands of , where the complainer was Decreta,
about his lawful business, "patt violent hands in his person, being April 1636
his Majesties free leige, strake, hurt and woundit him with their February
hands, feet and stalves on the head, shoulders and others parts of P. 193.
his bodie to the effusion of his blood, tooke him be the necke, raive aff
his clothes, harled him be the legges and armes a great way of to the
Water of Awane, quhair they intendit undoubtedlie to have drowned
him if the neichboures had not come for his releiffe." Charge having
been given to the said John and William Gordoun, and the pursuer
compearing but not the defenders, the Lords ordain the latter to be put
to the horn and escheated.

Complaint by
John Guthrie
of Collestoun
against
Lawrence
Mercer of
Aldie for
contempt of
horning.

Complaint by John Guthrie of Collestoun, as follows:—On 24th
May last Laurence Mercer of Aldie was put to the horn at the com-
plainer's instance for non-payment of 2000 merks of principal, interest
due thereupon, and £200 of expenses; and at the horn he proudly P. 194.
remains as if he were a free and obedient subject. The pursuer
appearing by James Ramsay, writer, his procurator, but not the
defender, the Lords ordain the latter to be charged to render his house
of Aldie and to enter himself in ward within the castle of Blacknes
within six days on pain of treason.

Supplication
by John Inglis,
merchant
burgess of
Lanark, that
he may be
exempted
from public
offices in the
said burgh on
the ground of
age and sick-
ness and his
inability to
read and
write.

Supplication by John Inglis, merchant burgess of Lanerke, as
follows:—"He is past the age of 74 yeeres and subject to diverse
diseases and infirmities of the bodie, and he can nather wryte nor reid,
and so is verie unfitt to carie any publict office or charge within the
burgh of Lanerke." He therefore craves an exemption from their Lord-
ships from bearing any public office within the burgh of Lanerk or any
other burgh of this kingdome during his lifetime. The Lords grant the
prayer of the petition, and discharge the provost and bailies of Lanerke
and all others having vote or interest in the election of the magistrates of
that burgh from nominating the supplicant to any public charge therein
during his lifetime.

Edinburgh,
21st June
1636.

Sederunt:—Chancellor; Treasurer; Glasgow; Privy Seal; Wintoun; Acta, May
Perth; Roxburgh; Dumfreis; Lorne; Lord Alexander; Bishop 1636. Novem-
of Aberdeen; Bishop of Moray; Bishop of Brechin; Clerk ber 1636.
Register; Advocate. Fol. 154, b.

Commission
to sheriffs and
justices of
peace on the
Borders to
take measures
for the staying
of the plague
which has
appeared in
the Middle
Shires.

"Forsamekle as it is understand to the Lords of Privie Counsell that
diverse parts within the middle shires upon the English side ar infected
with the contagious sicknes of the pest, and the daylie and frequent
commerce and intercourse interteanned betuix the twa kingdomes, and
namelie within the middle shires, may prove verie dangerous for this
kingdome and bring that infection heir if all lawfull meanes be not used
quhilk at God's pleasure may prevent the same, and thairfor the saids
Lords hes thought meit and expedient to committ the charge and over-
sight of the saids middle shires in the point of commerce and trade to the

1 May
11 Novem-
1630.
154. b.

shireffs of the shires and justices of peace within these bounds, commanding thame, as they will be ansuerable upon the dewtie of thair offices, to nominat and appoint some discreit and qualified persons under thame to attend that nane be suffered to have commerce or trade within the saids bounds of the middle shires bot suche as sall be allowed and permitted be thame, and that they, as alsua all drovers who trades in England with anie goods, give up to the saids shireffs and justices of peace, or to the persons to be nominat be thame, as said is, ane cleere note of the places within the middle marche by the quhilks they ar to pas and to returne, and at thair returne that they make ane cleere report of the places where they have traded; and frome whiche they ar returned, and produce ane formall certificat of the lawfulness and unsuspect estait of the places where they have traded; and the saids Lords ordains letters to be direct charging officers of armes to pas and make publication heirof be opin proclamatioun at the mercat croces of the burrowes within the middle shires and others places neidfull, wherthrow nane pretend ignorance of the same, and to command and charge all shireffs, justices of peace and all others whome these presents doe or may concerne, that they and everie ane of thame attend thair severall charge in this mater, and doe and performe that whiche to thair place and charge apperteanes, and that they and all traders and drovers give obedience to the directions and charges to be given to thame, and that they in no wayes presume nor take upon hand to contraveene or disobey the saids directions in anie point as they and everie ane of thame will ansuer upon the contrare at thair perrell and under the highest pane that be course of law may be inflicted upon thame."

155. a.

"Forsamekle as Ligertwod came latelie frome suspect and infected part within England, and brought with him to this kingdome upon horsebacke ane young barne infected with that sickenes, and who sensyne hes departed this life of that same disease, and altho this infection, wherewith the barne was visite, was verie weill knowne to the said Ligertwod, yitt he most maliciouslie and unchristianelie, hes since the death of the barne, suffered sindrie persons to ryde upon that same hors and saddle whereon the infected barne raid, without acquainting thame with the danger and disease quherwith the barne was visite, whereby he hes done what in him lyes not onelie to bring the lyffes of these who raid upon the same hors and saddle in danger bot lykewayes to infect the haill countrie thereabout, if God of his mercie prevent not the same, whilk being a mater worthy of exemplarie censure and punishment, the Lords of Secreit Counsell thairfoir hes givin and grantit and be the tennor heirof gives and grants full power and commission to Johne, Lord Cranstoun, Sir Williame Douglas of Cavers, shireff of Tiviotdail,

Commission appointed for the apprehension and trial of a person named Ligertwod, who, contrary to the prohibition, brought from England a child affected with the plague.

Douglas of Bonjedburgh and Sir Thomas Ker of Cavers, or anie of thame, to searche, seeke and take the said Ligertwod where ever he may be apprehended and putt him in sure firmance apart be himselfe, and to try and examine his misbehaviour and miscariage in

this mater, and to report to the saids Lords what they find therein to the end they may give forder order and direction heerin, and generallie all things necessar for his aprehension to doe and use, quhilk in suche caises is necessar; firme and stable halding and for to hald, all and whatsomever things sall be lawfullie done heerin: And ordains letters to be direct charging the saids commissioners to accept this commission upon thame and to put the same to dew execution conforme to the tennor thair of; charging alsua all his Majesteis lieges and subjects to reverence, acknowledge, obey, concurre, fortifie and assist the saids commissioners, conjunctlie and severallie, in all and everie thing tending to the execution of this commission, as they and ilke ane of thame will anser upon thair obedience at thair perrell."

Acta, May
1636-Novem-
ber 1639.
Fol. 155, a.

Edinburgh,
21st June
1636.

[Sederunt as recorded above.]

Decreta,
April 1635-
February 1639.
P. 185.

Complaint by
James Mouat
of Fawside
against Patrick
Dunbar of
Kilboyack
for defiance of
the sentence of
horning.

Complaint by James Mouat of Fawside, W.S., as follows:—On 5th April, 1633, Patrick Dunbar of Kilboyack was put to the horn at the complainer's instance for not paying to him £307 6s. 8d., and he remains at the horn in contempt of law and justice. Charge having been given to the said Patrick, and the pursuer compearing, but not the defender, the Lords ordain the latter to be charged to render his house of Kilboyack, and to enter himself in ward within the Castle of Blacknes within fifteen days upon the pain of treason.

John Brown.

"Missives to Francis Stewart and Johne Home of Rentoun anent one Johne Broun."

Sederunt
January 1635-
November
1643.
P. 29, b.

Trade with the
Middle
Marches.

"Ane proclamatioun anent trading within the middle marches."

Edinburgh,
23rd June
1636.

Sederunt:—Treasurer; Privy Seal; Wintoun; Perth; Kingorne; Wighton; Roxburgh; Lauderdaill; Lord Alexander; Bishop of Aberdeen; Bishop of Brechin; Clerk Register; Advocate.

Acta, May
1636-Novem-
ber 1639.
Fol. 155, a.

Warrant to
the Lord High
Treasurer to
propose to
Nicholas Briot
that he take
charge of the
Mint till a
Master be
appointed.

"Forsamekle as the King's Majestie hes beene pleased upon considerable respects to forbear the choise and nomination of ane maister of the Mynt of this kingdome till suche time as his Majestie sall first heare and conferre with Johne, Earle of Traquaire, Lord High Thesaurar of this kingdome, concerning that purpose, and whereas the necessitous estait of the countrie and want of small silver coyne within the same requires that the Coynehous be speedilie sett at worke and that the whole bulyeoun presentlie payable be wrought and strickin in suche small peeces as his Majestie and the Counsell hes commanded; thairfor, and in respect of the present exigence that can admitt no delay, the Lords of Secretit Counsell allowes the said Lord High Thesaurar (for the interim and till his Majestie signifie his pleasure tuicheing a maister cunyear) to deale and contract with Nicolas Briot for working of the bulyeoun presentlie payable in maner foresaid upon suche conditions as may best import his Majesteis benefite and securitie of the merchants,

Fol. 155, b.

2a, May
16-Novem-
r 1639.
L 155, b.

imbringers of the said bulyeoun. Lykeas the saids Lords declares that the said Lord High Thesaurar his thus contracting with the said Nicolas Briot by warrand and upon the occasion foresaid sall establish no right of a maister coynner in the person of the said Nicolas, nather strenthen his place and pretention to the said office in time comming, bot that the said plaice is voide and free to be disposed of as his Majestie sall be pleased to command."

"Forsamekle as the Lords of Secreit Counsell ar informed that of late yesternight a ship of Preston come frome London arryved at Preston, wherein there is one person sicke and by probable conjecture is thought to be of the plague, whiche may prove verie dangerous to the countrie if some speedie course be not tane both with the ship and persons being within her; for quhilk purpose the saids Lords hes givin and grantit and be the tennor heirop gives and grants full power and commission to George, Erle of Winton, M^r Johne Ker, minister at Preston, and to the bailleis of Preston, or anie of thame with the said Earle of Winton, to report and repaire toward the said ship and to try and informe thameselfes the best way they can anent the estait and condition of the said ship and of the companie, equippage and passage [*sic*] being within her, wherefra and when they loused, what sicke or suspect persons ar within her, and, if they find anie suspicion or suspect and diseased persons within the said ship, that they command the haille companie and equippage of the ship to keepe thameselfes aboard and in no wayes to come ashore without a speciall warrand in writt had be thame to that effect under the pane of death. And if upon some speciall considerations anie of the equippage and passengers within the said ship sall be suffered to come on land, that then the saids commissioners appoint and designe unto thame some remote place where they may remaine and abide thair tryell till they be fred and releaved; commanding heirby the persons who sall gett this warrand to addresse thameselfes to the places to be assigned unto thame and there remaine, and no wayes presooome to come furth thairof, till they be warranted, under all highest pane and charge that by course of law may be inflicted upon thame."

Fol. 156, a.

Decreta,
April 1636.
February 1639.
P. 196.

Sederunt :—Treasurer ; Privy Seal ; Erroll ; Wintoun : Kingorne ; Edinburgh, Roxburgh ; Lauderdaill ; Dumfreis ; Lord Alexander ; Bishop of Edinburgh ; Bishop of Aberdene ; Bishop of Murrey ; Clerk Register ; Advocate.

Complaint by John Boyd in , as follows :—On 15th August last Complaint by John Patoune in Warnokland came to the complainer's lands with ten John Boyd against John horses and drove them upon the complainer's growing corn to destroy it ; Paton in Warnokland and, when the complainer "modestlie desired the said John to take away for assault. his horse and not to suffer the cornes to be so unchristianelie tramped upon, he for that onelie caus feld the honest man with the guards of his

suord deid to the ground; and when the compleaners wyffe come for his releiff, he drew his suord, threatening to kill her, so as she wes forced to suffer her husband lay on the ground a long tyme in the hazard of his lyffe." The pursuer compearing, but not the defender, the Lords ordain the latter to be put to the horn and escheated.

Decreta,
April 1635.
February 1639,
P. 196.

Complaint by
James Bennet,
burgess of
Musselburgh,
against
William Cars
and others for
assault.

Complaint by James Bennet, burgess of Mussilburgh, as follows:—On 26th June instant, being Sunday, the complainer was informed that Patrick Hellie in had taken two of his fishing nets to fish there-with upon the water of Esk, and he forthwith went to stop this unlawful act; but ere ever he was aware William Cars, John Hislop, P. 197. John Moyn, and James Douglas, without respect to the Lord's Sabbath, cruelly pursued him for his life with drawn whingers, staves, and stones, and with "thair faldit neiffes and feet dang him to the ground and pitifullie birsed and bruised him with bauch and blae straiks, and had not failled to have tane his lyffe, were not be providence of God some gentlemen com by and releived him." Both pursuer and defenders compearing and having been heard, the Lords, with consent of parties, remit the trial and censure of this matter to George, Earl of Wintoun.

Supplication
by James
Fleming and
John
McFarlane,
prisoners in
the Tolbooth
of Edinburgh,
that they may
be freed from
ward, as they
are innocent of
the charge of
being accomp-
lices of James
Grant.

Supplication by James Fleeming and John McFarlane, *alias* McGrimmon, prisoners in the tolbooth of Edinburgh, as follows:—A long time ago they were apprehended by the Laird of Grant as followers of James Grant and brought here before their Lordships. But the truth is that the said John McFarlane never was in company with James Grant as John Forbes and James Grant, his bastard son, have deponed in their examination before the Justice. And as for James Fleeming, it has also been testified by them that James Grant, when he went to take Ballindalloch, broke up the supplicant's father's house and forced him to go with him against his will. Testimony to the same effect has been given by Ballindalloch himself, and the minister of the parish in which he dwells has testified to his good behaviour. By this their Lordships may see how far the supplicants have been wronged, and they crave that their Lordships would ordain the provost and bailies of Edinburgh to liberate them. The Lords ordain the provost and bailies of Edinburgh "to delyver the supplicant [*sic*] to John, Earle of Traquaire, Lord Heich Thesaurer of this kingdome, to be sent be him to the warres."

Edinburgh,
30th June
1636.

Sederunt:—Chancellor; Treasurer; Glasgow; Privy Seal; Winton; Roxburgh; Lauderdaill; Dumfreis; Lord Alexander; Bishop of Edinburgh; Bishop of Aberdeen; Bishop of Brechin; Clerk Register; Advocate; Sir Robert Gordoun.

Acta, May
1636-Novem-
ber 1639.
Fol. 156, a.

The passengers
and crew of
the ship off
Preston,
suspected of
being plague-
stricken, to be
allowed to go

"The Lords of Secreit Counsell allowes George, Earle of Winton, Mr Johnne Ker, minister at Preston, and the bailleis of Preston to enlarge and sett at libertie the companie, equippage and passingers being in Francis Hall his ship, that they may goe where they please, provyding that the ship and goods being within her be not medled with nor

2a. May
16. Novem-
r 1639.
i. 156, a.

unloadned till forder order be givin concerning the same; and siclyke ^{at large.} allows the said comissioners to bring ashore out of the ship of Preston, ^{See ante, p. 271.} callit George Nicolson's ship, ane young childe of Maxmilian Vernattois with the nurse of the childe and ane servant and to putt thame apart be thameselffes in some convenient place, there to remaine and abide thair tryell till they be fred and releevd be the saids Lords, commanding thame in no wayes to presooome to come out of the bounds to be assigned unto thame till they be fred, under the highest pane that be course of law may be inflicted upon thame; discharging lykewayes the remanent of the companie of the said ship that they in no wayes presooome to come ashore bot that they make thair addresse with all possible diligence with the ship and goods being within her to St Colmes Inche or St Margaret's Hope and there remaine and ly till they be fred and releevd be the saids Lords under the pane foresaid."

"Forsamekle as the King's Majestie, being weill informed of the good affection of Mr William Davidsons, advocat, to his Majesteis service and of his sufficiencie and abilitie to discharge the office of shireff depute of Aberdein, whairf he hes heeretofore givin prooffe in that service, and his Majestie, being graciousely pleased to take particular notice thairf, hes recommentit him to the Lords of his Majesteis Privie Counsell for continewing him in that charge during his Majesteis pleasure, and thairfoir his Majestie, with advice of the Lords of Secreit Counsell, hes made and constitute, and be the tennor heirof makes and constituts the said Mr William Davidsons constant and sole shireff deput of the said shirefdome of Aberdein during his Majesteis pleasure, and gives and committs to him the office thairf with all fees, dewteis, escheits, unlaues, forefeyts and casuallteis belonging thereto, with power to him to aske, crave, receave and uplift the same, and to exercise the said office siclyke and with als great fredome and auctoritie as he or anie of his predecessors in the said office might or could have lawfullie done at anie time heirtofore, shireff courts within the tolbuith of Aberdeene and others accustomed places and seates within the said shirefdome to sett, begin, affixe, affirme, hold and continew, sutes to make be callit, absents to amerchiat, unlaues, amerchiaments and escheits of the saids courts to aske, lift and raise, and for the same, if neid beis, to poynd and distreinye, and to proceed and minister justice in all and sindrie actions and causes criminal and civill, proper and competent to the said shireff deput, and to caus the same be putt in execution accordinglie; breeves of our soverane lord's Chancellerie of whatsoever nature and qualitie direct or to be direct to the said sheriff depute to receave, opin and caus be proclaimed, and accordinglie to be putt in execution; officers, serjants, dempsters and others members of court neidfull to make, creat, substitute and ordaine for quhom the said shireff deput sall be haldin to ansuer; assyses and witnesses als oft as neid beis under the usuall and accustomed panes to summound, warne, choose and caus be sworne; with power to the said depute to aske, crave, receave, intromett with and

Mr William
Davidson,
Sheriff-depute
of Aberdeen,
continued in
his office
during his
Majesty's
pleasure.

2. 156, b.

uplift his Majesteis castell wairds, blenshe dewteis, and entreises of free tennents and, if neid beis, to poynd and distreinyie thairfoir, and compt thairof in his Majesteis Exchecker to make, as also to receave the mustors and weaponshawings of the inhabitants within the said shirefdome at suche times and places as sall be appointed thereto be his Majesteis lawes and proclamatiouns, and to unlaw and punishe the absents accordingle; as alsua to raise and conveene the inhabitants within the said shirefdome at all occasions neidfull for the furtherance and advancement of his Majesteis auctoritie and service and persute of his Majesteis rebellis, tratours and dissobedient persons; and generallie all and sindrie others things to doe, exerce and use quhilks ar competent to the office of a shireff depute and by the lawes of the countrie ar knowne to perteane: firme and stable halding and for to hald all and quhatsomever things sall be lawfullie done heerin. This commission during his Majesteis pleasure and ay and quhill the same be speciallie discharged be his Majestie to indure. Lykeas the said M^r William Davidsons, compeirand this day personallie before the saids Lords, accepted the said office upon him and gave his oath *de fidei administratione*, and the saids Lords ordains intimatioun to be made of his Majesteis will and pleasure in this mater to the severall shireffs the time of thair admission to the effect they may conforme thameselfes thairunto. Followes his Majesteis missive for warrant of the act abone-writtin.—CHARLES R. Right reverend father in God, right trustie and weil belovit cousines and counsellors, right trustie and trustie and weil belovit counsellors, we greit yow weill. Whereas we ar informed of the sufficiencie and abiliteis of our trustie and weilbelovit M^r William Davidsons as having heirtofore givin prooffe thereof in the charge he hath of shireff depute of Aberdene and of his great affection otherwayes unto our service, whairof having beene pleased to take particular notice, we have heirby thought fitt for his better encouragement thereunto heerafter to recommend unto yow to caus continue him in that charge during our pleasure, and to that effect to give suche order as sall be neidfull, whiche we will take as good service done to us. We bid yow farewell. From our Court at Whitehall, the 16 of May, 1636.”

Lord Kilpont charged to enter in the Tolbooth of Edinburgh two of Gilleroy's accomplices whom he has apprehended.

“Whereas , Lord Kilpont, out of his affection to his Majesteis service, hes apprehended twa of Gilleroyes complices, the Lords of Secret Counsell ordains the said Lord Kilpont to present and enter the saids twa persons within the tolbuith of Edinburgh to remaine there till they be examined anent such things as concerne his Majesteis service and peace of the countrie, and the saids Lords declares that the exhibition of the saids persons sall be without prejudice to the Erle of Airth (within whois bounds they ar tane) of his right of justiciarie within the same bounds.”

Edinburgh,
30th June
1636,

[Sederunt as recorded above, substituting the Bishop of Murray for the Bishop of Brechin.]

Decreta,
April 1635-
February 1639.
P. 193,

Acta, May
1636-Novem-
ber 1639.
Fol. 156, b.

Fol. 157, a.

creta,
ril 1635-
bruary 1639.
198.

Supplication by Thomas Dalzell of Binnes, sheriff of Lithgow, and Robert Drummond of Medope, as follows :—They consulted their Lordships last Council day as to the doom they should pronounce against Arthur Wardane and James Maisson, who were convicted of theft and reset of theft, and their Lordships ordained the supplicants to sentence them to be banished the kingdom, and for this effect to be brought and delivered to the Lord High Treasurer to be sent by him to the wars. But “ thir are tua aiged men unfitt and unable for suche a service, and the publict punishment of thame heir will be more fearefull to others to committ the lyke in tyme comeing ”; and they therefore petition the Lords to change their sentence. This the Lords do, ordaining these two men to be scourged through the town of Lithgow and burnt in the cheek. And the Lords further ordain the supplicants to set Agnes Watt, spouse of the said Arthur, at liberty, and suffer her to pass where she pleases.

Supplication
by Thomas
Dalziel of
Binns, sheriff
of Linlithgow,
and Robert
Drummond of
Medhope that
the sentences
on Arthur
Warden and
James Mason
may be com-
muted from
service in the
wars to
scourging.

. 199.

Complaint by Bessie Stirline, spouse of William Keith of Logyruith, and the said William for his interest, as follows :—On 4th May 1635, Alexander Keith of Balmure was put to the horn at the complainer's instance for not fulfilling the conditions of a contract of marriage; and on the same day Sir William Keith of Ludquharne was also put to the horn for not infetting the complainers in the third part of the lands of Logyruiff and moss thereof. They still remain at the horn contemptuously. Charge having been given to the said Alexander Keith and Sir William Keith, and the cause having been called at several diets and now again this day, there appeared Bessie Stirline by Guthrie, her mother, as pursuer, and also the defenders. For the latter was produced a protection granted under the great seal by his Majesty to the said Sir William, whereby his person was protected during the period thereof from all personal execution, and plea was entered by him accordingly that he could not be imprisoned. The Lords, after hearing parties, find that the said Laird of Ludquharne is protected personally by his Majesty's patent under the great seal, “ and, since the delyverie of the hous is onelie to make a more easie way to the apprehension of his person, that therfore he can not be urged to delyver his hous to his Majesties officers.” They therefore assoilzie him.

Complaint by
Bessie Stirling,
spouse of
William Keith
of Logyruith,
against Alex-
ander Keith of
Balmure and
Sir Alexander
Keith of Lud-
quhairn for
contempt of
horneing.

. 200

This day Henry Hendersone of Cleat, compearing before the Lords, gave in a copy of letters raised against him at the instance of Sir Thomas Hope of Craighall, his Majesty's Advocate, and Malcolm Maxuell of Housbie, and James Maxuell, his father, as parties grieved, who complain that on he came by way of hamesucken with convocation of the lieges, armed for war with swords, staves, guns and pistols to the said Malcolm's house in Housbie, and, “ violentlie breakeing up thair barne doores, raive aff the cruiks aff the doores thair of, maisterfullie tooke furthe thair of the compleaners oats, sew the same upon the middings and invadiþ thame wiþ drawin rappers and chargit pistolets ”; and the said

Protest by
Henry Hender-
son of Cleat to
the effect that
he has twice
appeared
before the
Council to
answer a
charge brought
against him
by Malcolm
and James
Maxwell, and
that his
accusers have

on both
occasions
failed to
appear.

Henry protested that as he had compeared personally to answer hereto and neither the Advocate nor the complainers had appeared to prosecute, although this was the second time he had been cited and had appeared in this matter, as his protestation on 30th June, 1635, shows, no further proceedings should be admitted against him for this cause in time coming. The Lords admit the protest, and also modify unto him £200 of expenses to be paid by the said James and Malcolm Maxuell, being £100 for each of the two compearances made by him.

Decreta,
April 1635-
February 1636,
P. 200.

Edinburgh,
30th June
1636.

Ships coming
from London
to anchor at
Inchoolm.

Appointment
of a
commission to
examine
Gillerooy.

"A proclamatioun charging all shippes comming frome Londoun or other suspect parts to make thair addresse to St Colmes Inche, St Margarets Hope, there to abide thair tryell."

Sederunt,
January 1635-
November
1643.
Fol. 30, a.

"A commissioun to the Bishop of Murrey, the Clerk Register, Advocat, Justice Deput, Sir Robert Gordoun, or anie twa of thame, to conveene Gilroy before thame the morne and to examine him anent his ressetters and hounders out."

Edinburgh,
5th July 1636.

Sederunt:—Chancellor; Treasurer; Glasgow; Privy Seal; Kingorne; Roxburgh; Lord Alexander; Bishop of Edinburgh; Bishop of Aberdeen; Bishop of Moray; Bishop of Ross; Bishop of Brechin; Master of Elphinston; Clerk Register; Advocat.

Acta, May
1636-Novem-
ber 1639.
Fol. 157, a.

Continuance of
protection to
Sir Alexander
Home of
Manderston,
son of Sir
George Home
of Manderston.

"The Lords of Secreit Counsell, according to ane warrand and direction in writt signed be the King's Majestie and this day presentit to thame, prorogats and continewes the protection grantit be the King's Majestie by his patent under the great seale, of the date at Greenewiche, the 5 day of Junij, 1635, to Sir Alexander Home, sone lawfull to Sir George Home of Manderston, knight, in all and sindrie points, clauses, heads, articles and conditions mentiouned and conteanit therein, for the space of a yeere after the expiration of the said patent, quhilk will be upon the 24 of September nixt to come; ordaining this present prorogatioun to stand in full force to the said Sir Alexander in all points, clauses and articles therein conteanit during the space abonewrittin; discharging heirby all shireffs, stewarts, bailleis and thair deputs, provests and bailleis of burrowes, and all judges, officers and magistrats to burgh and land of all taking, apprehending, warding or arresting of the said Sir Alexander be virtew of anie letters of horning or caption or other warrand for civill causes, discharging, etc. Followes his Majesteis missive for warrant of the act abonewrittin.—CHARLES R. Right reverend father in God, right trustie and beloved cousines and counsellors, right trustie and trustie and beloved counsellors, we greet yow weill. Whereas we wer pleased to grant unto our servant, Sir Alexander Hume, upon extraordinarie occasions, a protection under the great seale to indure for the space of one yeere and further during our pleasure to be frome time to time signified unto yow of our Counsell, we have now for the same reasons thought good heirby to signifie our pleasure unto yow that our said protection in all points may stand in force to our said

Fol. 157, b.

2a, May
36 Novem-
r 1639.
d. 157, b.

servant for the space of one yeere more after the expiration of the first and that yow grant him your act heerupon, for whiche these presents sall be your warrant. We bid yow farewell. From our honnour of Hampton Court, 4 June, 1636."

" Forsamekle as George Nicolsone, skipper in Prestonpanns, having latelie come frome Londoun with his ship loadned with commoditeis and wairs, and having a number of passingers within her, and, being com- manded conforme to the order sett doun be the Lords of Privie Counsell to have kepted himselfe and his companie aboard till after some tryell it wer found that his ship was free of the contagious sicknes of the pest, it is of truthe that he most prouddie and contemptuouslie dissobeyed the said charge and sett his haill companie, amongs whome there was a number of weomen, ashore to the heavie trouble of the inhabitants of the toun of Preston who must interteane a number of these passingers and to the indangering not onelie the toun of Preston bot the haill countrie, for quhilk his proud contempt he aucht to be exemplarlie punished to the terror of others to committ the like ; thairfoir ordains letters to be direct charging the said George Nicolsone to compeir personallie before the saids Lords upon Tuisday nixt to ansuer upon his contempt foresaid under the pane of rebelloun, etc., with certificatioun, etc."

Charge to George Nicolson, skipper in Prestonpanns, to appear before the Council for having landed passengers before his ship was declared free of the plague.

See ante, p. 273.

[Sederunt as recorded above.]

Edinburgh,
5th July 1636.

Secreta,
April 1635.
February 1639.
c. 206.

Complaint by David Aerskyne of Cardrosse, as follows :—David, Com- mendator of Dryburgh, granted commission to , Earl of Home, to present a sufficient person as bailie of the lordship of Dryburgh, with special provision that he should account for all his intronmissions as bailie to the said Commendator and his successors. There is a fair, called St. Bosuell's Fair, held yearly upon 7th July, of which the customs were ever uplifted by the said bailie, viz., by William Ker of Ancrum, for the use and behoof of the Abbots of Dryburgh, the complainer's predecessors ; and, after the death of the said William Ker, the late Earl of Mar disponed the office to John Areskyn, portioner of Dryburgh, who continued peaceably therein till now that James, Earl of Home, intends to intrude himself into the said office at this approaching fair and to uplift the customs thereof, to the complainer's prejudice and hurt. Charge having been given to James, now Earl of Home, and he compearing personally, and the pursuer by Harie Dow, his procurator, the Lords, after hearing parties, for the preservation of the peace between them, ordain Alexander Wilkiesone, for the said Earl of Home, and John Areskyne of Dryburgh, for the pursuer, "to ryde the faire forsaid this yeere as of before with the same number of persons that either of thame had of before this last yeere, and that the customes to be collected be delyvered to the said Alexander Wilkiesone to remaine in his hands and to be made furthcomand to the partie that sall be fund to have best right to the same." They further decern that this act

Complaint by David Erskine of Cardross against John, Earl of Home, for uplifting the customs of the Fair of St. Boswells, which legally belong to the complainer.

p. 207.

shall be without prejudice to the claims of either party which are to be determined by the judge ordinary according to law. And their Lordships recommend to both parties and those to be appointed by them for the riding of the fair to take special care that no persons be suffered to come there from any places suspected to be infected with the pest.

Complaint by Dame Mary Erskine, Countess Marischal, against James Seatoun of Liddoke of Skene for without due cause summoning thirty of her tenants before the Justice and his deputes.

Complaint by Dame Marie Areskyne, Countess of Mairshell, as follows:—James Seatoun in Liddoke of Skene has upon some frivolous cause charged above thirty of her tenants of her conjunct-fee lands of Skene and Kintor to find caution for appearing before the Justice and his deputes upon 1st June last, and all these persons were convened before the Lords of Privy Council for the same cause and were assoilzied. Moreover, the 1st of June “is the meane tyme of the sawing of thair bear seid, and before the terme quhairat they have thair fermes and dewties to pay”; and this prosecution is simply of malice to draw them to expense and oblige them to compeone with him. Charge having been given to the said James Seatoun to compear and see order given to the Justice and his deputes to desert the said diet, or at least to see the cause remitted to the Sheriff of Aberdene and his deputes for trial; and the said Countess compearing by Mr Robert Petrie, her procurator, and James Seatoun being personally present, the Lords, after hearing parties, remit the hearing of the said cause and the trial of the truth thereof by the examination of parties and their witnesses to Mr Alexander Jaffray, provost of Aberdene, who was nominated by the said Mr Robert Petrie in name of the said Countess, and to Sir Alexander Irwing of Drum or Seatoun of Pitmedden, or either of them, who were nominated by the said James Seatoun; and to them and their clerk the Lords give the necessary powers to take the depositions of the parties and their witnesses in writing, with orders to report the same closed and subscribed to their Lordships before 24th November next, so that they may deal with the case then as it merits. And meanwhile the Lords ordain the criminal diet foresaid to be continued to 30th November next, ordaining the Justice to take Robert Keith, W.S., cautioner for the compearance on that day before the Justice of the aforesaid persons.

Supplication by Mr William Row, minister at Forgendenny, that he may be exempted from accepting his nomination as justice of peace—his duties being too onerous to permit his discharge of the office.

Supplication by Mr William Row, minister at Forgendenny, as follows:—Their Lordships have been pleased to nominate and appoint him one of the justices of peace within the sheriffdome of Perth; but “he hes ane long parish conteaning a thowsand communicants, whome he most alwayes attend in catechizeing, baptisme, mariage, visitation of the seicke and others weightie and great poynts of his function and charge by and attour his awne privat studie, quhilks will take up more tyme and crave greater paines and travells nor I am able to undergo, so as therby it is impossible to the supplicant to attend the diets of the justices of the peace or to undergo anie part of that service without neglecting and omitting the most weightie and substantiall dewties of his ministeriall function.” He therefore craves their Lordships to

Decreta,
April 1635-
February 1638
P. 207.

P. 208.

P. 209.

exempt him from that service. The Lords grant the prayer of the petition and exempt the supplicant from serving as a justice of peace in all time coming.

“A commission to all schireffs, stewarts, bailleis of regaliteis and baillereis, provests and bailleis of burrowes, and others judges, officiaris and magistrats, justices of peace and constables, for apprehending ane Robert Pilsworth, who hes murdreist one M^r Alexander Burroues in Ireland, and for eshewing apprehension is come to this kingdome.”

Decreta,
April 1635-
February 1639.
P. 209.

Sederunt,
January 1635-
November
1643.
Fol. 30, a.

Commission
for arrest
of Robert
Pilsworth.

Fol. 30, b.

Sederunt : — Chancellor ; Treasurer ; Glasgow ; Privy Seal ; Kingorne ; Roxburgh ; Galloway ; Dumfreis ; Lord Alexander ; Bishop of Edinburgh ; Bishop of Aberdein ; Bishop of Murrey ; Bishop of Ros ; Bishop of Brechin ; Clerk Register ; Advocate.

[No record of business.]

Acta, May
1636-Novem-
ber 1639.
Fol. 158, a.

Sederunt : — Chancellor ; Treasurer ; Glasgow ; Privy Seal ; Kingorne ; Roxburgh ; Gallouay ; Lauderdaill ; Dumfreis ; Lord Lorne ; Lord Alexander ; Bishop of Ross ; Bishop of Moray ; Clerk Register ; Advocate ; Sir Robert Gordoun.

Edinburgh,
12th July 1636.

“Forsamekle as the King’s Majestie, having a speciall care to preserve the privilegedes of this his ancient and native kingdome as all his progenitors have heeretofore done, and understanding what benefite may arise to all his Majesteis subjects by fishing in his Majesteis seas heir, and what prejudice they have susteanned in time bygane and may susteane heereafter by strangers who encroache upon his Majesteis seas and waters, to the great hurt of his Majesteis subjects ; thairfoir his Majestie hes inhibite and be the tennor heirof inhibits all strangers whatsomever frome fishing upon any part of the sea coasts of this kingdome or anie of the seas belonging to his Majestie unlesse they have a speciall licence frome his Majestie to that effect ; and ordains letters to be direct to make publicatioun of this his Majesteis royall inhibition at the mercat croces of Edinburgh, peir and shoare of Leith, and at the mercat croces of Dumbar, Sanctandrewes, Aberdene, Bamf, Innernes, Weeke, Thurso, the castell of Stornway, Kirkwall in Orkney, Kirkaldie, Dysert, Carrail, Anstruther, Pittinweme, Dundie, Monrose, Air, Irwing, and at the castell of Skallouay in Zetland, and others places neidfull, quherthrow nane pretend ignorance of the same.”

Proclamation
forbidding
foreigners from
fishing in
Scottish waters
without a
license from
his Majesty.

“The whilk day Johne, Earle of Traquaire, Lord High Thesaurar of this kingdome, produced and exhibite before the Lords of Privie Counsell the missive letter underwrittin, signed be the King’s Majestie and directed to the saids Lords, tuicheing ane inhibition of all strangers frome fishing upon anie part of the sea coast of this kingdome or anie other seas belonging to his Majestie, of the quhilk missive the tennor followes :—CHARLES R.—Right reverend father in God, and right trustie

Warrant from
his Majesty for
the above
proclamation.

and weilbelovit cousins and counsellors, right trustie and weilbelovit counsellors and trustie and weilbelovit, we greit yow weill. Having a special care to preserve the priviledges of that our ancient and native kingdome, as all our royall progenitors have hitherto down, and understanding what benefite may arise to our subjects by fishing in our seas there whereunto we ar willing to give thame all the encouragement that can reasonable be afforded, our pleasure is that yow inhibite by proclamation at the mercat croces of Edinburgh and others places neidfull all strangers whatsomever frome fishing upon anie part of the sea coast of that our kingdome or anie the seas belonging to us unlesse they have a speciall licence frome us to that effect, for doing quherof these presents shall be unto yow sufficient warrand. Givin at our Mannour of Oatlands, 6 July, 1636. Quhilk letter being read, heard and considerit be the saids Lords, and they with all humble and dewtifull respect acknowledging his Majesteis singular care towards the preservation of the liberties of this his ancient kingdome, they ordaine ane act to be extended and ane proclamation to be published thereupon with sound of trumpet and displayed coat of armes at the mercat croces of Edinburgh, peir and shoare of Leith, and at the mercat croces of Dunbar, Kirkaldie, Kingorne, Dysert, Pittinweme, Anstruther, Craill, Sanctandrewes, Monrose, Aberdein, Bamf, Innernes, Thurso, Weeke in Caithnes, Kirkwall in Orkney, Skalloway in Zetland, and Stornway in the Lewes, and all others places neidfull, wherethrow nane pretend ignorance of the same."

Charge to the sheriff of Aberdeen to uplift the customs of St. Bartholomew's Fair, which Sir George Johnstone of Caskiben, John Leith of Hart-hill, and . . . Forbes of Menye threaten to do to the danger of his Majesty's peace.

"Forsamekle as Sir George Johnstone of Caskiben, Johne Leith of Harthill, and Forbes of Menye, pretending right and title eache of thame to the priviledges of the faire callit Bartil faire, quhilk is haldin upon the 24 day of August, and to the ryding of the saids faires and uplifting of the dewteis and customes thair of, all the saids three persons intends to ryde the saids faires this present yeere and to uplift the customes and dewteis of the same, and there being ane great animositie and heate amongs thame for this caus some inconvenients will not faile to fall out amongs thame to the disturbance of his Majesteis peace without remeid be provydit; and thairfoir the Lords of Privie Counsell hes nominat and appointed and be the tennor heirof nominats and appoints the shireff of Aberdein and his deputs neutrall and indifferent persons to ryde the saids faires this present yeere and to intromett with and uplift the customes and dewteis of the same and to make them furthcomming to the parteis that sall be found to have best right thereto, commanding heirby the said shireff and his deputs to accept this commission and charge upon thame, and to execute the same accordinglie, and ordains letters to be direct to command, charge and inhibite the parteis particularlie abonewritin that nane of thame presoomme to ryde the saids faires nor to uplift the dewteis and customes of the same this yeere, bot that they suffer and permitt the said shireff or his deputs to doe the same, as they and everie ane of

Acts, May 1636-November 1639. Fol. 158, a.

Fol. 158, b.

Acta, May
1636-Novem-
ber 1639.

Fol. 159, a.

thame will ansuer upon the contrare at thair perrell and under the pane to be examplarlie punished in thair persons and goods to the terroure of others to doe the like."

"Forsamekle as Alexander Gordon, younger of Innermerkie, Johne ^{Charge to sheriffs and other officials to apprehend Alexander Gordon, younger of Innermarkie, and other outlaws who have returned from abroad to renew the disorders in the North.} Gordoun, elder of Ardlogie, Johne and Nathaniel Gordoun, his sonnes, Johne Gordoun of Auchinreth, Johne Gordoun, sone to Gordoun of Littlemilne, William Gordoun, sone to Robert Gordoun of Gollachie, Johne Gordoun in Corskellie, Gordoun of Bad, callit Polsandie, Alexander Leith, sone to umquhile Johne Leith of Harthill, James Gordoun callit Sutherland, James Gordoun, callit the sojour, Williame Gordoun in Achinhandache, Robert Gordoun, brother germane to the old laird of Geicht, Williame Simsone in Turreff, Adame Gordon in Achnasknay, Alaster and Patrik Gordons, his sonnes, Allane Ferquharsone in Correhoull, William McGilleuoriche in Glenbuchet, and Duncane Cumming in Balvenie, after manie stouthes, stouthreaffes, treasonable fireraisinges, opin and avowed heirships, intolerable oppressions and depredations and others insolenceis committed be thame with ane high hand upon diverse his Majesteis good subjects to the high and proud contempt of law and justice and to the disgrace of his Majesteis gouvernement; and they being callit to thair ansuer before his Majesteis justice and his deputs and takand upon thame the guilt of the saids crimes and fearing the event of thair tryell, they absented thame-selffes and compeired not, for the quhilk they wer denounced and declared fugitives and rebellis, and letters wer direct discharging all his Majesteis subjects to ressett, supplee, harbour or interteane thame bot to repute, hold and esteeme thame and accordinglie to persew thame as tratours, theeves and reavers, with fire and sword and all other rigour and extremitie, as in the letters and proclamatiouns direct and published for this effect at lenth is conteanit. And whereas by the force of his Majesteis royall auctoritie they to eshew thair just, deserved punishment wer forced to abandoun and leave the countrie and remained furth thair of some certane space, yitt now they, foolishlie presooming that thair former treasonable courses wer turned in oblivion and that his Majesteis arme of justice would not overtake thame, they ar returned within the countrie, lurking and lying in obscure and derved places till they find the occasioun to renew thair former treasonable courses, and, as the Lords of Privie Counsell ar informed, they ar not ashamed and affrayed sometimes to kythe in publict and to frequent the companie and societie of thair freinds and weilwillers to the forder contempt of his Majesteis auctoritie and lawes and encouragement of others theeves and tratours to breake louse, to the trouble and disturbance of the countrie, without regarde to King, law nor justice; and thairfoir the Lords of Secreit Counsell ordains letters to be direct charging officers of armes to pas to the mercat croces of the heid burrowes within the shirefdomes of Aberdein, Bamf, Elgine, Forres, Narne, Innernes, and Cromartie and others places neidfull, and there be opin proclamatioun

Fol. 159, b.

to make new publication and intimation of the rebellion of thir Acta, May
disordered and lawless lymmars, and to command and charge all 1636-Novem-
shireffs, stewarts, justices of peace, lords of regaliteis, landslords and ber 1639.
maisters, provests and bailleis within burgh, and all others persons of Fol. 159, b.
power to pas, searche, seeke, follow and persew, with hew and cry and
with fire and sword, the saids brokin and rebellious theeves and
lymmars wherever they may be apprehended, to burgh or land within
the bounds of thair offices and jurisdictions and never to leave aff the
persute till they be apprehended and exhibite to thair tryell or than be
forced to leave the countrie, as the saids shireffs, stewarts and others
foresaids will ansuer to his Majestie and his Counsell upon the
dewtifull discharge of thair offices at thair highest charge and perrell,
and that they compeir before his Majesteis Counsell upon the
day of November nixt and give ane accompt of thair diligence in
the execution of thir presents; and siclyke to command, charge and
inhibite all and sindrie his Majesteis lieges and subjects be opin
proclamatoun at all places neidfull that nane of thame presooome nor
take upon hand to resett, supplee nor intercommoun with the saids
rebellious and brokin theeves and lymmars, furnishe thame meate, drink,
hous nor harberie, nor no other thing comfortable to thame, nor to have
intelligence with thame be word, writt nor message under quhatsomever
cullour or pretext, under the pane to be repute, haldin and esteemed as
assisters and partakers in thair rebellious and wicked deids."

[Sederunt as recorded above.]

Edinburgh,
12th July 1636.

Complaint by
James
Maxwell of
Knok against
certain persons
who refuse to
appear as
witnesses to
avouch that
John
M'Culloch
stole some of
the
complainer's
sheep.

Complaint by James Maxuell of Knok, as follows:—In the question Decreta,
debated before their Lordships between him and John M'Culloche of April 1635.
Arduell, whom the complainer charged with stealing some of his sheep, of February 1639.
their Lordships allowed a precognition to either of them to be taken on P. 210.
7th July, and the complainer undertook to prove that the said John
took twenty lambs from their mothers, "and tooke the markes of blake
wool aff the yowis backs and used the lambes and yowis as his proper
goods." But the persons who know the facts refuse to compear as
witnesses unless they are compelled to do so. Charge having been
given to Fergus Lilburne in Kilnetray, John Amurray there, Cudbert
Heroun in , George M'Indell there, George Parker in
Balcraig, Robert Shellan in Bar, James M'Culloch of Lamba, Patrick
Agnew of Barmaill, and John M'Robart in Mure; and they and the
pursuer being personally present and having been examined by their
Lordships, the Lords, after advising, find no ground for a criminal
pursuit against the said John M'Culloch, and discharge the Justice,
Justice Clerk and their deputes of all proceeding against him on this
account. But they ordain John M'Culloche to pay to each of the
witnesses produced both by himself and by James Maxwell £3 for their
expenses, and to deliver to the said James Maxwell the sheep and

Decreta,
April 1635.
February 1639.
P. 210.

lambs belonging to him. And further, they ordain both parties to find law-surety to each other in 1000 merks.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and Richard Seyman in Chichester, in the kingdom of England, master of the barque called "the Susanna, of the burden of 24 tunne, and of the age of 30 yeeres or thereby; and Peter Faxe in the citie of Lumbreck, within the kingdom of Ireland, awner of the goods being within the said ship or barke, extending to the value of a thousand pundis sterling or thereby," as follows:—In December, 1634, the said barque, with Peter Audeley of the Isle of Jarsey, mariner, as pilot, set sail from St. Mailles in France for the port of Limrick in Ireland, her cargo consisting of wines, fruit, coin and other merchandise. On the voyage, "she rancountred and mett with contrarie winds and verie foule tempestuous weather, and was driven in to the Castle heaven in Ireland, quhair they continowed with the barke about fyve or sex deyes, till at last the storme at God's pleasure being past, and the wind serveing to proceed on their voyage, they departed from thence toward Limrick, and in their course thither, meiting againe with contrarie winds, they were forced to the west part of Ireland, spent thair mast, lost the barke boat, and were driven in among the southlands of this kingdome callit the yle of

Complaint by Richard Seyman in Chichester, master of the "Susanna," and Peter Faxe in Limerick, against the Captain of the Clanranald and others for violently seizing the ship and cargo of the complainers.

, quhair they lett ane anker fall, and, for want of thair boat, made signes to the people of the yland for succour; who shortlie come aboard in a boat of the yland armed with swords, picks, helmets, corsebowis, and others offensive wapons, and demanded of the companie of the barke what they would give to bring the barke into ane harberie; and, upon ane traitie made, it wes agreed for ane butt of seck and ane barrell of raisines, and they promiseist to bring the barke to the harberie in safetie, and to furnish the companie with what they wanted, being then in great need of provisions and victualls for thair barke, be reason of thair long being at sea and the tempestuous weather quhilk they had. Quherupon the ylanders who came in the boat, of whome Lachlane M^cMckneill wes principall, caused the barks cable to be cutt aft at the halfe, leiveing the anker and that cable in the sea, and so brought the barke to land; and at thair arryvall the companie and equippage of the ship, thinking thame-selves in a full securitie, sieing they were all his Majesties subjects, betuix whome all mutuall dewties of freindship ought to be cherished and entertained, zit it is of truthe that the countrey people; as namelie, John M^cDonald M^cAllan VicEane of Ilantirum, Captain of the Clan Rannald, John Bayne M^cEan VicFinlay, Donald M^cInnes Roy, John Dow M^cQuhirrie, John M^cInnes VicDowill, John M^cEan Ure VicEan, Allaster M^cGorrie, John M^cEan Dow VicAllaster VicEan Mog Dortich, M^cEan Staliche, John M^cBrian VicWurycht, Donald M^cBrian VicWurryt, M^cDoneill Gorme VicEan, Angus M^cRannald V^cAllan Ure, Rannald M^cAllane VicEane, Laird of Castleborrow, Angus M^cRanald VicAllan VicEane, Rorie M^cRannald VicAllan

P. 211.

P. 212.

VicEane, his sones, Angus M^cLauchlane VicInnes, Dougall M^cDoneil
 Roy Vicondochie Bayne, Finnowne M^cEane VicNeil, Donald Gorin
 M^cDuffie, Lauchlane M^cEane VicNeil VicFungone, John M^cInnes Vic-
 Dougall, Donald Gorme M^cInnes VicAllan, John M^cDonald VicInnes
 VicAllan, Rorie M^cAllan, John M^cAllan, Allane M^cEan Ure VicDonald
 Gorin, John M^cEane Ure VicDonald Gorine, Allaster M^cEan VicDoneil
 Dow VicNeil, Gilliecallum M^cIllereoch, John M^cIllereoch, his sone,
 Donald M^cLauchlan VicWurrycht, Dougall M^cEan VicDonochie, Angus
 M^cAngra VicDowill Roy, John M^cDoneill Pyper, James M^cNioliff,
 Donald M^cEan VicAllaster, with others thair complices, boddin in feare
 of warre with forbiddin wapons, and great convocation of his Majesties
 leiges to the number of three hundreth persons, come doune with thair
 barrells, casks and others engynes, and by the connivence, countenance
 and assistance of the rest of the ylanders dranke and drew out the wyne
 day by day, caried away all the goods, loading and merchandise quhilk
 wes in the barke, and robbed and spoyled the pylot and the rest of the
 companie of all their apparell, and of all other things quhilks were then
 aboard alsweele that upon thair bodies as quhilk wes in the barke, and
 violentlie tooke from thame the keys of thair kists and would not
 relieve anie of the companie of the barke with anie of thair awne wyne
 to drinke; and by meanes of thair threatnings and evill usage they
 caused a youth who wes one of the companie of the barke, and had
 nothing adoe with the goods, to professe himself to be the factor or
 merchant of the ship, and to subscriye a bill or other instrument for
 sale of the goods and merchandise in consideratioun of a soume of
 money, altho he ressaved nane. Lykeas the said pilot wes advertised
 be Sir Donald M^cDonald that the said Rannald M^cAllan and others
 ylanders had ane intent to seaze upon him and upon the rest of the
 companie of the barke, and to send thame to the savages that dwells in
 the mayne; for avoyding quhair of the awner of the barke wes
 compelled to take eicht pundis sterline for the barke, altho she wes
 worth ane hundreth and fiftie pundis sterline; and the said pilot and
 the rest of the companie were constrained to seeke for releiffe, and
 escaped for feare of thair lyffes, leaveing the barke and goods in the
 custodie of the merciles people in the yland." Charge having been
 given to all the persons before named, and the King's Advocate P. 213.
 compearing and the other complainers by William Semple, their
 procurator, as pursuers, but none of the defenders, the Lords ordain the
 latter to be put to the horn and escheated for thair contempt.

Complaint by
 George
 Oustian, son
 and apparent
 heir of the
 deceased
 George
 Oustian,
 against certain
 of his creditors
 who illegally

Complaint by George Oustian, son and apparent heir of the deceased
 George Oustian, merchant burgess of Edinburgh, as follows:—He has
 been warded within the tolbooth of the Cannogait and Edinburgh for the
 past 36 weeks, first at the instance of James Kennowie, his brother, for
 not finding lawburrows to him in £500, and at the instance of Helen
 Crystie and Gawin Elliot, now her spouse, for a debt of 500 merks, with
 interest and expenses, of James Davidsons, jailor in the Cannogait, for

, with interest and expenses, of Thomas Mitchell in Easter Gellets for £141 15s., with interest and expenses, and of Thomas Dunlop, procurator for William Burgoune, housekeeper in the Rochell of France, for 140 livres, French money, each livre valued at 24s. Scots, thus amounting to £136 Scots, and for £18 livres or £20 12s. Scots, with £15 of expenses and 40s. of collector fee. As to James Kennowie, the complainer has found surety acted in the books of Privy Council for his indemnity. For the debt due to Helen Crystie and James Davidsons he is content that they should take possession of his tenement of land in the Cannogait and yard adjoining, which pay 200 merks yearly, "ay and whill they be kept [sic]," and of his own dwelling-house, which pays £45 yearly. And as for Thomas Mitchell and Thomas Dunlop, the complainer has been several times liberated by their Lordships upon their non-compearance when cited; and as they have served and executed inhibition against him they are sufficiently secured. Charge having been given to these persons named, and the pursuer appearing by his wife, and Gavin Elliot, James Kennowie, and James Davidson being also present, the Lords, after hearing parties, ordain the provost and bailies of Edinburgh to put the pursuer to liberty in so far as he is warded at the instance of the defenders before-named, seeing that the complainer produced a bond of caution subscribed by Mr George Fraser as cautioner in £500 for the indemnity of the said James Kennowie, and with which bond Kennowie expressed himself satisfied and consented to the pursuer's liberation; also that Gavin Elliot declared he was content to accept the sum of 400 merks in full of what was due to him and his said spouse by the said George Oustian, who, with consent of the said James Kennowie, assigned to him and his spouse the rents of that lodging and tenement of land lying at the foot of the close called the Tolbuith Closse of the Cannogait, with the yard adjacent on the north side of the King's Hie Streit in the Cannogait, until they are fully paid of the said sum of 400 merks and the interest thereof from Whitsunday last; and the pursuer is to deliver to them the keys of the said lodging and yard, so that they may either possess the same themselves or let them to tenants; as also that the pursuer, with consent of the said James Kennowie, has assigned to the said James Davidson in payment of the sum of , which is due to him, the rents of that lodging presently possessed by the said George himself, "being the first loudgeing of the turnepyke of that tenement lying on the north syde of the Kings hie streit in the Cannogait and upon the foregait builded at the heid of the Tolbuith Closse," until he is paid of what is due to him, including interest, from Michaelmes last, and for this purpose the complainer will remove himself and his family therefrom and deliver the keys to the said James Davidsons, so that he may possess the same. And because the said James Kenoway represented that he had by payment to the said Thomas Mitchell of 200 merks satisfied the debt due by the complainer to him, the Lords for his relief thereof ordain

detain him in
ward in the
Tolbooth of
Edinburgh.

Secreta,
April 1635-
February 1639.
P. 213.

P. 214.

P. 215.

him to keep possession of that dwelling house in the foreland foresaid presently possessed by James Aiton, goldsmith in the Cannogait, and uplift the rents thereof until he repays himself of that sum and the interest thereof since Whitsunday last. The Lords further declare that the consent given as aforesaid by the said James Kennoway shall in no way prejudice his right and title to the foresaid subjects, notwithstanding the temporary possession of them by the foresaid persons. Further, if it shall happen that any of these persons suffer eviction from the said subjects and so are secluded from the rents thereof, the Lords ordain that in that case they shall not only have recourse against the said George Oustian and his lands within the burgh of Edinburgh, but also shall have all personal and real execution against himself. The Lords also ordain that as soon as the said Helen Crystie and her spouse and James Davidsons are paid the sums respectively due to them, they shall deliver the keys of the subjects above specified to the said James Kennowie.

Letter to the
Islanders
anent the
members of
the Association
for the Fishing.

"A letter to the Ylanders not to inhibit these of the Associatioun frome fishing in thair bounds notwithstanding the proclamatioun foresaid."

Edinburgh,
14th July 1636.

Sederunt:—Chancellor; Treasurer; Glasgow; Privy Seal; Mar; Kingorne; Wigtoun; Roseburgh; Lauderdaill; Dumfries; Bishop of Moray; Bishop of Brechin; Lord Lorne; Lord Alexander; Clerk Register; Sir Robert Gordoun.

Sederunt,
January 1636.
November
1643.
Vol. 30, b.

Final decree
of his Majesty
anent the
Lordship of
Torphichen, by
which it is
declared that
the superior-
ties of the
barony of
Torphichen
and the lands
of Fallas
pertaining
thereto are
exempted from
the Act of
1587 annexing
all church
lands to the
crown, and
that the said
superiorities
and lands are
henceforth to
be held of his
Majesty in few
farm.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Johne, Earle of Traquaire, Lord High Thesaurar of this kingdome, and declared to the saids Lords that, conforme to the warrand and act of Counsell whereby he wes ordained to represent to his Majestie the processe concerning the erection of the lordship of Torphichin, the said Lord Treasurer had trewlie and faithfullie acquainted his Majestie with the estait of that bussines, according to the trust reposed be the saids Lords in him, and that his Majestie hes now signified his royall will and pleasure anent that mater be ane signature under his hand, quhilk the said Lord Thesaurar exhibite and produced before the saids Lords, tuicheing the nature of the erection of the said lordship of Torphichin, bearing his Majesteis declaration and exception made in favors of Johne, Lord Torphichin, anent the superioriteis of the baronie of Torphichin and lands of Fallas perteaning thereto, lying locallie within the parishes of Torphichin and Livingston and shirefdome of Linlithgow, whiche with the title and dignitie of Lord of Torphichin and with the lands, teinds and others of the said lordship perteaning to the said Johne, Lord Torphichin, in propertie, his Majestie ordains to be haldin of his Majestie in few ferme, for payment of the soume of ane hundreth merkes in name of few ferme, as the said signature more fullie proports, quhairof the tennor followes;—CHARLES

Acta, May
1636-Novem-
ber 1639.
Vol. 159, b.

Vol. 160, a.

Acta, May
1636-Novem-
ber 1639.
Fol. 160, a.

R.—Our soverane lord, considering that be special act of his Majesteis last parliament haldin in the moneth of Junij, 1633 yeeres, it is found and declared that the right of superioritie of all lands, baroneis, milnes, wods, fishings, towres, fortalices, mannour places and hail pertinentis thair of perteaning to quhatsomever abbaceis, pryoreis, pryoreses, preceptoreis and quhatsomever others benefices of whatsomever estait, degree, title, name or designatioun the same be of, erected in temporall lordships, baroneis or livings before or after the generall annexatioun of kirklands made in the moneth of July, 1587 yeeres, perteanes to his Majestie and his hienes successors, lykeas be ane severall act of the said parliament the same ar annexed to his Majesteis crowne to remaine therewith inseparablie for ever; and becaus his Majesteis trustie cousine, Johne, Lord Torphichin, did at the time of the said parliament give in ane humble supplicatioun to his Majestie and the Estaits conteaning certaine reasons quhereby he affirmed that the lordship of Torphichin wes not of the nature of kirklands bot of the qualitie of a temporall estait, his Majestie wes pleased, with consent of the Estats, to remitt the consideration of the said supplicatioun and reasons therein conteanit to his Majesteis Counsell, with power to thame to try and examine the same bot not to determine whill his Majestie wer acquainted and did signifie his Majesteis pleasure thereanent, as in the said act of remissioun to the Counsell at mair lenth is conteanit; and forsamekle as the Lords of his Majesteis Secreit Counsell, after the hearing of his Majesteis Advocat and the said Johne, Lord Torphichin, and his procurators anent the reasons of the said supplicatioun, hes be thair act of the dait the 9th day of Februarie, 1636 yeeres, remitted the consideration thair of to his sacred Majestie, and his Majestie, having takin to his wise and judicious consideratioun the justice of the saids lawes and act of parliament made in his Majesteis favors and als the humble remonstrance of the said Johne, Lord Torphichin, anent the great soumes payed be umquhile James, Lord Sant Johne, his great grand uncle, to his Majesteis grand mother, Queene Marie, of happie memorie, for obteaning of the heretable right of the said lordship established in his person be infetment grantit in the moneth of Januar, 1563 yeeres, togidder with the said Johne, Lord Torphichin, his humble offer to surrender in his Majesteis hands *ad perpetuam remanentiam* the hail superioriteis of the said lordship of Torphichin whilks ar in his hands undisputed, except that meane portion thair of lying within the baronie of Torphichin and shirefdome of Linlithgow, wherein does subsist the title and dignitie of lord of parliament, thairfor his sacred Majestie, being resolved to mainteane the saids generall lawes made in his Majesteis favors anent the superioriteis of erections in the said parliament of 1633 yeeres, with consideration alwayes of the said Lord Torphichin in that meane remainder of the said baronie of Torphichin and title and dignitie of lord of parliament annexed thereto, hes of certane knowledge ratified and approvin the

Fol. 160, b.

said acts of parliament anent the superioriteis of kirklands made in his Majesteis favors in the said moneth of Junij, 1633 yeeres, and according thereto declares that the undoubted right of all superioriteis of whatsoever lands, baroneis, milnes, wods, fishings, towres, fortalices, manner places, and haill pertinents thair of perteaning to whatsoever abbaceis, pryoreis, pryoreses, preceptoreis and whatsoever other benefices of quhatsoever estait, degree, title, name or designation the same be of, erected in temporall lordships, baroneis, livings, before or after the generall act of annexation of kirklands made in the moneth of July, 1587 yeeres, perteanes to his Majestie and his successors, and that under the same acts ar comprehended all templelands perteaning to the preceptorie of Torphichin and all other lands perteaning to whatsoever order of friers, ather secular or ecclesiasticall, without anie exception therefra except allanerlie the superioriteis perteaning to the said Johne, Lord Torphichin, within the said baronie of Torphichin comprehending the lands of Fallas unite to the said baronie, lying naturallie and locallie within the parochins of Torphichin and Livingstoun respective and shirefdome of Linlithgow, quhilk, with the title, honnour and dignitie of Lord of Torphichin his Majestie excepts furth of the saids acts of parliament. Lykeas his Majestie wills and declares that the saids superioriteis excepted, as said is, with the title and dignitie of lord of parliament, togidder with the said Johne, Lord Torphichin, his proper lands, teinds and others of the said lordships perteaning to him presentlie in propertie sall remaine with him and his successors according to the tennor of his old rights and infeftments, to be haldin of his Majestie in few ferme for payment of the soume of ane hundreth merkes yeerelie in name of few ferme, and he, his airs and successors sall not be burdenned with anie forther proportion of the few dewtie of the said lordship of Torphichin nor the few ferme dewtie foresaid, and that he and his foresaids sall not be charged and troubled with the stents and taxations imposed or to be imposed upon the said lordship of Torphichin bot according to the proportion thair of effeirand to that whilk he bruikes of the said lordship in propertie and tennendrie. And his Majestie wills and ordains that this his Majesteis declaration be insert in the bookes of Secreit Counsell, and that ane act of Counsell pas thereupon in dew forme, with command to direct letters of publication thereupon in forme as effeirs; and als ordains his Majesteis Clerk of Register to insert thir presents with the said act of Secreit Counsell interpouned thereto in the bookes of parliament to have the force and strenth of ane act of parliament in all time comming. *Subscribitur*, Sanctandrews, Cancell.; Traquair, Th^r; Glasgow, Gallouay, Dumfreis, Lorne, Alexander, Ad. B. of Aberdene; J. Hay; S^r Thomas Hop. Quhilk being read, heard and considerit be the saids Lords, and they acknowledging his Majesteis gracious and royall favour shawin to the said Lord Torphichin in the exception and declaration before mentiouned, the Lords of Secreit Counsell, according to the significatioun of his

Acta, May
1636. Novem-
ber 1639.
Fol. 160, h.

Fol. 161, a.

Ed. May
1638.
or 1639.
Ed. 161, a.

Majesteis pleasure, ordains the said signature conteaning the exception and his Majesteis declaration foresaid to be insert and registrat in the bookes of Secreit Counsell and hes interpouned and interpons thair auctoritie thereto and to the hail points, clauses and articles conteanit therein, ordaining the same to have the force and effect of ane act of Counsell and letters of publicatioun to be direct thereupon; requiring heirby Sir Johne Hay of Baro, Clerk of his Majesteis Registers, to insert this present act and declaration conteaning his Majesteis declaration foresaid in the bookes of parliament to have the strenth and force of ane act of parliament in all time comming, conforme to the said signature in all points, and ordains the said principall signature to be given up to the said Clerk of Register to be keeped be him in the rolls of parliament, quhilk wes accordinglie done."

Ed. 161, b.

"Forsamekle as Williame Couper M^cAllane in Belrynnis, ane commoun and notorious theefe, sorner and oppresser, and the cheefe and principall ressetter of the disordered and brokin lymmars in the North and of the goods stollin be thame that is in the countrie, is of late tane and apprehended and committed to waird within the tolbuith of Aberdene, where he now remaines, and it is verie necessar for the better discoverie of the ressetts of thir brokin lymmars, whereunto the said Williame wes ever privie and accessorie, that he be exhibite heir to his Majesteis Justice to abide his examinatioun and tryell; for quhilk purpose the Lords of Secreit Counsell ordains letters to be direct charging the provest and bailleis of Aberdein to caus the said Williame be convoyed in suretie and to deliver him with thir letters to the shireff of Aberdein and his deputs within 24 houres after the charge under the pane of rebellion etc.; and to charge the said shireff and his deputs to receive the said William frome the provest and bailleis of Aberdene with thir letters within ane heure after the charge, and to convoy and deliver him to the shireff of Kincardin and his deputs within 24 houres thereafter; and to charge the said shireff of Kincardin and his deputs to receive the said William with thir letters frome the said shireff of Aberdein within ane houre after they be presentit, and to caus convoy thame to the shireff of Forfar and his deputs within 24 houres thereafter; and to caus the said shireff of Forfar and his deputs to receive the said William with thir letters frome the said shireff of Kincardin and to convoy them to the provest and bailleis of Dundie within 24 houres thereafter; and that the saids bailleis of Dundie receive the said Williame with thir letters frome the said shireff of Forfar and caus convoy thame to the shireff of Fyffe and his deputs, and that the said shireff of Fyffe and his deputs receive the said William with thir letters frome the said bailleis of Dundie and convoy thame to the bailleis of Bruntilland; and to charge the said bailleis of Bruntilland to receive the said William with thir letters from the said shireff and to convoy thame to the bailleis of Edinburgh or Leith, whome the Lords ordains to receive the said William and to committ him to

Charge for the conveyance to Edinburgh of William Couper M^cAllan in Belrynnis, an outlaw who has lately been apprehended.

waired within thair tolbuith till order be givin for his tryell and punishment under the pane of rebellion and putting of thame to the horne; and if anie of the persons foresaids falyie, the times respective foresaids being bypast, to denunce etc."

Edinburgh,
14th July 1636.

[Sederunt as recorded above, but wanting Dumfreis and adding Erroll and Annandail.]

Acta, May
1636-Novem-
ber 1639.
Fol. 161, b.

Decreta,
April 1636-
February 1639
P. 216.

Complaint by
George Bisset
against his
creditors who
keep him in
ward, though
he has not the
means to
satisfy them,
and his family
is starving.

Complaint by George Bisset, as follows:—He is warded in the tolbooth of Edinburgh at the instance of Margaret Menzies for non-payment of a debt of 200 merks, £16 as the interest thereof and £40 of expenses; and he has also been arrested in ward at the instance of William Dick, merchant burgess of Edinburgh, for non-payment of £32 and 26s. as expenses of plea; at the instance also of John Fairholm, merchant, for not paying to him £33 6s. 8d. and 26s. of expenses. He is "bot a poore distrest man, and hes no meanes for the present quherby to give his creditors satisfaction, and is burdenit with ane great familie, and by occasion of his imprisonment they are all lyke to starve for fault of meanes quhairupon to leive." Charge having been given to the persons named, and the pursuer compearing, but of the defenders only Margaret Menzies compearing, the Lords, after hearing parties, ordain the provost and bailies of Edinburgh to liberate the pursuer so far as he is warded at the instance of the above persons. And they declare that, if the pursuer fails to make termly payment to the said Margaret Menzies of 20 merks over and above the interest of his debt to her until the same be paid up, she shall have the benefit of the act of warding against him and he shall receive no favour. The first term's payment of the 20 merks is ordained to be at Martinmas next.

Complaint by
George Moresone,
burgess of
Aberdeen,
against George
Gordon,
younger of
Gicht, and
others for
contempt of
horning, under
which they lie
at the
complainer's
instance.

Complaint by George Moresone, burgess of Aberdene, as follows:—On 15th, 16th, and 26th March last, George Gordon, younger of Geicht, as principal, and Alexander Abercrombie, elder of Birkinbog, and William Coutts of Auchtercoul, as cautioners for him for a debt of 4000 merks with 1200 merks of expenses and interest due thereon, were put to the horn for non-payment thereof, and at the horn they most proudly and contemptuously remain. Charge having been given to the said Alexander Abercrombie, the case was called upon 14th June last, when, along with the pursuer and Quintin Kennedie, writer, his procurator, there compeared Mr James Baird, advocate, as procurator for James Cudbert of Draces, donator to the liferent of the said Alexander Abercrombie, who pled that no charge of treason could lie against the said defender in respect of the donation of the liferent of all his lands and heritages to the said James Cudbert, to whom, in virtue thereof, the keys of his house had been delivered. The Lords thereupon assigned this day for proof of this allegiance, and, the case being new called, there compeared the said pursuer and also the said James Cudbert, but neither Alexander Abercrombie nor Mr James Baird. The pursuer having for

P. 218.

Decreta,
April 1635 -
February 1639.
P. 218.

probation referred the matter to the oath of verity of the said James Cudbert, he, being sworn, declared that he knew nothing of any such gift of liferent, and that the house is not kept by him nor by any person for his behoof. The Lords accordingly ordain the said Alexander Abercrombie and all havers of his house of Birkinbog to render the same to the officer who shall execute the letters and to remove themselves therefrom, and also that he enter himself in ward within the Castle of Blacknes until he fulfil the command of the letters raised against him by the said George Moresone, under the pane of treason.

Complaint by Alexander Areskine of Pitskerrie, as follows:—On 8th October, 1635, Robert Coutts of Achterfoul [*sic*], as principal, and William Coutts, his son, and Alexander Gordon of Carneborrow, his cautioners, were put to the horn at his instance for non-payment of a debt of 3000 merks and interest due thereupon. Of this horning they take no account. The pursuer compearing but none of the defenders, the Lords ordain the latter to be charged to enter themselves in ward within the Castle of Blacknes, and to render their houses of Auchterfoull, Clunie and Carneborow within fifteen days, upon pain of treason.

Similar
complaint by
Alexander
Ersikine of
Pitakerrie.

P. 219.

P. 220.

Complaint by Thomas M^cMurdie in Chaige, Bessie Laurie, his spouse, and Thomas and Bessie M^cMurdies, their children, as follows:—On 16th January last, Margaret Dempstar, spouse of James Greirsone in Besiwallie, came to the said Thomas M^cMurdie, younger, while "he was pastouring his faithers nolt, pat violent hands in his person, threw him to the ground at ane dykesyde, and so cruellie birsed and bruised him as he is not able to stirre as yit. And upon the 17 day of the same moneth, being the Lords Sabbath, the said James Greirsone come by the way of hamesuckin to the compleaners duelling hous, entered within the same, preast to have drawin his suord, and becaus the hous was laich so that he could not gett it weele drawin, he then drew his whinger, sought all the corners of the hous for the said Thomas M^cMurdie, elder, stogged all the beds thairwith, and at last findeing him, he strake out a great straik with his whinger intending to straike the said Thomas throw the bodie, bot he eschewed the stroke, and the same went in throw his clothes to the poynt of his shoulder. And when his wyffe and dauchter come to helpe him, the said James with his whinger cutted foure of the honest womans fingers and the thumbe aff her dauchter, strake her dog throw the craig with the whinger, and of new entered upon the said Thomas himselfe, and getting him to the ground with his knees so birsed and bruised him as he hes made him rimburst so as he will never be able to labour for her [*sic*] living. And, when his wyffe went to the said James to shew him how cruellie he delt with her, he turned himselfe about with his drawin whinger and urged her to sweare never to tell that he had hurt her, or otherwayes he sould take her lyffe." The said Thomas M^cMurdie and his wife compearing personally for themselves and children, and the said James Greirsone being also present, the Lords, having heard parties, assoilzie the defender, because he, on probation

Complaint by
Thomas
M^cMurdie in
Chaige, his
wife and
children,
against James
Greirsone in
Besiwallie and
his spouse for
hamesucken
and assault.

P. 221.

being referred to his oath of verity, "being deeplie suorne upon his knees denyed the same to be of veritie." The Lords ordain the pursuer and defender to find lawsurety each to the other in 500 merks, and the latter is not to leave the town until he do so.

Edinburgh,
14th July 1636.
John M^cLeod
of Harris,
and the
Association
for the
Fishery.

"The quhilk day John M^cLeod of Hereis gave his yeerelie appearance, unto quhom the saids Lords intimat his Majesteis pleasure anent the fishing of strangers within this kingdome, and signified unto him that these of the Associatioun wer not to be repute among the number of thir strangers bot wes to enjoy the liberties of the patent for the Associatioun conforme to the same in all pointa."

Decreta,
April 1635.
February 1639.
P. 221.

Sederunt,
January 1635.
November
1643.
Fol. 30, b.

Edinburgh,
19th July 1636.

Sederunt:—Chancellor; Treasurer; Glasgow; Privy Seal; Erroll; Mar; Kingorne; Wigtoun; Roxburgh; Annerdail; Lauderdail; Lorne; Bishop of Murray; Bishop of Ross; Bishop of Brechin; Clerk Register; Advocate; Sir Robert Gordon.

Acta, May
1636, November
1639.
Fol. 162, a.

Prohibition of
St. James's
Fair at Kelso,
and of the
weekly
markets at
Kelso,
Jedburgh,
Hawick, and
Duns, as a
precaution
against the
plague which
is prevalent in
the North of
England.

"Forsamekle as it hes pleased God to visite the toun of Newcastle in England and diverse others parts of that kingdome, lying verie neir and opposite to the fronteirs and marches of this kingdome, with the contagious sickenes of the pest and the frequent and daylie intercourse betuix the subjects of the twa kingdomes, especiallie upon the fronteirs and marches thair of, be probable appearance may endanger this kingdome if suche ordinar meanes be not used as at the good pleasure of God may prevent the same; and whereas there is a faire, callit St James fair, shortlie to be keeped and haldin at the toun of Kelso upon the day of July instant, whereunto no doubt numbers of people from the English side will repaire according to thair accustomed maner, and it is verie suspicious that this promiscuous concourse of people frome either side will draw after it great inconvenients to the hazard of the kingdome if the danger be not wiselie foreseeene and tymouslie prevented, thairfor the Lords of Secreit Counsell hes, upon verie considerable and good grounds, thought meit and expedient to discharge, lykeas be the tennor hei of they discharge the faire foresaid, ordaining the same in no way to be haldin nor keeped this yeere; and forder the saids lords, upon the like consideratiouns, hes discharged and discharges the weekelie mercat dayes keeped in the touns of Kelso, Jedburgh, Hawick and Duncie, ordaining the same to ceasse and not to be keeped thereafter till the 25 day of August nixtcome; and ordains letters to be direct to make publicatioun hei of be opin proclamatioun at the mercat croces of Kelso, Jedburgh, Hawick and Duncie and others places neidfull, wherethrow nane pretend ignorance of the same, and to command and charge all his Majesteis subjects whome these presents doe or may concerne to conforme thameselfes to this present act and ordinance, and in no wayes to presooome to violat the same or to doe anie thing to the contrare thair of under the highest pane, charge and perrell that be course of law may be inflicted upon thame."

Acta, May
1636 Novem-
ber 1636.
Fol. 162, a.

Fol. 162, b.

"Forsamekle as it is understand to the Lords of Secreit Counsell that Appointment of a commis-
sion to
divers persons hes latelie come frome suspect and infected parts upon the inquire anent
certain persons,
suspected of
being affected
with the
plague, who
have come
from England
to Haddington.
marche foreanents this kingdome, and hes made thair addresse towards the constabularie of Hadinton, where they have beene ressett, loodged
and interteanned as if there had beene no caus of suspicion in thame, whilk being a mater verie dangerous for the haill kingdome and a high
and malapert presumption in these who offended in a mater of this kynde and may prove so greevous to the kingdome; and the saids lords,
being carefull to foresee the inconvenients that may follow heerupon, they have for this effect givin and grantit and be the tennor heirof
gives and grants full power and commissioun to the shireff of Hadinton and to the lairds of Quhittinghame and Ruuchla to try and informe
thameselffes of all suspect or infected persons betuix Hadinton and Dumbar, and where and be whome thir suspect persons comming latelie
frome England hes beene ressett and loodged, and, according as they sall try and find, that they close up the saids suspect persons and all others
who sall happin to be infected with that contagion or under probable suspicion thairof, commanding thame to keepe thameselffes within the
bounds to be designed to thame and in no wayes to presooome to come furth thairof till after a lawfull tryell they be warranted and allowed
to that effect, under the pane of death; with power to the saids commis- sioners to prescribe and sett down rules and ordinances for preserving
of the saids bounds, so farre as possiblie may be, frome the said infection and to see thair ordinances receave execution accordingle, and if anie
persons within the saids bounds sall dissobey thair ordinances, with power to the saids commissioners to punishe thame according to the
nature and qualitie of thair offence, and that they acquaint the saids Lords frome time [to time] of anie infection [that] sall fall out within
the saids bounds. This commission to be extended onelie to the bounds of Hadinton and Dumbar and no forder."

"The Lords of Secreit Counsell nominats and appoints Johne, Erle of Commission
anent the
Traquair, Lord High Thesaurar of this kingdome, Johne, Erle of Marquis of
Lauderdaill, David, Erle of Southesk, and Sir Johne Hay, Clerk Register, Hamilton's
accounts,
or anie twa of thame, to conveene and meit when they sall thinke fitting and to revise the Marques of Hamilton's compts anent the twa of ten."

[Sederunt as recorded above, omitting Wigtoun.]

Edinburgh,
19th July 1636.

Decreta,
April 1635.
February 1639.
P. 221.

Supplication by Sir George Jonston of Caskiben, knight baronet, as Supplication
by Sir George
follows :—Their Lordships were pleased to commit him to ward within Johnstone of
Caskiben that
the tolbooth of Edinburgh upon the account of a wrong done by Thomas he may be
Feruquarsone against Alexander Forbes until he should make payment freed from
ward in the
of £1000 to his Majesty's Treasurer, and £1000 to the said Alexander, Tolbooth of
Edinburgh on
with £100 to his Majesty's Treasurer for removing from Edinburgh account of his
health.
before he found caution for the said Alexander's indemnity. He has
been in ward now for twenty days, whereby he is become very infirm

and weak and his health is endangered greatly. The supplicant is unable to obtain a cautioner, but he is ready to enact himself to keep ward within the burgh of Edinburgh and three miles about until he satisfy their Lordships' decree. He humbly craves his liberty upon these terms. Their Lordships ordain the provost and bailies of Edinburgh to liberate the supplicant, notwithstanding of any arreistments made or to be made upon him, he and his eldest son first acting themselves in the books of Privy Council that he will keep ward within Edinburgh and three miles thereabout until 1st September next, by which time he is to pay the above fines to the Treasurer and Alexander Forbes; wherein if he fail, he is to re-enter to his ward under a penalty of 5000 merks.

Decreta,
April 1636-
February 1639.
P. 221.

Postponement
of action of
precognition
raised by Mr
Alexander
Ellice of
Morton Hall
against Dame
Elizabeth Ker,
Lady Broughton,
and her
tenant, Janet
Meggat.

The Lords have thought meet and expedient, upon some special considerations, to continue the action of precognition raised at the instance of Mr Alexander Eileis of Morton Hal against Dame Elizabeth Ker, Lady Broughton, and Jonet Meggat, her tenant, touching the alleged coming of the said Mr Alexander "to the backe of the Castle-law and stealing furth thair of ane gray ambling staig perteaning to the said Jonet upon the 5 or 6 dayes of May last," until 26th July instant; of which continuation the said Mr. Alexander, being personally present, and the said Lady Broughton and her tenant, being represented by Mr Laurence M^cGill, advocate, their procurator, are warned *apud acta*. And the Lords further ordain the Justice, Justice Clerk and their deutes to continue the criminal diet appointed for the trial of the said Mr Alexander on the 21st July instant at the instance of the said Lady Broughton and her tenant, and of his Majesty's Advocate, for the theft of the said staig, until the 28th July, taking new caution for his compareance that day. Meanwhile, they ordain the said Mr Alexander Eileis, with concurrence of Mr Nathaniel Udward, his uncle, to make offers of satisfaction to Lady Broughton "for his misbehaviour and uncomelie cariage towards her and lykewayes for the said staig if the same salbe found to belong to her."

P. 222.

Supplication
by Gilbert
Johnstone of
Petersmilne
that his ward
in the
Tolbooth of
Aberdeen may
be enlarged to
the town and
burgh.

Supplication by Gilbert Jonstoun of Petersmilne, as follows:—Upon a late petition by him to their Lordships, representing "his great age, being past 87 yeeres, and the weaknes of his person by seiknes and great suelling in his legs and bellie," certified to them "by famous testimonialls," they were pleased to order his liberation from the tolbooth of Aberdene upon caution that he would remain within a house in that town upon the pain of payment of the whole sums of money for which he was warded, and also for his re-entry in ward whenever charged upon six days' warning. He is in the same danger in his present lodging, "being deprived of the frie aire and confort of the word and sacraments," and he craves that their Lordships would enlarge his ward to the town and burgh of Aberdene. The Lords grant the enlargement craved, so that the supplicant "may repaire to church, heare sermons and participat the sacraments," discharging the sheriff of Aberdene and

P. 223.

the provost and bailies of the said burgh from arresting him until 1st January next, he first finding caution in the town books not to break his ward in Aberdene during that period and further until he be relieved by their Lordships, and to re-enter to his ward after that date whenever lawfully charged on six days' warning, under the penalty of payment of the whole sums for which he was warded.

Supplication by Sir Alexander Menzies of Weime, as follows:—At the first establishing of the Justices of Peace within this kingdom his late Majesty made choice of the supplicant to be one of the number within the sheriffdom of Perth. Since then he has dutifully attended that charge. "Bot now his great age, the infirmities of his person, and the heave seiknes quhairwith it pleased God to visit him," have altogether disabled him from further attending that charge, his dwelling-house being _____ miles from the place where the court is held. He therefore desires that their Lordships would grant him exemption from further service. This the Lords do, "knawing perfytlie the inhabilitie of the supplicant to attend that charge."

Supplication by Sir Alexander Menzies of Weime that he may be relieved from the office of justice of peace on account of the state of his health.

Complaint by Mr James Mowat, son of the deceased John Mowat in Aquhirries, Elizabeth Gardene, widow of George Mercer in Old Aberdene, Elizabeth Layng, widow of Mr Thomas Garden, minister at Tarves, and Mr Roger Mowat, advocat, her assignee, as follows:—On 25th May last, John Gordon of Tillielt and James Gordon, fiar thereof, were put to the horn at their instance for non-fulfilment of a certain contract; and at the horn they contemptuously remain. Mr Roger Mowat, compearing for himself and the other pursuers, but the defenders not compearing, the Lords ordain the latter to enter in ward within the Castle of Blacknes, and they and all havers of their house of Tillielt to render the same to his Majesty's officers within six days, under the pain of treason.

Complaint by Mr James Mowat, son of the deceased John Mowat in Aquhirries, and others against John Gordon of Tillielt and James Gordon, fiar thereof, for contempt of horning.

In the action at the instance of his Majesty's Advocate, and Malcolm Maxwell in Housebie and James Maxwell, his father against Harry Henderson of Meal [*sic*] and others (as narrated *ante* p. 275), this day both pursuers and defender compeared personally, and the Lords, having heard parties, assoilzie the defender from the charge of bearing hagbuts and pistols, because the probation being referred to his oath he denied the same.

Malcolm Maxwell and James Maxwell against Harry Henderson.

Sederunt:—Chancellor; Treasurer; Privy Seal; Mar; Wintoun; Wigtoun; Gallouay; Annerdail; Lauderdail; Dumfreis; Southesk; Lorne; Bishop of Moray; Bishop of Ross; Bishop of Brechin; Clerk Register; Advocate; Sir Robert Gordon.

Edinburgh, 21st July 1636.

"Forsamekle as the Lords of Secreit Counsell, having considerit the necessitous estait of the countrie and the great skarsetie of his Majesteis proper coyne current within the same, with the prejudice following therefra to the interruption of commerce and of small exchange among his Majesteis subjects for want of small silver money, the saids Lords,

Order for the coining of half-merk pieces, four-penny pieces, and twenty-penny pieces.

Secreta,
April 1636-
February
1639.
P. 223.

P. 224.

P. 219.¹

[¹ Omitted at
its proper place
in the
Register.]

Acta, May
1636-Novem-
ber 1639.
Vol. 162, b.

according to the warrand and power committed unto thame be the King's Majestie, hes thought meit and expedient, concluded and ordained, for a remedie of the present pressing inconvenient, that the whole bulyeoun presentlie payable restand auchtand in the merchants hands sall be wrought and coynned according to the forme and maner of striking used of before in the Cunyehous in halfe merk peeces, fourtie pennie peeces, and twentie pennie peeces of the fynenesse of ellevin deneirs fyne with the impressions and circumscriptions following; to witt, the saids halfe merk peeces sall beare upon the one side thair of the impression of his Majesteis face and head crowned, and behind the same VI. with this circumscription CAROLUS D.G. SCOT : ANG : FR : & HIB : R., and upon the other side his Majesteis armes with this circumscription CHRISTO AUSPICE REGNO, and the saids fourtie pennie peeces sall beare upon the one side thair of the impression of his Majesteis face and head crowned and behind the same XL., with the foresaid circumscription CAR. : D.G. SCOT : ANG : & HIB : R., and upon the other side of the saids fourtie pennie peeces ane thistle with ane crowne abone the same with this circumscription SALUS REIP. SUPR : LEX., and the saids twentie pennie peeces sall beare upon the one side thair of the impression of his Majesteis face and head crowned and behind the same XX. with the foresaid circumscription CAR. : D.G. SCOT : ANG : FR : & HIB : R., and upon the other side of the saids twentie pennie peeces ane thistle with a crowne abone the same with this circumscription IUST : THRONUM FIRMAT. Lykeas the saids Lords decernis and ordains that of the said bulyeoun that sall pas his Majesteis yrnas a fourth part thair of sall be coynned in halfe merk peeces and that the other three parts sall be equallie divided, strickin and wrought in fourtie pennie peeces and twentie pennie peeces, and that everie pund weight thair of being strickin in halfe merk peeces sall conteane in number $146\frac{1}{8}$ halfe merk peeces, the remedie $1\frac{1}{2}$ peeces, the pund weight of fourtie pennie peeces sall conteane $29\frac{1}{8}$ fourtie pennie peeces with the remeid of 4 peece, and the pund weight of twentie pennie peeces sall conteane in number $584\frac{1}{4}$ twentie pennie peeces with the remeid of 8 peece. And to the effect the said silver coyne may be dispersed and remaine within the countrie and that the lieges may find the confort thair of for the interteanement of small exchange, the saids Lords hes concluded and ordained that the twa part of the peeces of the said money sua to be coynned sall be vented and exchanged to anie of his Majesteis subjects who desireth the same and the other thrid part thair of to be delivered backe to the merchants ingivers of the said bulyeoun who sall be obleist to receive the remainder of thair payment in anie other money current in the kingdome frome the Maister for the time. And quhereas Johne, Erle of Traquair, Lord High Thesaurar of this kingdome, by warrand of his Majesteis Counsell for satisfeing the present exigence, hes agreed with Nicolas Briot, borne in the dutchie of Loraine, present Maister of the Cunyehous during his Majesteis pleasure (conforme to his Majesteis warrand and act of counsell of the dait the 7th of August, 1635), to

Acta, May
1636. Novem-
ber 1639.
Fol. 163, a.

Fol. 163, b.

Acts, May
1636-Novem-
ber 1639.
Fol. 163, b.

coyne the said bulyeoun in maner foresaid and upon the provisions and conditions sett down in the contract past or to be past betuix thame thereanent, thairfoir the saids Lords ordains and commands the generall, present maister and others officers in the Coynehous, everie one of thame in thair owne charge and place, to concurre and attend the working of the said bulyeoun in the peeces foresaids and to doe and performe what is incumbent to thair severall dueteis and office, as they and everie ane of thame will ansuer upon thair neglect and disobedience at thair highest charge and perrell. And forasmuche as there is a warrand direct to Charles Dickesone, sinker of his Majesteis yrnas, to grave and sink yrnas for the speses of coyne abonementiouned conforme to the patents delivered to him bearing his Majesteis effigie, and in regarde the said Charles hes not beene in use to grave his Majesteis face and that the said Nicolas Briot, being cheefe graver to his Majestie in the mynt of England, is best experienced with suche livelie impressions, thairfoir the saids Lords, for the furtherance and good of the service, ordains the said Nicolas Briot to grave his Majesteis said effigie for the three abone-namit speses of coyne and to deliver the same to the said Charles Dickesone for sinking the saids yrnas conforme thereto; anent the doing quhereof the extract of this act sall be unto the said Nicolas Briot ane sufficient warrand."

"Forsamekle as the Lords of Secreit Counsell, upon considerable respects importing the good of the countrie and the interteanment of small exchange amongs his Majesteis subjects, hes concluded and ordained that the haille bulyeoun presentlie payable to the merchants sall be imbrought and wrought in halfe merk peeces, fourtie pennie peeces, and twentie pennie peeces, and that the halfe merk peeces sall beare upon the one side thair of the impression of his Majesteis face and head crownned and behind the same VI. with this circumscription CAROLUS D.G. SCOT: ANG: FR & HIB: R.; and upon the other side his Majesteis armes with this circumscription CHRISTO AUSPICE REGNO, and the saids fourtie pennie peeces sall beare upon the one side the impression of his Majesteis face and head crownned and behind the same XL. with the foresaid circumscription CAR. D.G. SCOT: ANG: FR: & HIB: R., and upon the other side of the fourtie pennie peeces ane thistle with a crowne abone the same with this circumscription SALUS REIP. SUPR: LEX, and the saids twentie pennie peeces sall beare upon the one side thair of the impression of his Majesteis face and head crownned and behind the same XX. with the foresaid circumscription CAR. D.G. SCOT: ANG: FR & HIB: R.; and upon the other side of the saids twentie pennie peeces ane thistle with a crowne abone the same with this circumscription IUST: THRONUM FIRMAT; for whiche purpose and to the intent the Coynehous may be speedilie sett a worke and the lieges receive the benefite and confort of the saids small moneyes, the Lords of Secreit Counsell ordains and commands Charles Dickesone, sinker of his Majesteis yrnas, to make, grave and sinke sufficient yrnas

Charge to
Charles
Dickieson,
coiner, to
make dies for
the above-
named pieces.

Fol. 164, a.

agreable in the impressions and circumscriptions to the silver speces ^{Acta, May 1636-November 1639.} respective foresaids, and that he proceed to the working and perfytting of the saids yrnes with all possible diligence; for doing quhair of the extract of this act sall be to the said Charles Dickesone a sufficient warrand." ^{Fol. 164, a.}

Desertion of the trial of James Gordon of Letterfourie and others accused of oppression against the Laird of Fendraucht.

"Forsamekle as there is a number of the Marques of Huntleis tennents and servants, and amongs others James Gordon of Letterfourie, charged to compeir before his Majesteis Justice upon the 29 day of July instant to underly the law for some heirships, oppressions and depredations alledged committed be thame upon the laird of Fendraucht and his tennents, notwithstanding the Lords of Secreit Counsell, upon some speciall consideratiouns tending to the peace of the countrie and weale of the said Laird of Fendracht, hes thought meit and expedient that the said dyet sall desert; and for this effect ordains and commands his Majesteis Justice, Justice clerk and thair deputs to desert the said dyet and to forbear all proceeding therein, discharging thame thair of and of thair offices in that part, and ordains thame to take caution of the said James Gordoun of Letterfourie to compeir before thame whenever he sall be lawfullie charged upon a fyftene dayes warning to underly the law for the crimes foresaids, under the pane of twa thowsand merkes."

Proclamation against unlicensed sellers of tobacco.

"Forsamekle as the King's Majestie, having by diverse acts and ^{Fol. 164, b.} proclamatiouns made and published heirtofore signified his royall will and pleasure concerning the restraint of selling of tobacco by small or retaile without licence frome his Majesteis commissioners to that effect, and his Majestie, expecting that all his subjects would sincerelie and ingenuously have obeyed his Majesteis ordinance without fraud or deceate, his Majestie wes graciouslie pleased and content that these onelie should be understood to sell by small that sould happin to sell under the quantitie of a stone weight togidder; yitt his Majestie, being now informed that diverse evill disposed persons hes ane usuall practise in venting of thair tobacco to make a great manie buyers joyne togidder to buy among thame a great quantitie of tobacco abone a stone weight and so deluding his Majesteis ordinance by that meanes, hopes to escape unpunished, for preventing of quhilk deceate in time comming his Majesteis pleasure is that all suche as being unlicensed sall presume to sell tobacco in anie quantitie quhatsoever at the secund hand and suche as without licence in anie kynde sell tobacco under the quantitie of ane hundreth pundis togidder at anie time sall be reputed guiltie of breaking his Majesteis ordinance and made lyable to the pane in that behalfe provydit. And thairfor the Lords of Secreit Counsell, according to his Majesteis speciall command and directioun, ordains letters to be direct to make publicatioun heirof at all places neidfull wherethrow nane pretend ignorance of the same. Followes his Majesteis missive for warrand of the act abonewrittin:—CHARLES R.—Right reverend father in God, right trustie and weilbelovit cousins and counsellers, right trustie and trustie and weilbelovit counsellers, we greit yow

1a, May
36 Novem-
r 1639.
L 164, b

weill: Whereas we have diverse times signified our pleasure concerning the restraint of selling of tobacco by small or retaile without licence frome our commissioners, and, beleaving that all our subjects would sincerelie and ingenuously obey our ordinance without fraud or deceate, we wer content that these onelie sould be understood to sell by small that sould happin to sell under the quantitie of a stone weight togidder, yitt now, being informed that diverse evill disposed persons have ane usuall practise in venting thair tobacco to make a great manie buyers joyne togidder to buy amongs thame a quantitie of tobacco abone a stone weight, and, so deluding our ordinance by that meanes, hope to escape unpunished, for prevention of this deceit in time comining, our pleasure is that all suche as (being unlicenced) presooome to sell tobacco in anie quantitie whatsoever at the second hand and suche as without licence sall in anie kynde sell tobacco under the quantitie of ane hundreth pund togidder at one time, sall be reputed guiltie of breaking our ordinance and made lyable to the pane in that behalfe provided; which we will yow to signifie to all our subjects by letters of publicatioun of this our pleasure that none pretend ignorance thair of, for whiche these presents sall be your warrand. Frome our court at Theobalds, 18 of June, 1636."

OL 165, a

"The Lords of Secreit Counsell appoints Wedinsday nixt for the criminall tryell of the hail brokin men within the tolbuith, and gives commissioun be thir presents to Johne, Erle of Traquaire, Lord High Thesaurar; Thomas, Erle of Hadinton, Lord Privie Seale; George, Erle of Winton, Johne, Erle of Lauderdale, David, Erle of Southesk, Archibald, Lord of Lorne, Sir Johne Hay, Clerk of his Majesteis Registers; and Sir Thomas Hope, his Majesteis Advocat, not excluding anie of the Counsell, to examine the saids brokin men the morne at nyne houres, and if they find occasion to putt thame to the tortour of the butts."

Appointment
of a
commission for
the trial of the
outlaws now in
the Tolbooth
of Edinburgh.

[Sederunt as recorded above.]

Edinburgh,
21st July 1636.

Decreta,
April 1635-
February
1639.
P. 224.

P. 225.

Complaint by William Sinclair, sometime in Corsewood, as follows:—He has been summoned before the stewart court of Kirkcudbright at the instance of William Rodger in Watercloff, Agnes Herreis in Barowcleuch, and Paul Thomeson, "procutar" before the said steward, on 12th July instant for the alleged away taking, by way of stouthreif, of a hog from the said William Rodger, and another hog from Agnes Herreis. The said steward and his deputes intend to proceed against the complainer most wrongfully, for John, William, and George Maxuell, styled of Logane, are brothers of Thomas Maxuell of Logane, who has instituted this pursuit, "who haveing the compleaner his rounge of Corsuaday over his heid, and ejected his wyffe and hairns furthe thair of, he can get no way to cloke his lawless proceedings bot be cover of auctoritie to make his brether, who ar deputs in the said stuartie, to sitt upon the compleaners lyffe, and under pretext and cullour of law to take the

Complaint by
William
Sinclair, some-
time in Corse-
wood, against
William
Rodger in
Watercloff
and others,
whom he
accuses of
seeking to
have him tried
on a certain
charge before
a prejudiced
court.

compleaners lyffe and so to acqyre his right and possession of the rounne." He has found caution for appearing before his Majesty's Justice on a lawful citation of fifteen days. Charge having been given to the said steward-deputes, and the complainer compearing personally, and the defenders by Mr William Maxuell, advocate, their procurator, the Lords, after hearing parties, advocate the cause foresaid from the said steward and his deputes to his Majesty's Justice and his deputes.

Complaint by the Master of Fenton and John Erskine of Balgounie, against Sir George Home of Manderston, whom they accuse of violently entering the place of Manderston, which now legally belongs to the complainers.

Complaint by _____, Master of Fenton, and John Erskyne of Balgounie, as follows:—The lands of Manderstoun belong lawfully to them by virtue of various comprisings and other rights and securities thereof made to them, by virtue whereof they have peaceably possessed the same for several years past and used them as their proper heritage. But now Sir George Home of Manderstoun has violently and against all law intruded himself into the place of Manderstoun, "shot out the compleaners servants placed be thame for keeping the said hous, hes possest himselfe with the yairds and orchards and daylie oppresses the tenents, reives thair geir frome thame, threatnes thame of thair lyves, and so mischantlie abuses the tenents as they darre not remaine on the ground nor in thair houses for feare of thair lyves." The pursuers compearing by John Wardlaw, their procurator, but the defender not compearing, the Lords ordain him to be put to the horn and escheated for his contempt.

Supplication by James Cheyne of Arnage and others that no further protections be granted to the laird of Pitcaple and his son.

Supplication by James Cheyne of Arnage, William Seatoun of Scethin, Mr Roger Mouat, advocate, George Gordon of Tullofaudie, James Leslie of Aquhorties, and Alexander Cheine of Raniestoun, as follows:—Out of their preposterous affection to John Leslie, elder and younger of Pitcaple, they became cautioners for them in great sums of money, for which they have been heavily distressed, and have paid above 80,000 merks, of which they can get no relief on account of the frequent protections granted to them by their Lordships. They intend now to seek a new protection, and the supplicants crave that their Lordships "will declare be act of Counsell that no suche protections sould be force agains the supplicants." The Lords declare that no protections will be granted to the said Laird of Pitcaple and his son against the supplicants until they are warned to the granting thereof, and that if any shall happen to be granted that they will be of no force against them.

21st July 1636. Justices of ponce for Dumfries.

"Johne Charters, appearand of Amisfeild, William Fergusson of Crag-darrow, and Robert McBrair of Almigill adjoynned to the justices of peace of Dumfries."

Edinburgh, 21st July 1636. Supplication by Sir Donald Gorme and other Highland chiefs that they may be relieved from appearing

"The quhillk day James Logie compeired before the Counsell in name of Sir Donald Gorme, Sir Lauchlane McLaine, and the Captane of Clanrannald and George Campbell compeired in name of McKynnon of Coill and McKynnon of that Ilke and desired the saids Lords to dispense with thair appearance at this time in regarde of a great famine within these bounds, of the necessitie of the said Sir Donnald his remaining at home to keepe the countrie in order the

Decreta,
April 1635-
February
1639.
P. 225.

P. 226.

P. 227.

Justices of
Peace, 1612-
1639.
Fol. 70, b.

Sederunts,
January 1635-
November
1643.
Fol. 31, a.

Sederunt,
January 1635-
November
43.
cl. 31, a.

time of the fishing, and in respect of thair notour legall behaviour and that there was no complaint made upon thame. The saids Lords, upon the considerable respects foresaid, admitts of the saids Ilanders thair excuse at this time and declares that they will nowayes dispense with the acts of thair appearance in time comming, bot that the same sall stand in full force conforme to the tennor thair of; and, if upon the like incident necessiteis the saids ylanders sall be disabled to appeare, the saids Lords declares that if they doe not remonstrat the same in dew time to the saids Lordis before the first Counsell day of Junij yeerlie and obteane the saids Lords dispensatioun for thair remaining at home that yeere that thair excuse sall no wayes be receaved at the dyet of thair yeerlie appearance."

before the
Council for the
current year.

Sederunt, May
636-Novem-
ber 1639.
cl. 165, a.

Sederunt:—Chancellor; Treasurer; Glasgow, Privy Seal; Erroll; Edinburgh, 26th July 1636.
Mar; Wintoun; Perth; Kingorne; Roxburgh; Galloway;
Annerdail; Lauderdail; Dumfreis; Lord Angus; Lord Lorne;
Bishop of Edinburgh; Bishop of Moray; Bishop of Ross;
Bishop of Brechin; Lord Naper; Clerk Register; Advocate;
Sir Robert Gordon.

"The Lords of Secreit Counsell ordains and commands his Majesteis Justice, Justice Clerk and thair deputs to pronounce doome and sentence agains Patrik M^cGregour, callit Gilleroy, and the rest of the brokin men, ordaining thame to be harled backward to the mercat croce of Edinburgh upon Fryday nixt and there hanged to the death, and the heads and right hands to be cutt off the saids Patrik M^cGregour and Johne Forbes and to be affixed upon the east and west ports of Edinburgh."

Patrick
Macgregor and
other outlaws
sentenced to
death.

The Lords ordains his Majesteis Justice, Justice Clerk and thair deputs to affixe ane criminall court and to call the Tutor of Glenneveis before thame and to take him actit to depart out of the countrie and never to returne under the pane of death; as alsua to take sufficient caution of him to the effect foresaid under the pane of twa thousand merkes; and this being done the saids Lords ordains and commands the provest and bailleis of Edinburgh to deliver the said tutor to the Lord High Thesaurar of this kingdome to be sent be his lordship to the warres."

The Tutor of
Glenneveis
sentenced to
banishment.

Pol. 165, b.

"The Lords of Secreit Counsell gives and grants commissioun be thir presents to Johne, Earle of Traquaire, Lord High Thesaurar; Thomas, Erle of Hadinton, Lord Privie Seale; David, Erle of Southesk, David, Bishop of Edinburgh, Sir Johne Hay, Clerk of his Majesteis Registers; and Sir Thomas Hope, his Majesteis Advocat, or anie three of thame, the Thesaurar being one, to conveene and meit in his Majesteis Cunyie hous at anie convenient time in the vacance and there to opin the assay boxe and to try the fynnesse of gold and silver within the same and to report to his Majesteis Counsell what they find thereanent."

Commission
appointed to
try the fineness
of the gold and
silver in the
Mint.

No jailer's fee to be paid in the case of prisoners charged with crimes against his Majesty and his Majesty's peace.

"The whilk day in presence of the Lords of Secreit Counsell ^{Acta, May 1636-November 1639. Fol. 165, b.} compeired personallie Sir Thomas Hope of Craighall, knight baronnet, and protested that all criminalls who sould be committed to waird within the tolbuith of Edinburgh for crimes committed aganis his Majesteis auctoritie and peace of the countrie that his Majestie and suche of his Majesteis good subjects who sall happin to enter thame within the said tolbuith sould be free of payment of anie jaylour fee for the saids criminalls during thair remaining within the same tolbuith."

Edinburgh,
26th July 1636.

[Sederunt as recorded above.]

Decreta,
April 1635-
February 1638.
P. 227.

Trial of Mr Alexander Eileis of Mortonhall and Andrew Yuill, his servant, to be deserted.

In the matter of the continuation of the criminal diet at the instance of Dame Elizabeth Ker, Lady Broughtoun, Janet Meggat, her tenant, and his Majesty's Advocate, against Mr Alexander Eileis of Mortonhall and Andrew Yuill, his servant, for an alleged crime, to 28th July instant; and the counter action of precognition before their Lordships by the said Mr Alexander Eileis against them, the Lords, seeing both actions have been settled and the grounds and occasion thereof removed to the satisfaction of both parties, ordain the Justice, Justice Clerk and their deputes to desert the criminal diet appointed for the trial of the said Mr Alexander and his servant.

Supplication by William Wood in the Park [sic, lege Park in the Wood] of Glenluce, whose house and furniture have been burnt, for continuance of his protection. See ante, p. 50.

Supplication by William Wood in the Park [sic, lege Park in the Wood] of Glenluce, as follows:—On being informed of "the heaveie visitation quhairwith it pleased God to visit him the tyme that his hous, haill moveables and all that he had were brunt," their Lordships granted to him in July last their letters of recommendation for a contribution for his relief until the 14th instant, and also granted him a personal protection during that period. "The supplicant, his wyffe and familie have beene all sicke this half yeere bygane or thairby, and the poverty of the countrey hes beene so great as he could make no benefit of the said recommendation." P. 228. He craves a continuation. The Lords prorogate their recommendation and protection for another year, and withal request all his Majesty's subjects to extend to the supplicant a portion of their charity.

Anent the complaint of Robert Widdrow and Susanna Hamilton, his spouse, against Robert Bar in Leven and others for hamesucken.

Anent the term assigned to Robert Widdrow in , and Susanna Hamilton, his spouse, for proving their complaint against Thomas Bar in Levin, Archibald Hunter in Bettilburn, James Mudie there, James Or, miller at Daffmyle, Thomas Cochran in and James Hill in Overtoun, of coming "be way of hamesuckin in the moneth of December last to the persewers dwelling hous and putting of violent hands in the said Susanna, she being lying in her bed heaveie visit with seiknes for the tyme, harling her out of her naiked bed to the feilds, lying her doune at ane dyke syde, quhair she sounned, thrusting her sex children to the doore, casting furth her haill houshold stuffe, medling with her haill goods and geir, and turneing the poore woman and her children beggars"; the pursuers compearing personally and also the defenders,

Decreta,
April 1635-
February 1639.
P. 228.

with Mr William Cochrane of _____, who compeared in name of _____, Lord Semple, and produced a backbond "allegit made be the said Lord Semple to the saids persewers for obedience of the saids Lords thair direction and ordinance given to the said M^r William in name of the said Lord Semple upon the 5 of July instant, quhilk backband wes imediatlie given to the saids persewers." The Lords having heard parties and their witnesses, assoilzie the defenders, as the witnesses proved nothing against them; but this decreet is not to prejudice the action of ejection to be raised by the pursuers before the ordinary judge.

P. 229.

Complaint by Robert May in Easter Both, as follows:—Alexander Stuart in Tulliallane was lawfully deprived of his office of messenger by decree of the Lyon and his brother heralds, notwithstanding whereof he has since "usurped the said office upon him and daylie exerces the same, scaffing and oppressing his Majesties lieges." He daily troubles the complainer with pretended copies and charges and has lately arreisted his goods and given him a charge of horning. The pursuer compearing by John Miller, writer, his procurator, but not the defender, the Lords ordain the said Alexander Stuart to be put to the horn and escheated.

Complaint by Robert May in Easter Both against Alexander Stuart in Tulliallan, who continues to exercise the office of messenger of which he has been deprived.

Acta, May
1636-November 1639.
Fol. 166, b.

Sederunt:—Chancellor; Treasurer; Glasgow; Privy Seal; Erroll; Edinburgh, 28th July 1636.
Mar; Winton; Perth; Wigtoun; Roxburgh; Kingorne;
Annerdail; Lauderdail; Southesk; Lord Angus; Lord Lorne;
Bishop of Edinburgh; Bishop of Moray; Bishop of Ross;
Bishop of Brechin; Lord Naper; Clerk Register; Advocate;
Sir Robert Gordon.

"Forsamekle as there is ane faire appointed to be kept at Melros upon the day of _____, whereunto numbers of people from all the parts of the kingdome will repaire for buying and selling of thair commoditeis and wairs, and, whereas it hes pleased God to visite sundrie parts upon the English side with the contagious sickenes of the pest, it is verie likelie that numbers of people, according to their usuall maner, will repaire frome thence to the said faire, as they doe to the weekelie mercats kept at Cauldstreame, and by keeping of ane mutuall intercourse and exchange at these mercats it is to be feared that this countrie sall be infected with the said sickenes, if some ordinar course be not tane for preventing the same; and thairfoir the Lords of Secreit Counsell hes thought meit to discharge, lykeas be the tennor heiroyf they discharge the said faire, ordaining the same no way to be kept nor haldin this yeere, lykeas they have discharged and discharges the weekelie mercat kept at Caldstreame, ordaining no mercat to be kept there before the 25 of August; and ordains letters to be direct to make publicatioun heiroyf be opin proclamatioun at the mercat croces of Melros, Caldstreame and others places neidfull, wherethrow nane pretend ignorance of the same, and to command, charge and inhibite all his Majesteis lieges and

Fairs at Melrose and Coldstream forbidden on account of the plague.

Fol. 166, a.

subjects that nane of thame presooome nor take upon hand to resort to the saids faire and mercats nor to make anie merchants in buying or selling thereat, under the highest pane that be course of law can be inflicted upon thame." Acts, May 1636-November 1639. Fol. 166, a.

Letter from his Majesty anent abuses at ferries.

"The whilk day the missive letter underwrittin, signed be the King's Majestie and direct to the Lords of Privie Counsell, wes presented to the saids Lords and read in thair audience, of the quhilk the tennor followes:—CHARLES R.—Right reverend father in God, right trustie and weil-belovit cousines and counsellors, right trustie and trustie and weilbelovit counsellors, we greit yow weill. Whereas diverse abuses have beene represented to ws whereby our subjects there doe often suffer in thair persons and goods and sometimes ar cast away in thair transporting at ferryes by unskilfulnes and disorderlie way of ferrymen, who having no order at all (contrarie to what is usuall in other weill governed parts) rather practise what may tend to thair owne lucre than to our subjects good and saifetie, thair trade being promiscuouslie used without respect ather to breeding or skill, besides the losse that both we receive in being oftin times by thair meanes defrauded of our customes, and the countrie by frequent transporting thither of nombers of Yrish beggers, occasiouned cheefelie by the ferrymen at Portpatrik; with diverse others abuses, quhairwith we have required our Advocat to acquaint yow at lenth; it is thairfoir our pleasure that yow seriouslie consider of the information and remedeis to be represented by him unto yow, and, if upon deliberation, yow sall find that suche abuses ar committed and that it is fitt for our service and the publict good that they be reformed, that then yow prescribe the way how the same may be done, giving order to our Advocat to draw up with suche conditions, time and restrictions as yow sall find necessar a patent commission or other writt neidfull to the purpose with a blanke for a persons name to be filled up by our further direction, that, being past under our royall signature, it may be furthwith returned to be exped under our seales there; for whiche these presents sall be your warrand. We bid yow farewell. From our court at Bagshot, 29 July, 1635. Quhilk missive being read, heard and considerit be the saids Lords, they ordaine the acts of parliament made in this behalfe to be putt in execution."

Alaster Forbes and others sentenced to death.

"The Lords of Secreit Counsell ordains and commands his Majesteis Justice, Justice Clerk and thair deputs to pronounce doome and sentence agains Alaster and Callum Forbesses and Gillespick M^cFarlane, whois doome wes continewed be thame till they consulted the saids Lords thereanent, ordaining thame to be hanged to the death; and for that effect to be caried to the mercat croce of Edinburgh the morne in the after noone with the rest of James Grant and Gilleroyes complices." Fol. 166, b.

Edinburgh, 28th July 1636.

[Sederunt as recorded above, substituting Galloway and Dumfries for Wigtoun and Southesk.] Decreta, April 1635-February 1639. P. 229.

Decreta,
April 1635-
February 1639.
P. 229.

Supplication by Andrew Hepburn, brother german of the deceased Col. Sir John Hepburn, and Lieut. Col. James Hepburn, as follows :—" His said umquhile brether have by thair vertews and valorous atcheivments abroad muche endeared thaimselfes to forraine princes, under whome and in whose service they were preferred to charges of great trust and commandement, wherein they so worthily behaved thaimeselves as they did purchase thereby both credit and meanes. It hes pleased God now in end, when as they were serveing under the French king in the warres, to call thame to his mercie frome this mortall lyffe ; by occasion of whiche untymous death in a strange land the estate and meanes, whiche by thair successfull adventures they hazardouslie acquryed, is now lykelie to miscarie and evanish if some speedie course be not taken for preservation and recoverie of the same." The supplicant is their nearest heir, and therefore it devolves upon him to look after the matter, so he craves a testimonial from their Lordships under the great seal to enable him to act therein. The Lords deem the request reasonable, and ordain a testimonial to be passed under the great seal to the supplicant, notifying to all whom it may concern that he is the heir of his said brothers, and authorising him to repair to France, where they died, for the discovery and recovery of their goods, and to pursue therefor in a legal way, and recommending him for a favourable and speedy dispatch of justice. But before the granting of this testimonial the supplicant is to find caution acted in their Lordships' books for making the goods of his said deceased brothers forthcoming to all parties having interest, as accords of the law. This being done, the Lords give warrant to the Director of Chancery for the writing of the testimonial, and to the Lord Chancellor as keeper of the great seal for appending the same thereto.

Supplication by Mr Andrew Hepburn for credentials from the Council to enable him to recover the property of his brothers who have died in France.

P. 230.

Supplication by the parishioners of the parish of Dennie, as follows :—" On July instant " there wes suche ane fearfull tempest of thunder and great raines within thair bounds and some few mylles about as the lyke hes not beene seene in anie mans memorie, be the violence quhair of not onelie houses with men, wyffes and bairnes were pitifullie caried away and drowned, bot great craiges and rocks were rent and hudge parts of the same of fourtie foote of lenthe and above caried with the violence of the spait above foure or fyve paire of buts lenthe frome the craig, within the water of Carroun to the dry land; as lykeways the supplicants bridge, quhilk wes build upon the said water of Carroun, by the said spait is demolished and cast doune ; as the saids Lords may more fullie understand be the Earle of Wigtoune, who wes ane eye witnes in this mater, quhairby the ordinar passage frome Stirline to Glasgow, Hamilton and others parts on the south and west will be cutt off, to the great hurt of his Majesteis leiges travelling that way if some speedie course be not tane for reparation of the said bridge." They crave that their Lordships would grant them letters of recommendation to the charity of the country. This the Lords do, recommending " this charitable and christian worke to the christiane liberalitie and charitie of archbishops, bishops,

Supplication by the parishioners of Dennie, which has suffered greatly from a thunderstorm, for license to appeal to the charity of the lieges.

P. 231.

noblemen, barrons, and gentlemen to burgh and land, magistrats of borrowis, synods, presbyteries and sessions of kirks"; and to deliver their contributions to such person as shall be authorised by the session of the kirk of Dennie for receiving the same to be employed upon the repairing of the said bridge.

Complaint
by John
Johnstone
against his
creditors for
detaining him
in ward
without pro-
viding for his
sustenance.

Complaint by John Johnstoun, as follows:—He is warded within the tolbooth of Edinburgh at the instance of John Eistoun at the West Port of Edinburgh for non-payment of £11 and certain expenses; and of Robert Fleeming, bailie, for non-payment of £94, with certain interest and expenses, and he is like to starve for want. Charge having been given to his two creditors, and the pursuer appearing by Marion Moffat, his spouse, but the defenders not compearing, the Lords ordain the provost and bailies of Edinburgh to put the pursuer to liberty so far as he is warded at the instance of the defenders.

Edinburgh,
28th July 1636.
The laird of
Roslin.

"A letter frome his Majestie in favors of the Laird of Rosline ordaining ane signature to be past in his favors appointing him judge and overseer of the hammermen. The Lords ordanis the missive to be delivered to the Tresaurer to be represented be his lordship to the Exchequer; quhilk wes accordinglie done."

Decreta,
April 1635-
February 1639.
P. 231.

[No record of sederunt.]

Edinburgh,
31st July 1636.

Anent the pro-
tection granted
to Sir Alexan-
der Gordon of
Cluny and Sir
John Leslie of
Wardes.

Anent the term assigned to Sir Alexander Gordon of Clunie and Sir John Leslie of Wardes, as principals, with Sir James Gordon, elder of Lesmore, George Gordon of Neutoun, William Coutis, fiar of Auchterfoull, William Gordon of Cottone, William Leslie of Ryhill, and William Abercrombie at the Mill of Dornoke, as cautioners for them, to compear before the Lords of Secret Council and see them decerned to relieve George Leslie of that Ilk, and Christian Lumsden, widow of Alexander Duff of Terrisole, of the burdens which they underlie for them, or give them legal security therefor, and the cause being called at several diets and lastly this day, there compeared the said George Leslie of that Ilk for himself and Christian Lumsden, also the said Sir Alexander Gordon of Clunie for himself and the Laird of Wardes and their cautioners. The Lords, after hearing parties and advising, rescind the protection granted to the defenders so far as relates to the claims of the pursuers, and declare that they will grant no further protections to them against these claims, and that if any be granted they will be of no force. They also discharge the Director of Chancery from expeding any protections under the great seal in favour of these persons coming from Court; but the Lords supersede the execution of this decret against the defenders until 30th November next, so that they may understand what benefit the bargain made between the said Sir Alexander and Mr Robert Ferquhar for the sale of his lands to satisfy his creditors will bring to the pursuers; seeing also that the said Mr Robert has given band to the said George for payment of all that is due to him, should the said bargain take effect.

Decreta,
April 1635-
February 1639.
P. 232.

"The Lords of Secreit Counsell, understanding that M^r Robert ^{Edinburgh, 31st July 1636.} Irwing, minister at Innerkethnie, and George Spence of Tulloch ar verie ^{Mr Robert Irwing, minister at Inverkeithny, and George Spence of Tulloch appointed justices of peace.} weil affected to his Majesteis service and of good knowledge, judgement and experience to undergoe the place of justices of peace within the bounds quhare they dwell, thairfoir his Majestie, with advice of the Lords of Secreit Counsell, hes made and constitut and be the tennor heiroyf makes and constituts thame justices of peace within the shirefdome of Bamff, and hes adjoynned and adjoynes thame to the remanent commissioners and justices of peace within the said shirefdome with als great fredome, priviledge, warrand and auctoritie as they or anie others justices of peace within this kingdome bruikes thair offices be vertew of the commission grantit unto thame be his Majesteis patent under the great seale, and with als great fredome, auctoritie and jurisdiction as if thair names wer particularlie insert in the said commission; with power to thame to use and exerce the said office in all and everie thing tending to the forderance of his Majesteis service, keeping of the peace of the countrie and execution of the said commission; commanding heirby the conveenner and remanent justices of peace of the said shirefdome to receave and admitt the saids persons to be of thair nomber and to grant thame voice and place amongs thame as if thair names wer particularlie insert in the said commission, and to take thair oath for faithfull discharge of the service, anent the doing quhairoyf thir presents sall be to thame ane warrand."

Sederunt :—Chancellor; Treasurer; Glasgow; Privy Seal; Marquis ^{Edinburgh, 2nd August 1636.} of Hamilton; Erroll; Mar; Wintoun; Roxburgh; Annandail; Lauderdaill; Southesk; Bishop of Edinburgh; Bishop of Murray; Bishop of Ros; Bishop of Brechin; Master of Elphinstoun; Clerk Register; Advocate.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and William Sinclair of Saba, as follows :—The carrying of hagbutts and pistolets and convocation of the lieges in arms are strictly prohibited by law, yet on 11th October, 1630, Harie Stuart of Grinsay, Patrick Stuart of Gier, John Stuart, son of Sir James Stuart of Tullos, and others to the number of about twenty persons, all armed with swords, staves, pistols, and other invasive weapons, came to the ground of the said William Sinclair's lands of Brabister, "chaist him and his servants aff the same maisterfullie, and away tooke a great quantitie of his cornes, being now shorne, and piti-fullie destroyed the rest, being the grouth of twa plewes. And als upon the 23 of November thairafter the said John and Robert Stuarts, boddin in maner forsaid, came be way of hamesuckin to the compleaners duelling hous of sett purpose and provision to have tane his lyffe. And the said compleaner, thinkeing they had beene freinds and comeing furthe to meit thame without anie wapons, the saids persons how soone they per-

Justices of
peace, 1612-
639.
fol. 70, b.

Fol. 71, a.

Decreta,
April 1635.
February 1639.
P. 253.

Complaint by
William
Sinclair of
Saba against
Harry Stuart
of Grinsay and
others for
assault and
injury done to
his property.

ceaved him drew thair suords, presented bendit pistolets to him, quhair-
 with they had not failed to have slaine him if the countrey people,
 hearing thair purpose, had not gathered and stayed thame. And now
 laitle, upon the day of Apryle last, the said Patrick Stuart, Robert
 Stuart, his sone, the said John Stuart, M^r Patrick Waterstoun, William
 Irwing, Thomas Smith, Edmond Sinclar of Greinwall, Maus Cromertie,
 John Allane in Orphir, Nicol Lisk there, George Reid there, David
 Foubister in Oversyde," and others, all armed with forbidden weapons,
 came to the complainer's lands of Over Sander which he had sown with
 oats and beir, and sowed the same over again, took possession of the
 complainer's house thereupon, and cut his plough gear and harrow gear;
 notwithstanding that the Sheriff of Orkney had given warrant to the
 complainer to keep his possession, and ordained the said Patrick to find
 caution for his indemnity, which he scornfully refused to do. And upon
 the last day of the said month the said John Stuart and William Irwing,
 armed with hagbuts, pistols, and other forbidden weapons, came again to the
 said lands, cut the complainer's plough and harrow gear, and fired at him
 with a hagbut. Also the said David Foubister keeps as yet possession
 of the complainer's house. The pursuers compearing personally, and of
 the defenders William Irwing and David Foubister, the Lords, after
 hearing parties and their witnesses, assoilzie the defenders, as no point
 of the complaint was proved. And because the said William Sinclar
 cited James Barkie [Blaikie] of Tankernes and John Cragie of Sands to
 compear and then withdrew the charge against them, drawing them thus
 to great and needless expense, the Lords ordain him to pay to each of
 them £100; and also to pay to William Irving 100 merks, because he
 is "a poore boy" and has been apparently drawn here maliciously without
 any just cause. He is also to pay the witnesses, every horseman £100
 and every footman 50 merks. Further, the Lords grant their warrant
 to the said William Irwing without risk of apprehension by the said
 William Sinclair until he return to Orkney; and forbid all magistrates
 to apprehend him at the instance of the said William Sinclair.

Complaint by
 John Stuart of
 Drumquhyn
 against Sir
 William
 Forbes of
 Craigievar for
 refusing to pay
 the complainer
 the reward
 due to him for
 his services
 against the
 Highland
 outlaws.

Complaint by John Stuart of Drumquhyn, as follows:—Out of his
 affection to his Majesty's service and the peace of the country he entered
 into a bargain with Sir William Forbes of Craigievar for the apprehen-
 sion of Patrick Gilroy and his accomplices, who by his bond engaged to
 pay to the complainer £100 for each of the said limmers he should
 apprehend and exhibit, and the sum of 500 merks if he banished Gilroy
 from these bounds, with the half of the reward he might receive from
 their Lordships for this service. Accordingly, in December last the
 complainer gathered twenty of his friends and six or seven boys, and
 they have since prosecuted this service by night and by day at their
 hazard. He delivered eight of the principal of these limmers, who have
 suffered in this town, as is well known, and he has also hunted the said
 Patrick and his accomplices so that since then "they durst never kytte
 in these bounds, bot were forcit to leive the same." The complainer

Decreta,
 April 1635-
 February 1639.
 P. 233.

P. 234.

P. 235.

expected that Sir William would have faithfully performed his agreement, especially seeing that the Lords long ago delivered to him 10,000 merks for defraying the costs of the supplicants, whereas they have only received from him two or three hundred merks and have been at their own charges "ever since tua dayes after Yuil till about the mids of July last." The complainer is but a poor man, able neither to undergo so great a loss, nor to follow out a long process at law against Sir William, and he is therefore confident that their Lordships "will have respect to his service and weake endeavors for the peace of the countrey," and order Sir William to pay him at once. The pursuer compearing personally, and Sir William by George Stuart, agent, his procurator, the Lords, after hearing parties and advising, ordain the Laird of Craigievar to pay to the pursuer the sum of 2000 merks which he received from the Council for defraying the expenses of the pursuer and his associates, allowing so much thereof to be defeased as the defender shall prove by writ or oath to have been already paid to the pursuer before the Lord High Treasurer of this kingdom.

[No record of Sederunt.]

Edinburgh,
6th August
1636.

"Forsamekle as it is understand to the Lords of Secreit Counsell that William Sinclair of Saba, on the one part, and Patrik Stuart of Gyre, brother to Harie Stuart of Grinsay, and Robert Stuart, his sone, on the other part, pretending right and title either of thame to the lands of Over Sandie, viz., three kyes worth of land, callit Udaland, and twa farding of land, callit the King's land, both the saids parteis disdaining to prosecute and follow out thair right and title to the saids lands, if they anie have, be the ordinar course of law, they intend violentlie aganis law and the peace of the countrie to intrude thameselfes in the saids lands and to intromett with the cornes growing thereon this present yeere, betuix whome, there being alreadie great hatred and hart-burning anent the right of these lands, there will not faile some great inconvenient to fall out betuix thame to the disturbance of the publict peace and drawing of forder inconvenients without remeid be provydit. Thairfoir the Lords of Secreit Counsell, upon verie good respects and grounds importing the peace and quyet of the countrie, hes nominat and appointed, and be the tennor heiroy nominats and appoints, William Stuart of Mayns and Patrik Smith of Braco, as neutrall and indifferent persons, to caus sheare, stowcke, leade and stacke the cornes growing on the saids lands in some neutrall and indifferent place upon the expenses of the selfe, there to remain under sequestration and not to be intrometted with be anie of the saids parteis nor be no others in thair names or to thair behove till it be decyded be order of law to whome the same apperteanes; and ordains letters to be direct to command, charge and inhibite both the saids parteis that nane of thame presooome nor take upon hand to sheare, collect, leade, meddle nor intromett with

Decree of
Council anent
the crops on
certain lands
in dispute
between
William Sin-
clair of Saba,
on the one
hand, and
Patrik Stuart
of Gyre, on
the other.

Decreta,
April 1635-
February 1639.
P. 235.

P. 236.

Acta, May
1636-Novem-
ber 1639.
Fol. 166, b.

the cornes growing on the saids lands this present yeere, bot to suffer and permitt the commissioners foresaids nominat be the saids lords to sheare, stowck, leade and stacke the cornes foresaids in some neutrall and indifferent place, as said is, to remaine under sequestration till it be decyded to whome the same apperteanes, as said is, under the highest pane that by course of law and justice can be inflicted upon thame for thair high and proud contempt and dissobedience.”

Charge to the parties above-named to keep the peace.

“Forsamekle as it is understand to the Lords of Secreit Counsell that there is some variance and contraversie fallin out betuix Sir James Stuart of Tullos, Johne Stuart, his sone, Harie Stuart of Grimsay and Patrik Stuart of Gyre, on the one part, and William Sinclar of Saba, on the other part, quhereupon great inconveniences ar like to fall out to the breake of his Majesteis peace and disquyetting of the countrie without remeid be provydit, thairfoir the saids lords ordains letters to be direct to charge both the saids parteis to find caution and souertie actit in the bookes of Privie Counsell that they sall observe our soverane lords peace and keepe good rule and quyetnes ilke ane of thame with others, and that they nor nane of thame nor nane of thair causing, sending, hounding out, command, ressett, assistance nor rathabition, sall invade or persew one another for quahatsomever deid, caus or occasion otherwayes nor be order of law and justice, under the panes following, viz.:—the said Sir James Stuart and Harie Stuart of Grimsay, either of thame, under the pane of twa thousand merkes, and the said William Sinclar under the pane of twa thousand merkes, and ilke ane of the others persons foresaids under the pane of one thowsand punds, and that they find the said souertie actit in the bookes of Secreit Counsell within ten dayes nixt after they be charged thereto, they being within the inland of Scotland for the time, and if they be in the countrie of Orkney the time of the charge that they find the said caution actit in the shireff court bookes of Orkney within ten dayes nixt after the said charge, under the pane of rebellion, and if they failyie to denunce, etc.”

Edinburgh,
7th September
1636.

Sederunt:—Chancellor; Treasurer; Mar; Morton; Winton; Perth; Wigton; Roxburgh; Gallouay; Lauderdaill; Southesk; Lord Angus; Lord Lorne; Bishop of Edinburgh, Bishop of Brechin; Lord Naper; Clerk Register; Advocate.

Proclamation prohibiting the fairs in Roxburgh, Berwick, and Selkirk, on account of the plague.

“Forsamekle as the contagious sickenes of the pest, wherewith it hes pleased God to visite sundrie parts of the Middle Shires upon the English side, yitt continues als violent and raging as it wes at anie time bygane, and the frequent resort of people fra the English side to the mercats and faires of this kingdome within the shirefdomes of Berwick, Roxburgh and Selkirk may greatlie endanger this kingdome if such ordinarie meanes be not used as by God's favour may prevent the same; for quhilk purpose the saids lords hes thought meit and expedient,

Acta, May
1636-Novem-
ber 1639.
Fol. 166, b.

Fol. 167, a.

Acta, May
1636-Novem-
ber 1639.

Fol. 167, b.

concluded and ordained that all faires and mercats usuallie kepted at Duncce, Kelso, Jedburgh, Selkirk, Melros, Hawick, Caldstreame and others parts and touns within the shirefdomes of Berwick, Roxburgh and Selkirk sall be discharged, lykeas the saids Lords presentlie discharges the same, ordaining that the saids faires and mercats sall not be kepted nor haldin till the saids Lords upon knowledge of the ceassing of the plague upon the English side give new warrand and direction thereanent; and ordains letters to be direct to make publication heiroyf be opin proclamation at the mercat croces of the burrowes and touns foresaids and others places neidfull, wherethrow nane pretend ignorance of the same, and to command and charge the magistrats of the saids burrowes and touns that they in no way wayes presooome nor take upon hand to hold or suffer anie mercats or faires to be haldin within the burrowes and touns foresaids during the space abonewrittin, as they and everie ane of thame will ansuer upon the contrare at thair highest perrell."

"Forsamekle as the King's Majestie, being crediblie informed that diverse orders, privileges of jurisdiction, immunitis and exemptions wer institute and grantit to the Universitie of Old Aberdein by his Majesteis royall progenitor, King James the Fourth, founder thairof, and since ratified and enlarged by diverse others his Majesteis royall progenitors, quhilks ar now infringed, to the great hurt of that Universitie and members thairof in the exercise of thair studeis and severall faculteis, to the great discouragement of ane universitie, and his Majestie being carefull that these privileges and others foresaids be re-established according to the laudable intention of the founder and that suche forder orders, privileges and immunitis may be added of new thereunto as ar enjoyed by other famous universiteis quherunto thair ancient records have relation and as may best conduce to the good of that universitie and stand with the estait of this kingdome, his Majestie to this end was graciouslie pleased by his commission under his royall hand and signet to give order and direction to the reverend fathers in God and his Majesteis trustie and weilbelovit counsellors, the Archbishops of St. Andrewes and Glasgow and the Bishops of Aberdene, Murrey and Ros, or anie twa of thame, and to authorize thame to peruse the ancient writts and records of the said Universitie and to call before thame his Majesteis Advocat that, having by his advice in point of law dewlie considderit thairof and of what other testimonie can be found to give forder light tuicheing the saids orders and privileges, that with all convenient diligence they sould certifie his Majestie what they sould find therein with thair opinion under thair hands what is fitt to be done by his Majestie tuicheing the same, that ane chartour and new gift may be thereupon exped unto thame under his Majesteis great seale; and in the meanetime that by the advice and concurrence of the said reverend father in God the Bishop of Aberdein, chancellor of the said universitie, they sould visite the same and represe suche abuses

Act anent
certain alleged
abuses in the
University of
Aberdeen.

Fol. 168, a.

and saddle suche good order therein as they can lawfullie and warrant-
 ablie doe, as his Majesteis commission foresaid of the dait the last day of Acta, May 1636-November 1639. Fol. 168, a.
 September, 1634, at lenth beirs. The execution of the whilk commis-
 sion hes ever beene delayed sensyne and as yitt lyes over so that the
 disorders and abuses of the said colledge yitt continewes, to the great
 hurt thairof and fostering of the abuses and disorders, if ane be, within
 the same. And thairfoir the Lords of Secreit Counsell ordains and
 commands the commissioners particularlie abonewrittin to accept the
 said commission in and upon thame and to proceid to the execution
 thairof in the haill points, clauses, articles and conditions of the same,
 and in speciall that they forgett not to visite the said Universitie and to
 repress suche abuses and saddle suche good orders therein as lawfullie
 and warrantable may be done, and that they make ane report in writt
 to the saids Lords under thair hands of thair proceedings in this
 commission with all convenient diligence to the intent this good and
 worthie worke importing so neere the weale of the said colledge susteane
 no longer delay, as they will ansuer upon the dewtifull discharge of the
 trust committed unto thame in this so important and necessar a
 bussines."

Letter from
 his Majesty
 anent the
 illicit sale of
 tobacco.

"The whilk day the letter underwrittin, signed be the King's
 Majestie and directed to the Lords of his Majesteis Privie Counsell, was
 presentit to the saids lords and read in thair audience; quhilk being
 heard and considerit be thame they have ordained and ordains the
 same to be insert and registrat in the bookes of Privie Counsell, of the
 quhilk the tennor followes:—CHARLES R.—Right reverend father in
 God, right trustie and weilbelovit cousins and counsellors, right trustie
 and trustie and weilbelovit counsellors, we greit yow weil. Whereas
 we are informed that, notwithstanding of our pleasure and strict order
 thereupon published by yow for punishing of suche as sould presume
 to sell tobacco without licence frome our commissioners appointed for
 that purpose, there ar yitt some obstinat persons who seeke to delude
 our service and takeing libertie to sell tobacco cutt, small or pulverished
 by the name of sneissing, doe thereby hope to escape unpunished, our
 pleasure is that yow no wayes admitt of that or anie other subterfuge
 whiche may tend to the hinderance of our service or disappointment of
 our intention therein so oftin and fullie made knowne to yow, bot that
 yow assist our saids commissioners in all things for advancement thairof,
 whiche we will take as acceptable service. We bid yow farewell. Frome
 our court at Whitehall, the 8 day of December, 1635." Fol. 168, b.

Committee
 appointed to
 examine the
 accounts of the
 Lord High
 Treasurer.

"The Lords of Secreit Counsell nominats and appoints Johne, Erle of
 Lauderdale, David, Erle of Southesk, Archibald, Lord of Lorne, Sir
 Johne Hay, Clerk of his Majesteis Registers, and Sir Thomas Hope,
 knight baronnet, his Majesteis Advocat, or anie twa of thame, to heare
 and peruse the compts of the Tresaurarie appointed to be made be
 Johne, Erle of Tracquair, Lord High Tresaurar of this kingdom."

[Sederunt as recorded above.]

Edinburgh,
7th September
1636.

Complaint by Sir Thomas Hope of Craighall, his Majesty's Advocate, Complaint by
 Henrick , master of the ship called The Whyte Father of Henrick
 Amsterdam, of the burden of 100 last or thereby, James Arnot, "Whyte
 merchant burgess of Edinburgh, and James Bell, merchant burgess of Amsterdam,"
 Glasgow, merchants of the said ship, with the provost and bailies of and the owners
 Glasgow for their interest, as follows:—The carrying of hagbuts and ship, together
 pistolets and convocation of the lieges in arms has been strictly pro- with the
 hibited, yet the said James Arnot for himself and James Bell, his magistrates of
 partner, having in last freighted the said ship, which carried Glasgow,
 eighteen pieces of great ordnance, from the river of Bordeous, where she Provost of
 lay for the time, to carry a load of beans to the river of Clyde in this Dumbarton
 kingdom, she happily by God's providence arrived at the "road of Inche- and others for
 grein within the said water of Clyde, within the liberties and privileges attacking the
 of the citie of Glasgow, sex mylles distant frome the toun of Dumbar- boat of the
 tane," on 26th June last, and there she delivered her cargo and remained said Henrick,
 all the time she was in the Clyde. On 11th July last, however, the holding him
 said Henrick, having occasion to go down the river on some business in prisoner, and
 his own "cogboat," and notwithstanding that his Majesty stands in good exacting illegal
 terms with the Lords and others of the Low Countries, George Hall, dues from
 burgess of Dumbartane, with a pair of pistols at his belt, William him.
 Colquhoun, Walter and Robert Watsons, Patrick Mitchell, John Gil-
 christ, Patrick McEane, Patrick Buchannan, William Noble, Lachlan
 Palmer, John Mitchell, and Umphra Colquhoun, with others to the
 number of twenty-two persons, all armed with muskets, hagbuts,
 pistolets and other weapons, at the instigation of John Semple, provost
 of Dumbartane, who promised "to be thair warrand be word or writ,
 in a verie tumultuous and unseemlie maner, manned a shalop with
 poulder, leade and other warlike provision quhilk they prepared afore-
 hand frome a Fleemes ship lying neere the Castle of Dumbartane; and
 in this shalop they feircelie and furiouslie followed the said Henrick hard
 by the Castle of Dumbartane, discharged a great number of pistolls at
 him, slapped the sailles of his boat in sundrie parts, and compelled him
 with foure of his equippage and mariners to flie in his cogboat for
 saifetie of his lyffe to the said Fleemes ship, quhair they lykewayes verie
 cruellie persegued thame of new, entered in the ship and patt violent
 hands in the said Henrick his person, caried him in the shallop as ane
 prisoner to the toun of Dumbartane, chargeing him to enter thairin, or
 els to pay suche soumes as they pleased to demand of him; and becaus
 he had not reddie money upon him, they sett tua of thair officers to
 guard him, who verie carefullie attendit him the space of tua dayes, till
 he procured his libertie by giving unto thame tuelff dollers and ane
 halfe and tuelff shillings Scots money for thair pretendit pittie customes
 for the beanes imported be him and for the coales he wes to export
 and for the anchorage of his ship; altho it be of truthe that the saids

Secreta,
April 1636-
February 1639.
P. 256.

P. 257.

beanes perteaned not to the said Henrick, nather came his ship to anie port within the river of Clyde perteaning to the toune of Dumbartane, bot remained at anker in Inchegreene belonging to the toune of Glasgow, quhilk is so fund and declared be decreit of the Lords of Counsell and Session in *anno* 1611." And to further testify their violence against the said Henrie they never craved any custom from him nor told him why they took him until he was their prisoner. Parties being cited, there compeared for the pursuers the said Advocate, Patrick Bell, provost of Glasgow, James Arnot and James Bell, the said Henrie being represented by James Arnot; and for the defenders John Semple, provost of Dumbartan, and George Hall, bailie thereof, who said that they would answer for the rest. Both parties agreed to submit this complaint to the arbitration of David, Earl of Southesk, and Archibald, Lord Lorne, and in case of their variance to John, Earl of Traquair, Lord High Treasurer of this kingdom. These arbiters the Lords ordain to take cognisance of this complaint and examine witnesses therein; and as they find the facts demand to do justice to parties. They also remit to them to prescribe some moderate course and method by which the customs and duties payable to the burgh of Dumbartan by "strangers and others not burgesses and friemen of the royall burrowis of this kingdome," may be uplifted. The Lords further ordain the hearing to take place to-morrow forenoon, and parties promise to abide by the decision to be then given.

Decreta,
April 1635-
February 1639.
P. 237.

Complaint by
Joseph Miller,
advocate,
against
Sir John
Blackadder
of Tulliallan
and others for
defiance of
horning.

Complaint by Joseph Miller, advocate, as follows:—On 25th August, 1635, Sir John Blacader of Tulliallan, Archibald Blacader, his brother, and Alexander Bruce of Pocknaiff, were put to the horn at the complainer's instance for non-payment of 600 merks of principal, interest due thereupon and £50 of expenses; but they take no heed of the said horning. The pursuer compearing but not the defenders, the Lords ordain them to be charged to render their houses, and enter themselves in ward within Blacknes Castle within six days on pain of treason.

Complaint by
Mr Alexander
Jaffray of
Kingswalls,
provost of
Aberdeen,
and others
against John
Ogilvie of
Milntoun and
John Gordon
of Innermarkie
for defiance of
horning.

Complaint by Mr Alexander Jaffray of Kingswalls, provost of Aberdene, Robert Cruikshank, younger, and Alexander Burnett, burgesses of Aberdene, as follows:—On 6th July last, John Ogilvie of Milntoun and John Gordon of Innermarkie were put to the horn at their instance for non-payment of 11 merks for each boll of fifty bolls meal and fifty-two bolls beir which had not been delivered to the complainers, and they contemptuously remain at the horn, taking no heed thereof. Charge having been given to the said John Ogilvie and John Gordon, and the pursuers compearing by Mr Robert Petrie, agent, their procurator, but the defenders not compearing, the Lords ordain the latter to be charged to render their houses and enter themselves in ward in Blacknes Castle within fifteen days on pain of treason.

P. 239.

Complaint by
James Law,
mariner,
burgess of
Dysart, against

Complaint by James Law, mariner, burgess of Dysart, as follows:—During his recent voyage to France, "Eufame Hislop, his spouse, at the pleasure of God, departed this lyffe before his returne in the moneth of

P. 240.

Decreta,
April 1635-
February 1639.
P. 240.

Februar last. About the quhilk tyme David Crystie, William and Alexander Simesones and George Lundie, burgesses of Dysart, Margaret Smith there, Margaret Din, spous to Thomas Richartsone, Margaret Richartsone, spous to David Peadie there, Cristiane Matheson, spous to Wilkie, and Marion Broune, relict of umquhile James Simesone, come in to the compleaners duelling hous the tyme of his wyffes decease and there medlit with his haill writts, especialie his contract of marriage, brake up the kists quhair the same were, and intrometted with fourtene hundreth merks in rex dollers and ryals with threttie double angells in gold, quhilk the compleaner delyvered to his wyffe before he went out of the countrey and wes in her keeping the tyme of her death; tooke away the keyes of her kists quhair his writts and the abulzeaments of his bodie wes, brunt his contract of marriage and medlit with his haill plenishing; hes possest thameselfes in his hous and debarris the compleaner from entring within the same." Charge having been given to the persons above named, and they and the pursuer personally compearing, the defenders produced an inventory of the goods and money which were in the said house at the time libelled and medled with by them, subscribed by David Crystie and William Simesone, bailies, and Alexander Simesone and George Lundie, burgesses of Dysert; also a contract between the said James Law and the deceased Eufame Hislop, his spouse, containing some mutual conditions to be performed by them, written by Adam Kingorne in Dysert, on 16th August, 1634, and subscribed by Mr David Kingorne and John Jonstoun, notaries, for the parties, as they could not write, and by Johu McKie, merchant, Andrew Hutton, officer, William Hutton, his son, and the said Adam as witnesses; and also "ane key of ane almerie, quhairin the saids haill writts, and the keyes of some kists, trunks and coffers are kepted." These all they delivered up to the said James Law and David Bennet, notary in Kirkaldie. The Lords, having heard parties, ordain the defenders to repossess the pursuer in his house, and deliver to him his whole plenishing, money, moveables and writs meddled with by them in terms of the inventory, and reserves action to the pursuer against them for recovery of any of his goods not therein contained, the pursuer first finding caution that he will be answerable, as law will, to Margaret Smith, alleged executrix to the said James Law's deceased spouse, and to all others who have made arreistments on his goods, or have interest therein, and that he will duly pay them according to law.

David Christie, and others, burgesses of Dysart, for entering his house after his wife's decease and carrying off money and writs therein.

P. 241.

Registration by Mr James Miller, advocate, of a bond of caution by David Simesone of Monturpie, burgess of Dysert, for James Law, burgess there, to the above effect; dated at Dysert, 7th September, 1636. The bond is written by James Pringle, servitor to Robert Pringle, Writer to the Signet, and is attested by Walter Lundie, John Law, maltman, John Tailyeour, messenger, and John Campbell, burgesses of Dysert. James Law cannot write and subscribes the bond, which

Registration of a bond of caution by David Simson of Monturpie, burgess of Dysart, for the above-named James Law.

contains a clause of relief, by the aid of George Lundie and John Jonstoun, notaries.

Decreta,
April 1635-
February 1636
P. 242

Complaint of
William
Carmichael in
Overbrunton
against Sir
James
Maxwell, who,
at the instance
of John Weir
in Gosknowis,
keeps the
complainer in
ward on a
false charge.

Complaint by William Carmichael in Overabrunton, as follows:—
On 1st June last he was apprehended by Sir James Maxuell at the desire of John Weir in Gosknowis and warded in the tolbooth of Lanark where he still is "upon a baire and naiked suspition of the fyre raiseing and burneing of the said John Weir his stakke yaird." He is most innocent of this crime and has offered himself daily for trial, but his party refuses to put him to trial, thinking thereby to keep the complainer in perpetual prison, to his utter undoing. Charge having been given to the said John Weir, he compeared personally this day, and the pursuer compeared by John Carmichael, his procurator; and the Lords, after hearing parties, ordain the bailies of Lanerk to liberate the pursuer, he first acting himself in the Sheriff Court books P. 243. of Lanerk to appear before the sheriff on a lawful citation and answer to anything to be laid to his charge, under the penalty of 500 merks.

Edinburgh,
7th September
1636.

The Marques
of Douglas
continued in
his office of
commissioner
of the Middle
Shires.

Proclamation
anent fugitives
from the
Middle Shires.

Proclamation
prohibiting
persons from
crossing to
Ireland
without a
certificate
from a justice
of the peace.

"The Marques of Dowglas commissioun ordained to be renewed with this addition that it sall be lawfull to the said Marques to apprehend all suche fugitives and outlawes frome the Middelshires who sall resort to the said Marques his bounds for feare of apprehension, and to doe justice upon thame."

Sederunts,
January 1636-
November
1643.
Fol. 32, a.

"A proclamatioun requiring all noblemen and others heretours of Crawfordmure and the overward of Cliddisdail to have a speciall care that the fugitives and outlawes of the Middleshires be not ressett within their bounds."

"A proclamatioun discharging the transportatioun to Ireland of anie persons who sall not have ane testimoniall under the seale and subscription of the justices of peace where they dwell, and, to the effect the saids seales and subscriptions may be the better knowne, ordanis the justices of peace to affixe their subscriptions and seales in one paper to be sent to the customers of the seaports, and the Lords allowes the Commissioners of the Middle Shires to appoint some persons to attend at the seaports and to have a care of the executioun of this proclamatioun, with power to the saids customers to require all his Majesteis judges and subjects quhatsomever to concurre with thame towards the apprehension of stollin goods and outlawes comming frome the Borders."

Edinburgh,
8th September
1636.

Sederunt:—Chancellor; Treasurer; Privy Seal; Winton; Perth; Wighton; Roxburgh; Gallouay; Lauderdaill; Lord Angus; Bishop of Edinburgh; Bishop of Brechin; Lord Naper; Advocate.

Acta, May
1636-Novem-
ber 1639.
Fol. 168, b.

Sheriffs con-
tinued in their
offices for
another year.

"Forsamekle as the King's Majestie upon diverse good considerations, especiallie becaus the last election of the shireffs (of whom his Majestie hes the choise and nomination) wes late, so as they have not had time

to cleere thair compts and to doe and performe suche other things as ar incumbent to thair charge, hes thought meit and expedient, concluded and ordained that the saids shireffs who ar presentlie in office and hes served this yeere bygane sall be continued in thair offices for the yeere to come, lykeas his Majestie be the tennor heirof hes continewed and continewes thame in thair saids offices for the yeere to come, ordaining and commanding thame to use and exerce thair said office in all the liberteis and priviledges thair of siclyke and als freele in all respects as they did or might have done the yeere bygane, and ordains letters to be direct to make publication heirof be opin proclamation at all places neidfull, quherthrow nane pretend ignorance of the same, and to command and charge the saids shireffs who served in the said office the yeere bygane to continew in the exercise and discharge thair of for the yeere to come, as they and everie ane of thame will ansuer upon the contrare at thair perrell. Followes the missive for warrand of the act above-writtin :—My noble and muche honnoured lord, His Majestie, as he was going to his coache frome Oxford, callit for me, and shew that he would not have the shireffs to be altered for this yeere, bot to be continued as they ar, becaus they wer late in beginning last, and must have time to cleere thair accompts. And, becaus there wes no time to have a letter drawin for his Majesteis hand, he commanded me to signifie this his pleasure heerin to the Counsell by your Lordship, whiche I write to yow for that effect, and continew your Lordships affectionat servant, **STERLINE**. Stands, 2 September. Followes the direction on the backe—To my noble and verie good lord, my Lord Earle of Traquaire, Lord High Tresaurar of Scotland.”

“The whilk day the missive letter underwrittin, signed be the King’s Majestie and direct to the Lords of Secreit Counsell, was presented to the saids Lords and read in thair audience, of the quhilk the tennor follows :—**CHARLES R.**—Right reverend father in God, right trusty and weilbelovit cousines and counsellers, right trustie and trustie and weilbelovit counsellers, we greit yow weill. We receaved your certificat tuicheing that proposition made unto ws for rectifeing of the alledged abuses used at ferryes which we doe approve, and thairfor doe require yow to take suche course therein as yow have alreadie certified, and to that effect that yow give order that no further progresse be made in that bussines heerafter, for whiche these presents sall be your warrand. We bid yow farewell. Frome our court at Whitehall, the 27 of May, 1636.”

“The Lords of Secreit Council ordains and commands the bailleis of Kelso to deliver Androw Rutherford and Kers and Mabane, prisouners within thair tolbuith for thift, to Robert, Erle of Roxburgh, or anie others in his name having his power to receave thame, to the intent they may be sent out of the countrie to the warres under the charge of suche captans as the said Erle sall thinke meit, whereanent this presents sall be thair warrand.”

Acta, May
636. Novem-
ber 1639.
Fol. 168, b.

Fol. 169, a.

Letter from
his Majesty
anent the
abuses at
ferries.

Charge to the
bailleis of
Kelso to
deliver certain
thieves to the
Earl of Rox-
burgh.

Edinburgh,
8th September
1636.

[Sederunt as recorded above.]

Decreta,
April 1635.
February
1639.
P. 243.

Supplication
by the gentle-
men and other
inhabitants of
the parish of
Denny anent
the repairing
of the bridge
of the said
parish.

See ante, p. 305.

Supplication by the gentlemen and others, inhabitants and parishioners of the parish of Dennie, as follows:—In a visitation made by the Justices of Peace of the sheriffdom of Stirling of the bridge of Dennie, they found by the declaration of famous men that to a very considerable extent the cause of the ruin of the bridge was the mill-lade and water-gang of the Mill of Denovane, which passes through the north arch of the said bridge. The persons interested herein are people of good quality, and the bridge is most useful to them, and so they ought to contribute largely to its repair. The supplicants crave accordingly. The Lords grant a commission to the Earl of Wigton and the President of the Session to call before them the persons interested in this “water-gang,” and deal with them for contributing their due proportion towards the repairing of the said bridge; and in case of their refusal, to report the reasons thereof to the Council on the first Council day of November next, that the Lords may then take such course as the case requires.

Complaint by
John Machan
in Muirhouse
against
Alexander
Beatoun for
discharging
two pistol-
shots at him.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and John Machan in Muirhouse, as follows:—Although the carrying of hagbuts and pistolets has been strictly prohibited, yet, on 14th August last, Alexander Beatoun, armed “with ane suord, ane battoun, and ane paire of pistolets,” came at ten o'clock at night by way of hamesucken to the dwelling-house of the said John Machan for the purpose of taking P. 244. his life, and, not finding him in the house, he went to the fields where the said John was putting his cattle in their folds, and meeting him on his way home he gave the complainer a number of strokes with his baton, “thairafter shot both his pistolets at thame [*sic*] quhilks be the providence of God missed him, and he escaped; quhairupon the said captane told him that this wes the thing he promised him beir seid tyme, and although he missed him now he sould be sure of him the nixt tyme.” Charge having been given to the said “Captane Allexander Beatoun,” and the pursuer compearing personally but not the defender, the Lords ordain the latter to be put to the horn and escheated.

Complaint by
Jean Dooke
against her
husband, John
Wicketshaw,
merchant-
burgess of
Edinburgh, for
ill-usage and
refusing her
aliment.

Complaint by Jean Dooke, spouse to John Wicketshaw, merchant burgess of Edinburgh, as follows:—“Her said husband hes these fyve or sex yeeres bygane verie shamefullie and cruellie abused the compleaner, not onelie in upbraiding her with contumelious speeches, and abstracting from her necessar maintenance for herselfe and her familie, quhairby she wes forcit to contract diverse debts for her sustentation, he in the meanetyme mispending his estate in the filthie cryme of drunkennes, bot also he hes sindrie tymes hurt and woundit her in diverse parts of her bodie; as namelie, in Junii last with ane great brode knife he threatned to stryke her throw the heart, and therby forced her to leave his companie, and take herself to ane corner of his hous by ane backe entrie, quhair he come to her with ane great bullet stone, forcible

brasht at the doore to have entered and slaine her therwith, quhair-throw she wes forcit for feare of her lyffe to escape and altogidder leave his hous and companie, and to meane herselfe to the session of the kirk; who haveing tane notice of his misbehaviour, and findeing it impossible that they could live togidder, they thought it fitting that they sould be separat for a yeere, and the session directed him dureing that tyme to give the compleaner ane sufficient maintenance for herselfe, her chylde and a servant, quhilk notwithstanding he obstinatelie refuses, and intends to put the honest woman and her chylde to beggerie, quhilk moved the session of the kirk to recommend her caise to the Lords of Privie Counsell to the effect suche order might be tane anent this mater as the merit of the caus requyred." Charge having been given to the said John Wicketshaw, and he and the pursuer both compearing, the Lords, after hearing parties, and finding "suche a destruction betuix the saids parties as for the present they can not live togidder in that mutuall harmonie and love quhilk becomes married persons," ordain the defender to pay £100 to the pursuer for her maintenance till 1st January next, one half to be paid within fourteen days, and the other half at Martinmas next precisely. And, if in the meantime the parties do not agree and settle their differences, they are to compear before the Lords on the first Council day in January, and the pursuer to bring with her such probation and witnesses as she will use to verify her complaint.

Supplication by John M^cFarlane of Arroquhar and Walter M^cFarlane, Supplication
fiar thereof, as follows:—Dougal M^cFarlane, son natural to Malcolm M^cFarlane of Gartavertoun, "haveing done a notable peice of service by M^cFarlane of
the apprehension of umquhile John Dow M^cPhaill, a common theife and Arrochar and
limmar, who wes worthilie executte to the death," it was promised to him Walter
that on his removing out of the kingdom and finding caution never to M^cFarlane,
return, he would receive a pardon for all his bypast offences. The fiar thereof,
supplicants and some others in their names are content to become that Dougal
cautioners for him and have drawn out a bond to that effect, and they M^cFarlane may
therefore crave that command be given to the provost and bailies of be permitted
Edinburgh to put the said Dougal to liberty. The Lords, having seen to withdraw
the bond, and being satisfied therewith, grant the desire of the into exile,
petitioners.

Supplication by David Aikinheid, provost of Edinburgh, as follows:— Their Lordships were pleased at his instance to cause charge John Supplication
Gordon of Innermerkie, on letters of treason, to render his house of by David
Edinglassie and enter himself in ward within the castle of Blackness, as Aikenheid,
the letters, dated 12th January last, bear. Accordingly, on 26th provost of
January last, John Spence, Rothesay herald, personally charged the said Edinburgh,
John Gordon as above, and also went again on 11th June to ascertain that John
if he had obeyed the charge. But John Gordon not only disobeyed the Gordon of
same, but with a feigned show of obedience removed himself and his Invermerkie
family for a time, delivering the keys to the said John Spence, who may be com-
pelled to
surrender his
house of
Edinglassie
and enter in
ward in the
Castle of

secreta.
priil 1635-
bruary 1639,
.244.

.245.

P. 246.

Blackness in
accordance
with the order
of the Council
which the said
John has
hitherto dis-
obeyed.

thereupon in his Majesty's name took possession and locked and barred the doors thereof. These doors and gates on his return he found all open on the 15th of June, and the said John Gordon and his servants all re-entered, "by leddering and scalling the walls, breakeing up the yets, and makeing new keyes of his awne thairto." The herald of new charged the said John Gordon to remove, but he replied "that he might not ly without," remains peaceably in possession, and goes about openly in the country and frequents the houses of noblemen, gentlemen, and others, by whom he is reset. He repairs publicly to Borrowstounes market and fairs, wearing his hagbuts and pistols; and his son, Alexander Gordon, who is also at the horn for the foresaid cause, "and who is one of the light horsmen and outlaw therfore," goes continually up and down, "makeing great brags." The supplicant craves their Lordships to certify the letters of treason, give warrant to his Majesty's Advocate to prosecute the said John Gordon for treason, and to grant letters of intercommuning against him. The Lords grant the prayer of the petition, instructing Sir Thomas Hope to prosecute the said John Gordon before the ordinary judge, and directing all magistrates to pass and apprehend him and his son anywhere within their bounds and place them in ward until they be dealt with according to law.

Supplication
by Peter
Anderson,
keeper of his
Majesty's
Chapel Royal,
that Patrick
Meldrum of
Iden may be
compelled to
yield obedience
to the sentence
of horning
under which
he lies at the
supplicant's
instance.

Supplication by Peter Anderson, keeper of his Majesty's Chapel royal, as follows:—Patrick Meldrum of Iden is at the horn for non-payment of a debt of £130 12s. 8d., and £20 of expenses. He has used all legal diligence against him without effect; and on 18th July and 6th August last the letters of treason which their Lordships directed against him were duly executed by John Spence, Rothesay herald, at the place of Iden. But this charge he has also disobeyed, and he still goes about in the country and possesses his houses. He craves that the Lords would order him to be prosecuted for treason. This the Lords do, ordaining his Majesty's Advocate to prosecute him before the Justice, and inhibiting all the lieges from resetting or supplying him during his rebellion.

Charge to the
baillies of
Edinburgh
anent the
arrival of ships
from London
and other
ports visited
by the plague.

Edinburgh,
9th September
1636.

"The whilk day strait directioun wes givin to the bailleis of Edinburgh and Kirkaldie to have a special care that no shippes comming within thair harboreis frome Londoun or other suspect parts nor the equippage of the same be suffered to come ashore till they advertise the Lord Chancellor."

Sederunt:—Chancellor; Treasurer; Privy Seal; Mar; Mortoun; Wintoun; Perth; Roxburgh; Galloway; Lauderdaill; Lord Angus; Lord Lorne; Bishop of Edinburgh; Bishop of Brechin; Clerk Register; Advocate.

[No record of business.]

Decreta,
April 1636-
February 1639.
P. 246.

P. 247.

Sederunt,
January 1636.
November
1643.
Vol. 32, b.

Sederunt.—Chancellor; Treasurer; Privy Seal; Mar; Perth; Edinburgh, Roxburgh; Gollouay; Lauderdaill; Southesk; Bishop of Edinburgh, 10th September 1636.
Edinburgh; Bishop of Brechin; Clerk Register; Advocate.

"The Lords of Secreit Counsell hes recommended and be the tennor heirof recommends to Johne, Erle of Traquair, Lord High Treasurer of this kingdome at his best opportunitie to represent to the King's most sacred Majestie the humble petition of Williame Robertstone, burges of Edinburgh, skipper and awner of the hoy, callit the 'The Swan,' and the Counsellis letter direct to his Majestie thereanent, and to deale and travell with his Majestie for ane gracious and favourable ansuer to the said Williame according to the merite of the caus and desire of his petition."

"Forsamekle as Johne Dow Gair McGregour, Johne Dow Roy McGregour, brother to the lait tratour, Patrik Gilleroy, Johne Grahame, his brother uterine, Callum McFadrick Voir, uncle to the said Patrik McInstalker and Neill McArthure, *alias* McGregour, and thair rebellious complices and followers doe still continew in thair oppressions, heirships and depredations aganis his Majesteis good subjects to thair heavie greefe and disgrace of his Majesteis gouvernement, and the Lords of Secreit Counsell, understanding the good affectioun of James Steuart of Ardvorlich and Johne Steuart of Drumquhen and thair freinds underwritin to doe his Majestie service aganis these rebellious lymmars, and finding it verie necessar that they sall have all lawfull furtherance and assistance for thair better encouragement and prosecution of this service, thairfoir the saids lords hes givin and grantit and be the tennor heirof gives and grants full power, auctoritie and commission, expresse bidding and charge to the saids James Stuart of Ardvorlich, Johne Stuart of Drumquhen, Donnald Stuart, his brother, Donnald Stuart, sone to umquhill Johne Stuart of Drumquastill, James Stuart, fear of Pittornie, Williame Stuart, sone to Neill Stuart of Vradmoir, Thomas McKeinyie, sone to umquhill Thomas McKeinyie of Dalmoir, and James McNair, servitour to the said Johne Stuart of Drumquhene, conjunctlie and severallie, to convocat his Majesteis lieges in armes and to pas, searche, seeke and take the rebellious lymmars particularlie abonewritin and thair profest and avowed complices where ever they may be apprehended, and to bring and exhibite thame before the Lords of his Majesteis Privie Counsell to underly thair deserved tryell and punishment as accords; and if, for eshewing of apprehension, the saids lymmars sall flee to strenths and houses, with power to the saids commissioners to pas, follow and persew thame, assiege the saids strenths and houses, raise fire and use all kynde of force and warrelike ingyne that can be had for winning and recoverie thairof and apprehending the saids lymmars being therein; and if in persute of the saids lymmars, they refusing to be tane, it sall happin thame or anie of thame or anie being in

companie with thame or within the saids strenths and houses and assisting thame to be hurt, woundit, mutilat or slaine or anie other inconvenient to follow thereupon, the saids Lords declares that the same sall not be impute to the saids commissioners nor persons assisting thame in execution of this commission as crime nor offence, and that they nor nane of thame sall not be callit nor accused thairfoir criminallie nor civille be anie maner of way in time comming, exonerin thame thairfoir and of all pane, crime and danger they may incurre therethrow; and for the better execution of this commission, with power to the saids commissioners and persons assisting thame to beare and weare hacquebuts and pistolets in execution of the same allanerlie and provyding they use not the same aganis his Majesteis good subjects; and generallie all and sindrie others things to doe, exerce and use quhilks for execution of this commission ar requisite and necessar. Firme and stable halding and for to hald all and whatsomever things sall be lawfullie done heerin; and ordains letters to be direct charging all and sindrie his Majesteis judges, officers and magistrats and others his Majesteis lieges whatsomever within whois bounds the saids commissioners or anie of thame sall happin to resort for persute of thir lymmars to acknowledge and obey thame, rise, concurre, fortifie and assist thame in all and everie thing toward the discoverie of the saids brokin lymmars thair haunts and ressetts and toward the apprehension and exhibition of thame to justice and to doe nor attempt nothing to the hinder nor prejudice thairfoir, as they will ansuer upon the contrare at thair highest charge and perrell."

Edinburgh,
12th September
1636.

Sederunt:— Chancellor; Treasurer; Privy Seal; Mar; Perth; Roxburgh; Gallouay; Lauderdaill; Southesk; Lorne; Naper; Bishop of Edinburgh; Bishop of Brechin; Clerk Register; Advocate.

Proclamation
anent the
circulation of
foreign dollars.

"The Lords of Secreit Counsell, considering the great hurt that this kingdome hes susteanned thir diverse yeeres bygane by the transporting of his Majesteis proper coyne furth of the kingdome and importing within the same of forrane coyne and speciallie dollers and venting the same at a price farre above the just worth of his Majesteis owne proper coyne to the extreme hurt and prejudice of the kingdome and disgrace of his Majesteis governement, quhilk evill hes come to this hight that there is no moneyes at all current within the kingdome of his Majesteis owne proper stampe and coyne, and nothing left bot these dollers at ane high rate, togidder with the copper coyne whairof the quantitie is become greivous to the subjects; and the Lords of Secreit Counsell having acquainted his Majestie therewith, it hes pleased his sacred Majestie to authorize the saids Lords to take order therewith. And they, according to his Majesteis warrand, being carefull to remedie this ill, at first decryed the saids dollers to fiftie sax shillings, bot now finding that there is no possibilitie to furnishe the countrie with his Majesteis owne coyne nor

Acta, May
1636-Novem-
ber 1639.
Fol. 170, a.

Fol. 170, b.

Acta, May
1636. Novem-
ber 1639.
Fol. 170, b.

to ease the subjects of thair heavie hurt and prejudice by importing of these dollers and great quantitie of copper coyne except ane present and speedie remedie be tane therewith, thairfoir the saids Lords hes givin order for coyning of his Majesteis bulyeon in small peecees of silver in halfe merk, fourtie pennie and twentie pennie peecees, and hes prohibite the coyning of anie part of the said bulyeoun in spesces of a greater quantitie, quhilk will be a readie way and meanes to prevent anie forder regrait by the increase of the quantitie of the copper coyne; and als the saids Lords finds that the readiest and best way to furnishe the countrie with his Majesteis owne silver coyne is to reduce the dollers to suche proportion and price as being brought in to the coynehouse may be givin backe to the lieges in moneyes of his Majesteis proper coyne answerable to the prices to the quhilks the same ar to be reduced. And siclyke the saids Lords hes made strait acts prohibiting the exporting of anie moneyes furth of the kingdome and the importing of copper coyne frome whatsoever parts under the pane of confiscation of the same, beside suche other personall punishment as the saids Lords, after consideration of the nature and qualitie of the offence, sall be pleased to inflict. And thairfoir the saids Lords, after good and mature advice and deliberation, hes decerned, concluded and ordained that no dollers of whatsoever weight and fynnesse sall have course within the kingdome above 54s. the peece, and the halfe dollers proportionablie, and that the dog doller sall onelie have course for 43s. 4d. the peece; commanding heirby all his Majesteis subjects that nane of thame presoom nor take upon hand to receave or deliver anie dollers at ane higher rate and price then 54s. the peece, and the dog doller for 43s. 4d., under all highest pane that by course of law may be inflicted upon thame, certifeing thame and they failyie and doe in the contrare that they sall be exemplarlie punished to the terrour of others; and to intimat and declare to all suche persons as will bring in and deliver to the coynehouse dollers at the rate and price foresaid that they sall have the full price thair of at 54s. the peece, and 43s. 4d. for the peece of dog dollers in his Majesteis owne proper coyne of halfe merke, 40 and 20 pennie peecees: and ordains letters of publicatioun to be direct heirupon, wherethrow nane pretend ignorance of the same."

"Forsamekle as the great quantitie of copper moneyes now current within this kingdome and the hurt and prejudice following thereupon to all his Majesteis subjects being heavilie regrated to the Lords of Secret Counsell, and they having tane the same to thair consideration and being trewlie informed that this great quantitie of copper money is imported be some avaricious persons, als weill strangers as others, who, preferring thair privat gayne and commoditie to the commoun weale and to these commoun dueteis quhilks in a good conscience they ought to keepe with thair nighbours, cesses not at all occasiouns when they may find commoditie covertlie to bring within this kingdome great quantiteis of this copper coyne quhilk is so greevous and hurtfull to the

Act prohibit-
ing the
importation of
foreign copper
dollars.

subjects; for removing and preventing of the quhilk abuse in time comming the Lords of Secreit Counsell ordains letters to be direct to command, charge and inhibite all and sindrie persons, als weill natives as strangers, that nane of thame presoomie nor take upon hand to bring within this kingdome frome forrane parts anie of this copper coyne under whatsomever cullour or pretext, under the pane of confiscation of the said copper money and of all the remanent movable goods of the importers, beside suche other personall punishment as the saids Lords, after consideration of the nature and qualitie of the offence, sall be pleased to inflict."

Acta, May
1636-Novem-
ber 1639.
Fol. 171, a.

Fol. 171, b.

Edinburgh,
13th Septem-
ber 1636.

Sederunt :—Treasurer ; Mar ; Gallouay ; Southesk ; Bishop of Edinburgh ; Bishop of Brechin ; Clerk Register ; Advocate.

Mr John
Henderson
admitted to
the office of
macer of the
Council.

" The whilk day in presence of the Lords of Secreit Counsell compeired personallie M^r Johne Hendersone, servitour to Johnne, Erle of Traquaire, Lord High Tresaurer of this kingdome, and produced and exhibite before the saids Lords ane gift grantit unto him of the office of maisser of Counsell in place of umquhill M^r William Douglas, lait maisser, quhilk gift being heard and considerit be the saids Lords, they allowed of the same, and accordinglye receaved and admitted the said M^r Johnne to the said place and office, who being personallie present, as said is, gave his oath *de fidei administratione*."

Edinburgh,
14th Septem-
ber 1636.

Sederunt :—Treasurer ; Privy Seal ; Mortoun ; Roxburgh ; Lauderdaill ; Southesk ; Lorne ; Bishop of Edinburgh ; Bishop of Brechin ; Lord Naper ; Clerk Register ; Advocate.

Anent a new
process of coin-
ing suggested
by Nicholas
Briot.

" The Lords of Secreit Counsell having heard a motion made for coynning of the bulyeoun with greater expedition and lesse charges to his Majestie by a milne nor by the hammer, notwithstanding thair of they ordaine the Maister of the Coynehous to proceed with all diligence to the coynning of the bulyeoun according to the accustomed forme, and recommends to his Majesteis Tresaurer to acquaint his Majestie with the motion, and as his Majestie sall declare his pleasure the same sall be accordinglye followed."

Charge to the
noblemen and
others within
the bounds of
Crawfurdmuir
and the upper
ward of
Clydesdale to
keep watch for
Border outlaws
within their
bounds.

" Forsamekle as one of the cheefe causes quhilks procure the frequent stouth and others disorders within the bounds of the Middleshires proceeds frome the ressett quhilks the fugitives and outlawes of the Middleshires finds within the bounds of Crawfurdmure and Overwaird of Cliddisdaill, where thir brokin lymmars and outlawes hes a frequent and ordinarie ressett with infang and outfang at thair pleasure, whereby the peaceable and good subjects in these bounds ar heavilie distrest in thair persons and goods, and if the noblemen and others heretours did thair dewteis in the persute and following of suche fugitives and outlawes as

Fol. 172, a.

ta, May
16-Novem-
r 1639.
l. 172, a.

haunts these bounds the stouth and disorders within the same and other parts in the Middleshires would not be so frequent and commoun; for preventing of the quhilk carelesse neglect in tyme comming the Lords of Secreit Counsell ordains letters to be direct charging all and sindrie noblemen and heretours within the bounds of Craufurdmore and Overwaird of Cliddisdaill to have a speciall care and regarde of the preservation and keeping of thair awne boundis, and that no fugitives nor outlawes of the Middleshires have ressett nor beild within thair bounds; and if anie of the saids fugitives and outlawes sall happin to resort or repaire within thair bounds, that they searche, seeke, hunt, follow and persew thame and present thame to the commissioners of the Middleshires to underly thair deserved tryell and punishment; as the saids noblemen and heretours will testifie thair honnorable and good disposition towards the suppressing of thir brokin lymmars, fugitives and outlawes and will answere upon the contrarie at thair perrell."

"Forsamekle as one of the cheefe causes procuring the frequent stouth and others insolenceis within the bounds of the Middleshires proceeds frome the uncontrolled libertie quhilk brokin lymmars and others takes to transport goods to and fra Ireland, and when they have stollin any goods in the one countrie they carie the same to the other and makes sale and merchandice thair of at thair pleasure, whereas, if this uncontrolled transport of persons and goods to and fra Ireland wer narrowlie adverted unto that nane bot lawfull persons wer allowed to have transport, the stouth within the Middleshires would not be so frequent and commoun; thairfor the Lords of Secreit Counsell hes concluded and ordained that no transport of persons or goods betuix Scotland and Ireland sall be allowed or suffered bot where the person or persons desyring transport hes a sufficient testimoniall under the subscription and seale of some of the justices of peace that they ar lawfull persons and that the goods craved be thame to be transported ar thair awne lawfull goods. And to the intent the saids seales and subscriptions of the justices of peace may be the better knowne, and that they be not counterfoote for abusing the lieges, ordains the saids justices of peace to affixe thair subscriptions and seales upon a paper to be sent to the customers at the seaports toward Ireland to the intent the saids customers may the better discover the fraud and deceate, if anie sall happin to be, in counterfooting of the saids subscriptions and seale. And the saids Lords allows the commissioners of the Middleshires to appoint some persons for whome they will be answerable to attend the seaports and to have a care of the execution of this proclamation, with power lykewayes to the saids customers to require the effectuall concurrence with thame of all his Majesteis judges and subjects towards the apprehension of stollin goods, brokin men and outlawes comming frome the borders craving transport at the saids seaports; and that letters be direct to make publicatioun heirof at all places neidfull quhairthrow nane pretend ignorance of the same."

Act anent the
illicit trans-
portation of
commodities
into Ireland.

Pol. 172, b.

Edinburgh
8th October,
1636.

Appointment
of a commis-
sion to watch
the appearance
of the plague
in Libberton.

[No record of Sederunt]

Acta, May
1636-Novem-
ber 1639.
Fol. 172, b.

" Forsamekle as the Lords of Secreit Counsell hes receaved sure adver-
tisement and information that there is some great appearance and
pregnant suspicion of the contagious sickenes of the pest within the
parish of Libberton, especiallie in that part thair of callit Stenhous,
where one hes suddanlie departed this lyffe, and being visite be some
persons of skill and knowledge sent out be the provest and bailleis
of Edinburgh thir persons can give no constant assurance that the
partie deceased is free of that contagion, quhairfoir there is verie just
caus tymouslie to foresee all suche occasions as by God's assistance may
prevent the course and progresse of that contagion, if anie suche be
within the said parish; for quhilk purpose the saids Lords hes nominat
and appointed, made and constitute, and be the tennor heirop nominats
and appoints, makes and constituts, the persons following, they ar to
say—Sir David Crichton of Lugton, Sir Johne Wauchop of Nidrie, M^r
George Winrahame of Libberton, M^r Androw Learmonth, minister of
Libberton, and David McCulloch of Gutters, or anie twa of thame, our
soverane lords commissioners to the effect underwritin, unto whome the
saids Lords hes committed the charge and oversight of the hail bounds
within the said parish, commanding thame to informe thameselfes daylie
of the trew estait of the said parish anent the health and disposition of
the persons dwelling and residing within the same, and where they find
anie contagion or probable suspicion of contagion within the said parish,
with power to thame to prescryve and sett doun rules and ordinances
how the suspect and foule persons (if anie sall happin to be) may be
keept apart be thameselfes in suche places as sall be designed and
allowed unto thame, commanding thame in his Majesteis name to make
thair addresse to the parts and places to be assigned and allowed unto
thame, and there to conteane thameselfes, and in no wayes to presooome
to come furth thair of or to transcend these bounds till after a lawfull
tryell that they ar free of that contagion they be fred and releevd under
the pane of dead; certifeing thame that sall presooome to doe in the
contrare that the pane of death sall be execute upon thame without
favour; and that the saids commissioners have especiall care and regarde
towards the preservation of the saids bounds and doing of all and
everie thing whilk may forder and advance the keeping of the saids
bounds frome that contagion and infection, and to doe and performe all
and everie thing quhilks towards the execution of this charge committed
unto thame is requisite and necessar. Firme and stable halding and for
to hald all and whatsoever things sall be lawfullie done heerin; and
ordains letters to be direct to make publication heirop be opin procla-
mation at the parish kirk of Libberton upon a Sunday before noone in
time of sermon or prayers, and all others places neidfull, wherethrow
nane pretend ignorance of the same; and to command and charge all
his Majesteis lieges and subjects to reverence, acknowledge and obey,

Fol. 173

Edinb. May
36. Novem-
ber 1639.
N. 173, a.

concurrer, fortifie and assist the saids commissioners in all and everie thing tending to the execution of this commission, as they and ilke ane of thame will ansuer upon the contrare at thair perrell."

[No record of Sederunt.]

Edinburgh,
18th October
1636.

"Anent the supplicatioun presentit to the Lords of Secretit Counsell be Colonell Johne Kynninmonth, governour of Nettenburg in Russia, makand mention, that where he hes procured ane certificat of his lawfull birth and progenie under the hands and subscriptions of a great number of his freinds of whois houses he is descended, whiche for the greater credite abroad in the countrie where he lives must be exped under his Majesteis great seale, humbelie desyryng thairfoir the saids Lords to give command to the Director of the Chancellarie and keeper of the great seale in maner and to the effect underwrittin, lykeas at mair lenth is conteanit in the said supplication; quhilk being read, heard and considerit be the saids Lords, and they advised therewith, the Lords of Secretit Counsell ordains and commands the Director of his Majesteis Chancellarie and his deputs to write the said certificat to the great seale and the Lord Chancellor, keeper of the said seale, and his deputs to append the same thereunto, quhereanent thir presents sall be to thame ane warrand."

Anent the
supplication of
Colonel John
Kinninmonth,
governor of
Nettenburg
in Russia, for
a certificate of
his birth and
family.

[No record of Sederunt.]

Edinburgh,
27th October
1636.

"Forsamekle as one M^cInstalker, ane opin and avowed rebell and sornor and one of the principall followers of the lait Gilleroy and Johne Dow Gair M^cGregour, is tane and apprehended be the Laird of Grant's servants and is presentlie in his custodie and keeping; and whereas this lymmar is guiltie of manie murders and thifts and can discover the ressetters and abettors of himselfe and his rebellious complices by whome the peace of the countrie is so heavilie disturbed, thairfoir the said Lords of Secretit Counsell ordains letters to be direct charging the said Laird of Grant to deliver the said M^cInstalker and all suche others sorners and lymmars as he sall happin to apprehend to the shireff of Murrey and his deputs within 24 houres nixt after the charge; and to charge the said shireff of Murrey and his deputs to receive the said M^cInstalker and others foresaids frome the said Laird of Grant or his servants within ane heure after they be presentit to thame, and to transport and carie thame to the shireff of Bamf and his deputs within 24 houres thereafter; and to charge the said shireff of Bamf and his deputs to receive the said M^cInstalker and others foresaids within ane heure after they be presentit to thame, and to transport and carie thame to the shireff of Aberdein and his deputs within 24 houres thereafter; and to charge the shireff of Aberdein and his deputs to receive the said M^cInstalker and others foresaids within ane heure after they be presentit to thame, and to transport thame to

Charge for the
presentation
before the
Council of one
M^cInstalker
and other
Highland
outlaws.

Fol. 173, b.

the shireff of Kincardin and his deputs within 24 houres thereafter ; and to charge the said shireff of Kincardin and his deputs to receive the said M^eInstalker and others foresaids within ane heure after they be presentit to thame and to transport and carie thame to the shireff of Forfar and his deputs within 24 houres thereafter ; and to charge the said shireff of Forfar and his deputs to receive the said M^eInstalker and others foresaids within ane heure after they be presentit to thame and to transport thame to the provest and bailleis of Dundie within 24 houres thereafter ; and to charge the saids provest and bailleis to receive the saids lymmars within ane heure after the charge and to transport thame to the shireff of Fife and his deputs within 24 houres thereafter ; and to charge the said shireff of Fife to receive the saids lymmars within ane heure after the charge and to transport thame to the bailleis of Bruntilland or Kingorne within 24 houres thereafter ; and to charge the saids bailleis to receive the saids lymmars and to transport thame to the bailleis of Leith or Edinburgh within 24 houres after the charge ; and to charge the saids bailleis of Leith or Edinburgh to receive the saids lymmars within ane heure after the charge and to committ thame to waird therein to remaine till they be examined and punished as accords, under the pane of rebellion and putting of the said haill shireffs, provests and bailleis to the horne ; and if they failyie to denunce and to escheit, etc."

Acta, May
1636-Novem-
ber 1639.
Fol. 173, b.

Edinburgh
3rd November
1636.

Sederunt :—Chancellor ; Wintoune ; Dumfreis ; Lord Allexander ; Bishop of Edinburgh ; Bishop of Ros ; Lord Naper ; Master of Elphinston ; Clerk Register ; Advocate.

Decreta,
April 1635-
February 1639.
P. 248.

Complaint by
Sir John Leslie
of Wardes
against James
Ferquharson
of Invery and
others for
attacking his
tower of
Wardes under
cloak of law.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and Sir John Leslie of Wardes, as follows :—The carrying of hagbuts and pistolets and convocation of the lieges in arms is strictly prohibited, and the said Sir John has been in peaceable possession of the tower and fortalice of Wardes "this long tyme bygane, within the quhilk he hes his chartor kist, haill plenishing and winter provision." He was charged on pain of hurning by John, Earl of Mar, to remove from the said tower, but this on very good grounds he suspended, and thought himself in safety until the same should have been discussed. But certain broken men of the name of Ferquharsone, "makeing a cloke to thameselves of the horning forsaid, convocat togidder the persons underwritin ; they ar to say, James Ferquharsone of Invery, Robert Ferquharsone of Finzier, Allexander Ferquharsone, his sone, William Ferquharsone, sone to the said James, Allexander Ferquharsone, brother to the said James, Donald Ferquharsone of Monaltrie, M^r James Ferquharsone, his brother, Robert Ferquharsone, his brother, Allexander Ferquharsone, his brother also, Allexander Forbes of Achintoull, M^r William Meldrum, Thomas Ferquharsone in Drummor, John Gordon of Blelak, James Smith, Robert Ferquharsone callit the Sojer, Lauchland Ferquharsone in Kilden, to the number of 30 persons, boddin in feare of warre with suords, hacquebuts

P. 249.

and pistolets, come upon the 14 of September last in a tumultuous manner to the place of Wardes, and there with forehammers, yron cutters and axes, hewed and cutted doune the yet of the toure of Wardes, brake all the lockes aff the yron yetts in peeces, forcible entered within the toure, destroyed all the plenisheing and provision in the same, and as yit maisterfullie keepes the same, and hes putt ane number of lawles Hieland men thairin who shuts voleyces of gunnis out at the windowes of the hous so as nane dares pas by the same for feare of thair lyves." Charge having been given to these persons, and the pursuers compearing personally and also the defenders, of whom there were present James Ferquharstone of Inverey, Robert Ferquharstone of Finzier, William Ferquharstone, son of the said James, Donald Ferquharstone of Monaltrie, and Mr James and Alaster, his brothers, the others being represented by the said James Ferquharstone of Inverey, the Lords, after hearing the parties and their witnesses, continue the case until the suspension fore-said has been discussed and the execution proven, which the defenders undertook to follow out before the Lords of Session and report their diligence before 31st March next. And the Lords assoilzie the above-named defenders personally present from the charge of carrying hagbuts and pistols, as, upon probation thereof being referred to their oaths of verity, they denied upon oath having done so. The Lords ordain the defenders to pay five merks to each of the witnesses produced.

The Lords continue the precognition at the instance of John Rutherford, one of the bailies of Jedburgh, John Rutherford, notary there, William Jerdane and Archibald Kirkpatrick, two of the officers of the said burgh, against George Osuall, writer in Jedburgh, as spouse, William Osuall, only son, Janet Strudgeon, widow of William Henderson, merchant burgess of Edinburgh, as mother, and the kin and friends of the deceased Janet Henderson, for investigating the circumstances and manner of the slaughter of the said Janet Henderson, until 17th November next, when the Lords ordain both parties to compear and produce their proofs and witnesses for sustaining their mutual complaints, and diligence to be served on witnesses to compear upon pain of rebellion. And whereas the said George Osuall represents that the said John Rutherford, bailie, will, by his office and influence in the place, prevent the said George's witnesses from appearing, the Lords decern and ordain the said John Rutherford to exhibit with him such persons as the said George will give in to him by name in roll timeously as witnesses to be used by him. Further, the Lords ordain the Justice, Justice Clerk, and their deutes to continue the criminal diet appointed for the trial of the said John Rutherford anent the said slaughter until 2d December next. Parties being present are warned hereof, *apud acta*.

Complaint by Alexander, Master of Elphinstoun, as follows:—Upon 17th August Archibald Blacader, brother to the Laird of Tullialan, came to the complainer's saltpans in Elphinston, where John Wilson, his salter, was attending his service, "and there trayned him out fra the pan

Precognition anent the slaughter of Janet Henderson, spouse of George Oswald, writer in Jedburgh, postponed.

Complaint by Alexander, Master of Elphinstone, against Archibald Blackadder,

secret, April 1636-February 1639. P. 249.

P. 250.

P. 251.

brother to the
Laird of Tulliallan, for
maltreating
one of his
servants, and
carrying him
off across the
Firth of Forth.

to confer and speake with him, and how soone he caried the poore man a little peece of, he, accompanied with 5 or 6 of his complices, patt violent hands in the said John, doupped and strake him, and by force and violence putt him in a boat, and caried him over the Water of Forthe to his pannes of Tulliallan, where he is yit kepted and deteaned." The pursuer compearing but not the defender, the Lords, after hearing witnesses, find "that the said defender come to the salt pannes of Elphinstoun, and violentlie tooke away the said John Wilsone, stroke him and harled him to the boat and tooke him away with him, being ane hyred servant to the compleanner," and for this great wrong they ordain the defender to be charged to enter himself in ward within the tolbooth of Edinburgh and there remain on his own expenses until released by them; and also to deliver the said John Wilsone to the pursuer, his master, within six days, wherein if he fail, he is to be put to the horn and escheated.

Decreta,
April 1635-
February 1639.
P. 251.

Supplication
by John
Burnside in
Caridden, and
Rae, son
of John Rae in
Leith, prisoners
with the
Turks, that a
contribution
may be raised
for their
ransom.

Supplication by John Burnesyde in Caribden, and Rae, son of John Rae in Leith, as follows:—They have been this long time detained prisoners with the Turks in great misery and slavery, and, being but poor men, they cannot by any means procure their relief, and so "will miserablie perish under the barbarous crueltie of thir infidells," if some course be not taken for their delivery. They crave their Lordships to recommend their case to the charitable consideration of the lieges. The Lords hereby do recommend them to the charitable benevolence of all noblemen, prelates, gentlemen and other subjects of his Majesty, and to all synods, presbyteries, sessions of kirks, towns and burghs within the sheriffdoms of Edinburgh, Hadinton, Bervick, Lithgow, and Stirline; and they appoint John Rae, officer in Leith, father of the said Rae, for his part, and John Patersone in Torrieburne, father-in-law of the said John Burnesyde for his part, to receive the contributions, and they are to have a care timeously to send the same to the supplicants for their ransom.

Edinburgh,
8th November
1636.

Sederunt :—Chancellor; Treasurer; Privy Seal; Winton; Lauder-
daill; Lord Angus; Lord Binning; Lord Stirline; Bishop of
Ross; Clerk Register; Advocate.

Acta, May
1636-Novem-
ber 1639.
Fol. 174, a.

In view of the
plague that
prevails in
Preston and
Prestonpanns
the inhabitants
are forbidden
to quit their
bounds, and
the neighbour-
ing fairs of
Haddington,
Preston,
Tranent,
Mussilburgh,
and Dalkeith
are prohibited.

"Forsamekle as it hes pleased God to visite the touns of Preston and Prestonpanns with the contagious sickenes of the pest, where some ar alreadie dead and others ar presentlie visite with the same, and if the inhabitants of these touns be suffered to wander or goe abroad or to resort to mercats and faires, or if anie of his Majesteis subjects sall be suffered to repaire to the saids touns of Preston and Prestonpanns to keepe anie commerce and trading with thame, it is verie probable and likelie that some great inconvenient sall fall out thereupon to the endangering of the whole kingdome; and, whereas the keeping of mercats in the touns of Hadinton, Preston, Tranent, Mussilburgh, and

Dalkeith careis als just cause of suspicion and feare of danger by the frequent resort of people to these mercats, thairfoir the Lords of Privie Counsell hes thought meit to discharge, lykeas be the tennor heiroyf they discharge the keeping and holding of mercats within the saids touns, ay and whill the saids Lords give new direction and warrand to that effect; and ordains letters to be direct to make publication heiroyf be opin proclamation at the mercat croces of Edinburgh, Hadinton, Tranent, Mussilburgh and Dalkeith, and all others places neidfull, wherethrow nane pretend ignorance of the same, and to command, charge and inhibit all and sindrie his Majesteis lieges and subjects, inhabitants in Preston and Prestonpanns, of what estait and qualitie so ever they be, that nane of thame presume nor take upon hand to resort nor repaire out of the saids touns nor to wander and goe abroad in the countrie under whatsoever cullour and pretext, and that nane others of his Majesteis subjects resort nor repaire toward the saids touns nor interteane commerce, trade nor handling with the inhabitants thairof till it sall please God to remove the said infection, and that the saids Lords give new warrand and direction heereanent under the pane of death; certifeing thame that sall doe in the contrare that the said pane sall be inflicted upon thame. And, the saids Lords being carefull that the saids touns of Preston and Prestonpanns and the inhabitants thairof during the time of this visitation sall not be left destitute of all confort bot that some meanes be used whereby they may be provided and furnished upon thair awne charges with victualls, thairfoir the saids Lords hes nominat and appointed, and be the tennor heiroyf nominats and appoints the shireff of Hadinton, Sir Johne Hamilton of Preston, Sir Samuell Johneston of Elphinston, the ministers of Tranent and Preston, Robert Hamilton, baillie of Preston, and George Hamilton, sone naturall to the said Laird of Preston, or anie three of thame, to grant testimonialls to suche person or persons as they sall thinke meit for resorting and repairing to and fra the saids touns for furnishing the inhabitants thairof with victuall and other necessar provision upon thair awne charges, recommending heirby to the saids commissioners to have a speciall care and regard upon what just grounds thir testimonialls sall be given and that the persons who sall be entrusted therewith ar worthie of the charge committed unto thame; and the saids Lords ordains the saids commissioners to meit twice everie weeke and oftner as necessitie sall require and as they sall be required be George, Erle of Winton, whome the saids Lords hes earnestlie intreated to conveene and meit with the saids commissioners and to concurre and joyne with thame be his best advice, counsell and direction in all and everie thing that sall be thought neidfull for the good of the saids touns, ordaining thame to informe thameselfes daylie of the estait of the saids touns and of the necessiteis urging thair supplee and releefe, and to prescrive and sett down rules to that effect, and to acquaint the saids Lords from time to time what forder warrand and commission they crave for the governement and keeping of order in the

sta. May
26-Novem-
1639.
ol. 174, a.

Fol. 174, b.

said toun during the time of this infection ; and the saids Lords hes ^{Acta, May 1636- November 1639.} appointed the first meeting of thir commissioners to be upon Wedinsday, the nyynth of November instant, and at thair meeting that they sett downe suche orders and overtures as they sall thinke good, and that the said Erle of Winton report the same to his Majesteis Counsell upon Thursday nixt, the tenth of this instant." ^{Fol. 174, b.}

Admission of the Laird of Orbeston as a Councillor.

" A letter frome his Majestie for admitting of Orbeston ane coun- ^{Sederunts, January 1635- November 1643.} seller, who being personallie present gave his oath." ^{Fol. 33, b.}

Auditors of the hospital of Leith.

" A letter frome his Majestie appointing the parson of Leith and one of the bailleis of Edinburgh to be auditors of the yeerelie accompts of the Hospitall of Leith."

Duties due to the Admirall.

" A letter frome his Majestie anent the dewteis dew to the Admirall."

Edinburgh, 10th November 1636.

Sederunt :—Chancellor ; Treasurer ; Winton ; Lauderdaill ; Lord Angus ; Lord Alexander ; Bishop of Edinburgh ; Bishop of Ross ; Lord Bining ; Clerk Register ; Sir James Carmichell. ^{Acta, May 1636- November 1639.} ^{Fol. 174, b.}

Direction to the magistrates of Edinburgh anent burials during the prevalence of the plague at Preston.

" The Lords of Secretit Counsell recommends to the provest and bailleis of Edinburgh to have a speciall care and to take strait order that no persons departing this life of whatsoever sickenes be buried till they be sighted, and that it be knowne of what disease they have departed, as alsua that no lyke wakes be kepted within thair said burgh during the visitation of the toun of Preston with the plague."

Edinburgh, 10th November 1636.

[Sederunt as recorded above.]

Decreta, April 1635- February 1639. ^{P. 252.}

Complaint by Alaster Clunes, weaver in Kilraoock, and Hucheon Rose, his master, against Alaster Ross M'Hutcheon for hamesucken.

Complaint by Alaster Clunes, weaver in Kilraoock, and Hucheon Rose of Kilraoock, his master, as follows:—On 8th April last, Alaster Ros McHucheon in Holme, armed with a sword and targe and other weapons, came by way of hamesucken to Alaster Clunes's house in Kilraoock, and breaking up the doors entered the same, put violent hands on the poor man and his wife, and gave them a number of cruel strokes and wounds on several parts of their bodies to the effusion of their blood and peril of their lives. He also medled with the poor man's "work loomes and hail insight and plenisheing," and still detains the same. The pursuers compearing by George Stuart, agent, their procurator, and the defender not compearing, the Lords ordain the latter to be put to the horn and escheated. ^{P. 253.}

Complaint by John Murray, merchant, burgess of Edinburgh, against James Whyte, burgess of Edinburgh, for contempt of horning.

Complaint by John Murray, merchant burgess of Edinburgh, as follows:—James Quhyt, burgess of Edinburgh, is at the horn at the complainer's instance for not paying him £121 of principal and £20 of expenses. He raised letters of caption against him and committed the execution thereof to Andrew Garden, messenger, who, on 9th April last, understanding the said James Quhyt to be in the dwelling-house of William Alesone, one of the bailies of Jedburgh, went thither and

Decreta,
April 1635-
February 1639.
P. 253.

charged the said bailie, who was then speaking to John Quhyte, to apprehend him. But the bailie not only refused to do so, but commanded the rebel "to goe out of his sight for he would not take him." Thus the honest man is deprived both of his debt and the benefit of the law. Charge having been given to the said William Alesone, and the pursuer compearing, but not the defender, the Lords ordain him to be put to the horn and escheated.

P. 254.

Complaint by Donald Ferquharson of Monaltrie, as follows:—In Complaint by Donald Farquharson of Monaltrie anent his horning. obedience to their Lordships' ordinance he appeared before them in December last respecting the disorders in the north, and found caution not to remove until he received liberty from them. "Bot upon some needles and groundles feares he foolishlie departed," and was for this put to the horn. His conduct herein was "not frome anie contempt of the Counsels ordinance or conscience of anie guiltines in him"; still he is willing to clear himself, and has found caution in 3000 merks to compear before their Lordships, and also to pay £10 for his escheat to his Majesty's Treasurer, if found liable therein. He craves therefore suspension of his horning. Charge having been given to Sir Thomas Hope of Craighall, his Majesty's Advocate, as defender, and the pursuer compearing personally, but not the defender, the Lords ordain the horning to be suspended, the pursuer finding caution to appear before the Council and answer to anything laid to his charge anent the disorders in the north whenever lawfully charged, upon fifteen days' warning, under the penalty of 2000 merks.

The Lords, having seen and considered the process led and deduced before the Sheriff of Hadinton and his deputes, and the provost of Hadinton, as justices and commissioners for trial of Thomas Henrie in Sentence by the Council on Thomas Henry, who has been found guilty of sheep-stealing by the Sheriff of Haddington and others, whereby he was convicted by an assise of the theft of "ane toop sheepe fra William Turner, and of ane toop sheepe fra William Sandersone, and of the thifteous ressetting of eight sheepe stollin be Mungo Scot out of Hereotmure," and, their opinion being craved as to the most suitable punishment to be inflicted, they ordain the said commissioners or any one of them to pronounce sentence upon the said Thomas Henrie, ordaining him to be scourged through the burgh of Hadinton and to be burnt in the cheek. And they ordain the provost and bailies of Hadinton to see this sentence carried out.

P. 255.

Sir Arthur Douglas of Quhittinghame, having lately taken and apprehended some of the vagabond and "counterfoot theives and limmars callit the Egyptians," delivered them to the Sheriff-principal of Edinburgh within the constabulary of Hadinton, and they have been for the past month detained in the tolbooth. This is burdensome to the town of Hadinton, "and fosters the saids theives in ane opinion of impunitie, to the incourageing of the rest of that infamous byke of lawles limmars to continow in thair theivish trade," therefore the Lords of Privy Council ordain the Sheriff of Hadinton or his deputes "to pronounce doome and sentence of death agains so manie of thir Sentence of death on certain gipsies, men and women, who have been apprehended by the Sheriff of Haddington and by him delivered to the Sheriff of Edinburgh.

counterfoot thieves as are men and aganis so manie of the weomen as ^{Decreta, April 1635-February 1639. P. 255.} wants children; ordaning the men to be hangit and the weomen to be drowned; and that suche of the weomen as hes children be scourgit throw the burgh of Hadinton and brunt in the cheeke." And they ordain the provost and bailies of Hadinton to see this doom executed.

Edinburgh,
15th Novem-
ber 1636.

Sederunt:—Chancellor; Treasurer; Lauderdaill; Lord Angus; Lord Alexander; Bishop of Edinburgh; Bishop of Ross; Lord Naper; Deputy Treasurer; Clerk Register; Advocate; Justice Clerk. ^{Acta, May 1636-November 1639. Fol. 175, a.}

Pardon of
Lord
Balmerino.

"The whilk day Johne, Earle of Traquaire, Lord High Tresaurer of this kingdome, exhibite before the Lords of his Majesteis Privie Counsell a patent under his Majesteis great seale, bearing date at Newmercat the 16 day of October last, by the whiche his Majestie hes beene graciouslie pleased to remitt to Johne, Lord Balmerinoch, the criminall sentence of death pronounced agains him for and concerning his hearing ane infamous libell and not revealing the author thairof in maner conteanit in the criminall dittay for whiche he wes accused, and releves him of all pane and danger to follow thereupon, discharging the Justice frome putting the said sentence to forder execution and receaving the said Lord Balmerinoch to his Majesteis favour and protection. Quherupon the said Lord Balmerinoch, being callit and compeirand personallie, Johne, Archbishop of Sanctandrws, Lord High Chancellor of the said kingdome, remonstrat to the said Lord Balmerinoch his Majesteis gracious favour showne to him in pardoning his offence, and delivered unto him his patent and remission foresaid for the warrand thairof, which the said Lord Balmerinoch, with all due reverence upon his knees most humbelie receaved, acknowledging in all humilitie and thankfulnes this accomplishment of his Majesteis gracious dealing with him to exceed all expression, and accepted this pledge of his Majesteis favour to him as ane strong obligation putt upon him to spend the rest of his life (whiche his Majestie wes so graciouslie pleased to spare) in his Majesteis service heerafter as becomes ane loyall and dewtifull subject and servant to so good and gracious a master. Lykeas the saids Lords enlarges and freeths the said Lord Balmerinoch of the bounds of his confynement and of the band givin be him for keeping of the saids bounds, declaring him free thairof, and allowing him to pas and repare in all parts of the countrie as his Majesteis free subject."

John Hamilton
of Orbeston
admitted into
the Council.

"The quhilk day the Lords of Secreit Counsell, according to ane warrand and direction in writt signed be the King's Majestie and this day presentit unto thame and read in thair audience, receaved and admitted Johne Hamilton of Orbeston, Justice Clerk, to be one of the Privie Counsell of this kingdome, and to bruike and injoy all the liberteis, priviledges, honnours, prerogatives and immunitis proper and dew thereunto. Lykeas the said Johne Hamilton, being personallie

Acta, May
1636-Novem-
ber 1639.
Fol. 175, b.

present, and acknowledging with all due respect his Majesteis gracious favour showne to him in preferring and advancing him to this place of honnour and dignitie, he, with all humilitie upon his knees, made and gave the oath of alledgance and of a privie counsellor. Followes his Majesteis missive for warrant of the act abonewritten:—CHARLES R.—Right reverend father in God, right trustie and weilbelovit cousins and counsellors, right trustie and weilbelovit counsellors, we greit yow weill. Being informed of the abiliteis and affection to our service of Johne Hamilton of Orbeston and for his better encouragement and enabling thereunto heerafter being willing to promote him to be one of our Privie Counsell of that kingdome, it is our pleasure that, having administred unto him the oath accustomed in the like cases, yow admitt and receave him upon our said Privie Counsell, accepting him as one of your number, for whiche these presents sall be your warrant. We bid yow farewell. From our court at Newmercat, 24 of October, 1636.”

“The whilk day the missive letter underwrittin, signed be the King’s Majestie and direct to the Lords of Privie Counsell, was presented to the saids Lords and read in thair audience, of the whilk the tennor followes:—CHARLES R.—Right reverend father in God, right trustie and weilbelovit cousins and counsellors, right trustie and trustie and weilbelovit counsellors. Wee, being informed by our right trustie and weilbelovit cousine and counsellor, the Duke of Lenox, that there have beene severall dueteis formerlie payed by strangers and others fishing upon our coast and comming into our ports of that our kingdome as ane acknowledgement to our Admirall there, and being desirous that our said cousine sould enjoy all priviledges and benefites that ever anie his predecessors or other admiralls have taken or receaved, we have thought fitt to signifie our pleasure to yow herein that yow may, upon all occasions needfull, be assisting unto him and his officers concerning the same if yow see no eminent reason to the contrare, whair of yow ar then to advertise us and whereupon we sall declare our further pleasure; for all whiche these sall be your warrant. We bid yow farewell. Frome our honour of Tudberry, 17th August, 1636.”

Letter from
his Majesty
anent duties
paid to the
Duke of
Lennox as
High Admiral
by foreigners
fishing in
Scottish
waters.

[Sederunt as recorded above.]

Decreta,
April 1636–
February 1639.
P. 255.

Supplication by Alexander Areskyne of Pitskerrie, as follows:—William Coutts, now of Clunie, and Alexander Gordon of Carneborrow, as cautioner for him, are at the horn for not paying a debt of 3000 merks of principal, 1000 merks of expenses, and interest thereof due to the complainer. He has used all legal diligence against them, including letters of treason, which were executed against them by John Spence, Rothesay Herald, on 27th August, 22nd September, and 6th and 10th October last, at the houses and fortalices of Clunie and Carneborrow, but they have proudly contemned the same. Indeed, so far was the said William Coutts from obedience that shortly thereafter he came with three or four accomplices to

Edinburgh,
15th Novem-
ber 1636.

Supplication
by Alexander
Erskine of
Pitskerrie that
the sentence of
horneing, under
which William
Coutts of
Clunie and
Alexander
Gordon of
Carneborrow,
lie at his
instance may
be enforced.

P. 256.

the supplicant's dwelling-house with long hagbuts and pistols, and searched within the house for the supplicant to kill him. He is thus likely to lose his life as well as his means and he therefore craves their Lordships to enforce the laws of treason against them. The Lords ordain Sir Thomas Hope of Craighall, King's Advocate, to institute a criminal process against the said William Coutts and Alexander Gordon before the Justice ; and also the sheriffs of the shires where they dwell, to search for, apprehend and incarcerate them, take their houses, and, removing the families of the rebels therefrom, keep the same to his Majesty's use, and that within three days after being charged to do so, under the pane of rebellion. And further, the Lords prohibit all intercommuning with the said rebels, under pain of the penalties contained in the Acts of Parliament thereanent.

Decreta.
April 1635-
February
1639.
P. 256.

Action of pre-
cognition by
Mr Gavin
Dunbar,
Chanter of
Murray, and
his son against
Thomas
Dunbar of
Bogholl and
others post-
poned.

The Lords continue the action of precognition at the instance of Mr Gavin Dunbar, Chanter of Murray, and Mr Alexander Dunbar, his lawful son, against Thomas Dunbar of Bogholl, Elizabeth Fraser, his spouse, John and David Dow, sons, Ester Dow, daughter, and the remanent kin and friends of the deceased John Dow in Bogholl, for investigating the manner and circumstances of the slaughter of the said deceased John Dow until 2nd February next, when they ordain parties to produce their probation and witnesses in their respective complaints P. 257. against one another. They ordain the witnesses to be charged to compare under pain of rebellion, and the Justice, Justice Clerk and their deutes to continue the criminal diet appointed for the trial of the said Mr Gavin Dunbar and his said son for the slaughter foresaid until 10th February next, but taking caution accordingly. The said Gavin Dunbar and his son, and the said Thomas Dunbar and his spouse, being personally present, are warned hereof, *apud acta*.

Letter from
his Majesty
commanding
the use of the
Book of
Public Service.
Prisoners in
the Tolbooth
on the charge
of uttering
counterfeit
dollars.

"A letter from his Majestie commanding the publicatioun, use and practise of the Booke of Publict Service, quhairanent ordanis ane act and proclamatioun to be past commanding everie parish to provide thame- selffes of twa of the saids bookes betuix and Pasche nixt."

Sederunt.
January 1635-
November
1643.
Fol. 33, b.

"The Lords ordanis the Lord Alexander, Clerk Register, Justice Clerk and Justice Depute to examine the prisouners in the tolbuith for false dollers."

Edinburgh,
17th Novem-
ber 1636.

Sederunt:—Chancellor ; Treasurer ; Winton ; Southesk ; Lord Angus ; Lord Binning ; Lord Alexander ; Bishop of Edinburgh ; Bishop of Ross ; Bishop of Brechin ; Lord Naper ; Clerk Register ; Advocate.

Acta. May
1636-Novem-
ber 1639.
Fol. 175, b.

Letter from
his Majesty
to the Council
requiring the
performance
of certain
directions
entrusted to

"The whilk day the missive letter underwrittin, signed be the King's Majestie and direct to the Lords of Privie Counsell, wes presentit to the saids Lords and read in thair audience, of the quhilk the tennor followes : —CHARLES R.—Whereas we have at this time imparted our pleasure at lenth unto our right trustie and right weilbelovit cousine and counseller,

Acts, May
1636-Novem-
ber 1639.
Vol. 176, a.

the Erle of Traquaire, our Tresaurer of that kingdome, tuicheing diverse the Lord
things quhairof the readie dispatche will exceedinglie conduce to the Tresaurer.
good and advancement of our service, we, reposing speciall trust in his
abiliteis and good affection thairunto, as having alreadie givin that prooffe
that we rest confidentlie assured thairof, it is our speciall pleasure that
what he sall represent unto yow frome us ather by word or writt, that
accordinglie yow see our directions therein speedilie performed, whiche
we will take as most acceptable service done unto us, and for whiche
these presents sall be your warrant. We bid yow farewell. Frome our
court at Newmercat, the 22 of October, 1636."

"Forsamekle as James, Lord Johnstone, having petitioned the Lords James, Lord
of Privie Counsell to renew the exemption formerlie grantit unto him Johnstone, and
frome the power and jurisdiction of Robert, Erle of Nithsdail, one of the his dependants
commissioners of the Middleshires, for certane considerable respects exempted
mentiouned in the said petition, wherewith the saids Lords, being sparing from the
to meddle without his Majesteis privitie and allowance, they recommendit jurisdiction of
to Johne, Erle of Traquaire, Lord High Tresaurer of this kingdome, to the Commis-
consult his Majestie thereanent, whiche his Lordship having accordinglie sioners of the
done, he made report to the saids Lords this day, that it wes his Majesteis Middle Shires.
expresse will and pleasure that the said Lord Johnstone sould have ane
exemption renewed unto him in als ample maner as the former wes. With
the whiche report thus made be the said Lord Thesaurer, the saids Lords
being weill advised, and acknowledging therein his Majesteis gracious
favour showne to the said Lord Johnstone, they have thairfoir fred,
releevd and exeemed, and be the tennor heiroy freeths, releeves and
exeems the said James, Lord Johnstone, his men, tennents and servants
and all others who have beene priviledged and exempted by anie former
warrant made in favors of the said Lord Johnstone frome the power, office
and jurisdiction of the said Robert, Erle of Nithsdail, and frome all appear-
ance in anie court to be indicted to thair tryell before him, discharging
him of all proceeding agains thame and of his office in that part, declaring
heirby all citations to be used aganis the said Lord Johnstone his fore-
saids to the effect abonewrittin to be voide and of nane avail with all
that sall follow thereupon. Lykeas the saids Lords freeths and exeems
the said Lord Johnstone his foresaids frome answering in anie court to
be affixed be the remanent commissioners of the Middleshires within the
burgh of Dumfreis, the said Lord Johnstone alwayes being answerable
for thair appearance to thair tryell before the saids remanent commis-
sioners in anie other place within the Middleshires outwith the said burgh
of Dumfreis."

Vol. 176, b.

"Forsamekle as altho the Lords of Secreit Counsell hes frome time to Charge to
time shawin great favour to Allane Camron of Lochyell, Rannald Allan Cameron
M'Donnald of Kappoche and Johne Murrey of Glenstrae upon hope and of Lochiel,
promise made be thame not onelie of thair owne obedience bot of the Rannald
obedience of thair clans and suche as be law they ar obleist to answer for, M'Donald
notwithstanding it is of truthe that sindrie persons of thair clans ar of Kappoch,
and John
Murray of
Glenstrae to

appear before
the Council
to answer for
breaches of the
peace by
certain of their
dependants.

become more louse and dissobedient nor they wer at anie time heirtofore, committing not onelie diverse stouthes bot opin and avowed heirships, stouthreaffes and depredations in suche parts where they may be maisters ; and in speciall Donald Camron M^cAllan Oig V^cEan Conache, Johnne

Acts, May
1636-Novem-
ber 1639.
Fol. 176, b.

Camron M^cEan V^cean Conache, Ewin Camron M^cEane V^cEan Conache and Johnne M^cOneill Camron, all men, tennents and servants, proper dependers and followers of the said Allane Camron, thair cheefe ; Robert M^cFadrick Voir M^cGregour, Donald Hoy M^cGregour and Johnne M^cGregour, all kinsmen, followers and dependers upon the said Johnne Murrey of Glenstrae ; Donald M^cAlaster Urick M^cDonnald and Duncane M^cAlaster V^cEane M^cDonnald, men, tennents and servants, followers and dependers upon the said Rannald M^cDonald of Kappoche and dwellers on his lands, with others thair complices, brokin men and sorners of the Clan Cameron, Clan Donnald and Clan Gregour came upon the fourth day of November instant to the lands perteaning to Walter Kynnaird of Cowbin lying in Mar and there putt violent hands in the poore tennents of the saids lands, band thame all hand and foote, and they being so lying bound, and thairby disabled to give advertisement to the countrie, they thair seized upon the haille goods, geir, insicht, plenishing, hors, nolt, sheepe and what ellis wes upon the ground of the saids lands and left the haille lands waist without leaving so muche as ane ox, kow or meir thereon, in high and proud contempt of law and justice and to the high disgrace of his Majesteis government and heaveie hurt, wracke and undoing of the poore tennents of the saids lands, besides the encouragement of other theeves and lymmers to doe the like if this be suffered to pas over unpunished. Thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the saids Allane Camron of Lochyell, Rannald M^cDonnald of Kappoche and Johnne Murrey of Glenstrae personally, if they can be apprehended, and failyeing thair of at thair dwelling places and be opin proclamation at the mercat croce of the heid burgh of the shire where they dwell, to compeir personallie and eache of thame respective to bring and exhibite with thame the persons particularlie abonewrittin, thair kinsmen, tennents, servants, followers and proper dependers before the Lords of Privy Counsell at Edinburgh or where it sall happin thame to be for the time upon the day of to answeire to this complaint and to heare and see suche order tane thereanent as the importance and weight of so great and maisterfull ane insolence requires, under the pane of rebelloun ; with certification, if they failyie, that not onelie sall they be denounced rebels and putt to the horne bot suche other course sall be tane with thame as his Majesteis honnour and the lawes of the kingdome requires."

day Fol. 177, a

The Lord High
Treasurer and
others appointed
as a
Commission to
enquire into
the state of
the coinage.

"The quhilk day the Lords of Secreit Counsell, having heard Johnne, Earle of Traquaire, Lord High Treasurer of this kingdome, anent the article concerning the coyne conteanit in the instructions givin be the Lords of Privie Counsell to the Lord Treasurer to be represented be him to the King's Majestie, they have nominat and appointed the said Lord

Acts, May
1636—Novem-
ber 1639.
Vol. 177, a.

Treasurer, Thomas, Erle of Hadinton, Lord Privie Seale, David, Erle of Southesk, and David, Bishop of Edinburgh, the said Lord Treasurer being alwayes one, to conveene and meit in the said Lord Privie Seales loddging and to treate and conferre anent the bussines of the coyne and to report thair opinion thereanent to the saids Lords upon Tuisday nixt."

George, Earl of Winton, and others to erect gallows on their domains to deter persons from resorting to Prestonpanns and other places suspected of the plague.

"The Lords of Secreit Counsell gives warrand and allowance to George, Erle of Winton, Archibald, Lord Angus, Thomas, Lord Binning, and other noblemen interested to erect gallowsses within thair bounds for deterring thair inhabitants to resort to Prestonpanns or anie other part suspect of the contagion of the pest."

"The Lords of Secreit Counsell gives power and commission be thir presents to George, Erle of Winton, the shireff of Hadinton, and Mr Robert Balcalquall, minister at Tranent, to stent all the heretours of the parish of Preston towards the releeffe of the persons inclosed and satisfaction of thair attenders during this visitation of the pest."

Provision to be made for persons under quarantine at Preston from suspicion of the plague.

[Sederunt as recorded above.]

Decreta,
April 1635-
February 1639.
P. 257.

Complaint by James Borthuick of Todhills, Susanna Douglas, his spouse, Edinburgh, Margaret Borthuik, her daughter, Rebecca Kincaid, spouse to James Douglas in Lugtoun, and the said James for his interest, as follows:—
On last Andrew Darline, writer in Edinburgh, Alexander Porteous and Hew Lauder, messengers, Ronald Foster, and others their accomplices, armed with "suords, battouns, rungs," and other weapons, came by way of hamesucken to the dwelling-house of the said James Borthuick in Lugtoun about 12 o'clock at night, "when the compleaners were lying in thair beds, violentlie brake up the doores of thair hous, entered within the same, pulled the said Susanna out of her naiked bed, she being new delyvered of ane chylde, barbarouslie strake, hurt and woundit her and her said infant, harled thame up and doune the floore lyke doggs, and gave thame manie bauch, blaë and bloodie straiks, so as the poore infant by bleeding within and without is not lyke to live; as also hurt and woundit the said James Borthuick and Rebecca Kincaid in diverse parts of thair bodies and left thame for deid. And when the neichboures, heiring the compleaners cryis, come to releive thame, the persons forsaid barred the doores and would not suffer thame to have entrie; and they tooke away a great quantitie of the compleaners goods at thair pleasure." Charge having been given to the persons complained against, and the pursuers compearing personally, also Andrew Darline and Ronald Foster for themselves and the other two defenders, and they and certain witnesses having been heard, the Lords find "that the said Ronald Foster come in to the said James Borthuick his hous the tyme libellit, and that he harled the said James Borthuick his wyffe athort the floore untill she fell a sound; and that they birsed the yong bairne untill it bled at mouth and nose," for which "verie great insolence" they fine him £20, to be paid to the pursuers, and commit him to ward in the

17th November 1636.
Complaint by James Borthwick of Todhills, his family and others against Andrew Darline, writer in Edinburgh, and others for hamesucken.

tolbooth of Edinburgh until he pay the same and is released by their Lordships. And the Lords declare that the probation received in this cause shall be without prejudice of the defenders' action for deforcement depending before the judge ordinary.

Decreta,
April 1635.
February 1639.
P. 258.

Edinburgh
22nd Novem-
ber 1636.

Sederunt :—Chancellor ; Treasurer ; Southesk ; Binning ; Bishop of Edinburgh ; Bishop of Ros ; Bishop of Brechin ; Clerk Register ; Advocate.

Complaint by John Rutherford, baillie in Jedburgh, and others against George Oswald, writer in Jedburgh, and others, who have charged the complainers to appear before the Justice in Edinburgh on a groundless charge of their having caused the death of Janet Henderson.

Complaint by John Rutherford, one of the bailies of Jedburgh, John Rutherford, notary there, William Jerdane and Archibald Kilpatrick, two of the officers of the said burgh, as follows :—They have been charged at the instance of George Osual, writer in Jedburgh, as spouse, William Osual, only son, Janet Strudgeon, widow of William Hendersone, merchant burghess of Jedburgh, as mother, and the kin and friends of the deceased Janet Hendersone, to appear before the Justice and his deputies in the tolbooth of Edinburgh on November, and underlie the law for the alleged slaughter of the said Janet Hendersone. If their Lordships understood the truth of this matter, and the weak and frivolous grounds upon which it proceeds, which are indeed but malice and envy, they would not suffer the pursuit to go on. The particulars are as follows :—The said George on wrongfully, at his own hand, meddled with a brown nag belonging to James Broune in Hawick, who was at the time a prisoner in the tolbooth of Jedburgh, and the said James, having on several occasions demanded back his nag, and finding only shifts and delays, had recourse to the magistrates of the burgh for justice. Thereupon the magistrates sent their officers, especially the said William Jerdane and Archibald Kirkpatrick, to charge the said George to deliver the poor man his nag, but he not only refused to do so, but in contempt of the magistrates for fifteen days he wrought the poor man's horse in a cart, and then upon the Sunday thereafter, in further contempt of his Majesty's authority and the proclamations published at the Cross of Jedburgh that none within that burgh should pass to England, where the contagion of the pest is, he upon that day rode the poor man's horse into England, and to that very place where the infection is worst. For this he was apprehended and committed to ward ; and on being accused of going to England against the proclamations and of his contempt of the magistrates in not delivering the nag, he confessed his offence, and was censured by the town for that which concerned them, reservation of his further punishment for contemning the proclamation being made to the Council. Thereafter the said John Rutherford was ordered by the other bailies on 9th August last, and by the Justices of Peace within the sheriffdom of Roxburgh to go of new to the said George Osual and command him to deliver the poor man's nag ; which he having refused to do, the Justices of Peace, learning that the nag was in the said George Osual's own stable, directed the two officers

P. 259.

Decreta,
April 1635-
February
1639.
P. 259.

aforsaid to go to the stable and bring the nag away. Accordingly they, at the direction of the said John Rutherford, went and brought forth the nag "to the croce forenent John Scougalls buith doore," whereupon "the said Jonet Hendersone come in a mad and furious maner to the croce and ranne severall tymes upon the said naig, gripped the same be the head and maine in contempt of the baillie; and when the officers commandit hir to depart she stubbornlie refused. And when the baillie himselve willed her to goe away, she notwithstanding preast still toward the naig. And the baillie haveing upon this her proud contempt threatned to committ her to ward if she did not depart, she proudlie answered the baillie that "he durst not for his lugs nor his hart ward her"; and if he had suorne he and all the baillies in Jedburgh sould not gett her to warde; with a number of others contumelious speeches unworthie to be hard. And the baillie, finding her contempt so great and of so evill example, he caused his tua officers carie her to warde, quhair she remained fra Tuesday at 6 of the cloke at night till Thursday in the morning, and went home on her awne feit; and her paines haveing taken her on the Fryday, it pleased God to visit her that she departed this lyffe. And now her husband and freinds will lay the blame and burden of her death on the compleaners," and so bring their names into disrepute and claim some assythement. It were a dangerous precedent to bring his Majesty's officers into question for the lawful discharge of their duty, and therefore justice demands that a precognition should be taken in this matter whereby the truth may be known and the innocent delivered from trouble. Both parties compearing on 3d November instant, the Lords, after hearing them, granted a precognition and assigned to them the 17th instant for leading the same. On that day both parties produced a number of witnesses, who were very narrowly and strictly examined upon oath, and the Lords, having now considered their depositions, find and declare "that upon occasion of the said umquhile Jonet Hendersone, her malicious and contemptuous refusall to delyver the naig forsaid to the baillies and of the outrageous and disgracefull speeches uttered be her aganis him [*sic*] that she wes worthilie committed to warde, and that there wes no violence used aganis her nor straits givin her in anie sort; and that the said provest did nothing unbeseaming the dutie of his office." They therefore ordain the Justice, Justice Clerk and their deputes to desert the criminal diet forsaid against the said John Rutherford, provost, John Rutherford, notary, William Jerdane and Archibald Kirkpatrick for the slaughter of the said Janet.

Complaint by William Wright at the Mill of Craigforth and Katherine Crystieson, his spouse, as follows:—On 3d August last Henry Shaw of Cambusmoir was put to the horn at their instance for non-payment of a debt of 1000 merks of principal with 50 merks of interest and sundry other sums, and he most proudly lies at the horn taking no notice thereof. The pursuers compearing but not the defender, the Lords ordain the latter to be charged to render his house of Cambusmoir and

Complaint by William Wright at the Mill of Craigforth and his spouse against Henry Shaw of Cambusmoir for contempt of horning.

P. 260.

P. 261.

P. 262.

enter himself in ward within the Castle of Blacknes within six days after the charge, upon pain of treason. Decreta,
April 1635-
February 1639.
P. 262.

Edinburgh,
22nd Novem-
ber 1636.

Letter from
his Majesty
directed to the
Bishops of
Aberdeen and
Ross to be
submitted to
the Council.

"The Lords recommends to the Bishop of Ros to call frome Thomas Cargill for a letter direct frome his Majestie to the Bishops of Aberdein and Ros concerning the toun of Aberdein, and if the said letter be direct to either of thame that the Bishop of Ros opin the letter and acquaint the Counsell with the contents thair of upon Thursday nixt, and if the letter be direct to thame joyntlie that the same be exhibite before the Lords to the effect they may resolve what is fitting to be done thereanent."

Sederunt,
January 1635-
November
1643.
Fol. 34, b.

Edinburgh,
24th Novem-
ber 1636.

Sederunt:—Chancellor; Treasurer; Dumfreis; Southesk; Binning; Lord Alexander; Bishop of Edinburgh; Bishop of Ross; Bishop of Brechin; Lord Naper; Master of Elphinston; Clerk Register; Advocate; Justice Clerk. Acta, May
1636-Novem-
ber 1639.
Fol. 177, a.

Letter of his
Majesty anent
his appoint-
ment of
General
Ruthven to be
muster-master
general.

"The whilk day the missive letter underwrittin, signed be the King's Majestie and direct to the Lords of Privie Counsell, anent the passing of ane signature of mustor maister in favors of Generall Ruthven, was presented to the said Lords and read in thair audience, of the quhilk the tennor follows:—CHARLES R.—Right reverend father in God, right trustie and weilbelovit cousins and counsellors, right trustie and trustie and weilbelovit counsellors, we greit yow weill. Having beene pleased at this time to signe a gift unto Generall Ruthven of the office of our mustor maister generall of that our kingdome as a person whome we have thought fitt to beare that charge, we have thought it requisite to remitt the same to your consideration both concerning the settling of that office in so farre as may be agreable with the present governement and lawes and as may best stand with the good thair of, as lykewayes concerning suche allowances and fees as by yow sall be found fitt to be takin for execution of that service; willing yow to this purpose to call for our Advocat (to whom we have lykewayes writtin tuicheing the same), and having perused the signature and dewlie considerit what is fitt to be done in the bussines, yow so settle and order the same by keeping or altering of the said signature as for the good of that our service yow sall find to be most fitt and necessarie and to conduce to the good of that our ancient kingdome, whiche is our onelie princelie end in this purpose; for whiche these presents sall be unto yow and all others quhome it may concerne sufficient warrant. We bid yow farewell. From our court at Newmercat, the 20 of October, 1636. Quhilk missive and signature being heard and considerit be the saids Lords, and they advised therewith, the Lords of Secreit Counsell gives commission be thir presents to Johne, Erle of Traquair, Lord Tresaurer of this kingdome; Patrik, Archbishop of Glasgow, William, Erle of Dumfreis, David, Erle of Southesk, Thomas, Lord Binning, William, Lord Alexander, Sir Johne Hay, Clerk of Register, Sir Thomas Hope, Advocat, and Johne Hamilton of Orbeston, Fol. 177, b.

Acts, May
1636-Novem-
ber 1639.
Vol. 177, b.

Justice Clerk, to consider of the said signature and of the fees and allowances fitt to be givin for prosecution of the service and to report thair opinion thereanent to his Majesteis Counsell at thair best opportunitie."

"The whilk day in presence of the Lords of Secreit Counsell compeired James Peirson personallie James Peirson, fear of Balmadeis, and produced and exhibite before the saids Lords ane gift under his Majesteis Privie Seale, bearing date at Newmercat, the 16 of October last, by the quhilk hes Majestie was gracioslie pleased for the reasons conteanit in the said gift to make and constitute the said James Peirson, during all the dayes of his lifetime or *ad culpam*, shireff depute of the shirefdome of Forfar, with the honnours, prerogatives, immunitis, fees and casualiteis belonging to the said office or whilks sall be knowne heerafter properlie to belong thereto, als freele in all respects as if the saids honnors, fees, benefiteis and others foresaids wer ingrossed and insert word be word therein, as the said gift of the dait abonewrittin beirs. Quhilk being read, heard and considerit be the saids Lords, and they acknowledging the choise made be his Majestie of the said James Peirson for the office foresaid, thairfoir they receaved and admitted him to the said office. Lykeas the said James, being personallie present, accepted the said office in and upon him, and gave his great and solemne oath for discharge of the same faithfullie, diligentlie and honestlie according to his knowledge."

James Peirson admitted to the office of Sheriff-Depute of Forfar.

Sederunta,
January 1636-
November
1643.
Vol. 34 b.

"The quhilk day the Lord Chancellor produced the Booke of The Book of Common Service quhilk was givin up to the Clerk to be shawin to Commoun Service. anie of the Counsell who sall desyre the same."

"The quhilk day the Bishop of Ros produced before the Counsell a letter direct frome his Majestie to the Bishop of Aberdein and him anent the magistrats of Aberdein, quhilk being direct to either of the saids Bishops, the said Bishop of Ros opened the same, whiche being read in Counsell, was givin up to the Bishop of Ros, and according thereunto the Lords ordains the saidis Bishops of Aberdein and Ros to take tryell of the informatioun conteanit in the letter and to report to his Majestie what they sall find in the truthe thairof."

Anent the letter of his Majesty to the Bishops of Aberdein and Ross, referring to the town of Aberdein. See ante, p. 342.

Acts, May
1636-Novem-
ber 1639.
Vol. 178, a.

Sederunt:—Chancellor; Treasurer; Glasgow; Privy Seal; Winton; Edinburgh, Lauderdaill; Dumfreis; Southesk; Lord Angus; Lord Bining; Lord Alexander; Bishop of Edinburgh; Bishop of Moray; Bishop of Ross; Bishop of Brechin; Lord Naper; Deputy Treasurer; Advocate.

29th November 1636.

"The Lords of Secreit Counsell, upon certane considerations moving thame, ordains and commands his Majesteis Justice, Justice Clerk and thair deputs to continew the criminall dyet appointed to the Ladie Rothemay for her compeirance before thame to underly her tryell upon the points conteanit in her dittay till the first day (Wednesday) of Februar nixt, she alwayes renewing her former caution conforme te the order."

Trial of Lady Rothemay postponed.

Proposal to
convert foreign
dollars into
current coin of
the realm.

"The Lords of Secreit Counsell, after long reasonning anent the mater of the coyne, thinkes meit and expedient that the dollers current within the kingdome sall be converted and strickin in his Majesteis proper coyne, quhereupon Nicolas Briot, being callit and demanded anent his abilitie to performe the same, the said Nicolas undertooke to receave and convert in his Majesteis owne coyne of twelffe and sax shilling peecees twa parts of the dollers current within the kingdome and to pay backe to the partie inbringer of the saids dollers 54s. for everie doller, providing he may be allowed to worke the same be the milne and that his Majestie would dispense with the benefite of the coynage."

Acta, May
1636-Novem-
ber 1639.
Fol. 178, a.

[Sederunt as recorded above.]

Edinburgh,
29th Novem-
ber 1636.

Desertion of
criminal diet
appointed for
the trial of
James Arbuth-
not and others,
tenants of
Dame Mary
Erskine,
Countess Mari-
schal, who are
accused by
James Seatoun,
burgess of
Aberdeen,
of coming to
his house of
Liddoch of
Skene, and of
violently
carrying him
off as a captive.

The Lords having this day heard the report by Mr Alexander Jaffray, provost of Aberdene, and Seatoun of Pitmedden, the commissioners appointed by them, with consent of Dame Marie Areskyne, Countess of Mairshell, for herself and in name of her tenants, viz., James Arthbuthnet, sometime in Kinmundie, Alexander Forbes in Rogershall, Robert Forbes, sometime in Redshill, Alexander Thomsoune in Cottoun, Robert Hall, younger in Kirktoon of Skene, John Keith, officer, sometime in Aquhrosk, James Cowper in Kilmundie, William Ronaldstoune in Whytstane, Alexander Norie in Riddoch, William Keith in Achincraiff, William Strachane in Kirktoon of Skene, John Thome there, William Merser in Achronie, John Hamilton in Dunnottir, Henry William, sometime underporter there, Patrick Forbes in Kintor, and John Keith there, on the one part, and of James Seatoun, burgess of Aberdene, on the other part, for calling before them and taking a precognition of the witnesses in the criminal action to be raised by the said James, with concurrence of his Majesty's Advocate, against the said Countess and her said tenants and servants for coming to his house in Liddoch of Skene armed with hagbuts, pistols and other weapons, putting violent hands upon him, threatening him with death, and taking him captive and imprisoning him in the Castle of Dunnottir for a day and night until for his relief he was forced to subscribe a bond for his re-entering to the said ward upon twenty-four hours' warning, under the penalty of £100; as also for coming to his barnyard where his corns were stacked and by way of stouthreif "casting, stealing and away takeing of fyve stakks of oats and one stakke of beir"; and the said Lords having read the depositions of the witnesses, "after good advyse and deliberation," find that there is no ground upon which a criminal pursuit may be moved against the foresaid persons, tenants to the Countess of Mairshell, and therefore they ordain his Majesty's Justice, Justice Clerk and their deputes to desert the criminal diet appointed for their trial on 30th November, reserving to the said James Seatoun any civil action he may have against the foresaid persons.

Decreta,
April 1635.
February 1639.
P. 262.

Sederunts,
January 1635-
November
1643.
Fol. 35, a.

The incorpora-
tion of salt-
masters.

"The quhilk day ane signature anent the incorporatioun of salt-maisters wes past and exped in Counsell."

Sederunt :—Chancellor; Glasgow; Wintoun; Dumfreis; Southesk; Edinburgh, 1st December
 Binning; Lord Allexander; Bishop of Murray; Bishop of Ros; 1636.
 Bishop of Brechin; Lord Napier; Clerk Register; Advocate.

Supplication by William, Earl of Mairshell, sheriff principal of the sheriffdom of Kincardin, and Robert Keith, his depute, as follows :—
 Adam Yong in Muretoun has been for several years past "heavilie distractit, and altogidder become furious, so that he is deprived of judgment and understanding and thairby neglects his awne adois, wandring up and doune the countrey, sometymes on horseback, sometymes on foote, without eating, drinkeing or keeping societie with anie bodie for diverse dayes altogidder; and in this his furie haveing rancountred with Andro Stroddie on the hie way, the said Andro and his sone setts upon the said Adam and betts and wounds him; quhairupon the said Adam in his furie kills the said Andro, who wes ane idle vagabound; quhairupon he wes apprehendit and committed to ward in the tolbuith of Stanehyve, quhair he hes remained thir diverse weekes bygane, continowing in his mad furie and in a greater heicht nor at anie tyme bygane. And quhairas the keeping of him is verie troublesome to the supplicants and a heaveie burden to the toun of Stanehyve, quhair he is wardit, and who keepes ane nightlie watch about him, quhilk they are not able to beare out," they humbly crave that he may be taken off their hands by his being ordered to be exhibited here before the Justice or such other course as should seem expedient. The Lords, after advising, ordain the Sheriff of Kincardin and his deputies to deliver the said Adam Yong to Ensign Alexander Hamilton, who will transport him out of this kingdom and employ him in some service in the wars, they first taking him acted judicially in their sheriff court books to depart out of the kingdom and never return again without his Majesty's license, under the pain of death; and also finding Mr James Strachan, minister at Kinneth, cautioner in 1000 merks, that while he remains within this kingdom, he will not harm any of the lieges in their person or goods. And the Lords further ordain that if he return to this kingdom without the said license he is to be apprehended by any of his Majesty's judges, magistrates or officers and delivered by them to the sheriff of the shire, or provost and bailies of the burgh where he may be found, who are to detain him in ward upon his own charges until their Lordships determine what shall further be done with him.

Sederunt :—Chancellor; Treasurer; Glasgow; Winton; Wigton; Edinburgh, 6th December
 Dumfreis; Southesk; Lorne; Bishop of Edinburgh; Bishop of 1636.
 Moray; Bishop of Ross; Bishop of Brechin; Lord Naper; Deputy
 Treasurer; Clerk Register; Advocate; Justice Clerk.

"The Lords of Secreit Counsell ordains and commands his Majesteis Trial of John Grahame of Rednoch postponed.
 Justice, Justice Clerk and thair deputs to continew the criminall dyet

secret, April 1636.
 February 1639.
 263.

P. 264.

Acta, May
 1636-Novem-
 ber 1639.
 Fol. 178, a.

appointed for the tryell of Johne Grahame of Rednoche upon his intercommuning with Gilleroy till the first of Februar nixt, and ordains the said Johne to be warned to produce his remission, if he has anie, upon Thursday nixt to be considerit be the table." Acta, May 1636-November 1639. Fol. 178, a.

Edinburgh,
6th December
1636.

[Sederunt as recorded above.]

Decreta,
April 1635-
February 1639.
P. 264.

Supplication by Alexander Irving and others that the trial of John Gordon, to which they are summoned, may be postponed from 22nd January to 23rd June on account of the difficulty of travelling at the former date.

Supplication by Alexander Irving of Lenturke for himself and in name of the remanent gentlemen who were summoned on the assise of error concerning James Gordon, as follows:—Their Lordships know what heavy trouble and expense they have sustained, besides the neglect of their affairs at home, by their long attendance on that process, and how after many continuations it has been put off to 22nd February next. That is "a dead tyme and so unseasonable for travelling frome the north heir that it will be impossible for the supplicants to keepe that diet, in respect of the season of the yeere, quhilk is ever most unseasonable at that tyme, and the farre distance of place, being abone 80 mylles frome this burgh, the way being so deepe and foule with tua ferris, and a number of waters and mountaines interjected, as all travelling at that tyme will be almost impossible; and thair oat seid begins at that same tyme, the neglect whair of will undoe the most part of the supplicants; and the supplicants have never shunned thair tryell." They crave their Lordships to continue the cause till 22nd June next. The Lords do so, and ordain the Justice, Justice Clerk and their deutes to continue the cause, taking new caution of the supplicants for their compearance, and they also ordain them, with the Lord High Treasurer and their other assessors, to consider the process meanwhile and give forth their interlocutor. P. 265.

Licence to foreigners, who are his Majesty's friends, to fish in Scottish waters on payment of 2s. per barrel of fish.

"A letter frome his Majestie licencing all strangers, being his Majesteis freindis and confederats, to fishe in his Majesteis seas of this kingdome, they paying in acknowledgement for the same 2s. sterling upon the tunne, remitting to the Counsell to consider of the readiest way how the said dewtie may be uplifted. The resolution quhair of continewed till Thursday." Sederunts, January 1635 November 1643. Fol. 35, a.

Edinburgh,
8th December
1636.

Sederunt:—Chancellor; Treasurer; Glasgow; Winton; Wigton; Dumfreis; Southesk; Lord Lorne; Lord Binning; Bishop of Edinburgh; Bishop of Moray; Bishop of Brechin; Lord Naper; Deputy Treasurer; Clerk Register; Advocate; Justice Clerk. Acta, May 1636-November 1639. Fol. 178, a.

Trial of John Grahame of Rednoch to be postponed.

"The Lords of Secreit Counsell ordains and commands his Majesteis Justice, Justice Clerk and thair deputs to continew the criminall dyet appointed to Johne Grahame of Rednoch for his intercommuning with Gilleroy till the first of Februar nixt, takand new caution of the said Johne for his appearance before thame that day, under the pane of twa thowsand merkes, and in the meane time ordains the remission past his

sta. May
36-Novem-
r 1639.
d. 178; b.

Majesteis hand to the said Johnne Grahame for his intercommoning fore-said to be keeped be Sir Johnne Hamilton of Orbeston, Justice Clerk."

"The Lords of Secreit Counsell nominats and appoints Archibald, Lord Lorne, Johnne, Bishop of Murrey, Sir James Carmichell, deputie Tresaurer, Sir Thomas Hope, his Majesteis Advocat, Johnne Hamilton of Orbeston, Justice Clerk, and the Justice deputs, or anie three of thame, to examine the prisouners challenged for false dollers, and, as they sall find caus and for discovering of thair complices, to putt thame to the torture; as like-wise to examine M^cInstalker and to report upon Tuisday."

Commission
appointed to
try certain
persons
accused of
uttering
counterfeit
dollars, with
power to apply
torture.

[Sederunt as recorded above.]

Edinburgh,
8th December
1636.

secreta,
pril 1635-
ebruary 1639.
: 265.

Complaint by Gilbert Harvie, elder, burgess of Aberdene, and Gilbert Andersone, his servitor, as follows:—The said Gilbert obtained a decreet of removing before the Sheriff of Aberdene against William Innes of Kinermonie, and was also forced to take out horning and caption against him, by virtue of which he was apprehended and incarcerated within the tolbooth of Aberdene. The said William remained four days in ward, and the keys of his manor place of were sent to him by the Laird of Balvenie, whereupon he delivered them to the complainer and gave him possession thereof; "and he promiseist the compleaner possession of his lands quhairunto he condescendit, and after drinkeing and chopping of hands freelie the said William was dimitted." The complainer accordingly, on 9th September last, sent the said Gilbert Andersone to Elrik to receive in his name possession, as promised, from the said William. But he, forgetful of the favour he had received, resolved to kill the complainers and "posted with all his speed after the said Gilbert Andersone to have overtane him in the way. Bot the said Gilbert haveing come first to Elrick and lighted at the minister hous, the said William come imediatlie thairafter, and haveing lighted there, they curteouslie saluttet each ane other; and the said Gilbert, knowing nothing of the said William his intention, nor fearing anie evill of him, he went in to the stable to visit his horse, quhairof the said William getting notice, he followed to the stable of purpose to have slaine the boy under night, being past seven of the clocke; and when he come in to the stable he feircelie persewed the said Gilbert of his lyffe, gave out a number of straits at him thairwith [*sic*] and at last gave him a deidlie stroke under the left pape quhilk had [not] failed to have killed him were not the same lighted on his left syde upon a rib, so that the said William, thinkeing he had beene killed, left him lying dead, wallowing in his awne blood, and went triumphing to his horse, wisheing that the maister had beene in the servants place. And, findeing that he had not gottin his full intent, he continowing in his divelish and cruell resolution resolved to have the compleaners lyffe. And for this effect upon the 14 day following the said William come to the lands of Elrick, thinkeing to have fudd the compleaners there, and caused stryke ane pleuche in the

Complaint by
Gilbert Harvie,
burgess of
Aberdeen, and
Gilbert Ander-
son, his
servitor,
against
William Innes
of Kinermonie,
his debtor, for
assault.

ground of the saids lands and teilled up the same," notwithstanding of the foresaid decree of removing. He also went to the tenants and forbad them to pay any duties to the complainers, threatening that, if they did, he would take their lives; for that "all thair moyen was not able to defend thame, and that he sould pull the skin aff thair backes." Moreover, he lies daily in wait for the complainer, who consequently for fear of his life can repair neither to kirk or market. Charge having been given to the said William Innes, and the pursuers compearing by George Stuart, agent, their procurator, but the defender not compearing, the Lords ordain the latter to be put to the horn and escheated.

Decreta,
April 1635.
February 1639
P. 266.

Complaint by John Greg in the Hauches of Fingoth against Mr James Stuart, commissioner of Dunkeld, for laying upon the complainer the name of M^cGregor, and thus subjecting him to the disabilities of those bearing that name.

Complaint by John Greg in the Hauches of Fingoth, as follows:—
"Among the disgracefull affronts fra tyme to tyme layed on him be M^r James Stuart, Commissar of Dunkeld, he hes devysed a new trick by the quhilk he intends to disgrace the compleaner and to draw manie inconvenients upon him; and namelie he hes layed upon the compleaner the name of M^cGregor, and in all praecepts, letters and writs passing his office quhairin the compleaners name is to be insert, either as persewer or defender, he calls the compleaner M^cGregor. And now latelie under the borrowed name of David Martine, servitor to the Laird of Balliachan, he hes tane the gift of the compleaners esheit, and in that same gift he calls the compleaner John M^cGregor, *alias* Greg." He purposes to subject him to all the courses to be taken with the Clangregor, although his proper surname is Greg, as he and his predecessors past memory of man have ever been called, and he has nothing to do with the race of Clangregor. Charge having been given to the said Mr James Stuart, and both pursuer and defender compearing and having been heard, the Lords find that the pursuer's proper name is John Greg, and that the defender has done wrong in styling him M^cGregor in letters and writs passing his office. They ordain him to desist from this practice and to find caution for his doing so, under a penalty of 500 merks. Caution to this effect was found for him by Alexander Menzeis, son of Menzeis of Weeme, who enacted himself in the above sum personally before the Lords.

P. 267.

Supplication by James Gordon of Letterfourie that a diet to which he is summoned by the Laird of Fendraucht may be deserted on the ground that the supplicant is under the King's grace.

Supplication by James Gordon of Letterfourie, as follows:—Their Lordships know what mercy and favour was shown by his Majesty to his late master, the Marquis of Huntlie, upon his acknowledging his fault, first to his Majesty, and afterwards to their Lordships under his hand; and, upon the supplicant's making the like acknowledgment, his Majesty in June last granted him the like favour, as the same registered in their Lordships' books bears. In the following July, however, the Laird of Fendraucht summoned him to underlie the law for those crimes for which the King had pardoned him, and their Lordships ordained the criminal diet to desert. He then looked to be allowed to enjoy his Majesty's gracious favour, but the Laird of Fendraucht has again summoned him to underlie the law for the said crimes on 16th instant. This will frustrate the supplicant of the benefit of his Majesty's grace

P. 268.

and favour, and he therefore craves that their Lordships would ordain the said criminal diet to desert. The Lords ordain the Justice, Justice Clerk and their deputes to desert the said diet, but this to be without prejudice to the said Laird of Fendraucht in his civil action for the damage he has sustained.

Supplication by Mr Robert Hendersone, minister at Lochmaben; Mr Robert Herries, minister at Drysdail; Mr George Buchannan, parson of Moffat; and Mr David Rodger, minister at St Mungo, *alias* Tunergirth; collectors appointed by their Lordships for ingathering the voluntary contributions of the inhabitants of the sheriffdom of Dumfreis and Stewartry of Annandail, and of all passengers going by the ford of the Water of Milke, to be employed for the building of a bridge over the said water, as follows:—Though they have been very solicitous and careful in this matter committed to them, they have collected only “some small moneyes bot of no considerable quantitie,” the period allotted to them, which expires this day, being too short. They therefore crave a continuation. This the Lords grant for another year, and extend their recommendation to the burghs of Edinburgh and Glasgow, and to the Convention of the Burghs to be held at Aberdene, which they desire may take some course for the furtherance of this “so pious a worke.”

“Forsamekle as the office of conveenner of the justices of peace within the shirefdome of Bamff hes beene this long time intermitted by occasion of the sickenes of Sir Robert Innes of Balvenie, who wes nominat to be conveenner within the said shirefdome, and by diverse others impediments, quherby he is disabled to attend that service; and quheras the necessitie of his Majesteis service and peace of the countrie requires that some fitt and qualified person be substitute in the said Sir Robert his place, thairfor the Lords of Secreit Counsell hes nominat, elected and constitute, and be the tennor heiroy nominats, elects and constituts George Baird of Auchmedden conveenner of the saids justices of peace within the said shirefdome of Bamff in place of the said Laird of Balvenie; with power to him to use and exerce the said office with all the liberteis and privileges thairof siclyke and als freelie in all respects as the said Laird of Balvenie or anie other conveenner used or might have used the said office; ordaining be thir presents the remanent justices of peace within the said shirefdome or as manie of thame as sall be present for the tyme that at thair first meeting they take the said Laird of Auchmedden his oath for the faithfull discharge of his office.”

“The Lords of Secreit Counsell, understanding that Williame Mel-drum of Haltoun, Alexander Brodie of that Ilke, M^r John Forbes, parson of Anchterles, Alexander Gordon of Garrie, M^r Andrew Massie, minister at Drumblait, Alexander Moresone of Bognie, and James Andersone of Dummoneis, within the shirefdome of Aberdein; as alsua Walter Urquhart of Crombie, Berold Innes of Kincorth, Robert Spence of Tulloch, Gilbert Chalmers of Baklay, Sir Alexander Leslie of Achin-

secrets,
pril 1635-
February 1639.
.268.

Justices of
Peace, 1612-
1639.
Vol. 71, a.

Supplication
by Mr Robert
Henderson,
minister at
Lochmaben,
and others
that the period
appointed for
the collection
of contribu-
tions towards
the building of
a bridge over
the Water of
Milk may be
prolonged.

Edinburgh,
8th December
1636.

George Baird
of Auchmedden
appointed con-
vener of the
Justices of
Peace for the
sheriffdom of
Bamff in place
of Sir Robert
Innes of
Balvenie.

Appointment
of Justices of
Peace for the
sheriffdoms of
Bamff and
Aberdeen.

toull, M^r Richard Matlane, minister at Aberchirdour, M^r Alexander Innes, parson of Rothemay, and Alexander Ogilvie of Kempcarne, within the shirefdome of Bamff, ar verie weill affected to his Majesteis service and of good knowledge, judgement and experience to undergoe the place of justices of peace within the saids shirefdomes respective; thairfoir the Lords of Secreit Counsell hes made and constitute and be the tennor heiroyf makes and constituts the persons foresaids justices of peace within the saids shirefdomes of Aberdein and Bamff respective, and hes adjoynned and adjoynes thame to the remanent commissioners and justices of peace within the saids shirefdomes, with als great fredome, priviledge, warrand and auctoritie as anie justices of peace within this kingdome bruikes thair offices be vertew of the commission grantit to thame be his Majesteis patent under the great seale and with als great fredome, auctoritie and jurisdiction as if thair names wer particularlie insert in the saids commissions; with power to thame to use and exerce the said office in all and everie thing tending to the forderance of his Majesteis service and keeping the peace of the countrie; commanding heirby the conveenner and remanent justices of peace of the saids shirefdomes to receave and admitt the persons foresaids to be of thair nomber and to have voice and place amongs thame as if they wer particularlie insert in thair commission, and to take thair oath for faithfull discharge of the service, quhereanent thir presents sall be to thame ane warrand."

Justices of
Peace, 1612-
1639.
Fol. 71, b.

Edinburgh,
8th December
1636.

Alexander
Lyon of
Muresk.

Proposal for
the remedy of
the existing
scarcity of
current coin.

"The Lords ordanis Alexander Lyon of Muresk to find caution under the pane of j^m li. not to depart furth of the toun till he satisfie the Tresaurer of that quhilk he is restand auchtand to him."

Sederunt,
January 1636-
November
1643.
Fol. 35, b.

"The Lords hes thought meit and expedient in respect of the great skarsetie of his Majesteis coyne current within the kingdome and for the more speedie supplee of the same, that the whole bulyeoun presentlie payable and all dollers of fiteene drop weight and ten denier fyne whiche sall be brought in be exchange sall be wrought be the milne and that a tryell thairof sall be takin till Witsunday nixt, at quhilk time the Lords will continew or discharge the forder use of the milne as they sall find the good or evill thairof to require."

Edinburgh,
10th December
1636.

[No record of Sederunt.]

Decreta,
April 1635-
February 1659
P. 268.

Charter chest
to be restored
by Robert
Irving of
Cornel to Sir
John Leslie of
Wardes.

The Lords, having heard the petition by Sir John Leslie of Wardes, craving restitution to be made to him by Robert Irving of Cornel, sheriff-depute of Aberdene, "of the chartour kist and what els wes moveable within the hous of Wardes the tyme that James Ferquharson of Invery wes possest thairin be the said shireff depute," ordain restitution to be made "to the said Sir John Leslie of Wardes of the chartour kist forsaids, armour, furniture, plenisheing" and other moveables which were therein at the time foresaid, as the said sheriff-depute will answer on the contrary.

P. 269.

Acts, May
1636-Novem-
ber 1639.
Fol. 173, b.

Sederunt:—Chancellor; Treasurer; Glasgow; Dumfreis; Lorne; Edinburgh, 13th December 1636.
Binning; Alexander; Bishop of Murrey; Bishop of Brechin; Lord
Naper; Clerk Register; Advocate; Justice Clerk.

"Anent the supplicatioun presentit to the Lords of Secreit Counsell be John, Lord Kinpont, and his apprehension of John Roy M^cGregor.
Johne, Lord Kilpont, makand mention that quhair he hes latelie tane and apprehended Johne Roy M^cGregour, a commoun and notorious theefe, within the bounds of his father's justiciarie, and he hes exhibite him before the saids Lords where he thinkes he will underly his deserved tryell and punishment; and whereas the tryell and censuring of him heir may be prejudiciall to his father's office of justiciarie, humbelie desyring thairfor the saids Lords that he might have ane act of Counsell past and expd in his favours in maner and to the effect following, lykeas at mair lenth is conteanit in the said supplicatioun. Quhilk being read, heard and considderit be the saids Lords, and they well advised therewith, the Lords of Secreit Counsell approves the service done be the said supplicant in the mater abonewrittin, and finds and declares that the said supplicant his taking and exhibition of the said Johne Dow to his tryell and punishment heir before his Majesteis Justice sall not be prejudiciall to the Erle of Airth his right, if he anie hes, of judging of malefactors apprehended within his bounds as accords of the law. And the saids Lords ordains the supplicant to produce before thame the said Erle of Airth his infetment of justiciarie before the day appointed for the tryell of the said Johne Dow to the effect the saids Lords may consider thair of and give suche answer to the desire of the supplicant anent his sitting and judging the said Johne Dow as they sall find caus."

"The Lords of Secreit Counsell nominats and appoints Archibald, Appointment of a commission to examine John Dow Roy.
Lord Lorne, Sir James Carmichell, deputie Tresaurer, Sir Johne Hay, Clerk of Register, Sir Thomas Hop, his Majesteis Advocat, Johne Hamilton of Orbeston, Justice Clerk, and the Justice deput, or anie twa of thame, to examine Johne Dow Roy."

Fol. 179, a.

"The Lords of Secreit Counsell nominats and appoints Johne, Erle of Appointment of a commission anent the Hospital at Leith.
Traquaire, Lord High Tresaurer of this kingdome, David, Bishop of Edinburgh, Thomas, Lord Bining, Williame, Lord Alexander, Sir Johne Hay, Clerk of Register, and Johne Hamilton of Orbeston, Justice Clerk, or anie twa of thame, the said Lord Tresaurer being one, to consider the decreit givin be the saids Lords concerning the Hospitall of Leith, to cleere the differences, if anie be thereintill, and to see the moneyes decerned putt to a profitable use for the good of the Hospitall; as lyke-ways to heare the toun of Edinburgh and the reasons to be propounded be thame for cleering of thair interesse to be auditors of the Hospitalls compts and to report."

"The whilk day, in presence of the Lords of Secreit Counsell, com- William Glendonning accepts the office of baillie of Kirkcudbright.
peired personallie William Glendonning, burges of Kirkcudbright, who was latelie chosin to be one of the bailleis of the said burgh and accepted upon him that office, becaus William Foullerton, provest of the said

burgh, being personallie present, promiseist to supplie the said baillie his absence upon necessar occasions and to see his office discharged." Acta, May 1636-November 1639, Fol. 179, a.

Obligation by Alexander Lyon of Muresk.

"The whilk day, in presence of the Lords of Secreit Counsell, compeired personallie Alexander Lyon of Muresk, and actit, band and obleist himselfe not to remove furth of Edinburgh till he satisfie his Majesteis Tresaurer for his Majesteis dewteis, under the pane of three thowsand merkes."

The incorporation of the salt-masters.

"The quhilk day the contract anent the incorporatioun of the salt-maisters wes subscriyved in Counsell."

Sederunt, January 1635-November 1643, Fol. 36, a.

Edinburgh, 15th December 1636.

Sederunt :—Chancellor; Treasurer; Glasgow; Dumfreis; Angus; Bining; Naper; Sir James Carmichaell; Clerk Register; Advocate; Justice Clerk.

John Graham. "The Lords ordanis ane missive to be writtin to his Majestie anent Johne Grahames remission."

Appointment of Justices of Peace for Forfarshire.

"The Lords of Secreit Counsell, understanding that Alexander Peirsoun of Balmadeis, James Ogilvie, fear of Newgrange, William Ruthen of Gairden, James Peirsone, fear of Balmadeis, Johne Achterlony of Gownd, James Fletcher of Restennett, and James Scot of Logymontrois, ar verie weill affected to his Majesteis service and of good judgement and experience to undergoe the place of justices of peace within the bounds quher they dwell; thairfoir the Lords of Secreit Counsell hes made and constitute, and be thir presents makes and constituts thame justices of peace within the shirefdome of Forfar, and hes adjoynned and adjoynes thame to the remanent commissioners and justices of peace within the said shirefdome; with power to thame to use and exerce the said office in all and everie thing tending to the forderance of his Majesteis service and keeping the peace of the countrie with als great fredome, priviledge, warrand and auctoritie as anie others justices of peace within this kingdome bruikes thair offices be vertew of the commission grantit to thame under the great seale and as if thair names wer particularlie insert in the said commission; commanding heirby the conveenner and remanent justices of peace of the said shirefdome to receave and admitt the persons foresaids to be of thair nomber and to have voice and place amongs thame as if they wer particularlie insert in the said commissioun, and to take thair oath for faithfull discharge of the service, quhereanent thir presents sall be to thame ane warrand."

Justices of Peace, 1612-1639, Fol. 71, b.

Edinburgh, 20th December 1636.

Sederunt :—Chancellor; Treasurer; Glasgow; Dumfreis; Angus; Binning; Naper; Deputy Treasurer; Clerk Register; Advocate; Justice Clerk. Acta, May 1636-November 1639, Fol. 179, a.

Charge to the lieges to receive his Majesty's Service-book,

"Forsamekle as the King's Majestie ever since his entrie to the imperiall crowne of this his ancient kingdome, especiallie since his late being heir, hes diverse times recommendit to the archbishops and bishops

Acts, May
1636-Novem-
ber 1639.
Fol. 179, a.

heir the publishing of a publict forme of service in the worship of God, ^{two copies of} whiche his Majestie would have uniformelie observed in this kingdome, ^{which are to} and, the same being now condescended upon, altho his Majestie doubts ^{be provided in} not bot all his Majesteis subjects, both clergie and others, will receave the said publict forme of service with suche reverence as apperteanneth, yitt his Majestie, thinking it necessarie to make his pleasure knowne tuicheing the authorizing the booke thairof, thairfoir the Lords of his Majesteis Privie Counsell, according to his Majesteis speciall warrand and direction, ordains letters to be direct to command and charge all his Majesteis subjects, both ecclesiasticall and civill, be opin proclamation at the mercat croces of the heid burrowes of this kingdome and others places neidfull, to conforme thameselffes to the said publict forme, quhilk is the onelie forme quhilk his Majestie, having takin the counsell of his clergie, thinkes fitt to be used in God's publict worship heir; commanding heirby all archbishops and bishops and others presbyters and churchemen to take a speciall care that the said publict forme of worship be dewlie observed and obeyed and the contraveenners condignelie censured and punished, and to have a speciall care that everie parish betuix and pashe nixt procure unto thameselffes twa at the least of the saids bookes of commoun prayer for the use of the parish. Followes his Majesteis missive for warrant of the act abounwritin:—
CHARLES R.—Right reverend father in God, right trustie and weilbelovit cousins and counsellors, right trustie and trustie and belovit counsellors, we greit yow weill. Whereas since our entrie to the crowne, especiallie since our late being in that kingdome, we have diverse times recommended to the archbishops and bishops there the publishing of a publict forme of service in the worship of God whiche we would have uniformelie observed therein, and the same being now condescended upon, thogh we doubt not but all our subjects, both clergie and others, will receave the same with suche reverence as apperteanneth, yitt, thinking it necessarie to make our pleasure knowne tuicheing the authorizing of the booke thairof, we require yow to command be opin proclamation all our subjects, both ecclesiasticall and civill, to conforme thameselffes in the practise thairof, it being the onelie forme whiche we (having takin the counsell of our clergie) thinke fitt to be used in God's publict worship there; as alsua we require yow to injoyne all archbishops and bishops and other presbyters and churchemen to take care that the same be dewlie obeyed and the contraveenners condignelie censured and punished, and to take order that everie parish procure to thameselffes, within suche a space as yow sall thinke fitt to appoint, two at least of the saids bookes of commoun prayer for the use of the parish, wherein yow will doe us most acceptable service and for whiche these sall be your warrant. We bid yow farewell. From our court at Newmercat, the 18 of October, 1636."

" Forsamekle as the Lords of Secreit Counsell ar surelie informed that ^{The towns of} the contagious sickenes of the pest, wherewith at the pleasure of God the ^{Preston and} ^{Prestonpan}

relieved from restrictions—the plague in the said towns having ceased.

toun of Prestonpanns wes visite is now by his divine favour and mercie removed, so as there is no kynde of infection nor suspicion of infection there, and whereas upon occasion of that infection the mercats of Preston and Prestonpanns wer discharged and the inhabitants thair of restrained frome going abrod, whereunto they have givin all dewtifull obedience, thairfoir the saids Lords gives and grants licence and warrant to the bailleis and inhabitants of Preston and Prestonpanns and Tranent to keepe thair mercats as formerlie they wer wount to doe without pane or danger to be incurred be thame therethrow in thair persons or goods notwithstanding of the discharge foresaid, whereanent the saids Lords dispenses. And the saids Lords recommends to the bailleis and ministers of Preston and Tranent to have a speciall care and to give diligent attendance if the said infection be lurking within the said toun as yitt, and if there be anie kynde of suspicion thair of that they take present order with the persons suspect and infected in suche forme as formerlie they wer wont to doe, as may best stand with the weele of the saids touns, and that fra time to time they acquaint his Majesteis Counsell with thair proceedings, as they will answer upon thair diligence in the execution of thair offices.”

Acta, May 1636, November 1639. Fol. 180, a.

The town of Mussilburgh relieved from restrictions—the plague in the said town having ceased.

“ Forsamekle as the Lords of Secreit Counsell ar surelie informed that the contagious sickenes of the pest, quhairwith at the pleasure of God the toun of Mussilburgh wes visite, is now by his divine mercie and favor removed, so as there is no kynde of infection nor suspicion of infection there, and whereas upon occasion of that infection the mercats of Mussilburgh wer discharged and the inhabitants thair of restrained frome going abrod, quhairunto they have givin all dewtifull obedience, thairfoir the saids Lords gives and grants licence and warrant to the bailleis and inhabitants of Mussilburgh to keepe thair mercats as formerlie they wer wont to doe without pane or danger to be incurred be thame therethrow in thair persons or goods, notwithstanding the discharge foresaid whereanent the saids Lords dispenses, And the saids Lords recommends to the bailleis and minister of Mussilburgh to have a speciall care and to give diligent attendance if the said infection be lurking within the said toun as yitt, and if there be anie kynde of suspicion thair of that they take present order with the persons suspect and infected in suche forme as they wer formerlie wount to doe and as may best stand with the weele of the said toun, and that lykewayes they take order for the enlargement or restraint of the persons enclosed within thair toun in suche forme as they will be answerable to his Majestie and as may best stand with the weele and safetie of the said toun and preservation of the inhabitants thair of, and that fra time to time they acquaint his Majesteis Counsell with thair proceedings, as they will answer upon thair diligence in execution of thair offices.”

Sentence on Janet David-son, who has been found guilty of adultery.

“ The Lords of Secreit Counsell ordains and commands his Majesteis Justice, Justice Clerk and thair deputs to pronounce doome aganis Jonet Davidsons, who is convict of the bearing of diverse childrein in adulterie,

Fol. 180, b.

Acta, May
1636-Novem-
ber 1639.
Fol. 180, b.

ordaining her to be scourged throw the burgh of Edinburgh, brunt in the cheeke and banished the kingdome, and to take her actit judicillie to depart and pas furth of the said kingdome within suche a space as his Majesteis Justice sall thinke meit, and never to returne againe within the same without his Majesteis licence, under the pane of death."

"The Lords of Secreit Counsell nominats and appoints Johne, Earle of Traquaire, Lord High Tresaurer of this kingdome, William, Lord Alexander, Sir Johne Hay, Clerk of Register, Johne Hamilton of Orbeston, Justice Clerk, and his Majesteis Justice deputs, or anie twa of thame, to examine M^eInstalker anent his ressetters, suppleers and hounders out, and to report what they find therein."

Commission
appointed for
the examina-
tion of
M^eInstalker.

Decreta,
April 1636-
February 1639.
P. 269.

[Sederunt as recorded above, adding Lord Allexander, the Bishop of Edinburgh, Brechin and Master of Elphinstoun.] 20th December 1636.

Complaint by Robert Buchan, merchant burgess of Aberdene, as follows:—On 5th September last William Hay of Fetterletter was put to the horn at his instance for not paying him 1000 merks of principal, £100 of expenses, and certain interest due thereupon; and he proudly and contemptuously remains at the horn. The pursuer compearing by Mr Robert Petrie, his procurator, but the defender not compearing, the Lords ordain the latter to be charged to render his house of Fetterletter and enter himself in ward within the castle of Blacknes within fifteen days, upon pain of treason.

Complaint by
Robert
Buchan, mer-
chant burgess
of Aberdene,
against
William Hay
of Fetterletter
for contempt
of horning.

P. 270.

Supplication by William Armestrang of Sarke, as follows:—During the holding of the late justice court at Dumfreis he was in England about his lawful business, but some malicious persons delated him to the commissioners of the Middle Shires and caused him to be declared an outlaw and fugitive. He has "hitherto lived as ane gentleman unsuspect of anie cryme censurable be the saids commissioners," and he is willing to find caution to appear at the next court and underlie his trial for anything to be laid to his charge, which he craves their Lordships to direct the said commissioners to receive. The Lords do so, ordaining the said commissioners or any of them to receive caution of the supplicant as above under the usual penalties, and thereupon to declare him "his Majesteis lawbyding subject, free of anie danger he may incurre upon occasion of the first citation, he being out of the countrey for the tyme, as said is."

Supplication
by William
Armstrong of
Sark anent a
false charge
brought
against him
before the
commissioners
of the Middle
Shires.

Supplication by the provost and bailies of Hadinton, as follows:—Their Lordships were pleased in respect of the visitation of the town of Prestoun with the "contagious seiknes of the pest," to discharge their weekly markets, and they have given "all dutifull obedience, to the great hurt and prejudice of thair tounne." Seeing it has pleased God to remove the danger they crave warrant from their Lordships to resume the holding of their markets as formerly. The Lords grant their warrant as craved.

Supplication
by the provost
and bailies of
Haddington
that they may
be permitted
to resume their
weekly
markets—the
plague at
Preston having
ceased.

Similar
Warrant to
Dalkeith.

Similar warrant granted to the town of Dalkeith upon a supplication by the bailies and inhabitants thereof.

Decreta,
April 1635-
February 1639.
P. 271.

Edinburgh,
22nd Decem-
ber 1636.

Sederunt:—Chancellor; Treasurer; Glasgow; Gallouay; Dumfreis; Angus; Lord Alexander; Bishop of Brechin; Lord Naper; Deputy Treasurer; Clerk Register; Advocate; Justice Clerk.

Acta, May
1636-Novem-
ber 1639.
Vol. 180, b.

General Ruth-
ven appointed
muster-master
of the
kingdom.

"The Lords of Secreit Counsell ordains and commands Sir Thomas Hope of Craighall, knight baronnet, Advocat to our soverane lord, to draw up ane signature for his Majesteis hand of a gift to Generall Ruthven of the office of mustor maister generall of this kingdom, agreeable to the gift alreadie past his Majesteis hand and to rectifie the same according as the committee hes prescryed."

Sir William
Forbes of
Craigievar and
his escheat.

"The whilk day, in presence of the Lords of Secreit Counsell, compeired personallie Sir William Forbes of Cragievar, knight baronnet, and M^r James Baird, his procurator, and of thair awne accord declared that they wer content to forbear the intending or moving of anie action upon the said Sir William his gift of escheit and lyverent past in his favors till the last day of Februar nixt, but prejudice alwayes to the said Sir William to oppose his lawfull defences competent to him upon his said gift aganis whatsoever other donatour to his escheit and lyverent as accords of the law."

Declaration of
the Lord High
Treasurer
anent an
accusation that
he has
procured
exemption to
certain of the
names of
Johnston and
Armstrong
from the juris-
diction of the
commissioners
of the Middle
Shires.

"The whilk day Johne, Earle of Traquaire, Lord High Tresaurer of this kingdome, compeirand personallie before the Lords of Privie Counsell, reported to the saids Lords that he wes certified by a missive letter frome one of the commissioners of the Middlesshires upon the English side that the said commissioner wes desired by one of the commissioners upon this side to concurre with him in representing to his Majestie the pre- judice of his service occasiouned by the said Lord Tresaurer his alledgit procurig of exemptions and protections to and in favors of these of the name of Johnstoun and Armestrang; in whiche respect the said Lord Tresaurer to vindicat his credit frome suche malicious aspersions and to testifie his loyall and fordward disposition to the advancement of justice, declared that he wes content to act himselfe to make his owne men, tennents and servants and all others in whois favours he hes procured exemption or protection furthcummand to thair tryell upon a lawfull citation under the panes conteanit in the acts of parliament, besides the redresse of the skaith in caise of thair not appearance before the saids commissioners, as said is."

Vol. 181, a.

Edinburgh,
22nd Decem-
ber 1636.

[Sederunt as recorded above.]

Decreta,
April 1635-
February 1639.
P. 271.

Supplication
by Alexander
Seton of Pit-
medden and
George Simmer
for a commis-
sion for the

Supplication by Alexander Seatoune of Pitmedden and George Simmer in , his tenant, as follows:—On 25th November last the suppli- cant was in Aberdene attending to his lawful business, when there came to the dwelling-house of the said George, under cloud and silence of

Decreta,
April 1635.
February 1639.
P. 271.

night, "the honest man and his familie being at thair rest" and suspect-
ing no evil, "thrie strong and sturdie vagabound fellowis, quhair of
Patrick Leslie, *alias* Byres, Archibald Patoune and Walter Buchla, with
tua sturdie vagabounds, callit Patoune and Legan," and
"forcible dang up the doores, entred violentlie within his hous with
drawin suords and bendit gunns in thair hands, haveing lighted candles
whiche they brought with thame, patt violent hand in the said George
Simmer, thrust him to the ground, shamefullie and cruellie strake and
dang him, and so birsed and bruised his haille bodie that he wes nather
able to help himselfe nor to withstand the violence of the said limmars.
They tooke his dauchter and band her hands with a gartan, threatned his
wyffe with present death if she cryed or preast to make resistance, and
then seazed upon the haille moneyes being in the hous and upon so muche
of the best moveables as they were able to carie with thame, and so went
thair way fulhandit with the poore mans goods." If the supplicants use
the ordinary process of law by summons, these vagabonds will take flight,
and they therefore crave a commission in the terms after mentioned.
The Lords grant the crave as desired, giving commission and power to the
sheriff of Aberdene and his deputes, and to the said Sir Alexander
Seatoune of Pitmedden and Seatoun, his son, conjointly and
severally, to make search for and apprehend these vagabonds wherever
they may be apprehended and bring them to ward within the tolbooth
of Aberdene; ordaining also the magistrates of the burgh of Aberdene to
receive them off their hands and keep them safely in ward until they be
tried and punished. And as the bringing them to the tolbooth of Edin-
burgh for trial will be costly to the supplicants and the country, seeing
a number of country people must be brought to sit on their assise, the
Lords grant commission to the sheriff of Aberdene and his deputes, or
the provost and bailies of Aberdene, or any three of them, to hold courts
of justiciary within the burgh of Aberdene and try the said vagabonds
and cause justice be done upon them. The Lords give them all necessary
powers and authorise them to use hagbuts and pistols in the execution
of this commission against these said vagabonds.

P. 273.

Supplication by William Simesone, as follows:—The Laird of Fend-
draucht has raised summonses against a number of the poor people of
Turreff to appear before their Lordships and answer for their reset of the
rebels in the north, and amongst others he has cast in the supplicant's
name, "who being a simple unlettered man and thinkeing that his
innocencie would have caried him throw, and wanting expenses to bring
him heere, he thairupon stayed at home." For this letters of horning
were issued against him, and also his name was included in the com-
mission which Fendraucht obtained against the ressetters. However,
when Fendraucht knew the supplicant's innocence and poverty, he
promised never to pursue him and to delete his name out of the com-
mission. This he slothfully neglected to do, and consequently the Laird
of Drum, the sheriff, when lately in search of these rebels, finding the

arrest of three
vagabonds,
whom they
charge with
hamesucken.

Supplication
by William
Simpson that
he may be
relieved from
ward, to which
he has been
consigned by
the Laird of
Fendraucht
on a false acou-
sation of his
resetting
rebels.

supplicant's name in the commission, apprehended him and took him from Turreff to Aberdene, in the tolbooth of which he has since remained in great misery, having no means to entertain himself. He craves the Lords to grant him his liberty. The Lords ordain the sheriff of Aberdene and his deutes to put the supplicant to liberty, he first finding caution in the sheriff court books of Aberdene to appear before the said sheriff and his deutes whenever lawfully charged on fifteen days' warning.

Complaint by James Jonkesone, indweller in Edinburgh, that he may be released from ward that he may satisfy his creditors.

Complaint by James Jonkesone, indweller in Edinburgh, as follows:— He has been warded by Robert Creichtoun, one of the macers before the Session, at the instance of William Jonkesone, burghess of Peebles, on letters of caption, for non-payment of a debt of £180, due by the complainer as principal and the said Robert Creichtoun as cautioner. Yet it is of truth that the complainer has duly paid him his interest thereon up to Martinmas last, and would have also paid it then, but he refused it. The complainer has several actions depending before the Lords of Session and Commissaries by which he trusts to be able to pay this debt; but he will never be able to do so if he lie longer in ward, in which case the said William should pay for the maintenance of the complainer. Charge having been given to the said Robert Creichtoun and William Jonkesone; and the pursuer compearing personally, and producing a letter of consent dated 21st December, signed by the said William Jonkesone, acknowledging that he had received payment of his Martinmas interest and so consenting to the pursuer's liberation, provided that his doing so should not prejudice him with regard to payment of the principal sum; and Robert Creichtoun being likewise present and consenting, the Lords ordain the provost and bailies of Edinburgh to set the pursuer free so far as warded for the cause above stated.

Request to Lord Howard to surrender certain Scotsmen whom he has apprehended.

Proceedings against the Laird of Craigievar anent his escheat to be postponed.

"A letter to the Lord Hawart to send hither some Scottishmen whome he hes apprehended to abide thair tryell conforme to the provision expressed in the commission of the Middleshires."

"The quhilk day the Laird of Cragvar and M^r James Baird, his procurator, compeirand before the Counsell, the Lords discharged thame of all moving of anie action or proceeding upon the said Laird of Cragievar his gift of escheit till the last of Februar nixt."

Edinburgh, 23rd December 1636.

Registration of a bond of caution by James Roy of Craighouse for Rannald M^cDonnald, fiar of Keppoch.

Registration by Mr Thomas Nicolsone, younger, advocate, of a bond of caution by James Roy of Craighous for Rannald M^cDonnald, fiar of Keppoch, that he will behave himself as an obedient and dutifull subject, observe the laws, and compear before the Council when required to answer to any things laid to his charge, under the penalty of 3000 merks; with clauses of relief, and of registration in the books of Privy Council. The bond, which was written by Mr John Callender, servitor to James Prymrois, Clerk of the Privy Council, is dated at Edinburgh, 23rd December, 1636; witnesses, John M^cRannald, writer in Edinburgh; George Meinyies, lawful son of Alexander Meinyeis of Wemes; John

Decreta,
April 1635-
February
1639.
P. 273.

P. 274.

Sederunta,
January 1635-
November
1643.
Fol. 36, b.

Acta penes
Marchiarum,
etc., 1587-1636.
Fol. 56, a.

Acta penes
Marchiarum,
etc., 1587-1636.
Fol. 56, a.

Achinwells and Thomas Fairlie, servitors to John Miller, writer; and Daniel Monro, servitor to Alexander Aikinheid, writer. James Roy cannot write, and signs by the aid of two notaries, John Miller and Alexander Cas.

Fol. 56, b.

Supplication by Rannald McDonnald of Keppoch, as follows:—In obedience to their Lordships' ordinance he has come to this burgh to underlie their will, and his remaining here will not only be costly to him, but "will procure distemperature and sickenes to his person." He therefore craves that they will allow him to go home, and to declare him and his cautioners free of their former act. The Lords grant him liberty to go home, and also free and exoner him and Mungo Campbell, fiar of Lawers, and John Campbell of Ardochattan, his cautioners, of their act, seeing the supplicant has found new caution as aforesaid.

In Supplication
by Rannald
McDonnald of
Keppoch that
he may be
allowed to
return home.

Acta, May
1636-Novem-
ber 1639.
Fol. 181, a.

Sederunt:—Chancellor; Treasurer; Glasgow; Winton; Galloway; Edinburgh, 10th January 1637.
Lauderdail; Lord Angus; Lord Alexander; Bishop of Galloway; Clerk Register; Advocate; Justice Clerk.

"The Lords of Secreit Counsell, according to ane warrand and direction in writt signed be the King's Majestie and this day presentit unto thame, receaved and admitted Thomas, Bishop of Gallouay,¹ to be one of the Privie Counsell of this kingdome, and to bruike and enjoy all the honnours, priviledges, digniteis and immunitieis proper and dew to that place. Lykeas the said bishop, being personallie present, and acknowledging with all due respect his Majesteis bountie and favour in preferring of him to this high place of honnour and dignitie, he with all due reverence upon his knees, his hand lying upon the holie evangell, made and gave the oath of alledgeance and of a privie counsellor. Followes his Majesteis missive for warrand of the act abonewritten:—
CHARLES R.—Right reverend father in God, right trustie and weilbelovit cousins and counsellors, right trustie and trustie and weilbelovit counsellors, we greit yow well. We, knowing the affection to our service of the reverend father in God, Thomas, Bishop of Gallouay, and for his better encouragement and enabling heerunto heerafter being willing to promote him to be one of our Privie Counsell of that our kingdome, it is our pleasure that, having caused administer unto him the oath accustomed in the like caises, yow receive him upon our said Counsell, admitting him as one of your nomber therein, for whiche these presents sall be your warrand. We bid yow farewell. From our honnour of Hampton Court, 28 December, 1636."

Thomas,
Bishop of
Galloway,
admitted to
the Council.

Fol. 181, b.

"Forsamekle as it is understand be the Lords of Privie Counsell that there is some appearance of trouble like to fall out betuix Andro, Lord Fraser, on the ane part, and Alexander Fraser of Phillorth on the other

Charge to
Andrew, Lord
Fraser, and
Alexander
Fraser of
Phillorth to
appear before
the Council
and meanwhile
to keep the
peace.

¹ Thomas Sydeserf was translated from the see of Brechin to that of Galloway in 1634. He was the only bishop who survived the troubles," and on the re-establishment of the Episcopacy at the Restoration he was appointed to the see of Orkney (1662).—Keith, *Catalogue of Scottish Bishops*.

part, anent the said Lord Fraser his armes sett up upon the kirk stile of Rathen, whilk the said Alexander Fraser hes covered and obscured with brods of timber, whiche will not faile to produce great inconvenients to the breake of his Majesteis peace and disquyeting of the countrie without remeid be provydit, thairfor the saids Lords ordains letters to be direct charging both the saids parteis to compeir personallie before the saids Lords upon the day of Februar nixt to underly suche order as sall be prescryved unto thame tuicheing the peace and quyet of the countrie, under the pane of rebellion, etc., with certification, etc.; and in the meane time to command and charge both the saids parteis to observe our soverane lords peace and to keepe good rule and quyetnes in the countrie, and that they, nor nane of thame, nor no others of thair causing, sending, hounding out whome they may stop or latt, presoomie nor take upon hand to invade or persew one another for whatsomever dead or occasion, and that they make no novation nor change of the saids armes, but suffer thame to stand in the forme wherein they ar presentlie, whilk the saids Lords give forder order thereanent, either of thame under the pane of ten thowsand merks; certifeing thame that sall doe in the contrare that they sall be decerned to have incurred and to incurre the said pane, and letters and executorialls sall be direct aganis thame for payment thairof to his Majesteis Tresaurer in his Majesteis name, and to his Majesteis use in forme as effeirs.”

Acta, May
1636-Novem-
ber 1639.
Fol. 181, b.

Edinburgh,
12th January
1637.

Sederunt:—Chancellor; Treasurer; Glasgow; Winton; Galloway; Lauderdaill; Lord Angus; Lord Binning; Lord Alexander; Bishop of Gallouay; Lord Naper; Deputy Treasurer; Clerk Register; Advocate.

Warrant to
Nicolas Briot
for the coining
of bullion.

“Forsamekle as the King's Majestie, having by a reference to the Lords of Privie Counsell committed unto thame and to thair trust and care the prosecution of the most behovefull and conduceable way to furnishe this kingdome with his Majesteis owne proper coyne, the saids Lords, according to the trust reposed be his Majestie in thame, kepted severall dyets concerning that bussines, which they having at lenth debated and considerit of the present necessitie and remedie of the same they found, after diligent inquisition, that there wes no knowne stocke within the kingdome whereby to make up and supplee the present skarsetie of his Majesteis coyne except the ordinarie bulyeoun, and what may arise by exchange of the dollers current within the same; quhereupon they, having callit before thame, Nicolas Briot, master coynner, and demanded him anent his abilitie to performe the same, the said M^r Briot undertooke in presence of the saids Lords to convert and reduce in his Majesteis coyne agreeable to his Majesteis standart all and whatsomever dollers, being of the fiftene drop weight, ten deneir and twelffe grayne fyne or abone, and pay backe to the parteis inbringers of the saids dollers fiftie foure shillings Scottish in his Majesteis coyne for everie ane of the saids

Fol. 182, a.

Acta, May
1638-Novem-
ber 1639.
Fol. 182, a.

dollers being of the weight and fynnesse foresaid, provyding alwayes and with expresse condition that his Majestie remitt and dispense unto him the benefite of the coynnage arising upon the saids dollers that sall be imbrought be exchange, as lykewayes that for avoiding the longsome toyle and chargeable expence whiche the receaved custome of working with the hammer doeth necessarlie draw with it, that he may be permitted to use a compendious and expedite way for coynning of the said bulyeoun and dollers with the milne and presse. Whiche proposition and overture thus made be the said M^r Briot for converting of the said dollers in his Majesteis coyne being heard and considerit be the saids Lords, and they conceaving that the same can import no prejudice to the countrie, but will greatlie further the intended increasse of his Majesteis coyne, and that his Majestie onelie is prejudged thereby of the benefite of his coynnage, wherewith he is pleased graciouslie to dispense for the ease of his subjects; and tuicheing the forme of working by the milne, the Lords being willing to take a tryell thairfor for a time, thairfor the Lords of Secreit Counsell, according to the power committed be his Majestie unto thame, ordains and commands the said Nicolas Briot, maister coynner, and therewithall gives full warrand, libertie and licence unto him to worke and coyne, with the milne and presse the bulyeoun presentlie payable, and all and quhatsoever dollers of the weight and fynnesse foresaid that sall be imbrought unto him by exchange, he paying backe in his Majesteis coyne to the partie imbringer fiftie foure shillings Scotish for everie ane of the saids dollers. And for the said M^r Briot his better enabling to performe this service, the saids Lords dispenses with his Majesteis benefite upoun the coynage till Witsonday nixt and exoners and releeves the said M^r Briot of all payment of the same, he alwayes remaining debtor and comptable to his Majesteis Tresaurer for his Majesteis dewteis payable for the bulyeoun, whiche quantitie of bulyeoun the saids Lords ordains the said M^r Briot to worke and coyne in the speces, and according to the proportion conteanit in the former contract past thereanent betuix his Majesteis said Tresaurar and the said M^r Briot and to worke the saids dollers that sall be imbrought be exchange in the particular speces, and conforme to the proportion and division of weight that sall be prescryved to him be the Erle of Traquair, Lord High Tresaurer of this kingdome. For quhilk purpose the saids Lords ordains and commands Charles Dickesone, graver of his Majesteis yrnies, to sinke and grave yrnies answerable to the particular speces conteanit in umquhill Thomas Acheson, maister of the mynt, his contract, and agreable thereunto in the impressions and circumscriptions thairfor with the change of his Majesteis name and pourtrait allanerlie in place of his umquhill fathers, according as the said Lord Tresaurer sall direct. And becaus the said M^r Briot is best skilled and experienced with the lyvelie impression and graving of his Majesteis effigie and pourtrait, thairfor the saids Lords ordains the said M^r Briot to concurre with and assist the said Charles Dickesone in the sinking and graving of the saids

Fol. 182, b.

yrnes, and to be ayding unto him in all and everie thing wherein his abilitie and skill sall be found requisite, for doing quhair of these presents sall be unto everie ane of thame respective ane warrand; commanding heirby the generall, maister and others officers of the Coynehous, everie ane in thair awne charge and station, to proceed and attend the working of the saids moneyes, as they will answer upon the contrare at thair highest charge and perrell. Lykesas the saids Lords declares that they will receave and make use of the said M^r Briot his ingyne and milne till Witsonday nixt allanerlie at quhilk time they will continue or discharge the same as upon tryell they sall find the good or evill thair of to require."

Acta, May
1636. Novem-
ber 1639.
Fol. 182, b.

Appointment
of a commis-
sion to revise
the trial of
Gilleroy
M^rInstalker.

"The Lords of Secreit Counsell nominats and appoints William, Lord Alexander, Sir James Carmichell, deputie Tresaurer, Sir Thomas Hope of Craighall, his Majesteis Advocat, and Sir John Hamilton of Orbestoun, Justice Clerk, to revise the tryell of Gilleroy M^cInstalker, and others prisouners in the tolbuith of Edinburgh, and to report upon Tuisday what they find provin be the depositions, to the effect the Counsell may give order for thair punishment as accords."

Anent a ship
of which
Robert
Anderson is
master.

"The Lords of Secreit Counsell remitts to George, Erle of Wintoun, to restraine or grant libertie to the ship of the Panns, quhair of Robert Hamilton is maister, and to the companie and equippage thair of as his Lordship upon tryell sall find caus."

Edinburgh,
12th January
1637.

[Sederunt as recorded above.]

Decreta,
April 1635-
February 1639
P. 274.

Complaint by
John Tosheoch
and his spouse
against Henry
Jackson, bur-
gess of Perth,
for hame-
sucken.

Complaint by John Tosheoch and Katherine Urquhart, his spouse, as follows:—The said John made a bargain in September last with Henry Jackson, burgess of Perth, regarding some malt, and gave to the said Henry a bond for £60, to be paid at Michaelmas last; yet the said Henry not only withheld the malt, but, under cover of this bond, came with Margaret Jackson, his sister, and others on last to the complainer's house in Perth, while they were absent in Edinburgh on their lawful business, and finding two servants in an outer room they bound one of them and then broke up the chamber doors, which were locked and the keys in the complainer's keeping, broke open "ane almerie and tooke furth thair of sex score dollers with silver worke and others being within the same worth three hundreth merks, brake up ane other kist quhair the compleaners haill abulyements wes, and tooke the same away, being worth ane thousand merks and above, with other household stuffe and furniture being thairin worth three hundreth merks; thairafter brake up ane other kist and tooke furthe thair of and out of the hous all thair plenishing, armor, bedding and what els wes within the hous, and so hes altogidder heryed and spoyled the compleaners and left thame nothing." Charge having been given to the said Henry and Margaret Jackson, and they and the complainers all compearing, the Lords, having heard parties and their witnesses, assoilzie the defenders

P. 275.

from the charge of violence and wrong, as the witnesses failed to prove such. But they remit the trial of the alleged spulzie of the goods to the decision of the Lords of Session; and ordain the pursuers to pay the witnesses, each horseman two dollars and each footman one.

"The quhillk day Johne Edzer of Wedderlie compeirand personallie for himselfe and his daughter, Richard Edzer of Newtoun compeirand with his soun, and Mersington being likewise personallie present, the saidis persons, with consent of the Lord Cranston for his interesse, who was also present, submitted judicially the tryell, redresse and reparatioun of the pretendit rapt of Jeane Edzer committed be Newton, his sone and Mersington, and what either partie sould doe to others to the Lord Binning and Bishop of Galloway, and to the decreit and sentence to be givin be thame thereanent."

"The Lords ordanis the Committee anent the mater of Leith to meit the morne at 9 of the cloke in the Laich Counsel Hous to consider the decreit givin concerning the Hospitall, to heare the parteis, and report upon Tuisday."

"A letter frome his Majestie anent the estat of Foulls. The Lords nominats the Treasurer, Erles of Galloway and Lord Lauderdaill, Lord Angus, Deputie Treasurer, and Advocat to meit the morne at ten of the clocke and to consider Colonell Monroes desyres and how the same may be legallie satisfied."

Sederunt:—Chancellor; Treasurer; Bishop of Glasgow; Lord Gallouay; Lauderdaill; Lord Angus; Lord Binning; Lord Alexander; Bishop of Edinburgh; Bishop of Gallouay; Deputie Treasurer; Clerk Register; Justice Clerk.

"Forsamekle as Robert M^cPhatrik Voir, ane commoun and notorious theefe, sornor and oppresser, and one of the principall actors with umquhill Patrik Gilleroy M^cGregour, and since his death with Johne Roy and Johne Dow Gair M^cGregours in all thair theevish and mischant deeds, having latelie repaired with the said Johne Dow Gair to the toun of Tulloch in Strathspey, where they wer ressett, hoorded and interteanned, as they have beene oft and diverse times before, by Johne Grant, alias M^cJokkie, in Tulloch, his twa sonnes and dawghter and the others persons underwrittin; they ar to say . . . they in the verie meane time of thair abode in the toun of Tulloch getting informatioun that umquhill Johne Stewart of Drumquhen, accompanied with some of his Majesteis peaceable and good subjects, wer neere by the said toun in the execution of some points of his Majesteis service, they fiercelie and cruellie sett upon the said umquhill Johne and these who wer with him, barbarouslie and inhumanelie slew the said Johne and Donnald M^cIlleith and hurt and woundit others of the said Johne his companie, and being thereafter apprehended he wes delivered to Sir Johne Grant of Frewchie, with whome and in whois companie he presentlie remaines. Quhairfoir

Decreta,
April 1635-
February 1639.
P. 275.

Sederunts,
January 1635-
November
1643.
Fol. 37, a.

Edinburgh,
12th January
1637.

Acceptance of
adjudicators in
a case of rape.

The Hospital
of Leith.

Anent Colonell
Monro.

Acta, May
1636-Novem-
ber 1639.
Fol. 183, a.

Edinburgh,
13th January
1637.

Charge to
Sir John Grant
of Frewchie to
present before
the Council
Robert
M^cPhatrik
Voir and other
rebels.

necessar it is for the better discoverie of all the mischeevous and wicked deeds of thir unhappie theeves and lymmars and of thair ressetts that the said Johne McPhatrick be exhibite before his Majesteis Counsell be the said Laird of Grant. And whereas the said Johne McJokkie his saids twa sonnes and dawghter, and the others persons foresaids ar and hes beene speciall ressetters and suppleers of the saids lymmars of the Clan Gregour, and they ar all tennents and servants to the said Laird of Grant and suche persons as he is obleist to answer for be the lawes of this kingdome, he aucht and sould exhibite thame to thair tryell, for quhilk purpose the saids Lords ordains letters to be direct charging the said Laird of Grant, in whois hands the said Robert McPhatrik presentlie remaines, and as maister and landslord to the remanent persons abonewrittin, to compeir, bring and exhibite with him the hail persons abonewrittin before the saids Lords upon the last day of Januar instant to the effect abonewrittin, under the pane of rebellion, etc., with certification, etc."

Edinburgh,
13th January
1637.

John McPhatrick
Vair.

"A letter to examine Johne MacPhatrick Vair upon suche interrogaturis as sall be sett to thame."

Sederunts,
January 1637.
November
1643.
Fol. 37, a.

Edinburgh,
16th January
1637.

Sederunt:—Chancellor; Glasgow; Bishop of Galloway; Advocate; Treasurer; Lauderdaill; Bishop of Edinburgh; President of the Session.

Commission
appointed to
enquire into
the state of the
colleges.

"The quhilk day there wes a commission under his Majesteis hand presentit and givin in to the Lords anent the visitatioun of the colledges of this kingdome, and anent the reforming of the abusses and disorders quhilks formerlie hes beene in the saids colleges and anent the presyrving of some rules and meanes how the rent and patrimonie of the saids colledges may be helped; quhairupon missives wer direct to the rectors, principalls and regents of the saids colledges for sending of thair commissioners heere instructed to informe the Lords anent the premisses."

Edinburgh,
17th January
1637.

Sederunt:—Chancellor; Treasurer; Wigtoune; Gallouay; Lauderdaill; Lord Angus; Lord Binning; Lord Allexander; Bishop of Edinburgh; Bishop of Gallouay; Lord Naper; Master of Elphinstone; Clerk Register; Advocate; Treasurer Depute; Justice Clerk.

Decreta,
April 1635.
February 1639.
P. 275.

Complaint by
Archibald
Blackadder,
brother of the
Laird of Tulliallan,
against
Alexander,
Master of
Elphinstone,
whom he
accuses of
illegally
procuring
sentence of

Complaint by Archibald Blacader, brother of the Laird of Tulliallan, as follows:—He is informed that he has been put to the horn at the instance of Alexander, Master of Elphinston, for not entering in ward within the tolbooth of Edinburgh for the alleged violent taking of one John Wilson from the Master of Elphinston, and not delivering him again. But the horning should now be relaxed because he has entered to ward as above and presently remains therein, so that he has satisfied that part of the charge. And the matter itself was decided for null

Decreta,
April 1636-
February 1639.
P. 276.

defence, he having never been lawfully charged, for if he had he would have appeared and stated many good reasons in his defence, viz.—That the said John Wilsone is the complainer's "man and servant, hes served him thir manie yeeres bygane and ressaved both hyre and wages frome him; and the said John haveing upon some occasion absented himselfe frome the compleaner and entered in service with the Earle of Carriect, he made lawfull requisition to the said Earle to delyver his man to him. And haveing lately entered in service with the said Maister of Elphinston, the compleaner, be vertew of the act of parliament made anent coalzeares and salters, did apprehend the said John, being his hyred man, and might have punished him as ane theefe if he pleased. And, last, this question being referred to the amicable decision of the Earles of Mar, Airthe, Perth, Wigtonne and the President of the Session, being convened at the burial of the Ladie Carnok for the tyme, it wes fund be thame that in respect of the requisition forsaid there wes no wrong done in takeing his awne man backe againe." Still he has found caution to appear before their Lordships this day and answer to anything the Master of Elphinston can lay to his charge, under the penalty of 1000 merks, and to pay 40 merks for his escheat if found liable therein. Charge having been given to the said Master of Elphinston, and both pursuer and defender compearing and having been heard, the Lords, conform to their former decree, ordain the said Archibald Blacader of new to be committed to ward within the tolbooth of Edinburgh and there remain until he deliver the said John Wilson to the Master of Elphinston, and until they release him; and the said John having been delivered, they suspend the horning.

horning
against him
for taking one
John Wilson
from the said
Master.

P. 277.

In the same action protestation was made by the said Archibald Blacader and Mr David Primerose, his prolocutor, that the delivery of the said John Wilson to the Master of Elphinston should in no way prejudice the civil action before the Lords of Session to be instituted by him for delivery of his man in terms of the act of parliament made in the year 1606, seeing the said John Wilson was only delivered to the Master of Elphinston in obedience to the decree of the Lords of Secret Council.

Protest by
Archibald
Blackadder
in connection
with the above
action.

Complaint by William Armestrang of Newlandhill, as follows:—In June, 1634, he was cited before their Lordships at the instance of Griffin Winkles of Harnam, Englishman, about some stolen nolt, and after he had long attended upon their Lordships, being conscious of his innocence, on his party withdrawing the prosecution, he was dismissed upon caution of 1000 merks for compearing upon due citation. "Notwithstanding quhairof some malicious persons have given up the compleaner in the rollis of the commissioners of the Middle Shyres for this and some other pretendit causes; quhilk is a mater verie uncouth and extraordinar that anie inferior judge should intermedle in ane processe depending before the Lords of Privie Counsell; in regard quhairof the saids commissioners aucht to be discharged of all proceeding in this

Complaint by
William Arm-
strong in
connection
with the affair
of the stolen
cattle of
Griffin
Winkles.
[See Index to
preceding vol
ume of the
Register.]

mater." Charge having been given to Robert, Earl of Nithidsdail; John, Lord Herries; Robert, Lord Kirkcudbright; Sir William Douglas of Cavers, Greirsone of Lag, Sir John Charteris of Amisfield, commissioners foresaid, and also to the said Griffon Winkles; and the pursuer compearing personally, likewise the said Griffon Winkles with Mr John Paip, his procurator, but not the said commissioners, the Lords, after hearing parties, discharge the said commissioners from proceeding against the pursuer in the particular of the said Griffon Winkells in respect of the caution found by the pursuer aforesaid.

Edinburgh,
19th January
1637.

Sederunt:—Chancellor; Treasurer; Glasgow; Winton; Wigtoun; Acta, May 1636-Novem-
Lauderdaill; Lord Angus; Lord Binning; Lord Alexander; ber 1639.
Bishop of Edinburgh; Bishop of Gallouay; Lord Naper; Master Pol. 183, b.
of Elphinston; Deputy Treasurer; Clerk Register; Advocate.

Order for the
apprehension
and presenta-
tion before the
Council of
John Dow
Gair and
others, accused
of the slaugh-
ter of John
Stewart of
Drumquhen.

"Forsamekle as umquhill Johne Stewart of Drumquhen, being upon the 25 day of December last in the execution of some charge and service concredite unto him aganis Johne Dow Gair and his complices, and the said umquhill Johne Stewart being informed that thir lymmars wer in the toun of Tulloch perteaning to the Laird of Grant, he made his addresse there of purpose to have apprehended thame and exhibite thame to thair tryell, but he, being betrayed be some of that unhappie clan who had promiseist and undertane to sett the said umquhill Johne upon thir lymmars, the said Johne Dow Gair, upon notice heirof givin to him, assembled to him the persons following; to witt, Johne Dow McGregour V°Patrik Duncane and James McGregours, his brether sonnes, Johne McAlaster McFinlay, his servant, Robert McJohne V°Patrik Voir in Kellichundane under the Laird of Weme and dwelling upon his lands of the Rannache, Johne Roy McCondochie there, Donnald McAlaster Vrich McKewane in Camselacht under the said Laird of Weme, Duncane McAlaster, his brother, there, Duncane McRobert Abrich in Sunmar under Sir Donnald Campbell of Ardnamurchane, Alaster Dow McGregour V°Patrik in Camselacht, Alaster McEanduy Voir there, Malcolme Our McCondochie V°Alaster, Alaster Sleaster in Tullich under the Laird of Grant, Johne and Patrik V°Jokkeis, his sonnes, there, Gregour Roy in Laragan under the Laird of Weme, Alaster Guirach in Aulich, Alaster Roy, sone to Gregour Roy in Laragan, Patrik McCondochie V°Eane Duy in Camsellacht, Neill McCondochie, his brother, Malcolme McGregour in Kinclachar, Patrik Doude McGregour V°Patrik in Tulloch, Johne and Alaster McAchyles, brether barnes to the said Johne McJokkie, who derved thameselffes and lurked in the said hous whill the said umquhill Johne came there and how soone they gott sight of him they sett upon him with shotts of hacquebutts and musketts, shott him through the thighes, brake his thigh bones, cutted aff his fingers, cutted aff his head and danced and made merrie about him a long time. Lykeas the saids hail persons dwelling in Leragan and

Acta, May
1636-Novem-
ber 1639.
Fol. 183, b.

Camsellacht ar tennents and servants to Sir Alexander Meinyeis of Weme and Meinyeis, his sone, and the said Duncane Abrich is tennent to the said Sir Donnald Campbell, and the remanent persons foresaids ar tennents and servants to the said Laird of Grant, dwellis upon thair lands and ar suche persons as they aucht and sould be answerable for be the lawes of the countrie and exhibite to thair tryell; thairfoir ordains letters to be direct charging the haille persons abonewrittin, committers of the cruell and barbarous murder foresaid personallie, if they can be apprehended, and failyeing thairfoir at thair dwelling places, if they anie have, and be opin proclamation at the mercat croce of the heid burgh of the shire where they dwell, to compeir personallie; as alsua charging thair maisters and landslords respektive foresaids to bring, present and exhibite thame before the Lords of Privie Counsell at a certane day to underly suche order for the cruell murder foresaid as the saids Lords sall thinke fitting, under the pane of rebellion, etc., with certification, etc."

Fol. 184, a.

Decreta,
April 1635-
February 1639.
P. 278.

Sederunt :—Chancellor; Treasurer; Glasgow; Mar; Wintoune; Wigtoune; Gallouay; Lord Angus; Lord Binning; Lord Alex-
ander; Bishop of Edinburgh; Bishop of Gallouay; Bishop of Brechin; Lord Naper; Advocate; Deputy Treasurer; Justice Clerk.

Edinburgh,
24th January
1637.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and David Kinmonth, *alias* Loure, in Woodwrae, and John Wobster, younger, there, as follows :—Though the carrying of hagbuts and pistolets has been often prohibited by the laws of this kingdom, yet on Gilbert Wishart of Polgarrok and John and Patrick Wishart, his sons, armed with these and other weapons, came to the lands of Polgarro, which are possessed by the said John Wobster, and pursued him for his life with a lance. When the man fled to his house for safety, "at the entrie of the doore they woundit him on the wombe to the effusioun of his blood, held in a gun at the window, and by sic greivous oppressions forcit him to leive his roume. Lykeas upon the day of July last the said Patrick, perceaveing the said David and his wyffe comeing rydeing behind him frome Dundie, he shot at thame with ane gun, and misseing thame killed ane dog. And thairafter he come in to the compleaners duelling hous about ten hours at night and shot ane gun in at thair window to have [killed] him thairwith. And upon the 22 of November last the said Patrick come to the parish kirk of Aberlemno with twa pistolets of purpose to have killed the compleaner thairwith, were not by Gods providence he escaped." The pursuers compearing, but not the defenders, the Lords, after hearing the depositions of certain witnesses produced in the case, find that the said Patrick Wishart has worn hagbuts and pistolets and shot with them the time libelled, and for this they ordain him to be charged to enter within ward in the

Complaint by
David Kin-
month *alias*
Loure, in
Woodwrae,
against Gilbert
Wishart of
Polgarrok and
others for
assault.

P. 279.

tolbooth of Edinburgh within six days, and there remain upon his own charges until they take order with him anent this complaint, upon pain of horning.

Decreta,
April 1635-
February 1639
P. 279.

Complaint by John Walkinshaw and others against James Weir of Kirkfield for intermeddling with the estate of Janet Walkinshaw, kinswoman of the complainers.

Complaint by John Walkinshaw, burgess of Glasgow, Mr John Walkinshaw of Garturke, and Mr James Walkinshaw, his brother, as nearest of kin of the deceased James Walkinshaw, burgess of Glasgow, and William Baillie of Carphin and James Baillie of Parke, as nearest of kin of the deceased Baillie, widow of the said deceased James, as follows:—After the death of the said James Walkinshaw, his said widow married James Weir of Kirkfield, but died soon afterwards, leaving a daughter by her former husband, called Janet Walkinshaw. This daughter has been in the keeping of the said James Weir for past, and during this time he has medled with her whole means and estate. She is now thirteen years of age, and the complainers are informed that he intends by some indirect means to obtain himself or some of his friends to be chosen her curators, and so to possess himself not only of her estate, but also to dispose of her person without the knowledge or consent of the complainers, her nearest kin. This is both contrary to the law of the country and will be the undoing of the poor pupil. Charge having been given to the said James Weir to compare and produce the said Janet, and all the pursuers, except John Walkinshaw, comparing, but the defender neither appearing nor producing the damsel, the Lords ordain the defender to be put to the horn for his contempt, but supersede the outgiving of the letters until 9th February next, which day they have assigned to the said James Weir “for exhibition of the said Jonet in that estate she is in presentlie unmarried or without haveing curators chosin be her.” The Lords further declare that this decree shall not prejudice the lawful defences to be proponed by the defender against the desire of the pursuers on that day.

Supplication by John Montgomerie of Cokilbie and others for a prolongation of the license to collect contributions for the erection of a harbour and quay at Portpatrick.

Supplication by John Montgomerie of Cokilbie, Mr James Blair, minister at Portpatrick, and Thomas Dunlop, writer in Edinburgh, commissioners appointed by their Lordships for ingathering the contribution for making and erecting “of ane key and harbour at Portpatrick,” as follows:—“His Majestie being informed, alsweele by petition frome the inhabitants of Portpatrick in this kingdome and Donaghodie and adjoyneing parts in Ireland, as by the relation of diverse of the nobilitie and gentrie of both kingdomes, that Portpatrick, being the cheefe passage, not onelie for all that trade betuix this kingdome and Ireland bot for all that travell frome anie place of England to the north of Ireland, is altogidder destitute of ane harbour and key, so as in stormes thair is no releiffe bot by hailling thair boats to the shoare, to the great danger of his Majesteis subjects and discouragement to suche as travell there,” their Lordships, by a warrant in writing from the King, recommended the accomplishment of this work to a general contribution within the kingdom, and by their act, dated 15th December, 1635, appointed the supplicants to be collectors thereof. For the past year they have

P. 287.¹
[¹Omitted at its proper place in the Register.]

Decreta,
April 1635-
February 1639.
P. 287.

diligently and earnestly dealt with the noblemen, presbyteries and burghs of this kingdom at considerable labour and expense, but have come only "small speid and hitherto have gottin nothing bot faire promises frome some." The time of their commission is now expired, and, unless their Lordships renew it, their efforts will have been in vain and the design thereof will be frustrated. The Lords continue the commission until 1st January, 1638.

Acta, May
1636-Novem-
ber 1639.
Vol. 184, a.

Sederunt :—Chancellor; Treasurer; Glasgow; Mar; Wigton; Edinburgh, Gallouay; Lord Angus; Lord Binning; Lord Alexander; Bishop of Gallouay; Bishop of Brechin; Lord Naper; Deputy Treasurer; Clerk Register; Justice Clerk.

"The whilk day Johne Gordoun, appearand of Ardlogie, compeirand personallie before the Lords of Privie Counsell, the saids Lords ordains him to attend upon the Lords Chancellor and Tresaurer anent suche things as they sall inquire at him and ordains thame to report upon Tuisday what they find concerning him."

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie M^r Williame Wallace of Cambuscestane, and produced and exhibite before the saids Lords ane gift under his Majesteis privie seale, bearing date at Hampton Court, the 26 day of December last, by the quhilk his Majestie wes graciouslie pleased for the reasons conteanit in the said gift to make and constitute the said M^r Williame Wallace during all the dayes of his lyfetime or *ad culpam* shireff depute of the shirefdome of Edinburgh principall, with the honnors, prerogatives, immuniteis, fees and casualiteis belonging to the said office or quhilk sall be knowne heerafter properlie to belong thereto, als freelie in all respects as if the saids honnours, fees, benefites and others foresaid wer ingrossed and insert word be word therein, as the said gift of the date abonewrittin and conteaning ane discharge to all others frome using and exercing the said office, under all highest pane and as they will answer on the contrare, beris. Quhilk being read, heard and considerit be the saids Lords, and they acknowledging the choise made be his Majestie of the said M^r Williame Wallace for the said office, thairfoir they received and admitted him to the same office; lykeas the said M^r Williame, being personallie present, accepted the said office in and upon him and gave his great and solemne oath for discharge of the same faithfullie, diligentlie and honestlie"

Fol. 184, b.

"Anent the supplication presentit to the Lords of Secreit Counsell be Lieutenant Colonell James Henderson, now resident in Germanie, lawfull sone to umquhill Sir James Henrysone of Tinnegask, knight, makand mention that where he hes remained this long time bygane out of this kingdome in the warres, and is purposed to make farther residence abroad, whereanent necessar it is to him to have ane testimoniall of his lawfull birth and genealogie thairof, he hes purchast ane testificat frome

John Gordon,
apparent of
Ardlogie.

Mr William
Wallace of
Cambuscestane
appointed
sheriff-depute
of Edinburgh.

Supplication
by Lieutenant
Colonel James
Henderson,
now resident in
Germany, that
the Lord
Chancellor
may append
his seal to the
certificate of
his birth.

his narrest and speciall kinsmen and freinds who best knowes the veritie of the same, humbelie desyring thairfoir the saids Lords to give command to the Director of the Chancellarie and to the Keeper of the great seale in maner and to the effect underwrittin, lykeas at mair lenth is conteanit in the said supplication, quhilk being read, heard and considerit be the saids Lords, and they weill advised therewith, the Lords of Secreit Counsell ordains and commands the director of his Majesteis Chancellarie and his deputs to write the said certificat to the great seale and the Lord Chancellor and his deputs, keepers of the said seale, to append the same thereunto, quhereanent thir presents sall be to thame ane warrand."

Acta, May
1636-Novem-
ber 1639.
Fol. 184, b.

Edinburgh,
26th January
1637.

[Sederunt as recorded above.]

Decreta,
April 1635.
February 1639.
P. 280.

Complaint by Euphemia Scott, widow of Mr Oliver Sinclair, commissary of Lauder, against Margaret Erskine and others, whom she accuses of hamesucken at the instance of Francis Wilkieson, commissary clerk in Lauder.

Complaint by Eufame Scot, widow of Mr Oliver Sinclair, commissary of Lauder, as follows:—Francis Wilkiesone, commissary clerk there, has causelessly conceived a deadly hatred against her, and being ashamed in his own person to execute his plot he concerted with Margaret Areskyne, Bessie Tait, Alison Raithe, Christian Corbe, and Jonet Plandergist to do so, "quhilk they franklie undertooke. And upon the 2 of Januar instant they come by way of hamesucken under cloud and silence of night to the compleaners duelling hous in Lauder, quhair she and there familie were going to thair beds and, haveing violentlie entered in the hous, they patt hands in the compleaner, rugged and drew her up and doune the hous, and then fastened thair hands in the haire of her head, forcible drew her out of the hous be thair gripe of her haire, rugged her up and doune the street frome the one port to the other, buffet, strake and dang her with thair hands and feit and so benamed her with the shedding of her blood in great quantitie that she wes tane to her hous as a deid persone be some of her neichboures, and hes lyne bedfast in great paine and dollor sensyne." Charge having been given to the said Francis Wilkiesone, Margaret Areskyne, his spouse, Bessie Tait, his servant, Cristian Corbe and Janet Plandergest, and the pursuer comparing personally, also of the defenders, Francis Wilkiesone for himself and his wife, but none of the others, the Lords, after hearing parties and witnesses, find that the said Margaret Areskyne and Bessie Tait came to the complainer's house the time libelled, "and rugged and drew her be the haire of her heid and pulled the same out of her heid"; and for this "verie" barbarous insolence they fine Margaret Areskyne £100, to be paid to the complainer; and they ordain the bailies of Lauder to commit her to ward in the tolbooth of Lauder until she pay this fine. They also ordain the said bailies to apprehend the said Bessie Tait, and "putt her fast in the joggs on a mercat day thairin to remaine during the tyme of the mercat." They, however, assoilzie Francis Wilkiesone, as nothing was proved against him.

P. 281.

Decreta,
April 1635-
February 1639.
P. 282.

Supplication by the provost and bailies of Dundie, as follows :—They are heavily troubled with the transporting of rebels from the north to the south, being obliged to convey them to the burgh of Cowper, where they must attend the Sheriff of Fyffe, frequently for a day or two, or else carry them to Bruntiland. Thus a burden is put upon them which no others in their position in the country underlie, for they are only tied to serve his Majesty within their own bounds and jurisdiction. They crave that in future they may be obliged to convey these rebels no further than the other side of the water, and that the Sheriff of Fife meet them there. The Lords think their desire reasonable and grant that in future they shall only be required to convey the rebels to the south side of the water, where the Sheriff of Fife or his deputes shall be obliged to receive them from their hands ; but they are to give lawful warning to the said sheriff and his deputes to meet them.

Supplication
by the magis-
trates of
Dundee anent
the transport-
ing of rebels
from the north
to the south.

In presence of the Lords compeared Sir Robert Bruce of Clackmannan with Annable Bruce, his second lawful daughter, spouse to William Halliday of Tulliboll, on the one part, and the said William Halliday, on the other, and they both declared that they had taken up the letters and complaint raised by them against the said William, and that a contract had been entered into between them, to which they craved that their Lordships would interpone their authority and permit the same to be registered in their Books. The Lords, having seen the contract, grant what is craved, and the contract is registered and is to the following effect :—At Edinburgh, 26th January, 1637, it is agreed between Sir Robert Bruce of Clackmannan and Annabell Bruce, his second lawful daughter, spouse of William Halliday of Tullivol, on the one part, and the said William Halliday, on the other, narrating that the said William and Annabell, by the advice of certain of their good friends, had resolved not to cohabit longer, but to remain separate, and arranging that the said Annabell shall receive 900 merks of yearly rent for her support, viz., the rents of the following lands belonging to the said William and possessed by his tenants and vassals, who are to pay the same to her, that is to say, John Baverage, feuar of the half of Brachter, 100 merks ; Robert Angus for the lands of Eistsyde, 100 merks ; James Anderson for the lands of Golan, 100 merks ; John Anderson for his lands of Nether Carupo, 100 merks ; Matthew Baverage there, 100 merks ; James Wilsone there, 50 merks ; Andrew Greive and David Kirk there, equally between them 50 merks ; Patrick Hutson in Kilduff, 20 merks ; David Dempster, 20 merks ; Andrew Blackwood there, 40 merks ; Adam Wilson, elder and younger, there, 40 merks equally between them ; Robert Huton there, 20 merks ; Yong, widow, there, 20 merks ; James Hukan, Patrick Duncan, and Thomas Baverage, each of them 10 merks for the lands of Whorlawhill ; Janet Hutsone and William Browne there, 10 merks equally between them ; and Henry Yong for Bankhead, 100 merks ; which sums of money represent the rents of the said lands, and for payment thereof the said William Halliday assigns

Contract
between
William Halli-
day of Tulliboll
and Annabel
Bruce, his
spouse, who
have agreed
not to cohabit.

and disposes the said lands to the said Annabell Bruce, under reservation of the kains, customs and other duties, other than the feu rents, during the said separation. Further, he obliges himself, personally or by his bailie, to hold courts if necessary on eight days' warning from the said Annabell to compel payment thereof. Both parties renounce all action of adherence against each other until they give their own mutual consents. In case of the death of the said William Halliday, or of divorce through his default, it is provided that her acceptance of the above assignation shall not hinder her enjoyment of the jointure lands and others provided to her by their contract of marriage, and that she shall have right to her whole abulizaments, jewels, ornaments of her body and her coffers. Further, the said William obliges himself to pay all debts contracted by her prior to Martinmas last, particularly those due to Patrick Kingorne, burgess of Dunfermline, and Margaret Foster, his spouse, and to Chalmer, "chopman in Allouay," but provided the whole of such debts do not exceed £100 Scots. It is also agreed that, if a divorce be obtained between them in the default of the said Annabell, this contract shall become null and void. The contract, which was written by John Sempell, W.S., is attested by Mr Alexander Colvill, Justice Depute, Michel Elphinstone of , and Mr John Callendar, servitor to James Primerose, Clerk to the Privy Council, so far as the signature of Sir Robert Bruce and his daughter are concerned, while Robert Drummond of Medop and James Guthrie, writer, are witnesses to Tulliboll's subscription.

Decreta,
April 1635-
February 1639.
P. 284.

Edinburgh,
28th January
1637.

David Seton
and the Laird
of Banff.

The Hospital
of Leith.

"The quhilk day David Seatoun, servitour to the Laird of Fendracht, compeirand before the Counsell, craved thame pardon for the wrong done be him to the Laird of Bamff, in regard quhair of the Lords ordanis him to be putt to libertie."

Sederunt,
January 1635-
November
1643.
Fol. 37, b.

"The Lords ordanis the Treasurer and Bishop of Edinburgh, and, failyeing of the said Bishop, the Bishop of Galloway, to consider the decret anent the Hospitall of Leith, and to report.

Edinburgh,
31st January
1637.

Sederunt: — Chancellor; Treasurer; Glasgow; Mar; Winton; Gallouay; Lord Angus; Lord Lorne; Lord Binning; Lord Alexander; Bishop of Gallouay; Lord Naper; Deputy Treasurer; Clerk Register; Justice Clerk; Advocate.

Acta, May
1636-Novem-
ber 1639.
Fol. 134, b.

Supplication
by the noble-
men, barons,
and gentlemen
of the sheriff-
dom of
Wigtown for
licence to levy
a contribution
for the build-
ing of a bridge
over the Dee.

"Anent the supplication presentit to the Lords of Secreit Counsell be the noblemen, barons and gentlemen within the shirefdome of Wigtoun, makand mention that where there is a verie great necessitie of building ane bridge upon the water of Dee in Galloway, whilk being in the ordinarie hieway frome Edinburgh and others parts in the East towards Galloway and others parts in the West, and often times the waters being verie impetuous almost everie other yeere some two or three drownes in the said water for laike of ane bridge, whiche being ane pious worke and of great necessitie for the preservation

Acts, May
1636-Novem-
ber 1639.
Fol. 184, b.

of the lyffes of his Majesteis subjects, and thair more easie passage for commerce and trade, humbelie desyring thairfoir the saids Lords to grant unto the saids supplicants thair letters of recommendation in maner and to the effect following, lykeas at mair lenth is conteanit in the said supplication. Quhilk being read, heard and considderit be the saids Lords, and they advised therewith, the Lords of Secreit Counsell hes recommendit, and be the tennor heirof recommends the necessitie of bigging the bridge abonewrittin and of ane voluntarie contribution toward that effect to all noblemen, prelats, barons and gentlemen, and others his Majesteis subjects to burgh and land and to all synods, presbyteries and sessions of kirks, burrowes, touns and villages within the kingdome, requesting and desyring thame and everie ane of thame to extend suche proportion of thair charitie toward the bigging of the said bridge as the nature of so pious and necessar a worke doeth require, and to deliver the same to Alexander Stewart of Fisgill, Alexander Stewart of Baryrennan, Hew Ros, writter to his Majesteis signet, and Johne Edyer, merchant burges of Edinburgh, or anie of thame, whome the saids Lords hes appointed to be collectors of this contribution, and who ar to have bookes marked be the Clerk of Privie Counsell wherein the saids collectors sall insert the names of the contributors and soumes of money contribute be thame, and sall exhibite the saids bookes before the Lords of Privie Counsell upon the first Counsell day of Marche, 1638, and give thair solemne oathes that they have truelie insert in the saids bookes the whole soumes receaved be thame, and omitted no part furth of the same. This recommendatioun till the first of Marche, 1638, but revocation to indure."

Sederunts,
January 1635-
November
1643.
Fol. 38, a.

"The Lords, having heard the report made by the Treasurer and ^{Edinburgh} Bishop of Galloway anent the decretit givin concerning the Hospitall of ^{31st January} 1637. Leith and extent thairfoir, the Lords finds that the bund of j^m merkes ^{Anent the} grantit be Sir Johne Seatoun of S^t Germans to David Robertsons, withe ^{Hospital of} the hail soumes of money found in the coffer, falls under and within the said decretit, and that Thomas Dawline hes right to the same; and ordanis the Advocat, after hearing of the parteis, to forme and extend the said decretit and to provide for securitie of both parteis for what they ar to performe to others."

Decreta,
April 1635-
February 1639.
P. 287.

Sederunt:—Chancellor; Glasgow; Mar; Wintoune; Gallouay; ^{Edinburgh,} Lauderdaill; Lord Angus; Lord Binning; Lord Allexander; ^{2nd February} Bishop of Brechin; Lord Naper; Clerk Register; Advocate; Treasurer Depute; Justice Clerk.

Supplication by Alexander Leslie, lawful son of Mr George Leslie in Supplication
, as follows:—"There being a tryst drawne on betuix M^r James ^{by Alexander} Clerk of Tullichortis and the supplicants father for setling some questions ^{Leslie that Mr} betuix thame in the burgh of Aberdene, the said M^r James come behind ^{James Clerk of} the supplicants backe and with ane drawne suord strake aff ane great ^{Tullichortis be} ^{ward in the} ^{Tolbooth of} ^{Aberdeen, as}

the supplicant is not likely to recover from a wound inflicted on him by the said James.

part of his harnepan more as the bred of ane doller, quhilk made him fall deid to the ground." He has been under the care of the whole surgeons of Aberdene for the past fourteen days, and yet there is no hope of his life, as a certificate from them bears. Notwithstanding hereof the supplicant is informed that the said Mr James has procured a warrant from their Lordships for his liberation from the tolbooth of Aberdene, or that the bailies shall exhibit him before their Lordships, which is only for the same purpose, and he therefore craves that their Lordships will ordain the provost and bailies of Aberdene to keep the said Mr James "in sure firmance within thair tolbuith" until the supplicant be convalescent. The Lords, having seen the testimonial signed by Thomas Cargil, Hercules and James Guthrie, surgeons, burgesses of Aberdene, certifying that the supplicant is more likely to die than recover from the stroke foresaid given him, grant the supplicant's desire.

Decreta,
April 1635-
February
1639.
P. 287.

Complaint by Mr Gavin Dunbar, chanter of Murray, and his son against Thomas Dunbar of Boghall and others for postponing the trial of the complainers, on a charge which has been brought against them by the said Thomas Dunbar.

Complaint by Mr Gavin Dunbar, chanter of Murray, and Mr Alexander Dunbar, his eldest lawful son, as follows:—There is a criminal pursuit most maliciously raised against them before the Justice by Thomas Dunbar of Boghall, Isobel Fraser, and Bessie Dow, daughter of the deceased John Dow, for the slaughter of the said deceased John committed by the supplicants, who for clearing of their innocence applied for and obtained from their Lordship a diet of precognition on 8th November last. This diet the supplicants and their witnesses kept precisely, notwithstanding the unseasonable time of the year, the difficulty of travelling and the long distance they had to come, and they were prepared to go on, when their party by Mr Thomas Nicolsone, their procurator, applied for a continuation until the 2nd day of February. The supplicants and their witnesses have now "with double charges, turmoyle and trouble come heir to keepe this second diet, both to the hazard of thair lyves in respect of the present storme"; and they now understand that the said procurator has on Thursday last, the 26th, applied for a further continuation until 2nd March, and this simply on the ground that he is warded in the tolbooth of Edinburgh for civil debts; which he alleges also has been done by his creditors at the instigation of the supplicants. This is very far from the truth. Indeed, if he can make this good they are content to take upon them the guilt of the crime laid to their charge. Their Lordships will thus see the intention of their party, which is "bot to clothe and cover the meanes of discoverie of the truthe and to wearie and wracke the supplicants with idle, unjust and unnecessar delayes, quhilk in short tyme will eat up a great [part] of the supplicants meane estat." His petition might seem to carry some weight if he had made intimation to the supplicants before they were at the trouble of coming to this burgh, but no intimation was made until Sunday last at night, when they were all come to this burgh. "The supplicant is a minister having the charge of fyftene children alyve, with a number of servants," and should not in reason be undone by the means and procurement "of suche whose bypast lyffe and

P. 289.

Decreta,
April 1635-
February 1639.
P. 289.

conversatioun is so irregular and weelee knawin in the countrey." They therefore crave that the precognition be taken now. Charge having been given to the said Thomas Dunbar and Bessie Dow, and they and the supplicants both compearing, the Lords, having heard parties, remit the trial of the case to his Majesty's Justice and his deputes, as only competent judges thereto, and appoint the 10th of March for the trial; ordaining the Justice and his deputes to take new caution for compearance of parties that day.

Acts, May
1636-Novem-
ber 1639.
Vol. 185, a.

Sederunt:—Chancellor; Treasurer; Glasgow; Mar; Winton; Edinburgh,
Gallouay; Lord Angus; Lord Lorne; Lord Alexander; Bishop ^{7th February}
of Gallouay; Bishop of Brechin; Lord Naper; Clerk Register;
Advocate; Justice Clerk.

"Anent our soverane lords letters raised at the instance of Sir Thomas Hope of Craighall, knight baronnet, advocate to our soverane lord for his Majesteis interesse, makand mention that where albeit the ressett, supplee and intercommouning, the furnishing of meate, drinke, harberie, powlder, leade and lunt to the rebellious and brokin theeves of the Clan Gregour and others brokin clans in the Hielands hes beene diverse times and by manie acts and proclamations made and published heertofore straitlie prohibite and discharged under certane panes mentiouned and conteanit in the saids acts, especiallie in the moneths of, etc., at the least in one or other of the saids moneths, Johne Grant, fear of Ballindallach, Johne Steuart of Innerchynnachin, Alexander Gordoun of Tillihuntlie, Alaster Bayne M^cAbroch there, Patrik Grant *alias* M^cOnill M^cAlaster in Glenbrow, hes ressett, suppleed and intercommouned with the brokin lymmars foresaids, hes furnished unto thame meate, drink, hous, harbarie, powlder, lead and lunt, and all others things necessar and comfortable unto thame, hes keeped and keepes intelligence with thame be word, writt and message, and so not onelie encourages thame to continue in thair theevish doings, but gives example to others to show the like confort to brokin theeves and lymmars; and anent the charge givin to the persons particularlie abone compleanit upon to have compered personallie before the Lords of Privie Counsell this present day to have answered upon thair said ressett, supplee and intercommouning and to have heard and seene suche order tane thereanent as the saids Lords sould thinke meit, under the pane of rebellion and putting of thame to the horne, with certification to thame and they failied letters sould be direct *simpliciter* to putt thame thereto, lykeas at mair lenth is conteanit in the saids letters, executions and indorsations thairof; quhilks being callit and the saids Johne Grant, appearand of Ballindalloch, Johne Stewart of Innerchynnachin and Patrik Grant compeirand personallie. and the saids Alexander Gordoun and Alaster Baine M^cAbroch being oft tymes callit and not compeirand, the Lords of Secreit Counsell ordains letters to be direct charging officers of armes

Order anent
certain persons
who have
ressett
broken men
and supplied
them with
weapons and
ammunition.

Fol. 185, b.

to pas and denunce the saids Alexander Gordoun and Alaster Bayne our soverane lords rebels and putt thame to the horne, and ordanis the parteis present to remaine within the burgh of Edinburgh till they be fred and releevd be the saids Lords." Acta, May 1636-November 1639. Fol. 185, b.

Order anent the Laird of Grant and certain rebels for whom he is responsible.

"Anent our soverane Lords letters direct, makand mention forsamekle as Johne M^cPhatrik Voir, ane commoun and notorious theefe, sorner and oppresser, and one of the principall actors with umquhill Patrik Gilroy M^cGregour, and since his deceasse with Johne Roy, his brother, and Johne Dow Gair in all thair theevish and mischant deids, having lailtie repaired with the said Johne Dow Gair to the toun of Tulloch in Strathspey, perteaning to the Laird of Grant, where they have had thair most frequent starting holes this long time bygane, hes beene ressett, hoorded and interteanned there be Johne Grant, *alias* M^cJokkie, Patrik, Johne and Duncane M^cJokkeis, his sonnes, Grant, his wife, Issobell Grant, his daughter, Alaster Beg M^cJokkie, brother to the said Johne, Alaster M^cDuncane M^cHomish there, Patrik Dow M^cGregour there, Johne Buy M^cGrassich in Rihallach, Alaster and Johne, his sonnes there, the said Johne M^cPhatrik the time of his abode in the said toun of Tulloch with the said Johne Dow Gair, getting privie advertisement that umquhill Johne Stewart of Drumquhen, accompanied with some of his Majesteis good subjects, was neere by the said toun in the execution of some pcints of service committed to him, they cruellie sett upon the said Johne and those who wer with him, and, after a long conflict betuix thame, they barbarouslie, cruellie and inhumanelie slew the said umquhill Johne and Donald M^cIlleith, and hurt and woundit others of the said Johne his companie, and in this conflict the said Johne M^cPhatrik Voir was hurt himselfe so as he could not escape, and was apprehended and delivered to the Laird of Grant, with whome he presentlie remaines, quhairfoir necessar it is for discoverie of the mischant deeds of thir unhappie lymmars and of thair resettters that the said Johne M^cPhatrik be exhibite before his Majesteis Counsell to be examined and tryed as accords. And whereas the said Johne Grant, *alias* M^cJokkie, his said wife and barnes and remanent persons particularlie abonewrittin, inhabitants within the toun of Tulloch, ar and hes beene this long time bygane speciall and avowed ressettters, suppleers and furnishers of the saids brokin lymmars in all things necessar, and comfortable to thame, and ar tennents and servants of the said Laird of Grant he aucht and sould lykewayes exhibite thame to be examined and tryed as accords. And anent the charge givin to the said Johne M^cJokkie, his said sonnes and daughter, and remanent persons abonewrittin, indwellers in Tulloch, and the said Laird of Grant, to have compeired personallie, and the said Laird of Grant to have brought and exhibite the said Johne M^cPhatrik Voir and the others persons foresaid, his tennents, before the Lords of Privie Counsell this present day to the effect abonewrittin, under the pane of rebellion and putting of thame to the horne, with certification to thame and they failyied letters sould be direct *simpliciter* to putt thame thereto, lykeas at mair

Fol. 186, a.

Acta, May
1636-Novem-
ber 1639.
Fol. 186, a.

lenth is conteanit in the saids letters, executions and indorsations thair of quihilks being callit and his Majesteis Advocat compeirand personallie for his Majesteis interesse, and the said Laird of Grant being lykewayes personallie present, who in obedience of the charge exhibite before the saids Lords the saids Johne M^cJokkie, Johne Dow, his sone, Alaster M^cJames V^cJokkie, Alaster M^cConnochie V^cThomas Grassich, Johne M^cJohne Gowy, Alaster M^cJohne Gwy and Patrik Dou M^cGregour, and produced ane testimoniall for the said Patrik M^cJokkie under the hand of M^r William Watson, minister at Duthell, testifeing upon his conscience that the said Patrik was lying sicke of a fever, and the saids Issobell and Duncane Grants and Grant, thair mother, being oftymes callit and not compeirand nor yitt exhibite be the said Laird of Grant conforme to the charge, the said Laird of Grant, tuicheing that point of the charge anent the exhibition of Johne M^cPhatrik Voir, declared that before he receaved the charge the said Johne wes hanged, there being no possibilitie of exhibition of him in regarde of his wounds, and alsua declared that before the execution of the said Johne he had givin order to M^r Coline M^cKeinyie, minister at Tulloch, to examine him, but had not sett doun his depositions in writt, nather had he examined the said Johne himselve; quhilk declaratiouns, with others the reasons and allegatiouns of the said Laird of Grant being heard and considerit be the saids Lords, and they advised therewith, the Lords of Secreit Counsell finds and declares that the said Laird of Grant hes not satisfied the charge for exhibition of the said M^cPhatrik Voir and M^cJokkeis younger sone, his wife and daughter, and that he hes execute the said M^cPhatrik Voir without a lawfull warrand, for quhilk contempt and neglect of duetie the saids Lords ordains him to be committed to waird within the castell of Edinburgh, therein to remaine upon his owne expenses till he be orderlie releaved; and ordains the persons abonewrittin exhibite be the said Laird of Grant to be committed to waird within the tolbuith of Edinburgh till they be examined and tryed as accordis. For quhilk purpose the saids Lords nominats Archibald, Lord of Lorne, Williame, Lord Alexander, Archibald, Lord Naper, his Majesteis Advocat, Justice Clerk and Justice deputs, not excluding anie of the Counsell who pleases to attend, to meit the morne at eight houres, and to examine the saids persons upon suche interrogators as they sall thinke fitting."

Fol. 186, b.

Decreta,
April 1635-
February 1639.
P. 290.

[Sederunt as recorded above.]

Edinburgh,
7th February
1637.

Complaint by Barbara Rait, widow of George Kentie, at the Mill of Gourds, as follows:—On 15th January last William Gordon of Brodland, as principal, and Alexander Gordoun of Johnleyis, as cautioner, were put to the horn at her instance for non-payment of 1000 merks of principal, 300 merks of expenses, and interest due thereupon; but they remain at the horn unrelaxed and pay no heed thereto. The pursuer compearing by Mr Robert Petrie, agent, but not the defenders, the

Complaint by
Barbara Rait
against
William
Gordon of
Brodland and
Alexander
Gordon of
Johnleyis
for contempt
of hornings.

Lords ordain the latter to be charged to render their houses and enter personally into ward within the Castle of Blacknes within fifteen days, upon pain of treason. Decreta,
April 1635.
February
1639.

Complaint by Robert Booke, weaver, indweller in Glasgow, and the magistrates of Glasgow against George Stirling and others for assault.

Complaint by Robert Booke, weaver, indweller in Glasgow, and the provost and bailies of Glasgow for their interest, as follows:—George Stirlime, younger in Achinloch, John Provane there, and John M^cCulloh in Chrystoun, having conceived a deadly hatred against the said Robert, resolved to take his life. Understanding that the said provost and bailies had employed him to be upon their watch for guarding that part of their town called the Rottounraw on 13th January last, they lay in wait for him that night, and about twelve o'clock they assailed him at unawares with drawn swords and whingers, wounded him in several parts of his body, mutilated him of his hand, and left him for dead. The pursuers compearing by John Andersone, bailie of Glasgow, as their procurator, and John Provane and John M^cCulloh also compearing, but not George Stirlime, the Lords, after hearing parties and witnesses, assoilzie the said John Provane and John M^cCulloh, as nothing was proved against them, but they ordain George Stirlime to be put to the horn and escheated.

Mr James Baillie made justice of peace in Lanark.

"The quhilk day M^r James Baillie of , doctor of the lawes, wes added to the justices of peace in Lanerk."

Justices of Peace, 1612-1639.
Fol. 71, b.

Commission appointed to examine the seven persons delivered by the Laird of Grant and now in the Tolbooth.

"The Lords nominats the Lords of Lorne, Alexander and Naper, the Advocat, Justice Clerk and Justice Deputs, or anie three of thame, to examine the seven persons brought in be the Laird of Grant, and who ar now prisouners in the tolbuith of Edinburgh, upon suche interrogatours as they sall thinke meit for discoverie of the forme and maner of the murder of unquhill Johne Stewart, and who wer actors therein or accessorie thereunto; and to meit for this effect in the Laich Counsell-hous of Edinburgh upon the morne at nyne of the clocke in the forenoone."

Sederunts, January 1635-1643.
Fol. 38, b.

Caution by the Laird of Grant for Peter Grant and William Moir.

"The quhilk day the Laird of Grant actit and obleist himselfe as cautioner and souertie for Petre Grant and Williame Moir that they sall remaine and keepe waired within the burgh of Edinburgh, and not remove furth thair of till they be fred be the Counsell, either of thame under the pane of v^e merkes."

Fol. 39, a.

Edinburgh, 14th February 1637.

Sederunt:—Chancellor; Treasurer; Bishop of Glasgow; Mar; Winton; Gallouay; Dumfreis; Southesk; Lord Angus; Lord Lorne; Lord Binning; Lord Alexander; Bishop of Edinburgh; Bishop of Gallouay; Bishop of Brechin; Lord Naper; Clerk Register; Treasurer-Depute; Advocate; Justice Clerk.

Acta, May 1634-November 1639.
Fol. 186, b.

George, Earl of Seaforth, admitted into the Council.

"The Lords of Secreit Counsell, according to ane warrand and direction in writt signed be the King's Majestie and this day presented to the saids Lords, receaved and admitted George, Erle of Seaforth,¹ to be one of his

¹ George, second Earl of Seaforth. He remained a staunch supporter of the Crown; was in Holland, followed Montrose, and was appointed Secretary of State for Scotland by Charles II. while he

Acta, May
1636-Novem-
ber 1639.
Vol. 186, b.

Majesteis Privie Counsell of this kingdome and bruike and injoy all honnours, digniteis, priviledges and immunitieis proper and dew to that place. Lykeas the said Erle of Seafort, being personallie present, and acknowledging with all deu reverence his Majesteis royall favour showin unto him in preferring and advancing him to this place of honnour and dignitie, he in all humilitie, upon his knees, his hands lying upon the halie evangell, made and gave the oath of alledgeance and of a privie counseller. Followes his Majesteis missive for warrand of the act abonewrittin :—CHARLES R.—Right reverend father in God, right trustie and weilbelovit cousins and counsellors, right trustie and weilbelovit counsellors and trustie and weilbelovit counsellors, we greit yow weill. Being informed of the abilitieis and affection to our service of our right trustie and weilbelovit cousine, the Erle of Seafort, and for his better encouragement and enabling thereto heerafter being willing to promove him to be of our Counsell of that our kingdome, it is our pleasure that, having administered unto him the oath accustomed in the like caises, yow admitt and receive him upon our Privie Counsell, accepting him as one of your number, for whiche these presents sall be your warrand. We bid yow farewell. Frome our court at Newmercat, the 20 of October, 1636.”

“ Forsamekle as Johne Dow Braibner, sometime ane follower of James Grant and Patrik McGregour, callit Gilleroy, and ane of the late rebells, callit the Light Horsmen, by whom the peace of the countrie was verie heavilie troubled, is now tane and apprehended be Sir Alexander Irwing of Drum, shireff principall of the shirefdome of Aberdene, and is in his custodie and keeping, for whois exemplarie tryell and punishment it is verie necessar that he be exhibite before his Majesteis Counsell, thairfoir ordains letters to be direct, charging the said Sir Alexander to transport the said Johne Braibner to the shireff of Kincardin and his deputs within 24 houres after the charge; and to command the said shireff and his deputs to receive the said Johne frome the said shireff of Aberdene or his deputs within ane heure after he beis presentit to thame, and to transport and carie him to the shireff of Forfar and his deputs within 24 houres thereafter; and to command and charge the said shireff of Forfar and his deputs to receive the said Johne frome the said shireff of Kincardin or his deputs within ane heure after he beis presentit unto thame, and to transport him to the provest and bailleis of Dundie within 24 houres thereafter; and to command and charge the said provest and bailleis of Dundie to receive the said Johne frome the said shireff of Forfar and his deputs within ane heure after he beis presentit to thame, and to transport and carie him over the ferrie of Dundee to the south side thairof to the shireff of Fyffe and his deputs within 24 houres thereafter; and to command and charge the shireff of Fyffe and his deputs to receive the said Johne frome the saids provest and bailleis at the said south side of the said ferrie within ane heure after he beis presentit unto thame, and to transport him to the bailleis of Kingorne or Bruntilland

Order for the conveyance to Edinburgh of John Dow Braibner, a follower of the rebel James Grant, who has been apprehended by Sir Alexander Irwing of Drum.

Fol. 187, a.

within 24 houres thereafter; and the saids bailleis to receave the said Acta, May 1636-November 1639. Fol. 187, a.
 Johne frome the said shireff or his deputs within ane houre after he beis presentit to thame, and to transport him to the bailleis of Leith or Edinburgh within 24 houres thereafter, who ar to receave the said Johne within ane houre after he beis presentit, and to committ him within the tolbuith of Edinburgh within sax houres thereafter, therein to remaine till he be tryed and punished as accords, under the pane of rebellion, etc., and, if they failyie, the times respective foresaids being bypast, to denunce, etc."

Appointment of a commission anent a coinage of copper.

"The Lords of Secreit Counsell nominats Johne, Erle of Traquaire, Lord Tresaurer, Patrik, Archbishop of Glasgow, David, Erle of Southesk, David, Bishop of Edinburgh, Sir Johne Hay, Clerk Register, Sir Thomas Hope, Advocat, Sir James Carmichell, Deputie Tresaurer, and Sir Johne Hamilton of Orbestoun, Justice Clerk, or anie fyve of thame, the Tresaurer being one, to meit the morne at nyne of the clocke in the Exchequer Hous and to heare and consider the proposition made be the Lord Alexander anent the coynning of some copper money being in the Coynehous; as alsua to consult and advise anent the forme of giving in of the bulyeoun to the Coynehous be Williame Dick, and to report what they find therein upon Thursday nixt."

Edinburgh, 14th February 1637.

[Sederunt as recorded above, adding Seafort.]

Decreta, April 1635-February 1639. P. 292.

Complaint by the commissioners for licensing retailers of tobacco against John Brown in Burntisland and others.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and Sir James Leslie and Thomas Dalmahoy, commissioners for licensing retailers of tobacco, by virtue of their patent, dated at Quhythall, 19th August, 1634, and posterior acts thereanent, against the following persons, as violators thereof, viz., Johne Broune, elder and younger, in Bruntiland, Giles Corsaw, Alison Thomesone, John Halkerstoune, John Thomesone, younger; Janet Meiklejohnne, Isobel Oustian, Alexander Foster, Isobel McKie, Alexander Stanehous, Bessie Bauld and Christian Broune, all in Bruntiland. The King's Advocate compearing personally, the two commissioners by George Sibbald, advocate, as their procurator, but none of the defenders compearing, the Lords decern that each of them has incurred the penalty of 100 merks, and ordain payment thereof to be enforced. It was proved that they had been lawfully charged to compear by Thomas Allane, messenger, who apprehended them personally. P. 293.

Complaint by James Craufurd, burghess of Edinburgh, against John Whyte in the Canongate for illegally detaining him in ward and preventing his paying his creditors.

Complaint by James Craufurd, burghess of Edinburgh, as follows:—John Quhyt in the Cannogait, alleging that the complainer, with John Hog in Drylawis and William Hog, his son, is due to him 200 merks and interest thereon, has, at the instigation of the said William Hog, his sister's son, prosecuted the complainer most wrongfully for the said sums, with the object of incarcerating him, and so rendering him unable to prosecute several actions he has against the said William Hog. For he is most willing to pay the said debt according to his power, but cannot at present do so, as the said William, by his crafty and subtle dealing,

has caused the complainer to [dispone] his whole lands to him, except the liferent of a part thereof. He is unable therefore to borrow money to pay the said debt, but he is willing to assign to the said John Quhyte the rents of his houses until he is fully paid up of his debt. This, however, he declines, and also refuses to desist from warding the complainer. The pursuer compearing personally with Alexander Craufurde, and the defender also being present, the Lords, after hearing parties, ordain the said James Craufurd to pay the said John Quhyte within the next three years the sum of 300 merks, with the ordinary interest thereof termly, with £40 of penalty if he fail in the timely payment thereof, and the said Alexander Crauforde became cautioner that his father would do so.

Supplication by Alexander Irving of Drum, sheriff-principal of Aberdene, as follows:—He is informed that “the Laird of Fendraucht, taking occasion of some speeches utterit be the supplicant at his last appeirance before the saids Lords for makeing his report anent the Light Horsmen, he hes thairupon raised letters quhairupon he intends to caus charge the supplicant to appeire and come over heir in the oatseid [tyme] and to draw him frome attending on his charge, haveing omitted to challenge the supplicant in all the tyme he wes heir purposelie to putt him to a new voyage.” Their Lordships have appointed the first Council day of June next for his appearing to report upon the light horsemen, and he craves that they would appoint that day for the trial of his complaint. The Lords grant the crave, and appoint the petitioner to make due intimation thereof to Fendraucht.

Complaint by Alexander Dunbar of Grange, as follows:—On 6th, 10th, and 11th March, 1634, Patrick Grant of Culquhoiche and William Grant of Cardells were put to the horn at his instance for non-payment of 400 merks, with due interest and expenses, but they remain proudly at the horn. The pursuer compearing by William Steinsone, agent, his procurator, but not the defenders, the Lords ordain them to be charged to render their houses of and enter themselves in ward within the Castle of Blacknes within fifteen days, upon pain of treason.

Complaint by Eufame Alison, lawful daughter of Robert Alisone, burgess of Dundie, as follows:—About a year ago she undertook to run wine to Gavin Heriot, merchant burgess of Edinburgh, and after serving him in this capacity for a year she made count and reckoning with him of the whole wines with which she had dealt except three puncheons which she found in his cellars, all spoiled, and which accordingly she refused to sell. Thereupon the said Gavin “tooke her prisoner and kepted her captive in ane chamber eight dayes till she wes forcit to give him band for the saids three punsheons of spilt wyne and promiseist to delyver the saids punsheons to her cautioners for thair releiffe to have beene used be thame to thair best profit; notwithstanding quhairof he still deteans the securitie frome the poore woman, and hes dispooned upon the wyne to his awne behove, and hes kepted her person within the

secretary,
April 1635-
February 1639.
P. 294.

P. 295.

P. 296.

Supplication
by Alexander
Irving of
Drum, sheriff-
principal of
Aberdeen,
anent an
action brought
against him by
the Laird of
Fendraucht.

Complaint by
Alexander
Dunbar of
Grange against
Patrick Grant
of Culquhoiche
and William
Grant of
Cardells for
contempt of
horning.

Complaint by
Euphemia
Alison against
Gavin Heriot,
merchant
burgess of
Edinburgh,
for illegal
detention in
ward.

tolbuith of Edinburgh for the space of ane yeere, quhair she is now ^{Decreta,} almost lyke to sterve." The pursuer compearing personally, being ^{April 1635.} exhibited by the bailies of Edinburgh, and the defender not compearing, ^{February 1639.} the Lords ordain the provost and bailies of Edinburgh to liberate the pursuer in so far as she is warded at the instance of the said Gavin Heriot. ^{P. 297.}

Complaint by John Dunbar, elder and younger of Hemprigs against Patrick Dunbar of Culboyak and others for assault and carrying forbidden weapons.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and by John Dunbar, elder and younger of Hemprigs, and James Dunbar, brother to the said John, elder, as follows:—Though the carrying of hagbuts and pistolets and convocation of the lieges in arms is straitly prohibited by law, yet on June last Patrick Dunbar of Kilboyak and his accomplices, having cruelly slain Robert and Ninian Dunbar, brothers of the said John and James, and "woundit the said James Dunbar deidlie, upon the morne thairafter the persons underwritin, they ar to say, William Dunbar, sone to William Dunbar of Brako, John Dunbar at the Mylne of Marcassie, Patrick Dunbar, sone to the said William, and Allexander Dunbar, boddin with hacquebuts, pistolets and others wapons invasive, and to testifie thair approbation of this cruell slaughter, they come to the toune of Tarres and searched for the said James Dunbar, who wes onelie left alive of the three brether, resolved to have killed him if they could find him"; and they daily go about the country armed with these forbidden weapons, threatening to kill the complainers therewith. Further, ever since they were declared fugitives and letters were directed against their ressetters, these murderers have been harboured by the other persons above named. Charge having been given to the said William, John, Patrick and Alexander Dunbar, as parties, and also to John Dunbar of Sourbank, James Duncane in Ganrie, John Elgine there, Patrick Garioh, gardener, Robert Cuik in Wester Hemprigs, Thomas Mylne in Grange, William Logane in Forres, ^{P. 298.} Francis Hendrie there, and Andrew Pattoune in Brodeishil, as witnesses, and the pursuers compearing personally, but not the defenders nor the witnesses, the Lords ordain both the latter to be put to the horn and escheated.

Edinburgh, 14th February 1637.

The Hospitall of Leith.

Lord Lovat.

"The Lords ordanis his Majesteis Advocat to mak his reporte anent ^{Sederunta,} the Hospitall of Leithe upoun Thursday nixt." ^{January 1635.}

"The Lordis, haveing seene the excuse maid be the Lord Lovat anent ^{November 1643.} his not keeping of this dyet for the materis betuix him and Colonell Munro anent the estate of Foullis, continowis the diet of his appeirance untill the sevint of Marche nixt." ^{Fol. 39, a.}

Colonel Munro and Sir Hector Munro of Foullis.

"The Lordis nominatis the Lord Alexander, Clerk of Register, Thesaurer Depute, Advocat, Justice Clerk, or ony of thame, the Advocat being one, to heir Colonell Munro and the goodman of Limlair anent the truste whilk he had of umquhill Sir Hector Munro of Foullis, and to reporte to the Counsell."

Sederunts,
January 1635-
November
1643.
Fol. 39, b.

[No record of Sederunt.]

Edinburgh,
15th February
1637.

"In presence of the Lord Alexander, Advocat and Tresaurer Depute. Colonel Monro. The whilk day Colonell Monro gaif in his clame aganis Limlair, whiche wes gevin up to Limlair to be advist with."

Acta, May
1636-Novem-
ber 1639.
Fol. 187, b.

Sederunt:—Chancellor; Tresaurar; Bishop of Glasgow; Mar; Winton; Gallouay; Seafort; Southesk; Lord Lorne; Lord Binning; Lord Alexander; Bishop of Gallouay; Bishop of Brechin; Lord Naper; Clerk Register; Advocate; Justice Clerk; Deputy Tresaurer.

Edinburgh,
16th February
1637.

"The whilk day Johne Grant, fear of Ballindallach, and Johne Gordoun of Parke wer committed to warde within the tolbuith of Edinburgh during the Counsells pleasure for thair ressett and having intelligence with the brokin men and rebels in the north."

John Grant,
fear of
Ballindallach,
and John
Gordon of
Park warded
in the Tolbooth
of Edinburgh.

"The Lords of Secreit Counsell nominats and appoints George, Erle of Seafort, Archibald, Lord Lorne, William, Lord Alexander, Archibald, Lord Naper, his Majesteis Advocat, Justice Clerk and Justice deputs, or anie three of thame, not excluding anie of the rest of the Counsell who pleases to attend, to meit in the Counselhous and to re-examine Johne Dow Roy and M^cInstalker, and to confront thame with suche persons as ar givin up to be intercommouners and ressetters with thame, and to putt thame in the tortour and to examine thame therein, and to putt Johne Dow to the tortour betuix and Tuisday, and to continew the tortouring of M^cInstalker till the committee report what they find be the tortouring of Johne Dow."

Commission,
with power to
apply torture,
appointed to
examine John
Dow Roy and
M^cInstalker.

Decreta,
April 1636-
February 1639.
P. 298.

[Sederunt as recorded above.]

Edinburgh,
16th February
1637.

Complaint by Sir Thomas Hope of Craghall, King's Advocate, and Sir Walter Innes, apparent of Balvenie, as follows:—Though the carrying of hagbutts and pistolets and the resetting and intercommuning with the rebels, called the Light Horsemen, is strictly prohibited by several acts and proclamations, yet when the said Sir Walter, Alexander Gordon of Dunkintie, and other gentlemen in the north were lately charged to apprehend Duncan Cumyng, one of these light horsemen, and certain others, and the said Sir Walter had done his best for his Majesty's service, "the said Allexander Gordon, takand part with the said Duncan, hes resolved for this caus to undoe the said Sir Walter. And for this effect, upon the 15 of October last, the said Allexander Gordon, accompanied with the said Duncan Cumyng and with a number of others lawles rebels and limmars, boddin with hacquebuts, pistolets and others forbiddin wapons, come to the hous of Ferquhar M^cBarnet, the compleaners tenent, at the kirktoone of Murtliche, haveing gottin notice that the compleaner wes in the ministers hous, they come furth to the

Complaint by
Sir Walter
Innes,
apparent of
Balvenie,
against
Alexander
Gordon of
Dunkintie and
Duncan
Cumming for
assault.

doore, and, perceaveing the compleaner, shot tua hacquebuts at him and forced him to keepe the ministers hous that night and thairafter to flie home quietlie. And when they fand that the compleaner had escaped, they come immediatelie under cloud of night to the compleaners barneyard of Balvenie, quhair the compleaners tenents were putting in the last of thair cornes, and there fiercelie persewed thame of thair lyves with manie shot of hacquebuts and pistolets and stroks of drawin suords and durks. And when the poore [men] fled, the saids persons barbarouslie stikked and gorred thair horse and meires. Thairafter they went to the corne mylne of Balvenie and shot hacquebuts at ane number of the compleaners poore people; and frome that they went to James Gregor in Bochrouns hous, another of the compleaners tenents, brake up his doores and persewed him of his lyffe. Thairafter the[y] come to George Innes hous at the Boat of Fichliche, brake up his doores, entered with drawin suords and bendit hacquebuts, cruellie woundit Thomas Grant, Tutor of Carroun, who ludged in the said hous, so as he hardlie escaped with his lyffe. Lykeas the said Allexander, with the said Duncan and fourescore brokin Hieland men, come to the said Ferquhar M^cBarnets hous upon the day of September last and suaggered there that day. And the said Allexander daylie keepes the said Duncan in his companie, assists and mainteanes him as his proper man and servant." Charge having been given to the said Alexander Gordon and Duncan Cumyng, and the pursuers compearing personally, but not the defenders, the Lords ordain the latter to be put to the horn and escheated.

Complaint by William Maxwell of Monreith, his wife and others against James Maxwell of Knok and others for assault and injury to the complainer's goods.

Complaint by William Maxuell of Monreth, Agnes M^cCulloche, his spouse, Alexander Maxuell in Laroche, his brother-in-law, and John M^cIlnae and John Laurie, herds to the said William, as follows:—For a long time they have been heavily oppressed by James Maxuell of Knok, who on March, 1633, came to the kiln on the lands of Knok, occupied by the said William for the time, and to a lockfast house wherein he had ten bolls of corn and beir, of which the said William had the key, and broke up the doors, took off the locks, carried away the beir and corn, and put on a new lock of his own. Again on March, 1634, he came to the complainer's ploughmen as they were tilling his lands of Knok, molested and wounded them, compelled them to carry the complainer's plough away from the complainer's lands to those of the said James and to till the same, and thereafter he cast down and broke the said plough. Further, in August last the said James, accompanied by Andrew M^cIlheuk in Garrorie, Patrick Ahannay in Vennell, Archibald Blaine there, Patrick Calbreth, messenger there, George M^cCulloh in Knok, John Elvand there, David M^cBroyne there, Patrick Ahannay there, and Robert M^cKir there, came about midnight to the complainer's lands in Garrerie, where his goods were herded, and, breaking down the fold, cruelly "battoned the hirds, scattered the goods athort the feilds"; and coming thereafter to the complainer's barnyard, broke down the dykes, entered their horses to his stacks and consumed

Decreta,
April 1635.
February 1639.
P. 298.

P. 299.

P. 300.

Decreta,
April 1635-
February 1639.
P. 300.

and destroyed ten bolls of corn. Again on October last the said persons came to the complainer's dwelling-house and sought for him in every part of it in order to take his life, but missing him, they went to his fold and scattered his beasts among his growing corn, whereby they destroyed the same to the amount of 200 merks. And, when the said two herds raised the cry, the said James and his accomplices foresaid felled them to the ground with batons and staves; "and then the said James himselfe, most inhumanelie with ane battoun feld the compleaners wyffe, dang her to the ground, woundit her on the heid to the effusion of her blood; and not content heirwith he took ane pycked sow and with the great end thair of gave the said Allexander a number of stroks to the effusion of his blood and hazard of lyffe." Charge having been given to these persons complained upon, and William Maxuell compearing for himself and the other pursuers, and James Maxuell of Knock compearing for himself and the remanent defenders, the Lords, after hearing parties and certain witnesses, find that the said James Maxuell of Knock broke up the pursuer's barn door and struck his servants while going at his plough, thereby committing a great, open and manifest oppression against him; and they therefore ordain him to be warded in the tolbooth of Edinburgh until they release him, and to pay to each of the witnesses produced the sum of £10.

P. 301.

Supplication by William Stirling of Ardoche and James Stuart steward-depute of Monteith, as follows:—They petitioned their Lordships last Council day about the sentence to be pronounced upon John McGrow *alias* Shaw, who was convicted before them, as justices appointed by their Lordships, of stealing an ox, and of intercommuning and keeping company with John Dow McPhaill and Duncan Abroch McGregor and other broken limmare, when their Lordships ordained them to sentence him to be hanged to the death. They now humbly beg the favour that, if it may stand with their Lordships' pleasure, they would commute this sentence to one of perpetual banishment. The Lords grant their desire, and ordain the supplicants to sentence the said John McGrow to perpetual banishment, taking him acted to leave the kingdom within days and never to return, upon pain of death.

Supplication by William Stirling of Ardoch and James Stuart, steward-depute of Monteith, that the sentence of death on John M'Gow may be commuted to banishment.

Sederunts,
January 1635-
November
1643.
Vol. 39, b.

"The Lordis, haveing this day hard the reporte maid be his Majesteis Advocat anent the differences betuix the skippars of Leith and Thomas and Violet Daulingis concerning the decreit of the Counsell gevin in that mater betuix the saidis pairtyis, thay find and declarys that thay will not heir the pairtyis ony forder upoun that subject, and that they will not recall nor innovat thair last decreit and [*sic*] of modificatioun and interrogatour given thairanent; and thairfoir ordanis his Majesteis Advocat to proceid to the drawing up of the securityis of both the partyis, ordaning the Hospitallis band and assignationis maid thairto with the byrunne annual rents restand unpayit be the particular debtors, togidder with the other bands conteaned in the inventar producit be the saids Thomas and Violet Daulins, quhairto there is no assignatioun made as

Edinburgh, 16th February 1637.
Decree of the Council anent the differences between the skippers of Leith and Thomas and Violet Dauling in connection with the Hospital of Leith.

the skippers sall accept with the byrun annual rent restand unpaid be the debtors to be gevin up to the shipparis in pairt of payment of the sowme of xx^m merkis decernit be the said decreit; and what salbe found more nor the bandis whilkis the saidis skipparis sall mak choise of; that the saidis Dawlingis gif sufficient securitie to the skipparis for payment of the residue at Witsonday nixt, togidder with the soume of viij^m merkis for the annuell thairof fra Martymes last to Witsonday nixt; declairing the saidis Dawlingis upoun payment of the said sowme of xx^m merkis and annuell thairof to be free, exonerit and releved of all action, criminall and civile, whilk may be competent aganis thame for and concerning thair intromissioun with the Hospitallis estate, decerning thame free thairof and of the decreit arbitrall gevin be the skipparis thairanent. And toucheing the administratioun of the Hospitall and setting doun of ordouris for government thairof, the Lordis remittis the same to the committe appointit be the saidis Lordis for that effect."

Edinburgh,
21st February
1637.

Sederunt:—Chancellor; Bishop of Glasgou; Mar; Gallouay; Seaforth; Dumfreis; Southesk; Lord Angus; Lord Lorne; Bishop of Edinburgh; Bishop of Gallouay; Bishop of Brechin; Lord Naper; Master of Elphinston; Clerk Register; Thesaurar Depute; Advocate; Justice Clerk.

Proclamation
against the
buying, selling
and eating of
flesh in Lent.

" Forsamekle as the slaying, selling and eating of fleshe in time of Lent hes beene upon good considerations, by diverse acts of parliament and Secreit Counsell, straitlie prohibite and discharged within this kingdome under certane panes mentiouned and conteanit in the saids acts, nevertheles the Lords of Secreit Counsell ar informed that diverse persons of all rankes and qualiteis, preferring thair awne privat contentment to the obedience of the law, ceasse not in time of Lent to slay, sell and eate flesh at thair pleasure to the great hurt of the commoun weale, and contempt of all good order and government; and whereas the persons offending in this kynde presoomes of oversight and impunitie be reason of the connivence shawin unto thame in time bygane, quhilk is ane inducement to thame to continew in thair wilfull contempt and breake of the law, thairfoir the Lords of Secreit Counsell hes resolved that with all rigour and extremitie they will execute the law aganis all suche persons as darre heerafter presoom to violat the same in this point; and thairfoir ordains letters to be direct to command, charge and inhibite all and sindrie his Majesteis lieges and subjects of what estait, qualitie and degree so ever they be, be opin proclamatioun at the mercat croces of the heid burrowes of this kingdome and others places neidfull that nane of thame presoom nor take upon hand during this forbidden time of Lent to eate nor make readie for eating anie kynde of fleshe under the panes following to be uplifted of everie person contraveenning, so oft as they failie; that is to say, of everie erle ane hundreth pund; of everie lord ane hundreth merkes; and of everie baron fourtie pund; "

Acta, May
1636. Novem-
ber 1639.
Fol. 188, a.

of everie burges, oastler or commoun cooke that sellis meate or drinke fourtie pounds, and of everie other gentleman suche soumes of money as sall be imposed upon thame be the judges before whome they sall be tryed; as alsua that no fleshers presooome nor take upon hand to slay nor sell flesh during the time foresaids of Lent under the said pane of fourtie pounds, so oft as they failie; and by and attour the payment of the pecunial foresaids the offenders sall be punished in thair persons and goods at the arbitrement of his Majesteis Counsell. And siclyke to command and charge all and sindrie shireffs, stewarts, provests and bailleis within burgh, and all others bearing anie publict office and charge within this kingdome and everie ane of thame within the bounds of thair severall offices and jurisdictions, to have a speciall care and regarde to see this present act observed in everie point; and where they sall happin to discover anie person or persons contraveening thir presents that they take notice of thair names and informe his Majesteis Counsell thair of to the intent the offenders may be callit to thair answer and punished accordinglye."

"Charles, be the grace of God King of Great Britane, France and Ireland, Defender of the Faith, to all and sindrie our lieges and subjects whome it effeirs, to whois knowledge thir presents sall come, greeting. Forsamekle as we have givin and grantit, and be the tennor heirof gives and grants libertie and licence to the Lords of Privie Counsell, Session and Exchequer, and to suche as sall accompanie thame at table to eate flesh during this forbidden time of Lent, and upon Wednesday, Fryday and Saturday for the space of ane yeere nixt after the date heirof, without pane or danger to be incurred be thame therethrow in thair persons or goods notwithstanding quhatsomever proclamatiouns made in the contrare; whereanent and all panes conteanit therein we dispense be thir presents, discharging heirby our Justice, our Advocat, our Justice Clerk and all others our officers and ministers of our lawes, present and to come, of all calling, accusing or anie wayes proceeding aganis the saids Lords of our Privie Counsell, Session and Exchequer, or persons accompanying thame or anie of thame at table, as said is, for the caus foresaids, discharging thame thair of and of thair offices in that part. Givin under our signet at Edinburgh, the 21 of Februarie and of our raigne the 12th yeere, 1637."

Licence to the
Lords of
Council,
Session and
Exchequer to
eat flesh in
time of Lent.

Fol. 188, b.

"Forsamekle as the Lords of Secreit Counsell are informed by petition exhibite unto thame on the behalfe of Patrik Curle, skipper in Air, Robert Cunninghame, Adame Wylie, Johne Rae, Williame Galt, Johne Alschouner, Johne McNeill, skipper, William Rid, William Harbert, Andro Boyane, David Gairdner, Adame Hart, James Baxter, James Gray, and Gilbert Johnestonn, all inhabitants of the burgh of Air, propoting that they being in thair lawfull trade of merchandice, the first sax persons being on thair dew course going frome to Plimmouth in the ship callit , and the others persons particularlie abonewrittin being in thair dew course towards Bilbo going frome

The Council
recommends
certain seamen
of Ayr, now
prisoners with
the Turks, to
the charity of
the lieges.

Kellibuggs in the ship callit *The Phoenix of Air*, in the moneth of August, they wer sett upon be some Turkes, and after ane cruell conflict betuix thame in end they wer boorded, bound with cords and caried as prisouners to Salie and Algiers in Barbarie, where they ar deteaned in most miserable slaverie and boundage and compellit night and day to worke with suche unsupportable crueltie and with suche skarsetie of foode to interteanie thair naturall lyffes as beasts wer not able to undergoe the same and; thair miserie and slavish condition is so muche the more considerable seing they ar a companie of poore men without meanes or possibilitie to redeeme thameselfes by ransome if they be not supplued be the charitable benevolence and contribution of good and weill disposed persons, thair personall condition will be most slavish and miserable and thair poore famileis reduced to the extremest points of miserie and beggerie. For whois releefe and supplee the Lords of his Majesteis Privie Counsell hes heirby recomendit and recommends thame to the christiane and charitable consideratioun of all estats of persons both to burgh and land within this kingdome, requeisting and desyring all noblemen, prelates, barons and gentlemen, sessions of kirks, presbytereis, provests and bailleis within burgh and all others his Majesteis subjects of quhatsoever ranke, qualitie and condition they be to burgh and land, to extend suche proportion of thair benevolence and charitable supplee towards the releeffe of this thair miserable afflicted brethrein as they sall thinke expedient, and to deliver the same to Robert Gordoun, Johnne Knight, and Johnne Kennedy, lait bailleis of Air, George Maissoun, clerk, Gilbert Richartson, treasurer of the said burgh, and Hew Lokhart of Duphoill, or anie of thame, who ar nominat and appointed to be receavers and ingadderers of this voluntarie and charitable contribution, and whome the saids Lords ordains to have bookes marked be the Clerk of Privie Counsell wherein the saids collectors sall truelie and faithfullie insert the names of these who sall contribute to this earand, and the soumes of money that sall be contribute and advanced be eache of thame and sall exhibite the saids bookes before the Lords of his Majesteis Privie Counsell upon the first Counsell day in the moneth of Marche, 1638 yeers, and they sall give thair great and solemne oath that they have faithfullie and truelie insert in the saids bookes the whole soumes of money receaved be thame and that they have omitted no part of the same. This recommendation untill the first day of Marche, 1638, but revocation to indure."

Acta, May
1638-Novem-
ber 1639.
Fol. 188, b.

Fol. 189, a.

Edinburgh,
21st February
1637.

Complaint by
Robert
Fletcher of
Bensho and
his spouse
against Alex-
ander, Lord
Spynie, anent
an assignation.

[Sederunt as recorded above.]

Complaint by Robert Fletcher of Benshow and Mrs Elizabeth Lindsay, his spouse, as follows:—They have raised an action before their Lordships against Alexander, Lord Spynie, for production of an assignation made by Colonel Ludovick, brother of the said Elizabeth, to two obligations made by Sir John Lindsay of Bath, knight, and the deceased

Decreta,
April 1636-
February 1639.
P. 301.

Decreta,
April 1635-
February 1639.
P. 301.

George, Earl of Crawford, his brother, and sisters insert therein, upon payment of certain sums of money contained in the said assignation. On this being intimated to the said Lord Spynie within the burgh of Dundie on 15th May, 1634, he asked inspection of the deed, as he said, to know the date and witnesses, "and he, perceaveing the same to be in the notars hand, he violentlie threw the same out of his hands, pat violent hands in the said Elizabeth, hurt her dangerouslie, she being great with chylde." The action being called on 26th March, 1635, James Lyon of Auldbar became cautioner for Lord Spynie's compearance on the second Council day of June thereafter and for the production of the said assignation "hail in itselfe, uncanceled, riven or destroyed in anie poynt, under the penalty of 10,000 merks." When the action was called on 4th June, 1635, Lord Spynie neither compeared nor produced the deed, and their Lordships decerned him and his cautioner to have incurred the penalty of 10,000 merks, but postponed extraction of the decreet for twenty days. Since then the cause has slept, the complainers being loath to bring the names of Lord Spynie and the Laird of Auldbar in question if by fair means they could obtain reason; but they are only so much the more disobedient. Charge having been given to the said Laird of Auldbar to compear and produce the foresaid assignation under the penalty foresaid; and the pursuers compearing personally, and the Laird of Auldbar compearing by Robert Stuart, advocate, his procurator, who produced the assignation aforesaid, whole "unvitiat or cancelled in anie wayes," and the pursuer having inspected the deed and declared it to be "the right and true assignatioun perteaning to his said spous and him," the Lords ordained that it be, as it was presently, delivered to the said Robert Fletcher; and they also declare that the said Laird of Auldbar has fulfilled the obligation of his bond and is therefore free of the penalty foresaid.

P. 302.

Supplication by Mr Gawin Dunbar, chanter of Murray, and Mr Alexander Dunbar, his son, as follows:—Their Lordships know the trouble and heavy expense they have been put to this past year by the indirect practises and frivolous pursuits of them by Thomas Dunbar of Boghall and Elizabeth Fraser, his spouse, who since June last have cited and drawn them hither on forged and malicious charges, viz., the slaughter of John Dow, his servant. These five diets were kept by the supplicants and the assisers, but their Lordships, at the instance of the said Thomas, were pleased to continue the same from day to day, until at last, upon February instant, they once more continued it until 10th March next. The supplicants dutifully acquiesced in the expectation that the said Thomas would have used his best diligence for bringing his witnesses and assisers here in due time. But so far as the supplicants can learn, both at the Signet and the Depute Justice Clerk, he has not so much as raised letters, showing his purpose to let this diet slip as he has the five previous diets. This is "a heaveie burden to the supplicant, haveing the charge of a numerous hous and

Supplication
by Mr Gavin
Dunbar,
chanter of
Murray, and
Mr Alexander
Dunbar, his
son, anent the
delay of a trial
to which they
have been
summoned by
Thomas
Dunbar of
Boghall and
his spouse, on
a charge of the
slaughter of
their servant,
John Dow.

P. 303.

familie, besyde the distracting him frome his charge and flocke; and the keeping of thir diets in regard of the distance of place, being ane hundreth myles and above from this burgh, will in short tyme consume the supplicants estate." It is the design of the said Thomas to "wracke and undoe" him; and he therefore craves that their Lordships would cause intimation to be made to the said Thomas that, if he keep not the diet appointed on the 10th March next, neither he nor the other persons concerned shall be heard hereafter to pursue the supplicants for the cause aforesaid. The Lords ordain his Majesty's Justice, Justice Clerk, and their deputes to continue the criminal diet above written till the first lawful day after 10th July next, taking new caution from parties for their compearance then, and with this declaration that, if the said Thomas Dunbar and the rest of the pursuers in the above case do not insist that day, they shall be excluded from all further purquit, and the supplicants shall be freed from attending any criminal diets for that cause.

Decreta,
April 1635-
February 1639.
P. 303.

P. 304.

Complaint by
Alexander
M'Cubbin in
Manguhill
against James
Cannan in
Mordocrat and
others for
illegally ward-
ing him and
exacting forty
pounds for his
freedom.

Complaint by Alexander M'Cubine in Manguhill, as follows:—On 26th November last he was at the Brig of Ken in the house of John M'Michell there, when James Cannan in Mordocrat, Robert Caanan in Blackmerk, and David Caanan in Dalshannan came in unawares upon him, and, though they were "bot privat persons, cled with no power nor auctoritie," they "patt violent hands in his person, tooke his suord and whinger frome him, threatned to putt him in warde if he gave thame not fourtie pounds; kepted him a long tyme prisoner untill the simple man wes forcit for his releiffe to give thame a band for payment of fourtie pounds." For this usurpation of his Majesty's royal authority they ought to be exemplarily punished. Charge having been given to the said James, Robert and David Caanan, and pursuer and defenders all compearing, the Lords, having heard parties and their witnesses, and the special defence made by the defenders, viz., that what they did was by a special warrant from Alexander Gordon of Erlestoune, one of the justices of peace within the Stewarty of Kirkcudbright, "who wrote unto thame to searche and seeke the said Allexander M'Cubine and to fetch him to him," find "that the said Allexander Gordon of Erlestoun hes done wrong in givinge a warrand to apprehend the said persewer for a mater of debt," and that the defenders have done wrong in exacting the bond foresaid for £40. (which was produced by them before the Lords); and they decern this bond to be void and cancelled. They also ordain the defenders to pay £40 to the pursuer for his expenses in this matter, and £10 to each of the witnesses. They also admonish the said Alexander Gordon of Earlestoun "to be more circumspect of his proceedings in tyme comeing in the orderlie execution of that charge of a justice of peace quhairwith he is intrusted be his Majestie."

P. 305.

Edinburgh,
21st February
1637.

Hamilton
of Silvertoun
Hill.

"The Lordis prorogatis the protection grantit to
of Sillertoun Hill till Lambmes nixt."

Hamiltoun

Sederunts,
January 1635-
November
1643.
Fol. 40, a.

Decreta,
April 1635-
February 1639.
P. 305.

Sederunt:—Sanct Andrews, Chancellor; Glasgow; Mar; Perth; Edinburgh, 23rd February 1637.
Wigtounne; Seafort; Dumfreis; Southesk; Lord Angus; Lord
Lorne; Bishop of Edinburgh; Bishop of Gallouay; Bishop of
Breachin; Lord Naper; Master of Elphinston; Clerk Register;
Advocate; Treasurer Depute; Justice Clerk.

Complaint by Andrew, Lord Fraser, as follows:—His Majesty was pleased to promote the deceased Andrew, Lord Fraser, his father, to the title and dignity of a baron and lord of Parliament, and gave him his arms and cognizance, which his said father accordingly enjoyed until his death. "As the occasion fell out, he sett up his armes in all places quhair his occasions invited him, and there wes never anie question moved aganis him thairanent till now latelie that the kirkyard dyke of Rethin being altogidder ruinous and decayed, the gentlemen and others in the parish, out of thair respect to the honour of God and credit of the parish, resolved and concludit to repair and big up the said kirkyaird dyke, alloting to everie pleuche in the said parish suche a proportion of the said dyke as sould fall to thair scair except that part quhair the kirk style wes of old and is yit, with certane footes of wall neirest the style on both sydes, quhilk wes designed and appoynted to be bigged and repaired be the late Lords of Lovat and Fraser. And, quhairas, in the meane tyme, before the perfytyng of this worke, it pleased God to call the late Lord Lovat to his mercie frome this lyffe, the charge and burden of the reparatioun of the haille worke formerlie designed for the late Lords of Lovat and Fraser wes then layed upon the late Lord Fraser, and he wes earnestlie delt with be the minister and session of the kirk to undertake it, and, upon his awne proper charges and expenses, without anie kynde of helpe or supplie at all, he accomplished and perfytted it; and so the worke being his awne worke, bigged and perfytted be him, he caused putt up upon and above the said kirk style his name and armes in carved stones after a decent and comelie order, never thinkeing that anie man would have beene so voyde of modestie and discretion as to have maligned the said worke. Bot trew it is that the late Laird of Phillorth, haveing upon the day of departed this lyffe, Allexander Frisell, his sone, accompanied with William Strath, sklaitter in Fraserburgh, Thomas Fraser, maltman thair, Andro Hay, greive to Phillorth, William Nell, officiar, John Ramsay, smith, Allexander Rannie in Kinglassie, M^r Andro Fraser and George Will, and others thair complices, boddin in feare of warre, come in a verie uncomelie and unseemelie maner, under cloud and silence of night, with a number of sklaiters, wrights, maissons and others workemen to the said kirk-yard dyke, and haveing brought with thame three great brods, with the armes of Phillorth drawin upon the same, they caused fixe and sett up this brode directlie above the said Lord Frasers armes; and so hes altogidder covered and defaced the saids armes in suche forme as they can not be seene; quhairin they can pretend no just nor lawfull

Complaint of
Andrew, Lord
Fraser, against
Alexander
Fraser, son of
the late Laird
of Phillorth, for
covering the
arms of the
complainor
with his own
on the church-
yard wall of
the parish of
Rathen.

warrant for thair lawles proceedings, sieing thay are not parishoners in that parish, and hes no houses, residence nor remaineing within the same; quhairby it is verie evident that there onelie drift and purpose is and hes beene to have stirred the said Lord Fraser to a violent and lawles reperatioun of this inexcusable wrong. Bot he, out of his dutifull respect of his Majesteis obedience and lawis, quhilks he will ever prefer to his awne unreulie passions, hes forborne to take upon him the suord of justice and will content himselfe with the ordinar remeid of law, nowayes doubting bot the Lords of Privie Counsell, haveing dewlie considerit the nature of this complaint and what inconvenients might have followed thairupon to the breake of his Majesties peace, will so forsie to the reparatioun of this indignitie done to the said Lord Fraser, and to the contempt done to his Majestie and his lawis as others sallbe terrified to doe the lyke heirafter." Charge having been given to these persons above named, and Andrew, Lord Fraser, compearing personally as pursuer, and Alexander Fraser of Phillorth compearing for himself and the remanent defenders, the Lords, after hearing parties and their witnesses, find "that the said Allexander Fraser of Phillorth his armes were putt up upon the part libellit in the night and that therby ther was ane great wrong done to the said Lord Fraser. Bot becaus the said Allexander Fraser declared in presence of the saids Lords that the setting up of his saids armes wes done be him upon respect and for honor of his fathers funeralls and not out of anie splene or contempt of the said Lord Fraser, nor of the honor, title and dignitie conferrit be his Majestie upon him, thairfore the saids Lords will forbear all farder censuring of Allexander Fraser of Phillorth for putting up his armes and covering the said Lord Fraser his armes; and decerns and ordains the said Laird of Phillorth betuix and the 15 day of Marche now approacheing to caus take doune his armes and brods (quhairwith he covered the said Lord Fraser his armes) at midday in presence of the minister of the kirk of Rathin or moderator of the presbiterie, and not to medle with nor remove the said Lord Fraser his armes in tyme comeing bot in a legall way upon decretit to be recovered before the judge ordinar." This having been intimated to the Laird of Philorth, he acquiesced therein and bound himself to observe the same, under the penalty of 5000 merks. The Lords, however, assoilzie the defenders in respect of the charge of convocation, but ordain each of the witnesses to be paid £10 by Alexander Fraser of Phillorth.

Complaint by
Hew, Lord
Lovat, and
Alexander
Fraser of
Phillorth, and
the whole
parishioners of
the parish of
Rathen,
against
Andrew, Lord
Fraser, for
placing his

Complaint by Hew, Lord Lovat, and Alexander Fraser of Phillorth, for themselves and the whole parishioners of the parish of Rathin, as follows:—By certain acts of the kirk session of this parish the whole parishioners were appointed to repair the kirkyard and dykes thereof, and the complainers did not expect that any within the parish "would doe aniething in this pious worke quhilk might disparage or effront the cheife persons and these that were most enteressed in the parish. Nevertheles the said unquhile Andro, Lord Fraser, and Andro, then

Decreta,
April 1635.
February 1638.
P. 306.

P. 307.

P. 308.

Decreta,
April 1635-
February 1639.
P. 308.

Maister of Fraser and now Lord Fraser, his sone, out of ane affectation to raise thair names to after ages above the rest of the parish, not acquainting the Lord Lovat, who wes conjunct with him in this mater, least thair designe sould be marred, built the said kirk style himselfe and erected his armes and name thairon, as if he were the cheife and sole heretor in the parish, haveing litle or no heretage within the same, and extendit the said kirk style 18 foote or thairby beyond the old fundation, within the proper bounds of the toun and lands of Rathin, perteaning heretable to the Laird of Phillorth, and thairwith hes tane in ane yaird and hous belonging to the said Laird, to the discontentment of the haill parishoners and to the great disparagement of the Lord Lovatt and Laird of Phillorth, who is heretable proprietar of the toun of Rathin quhairupon the said kirk stands, as said is, and who and his prædecessors have been founders and are patrons of the said kirk; doeing thairby what in thame lay to breake the peace and quiet of the parish." Charge having been given to Andrew, now Lord Fraser, and he compearing personally along with the Laird of Phillorth, and Lord Lovat compearing by James Gibson, his procurator, the Lords, after hearing parties, remit the trial of the matter to the judge ordinary.

arms on a part
of the church-
yard wall of
the parish of
Rathin which
he has built
with that
object.

P. 308.

Supplication by John Gordon, elder of Ardlogie, and John Gordon, apparent thereof, as follows:—The 15th of next March has been appointed for their appearing before their Lordships with reference to the suspension of a horning against them, in which matter they have satisfied the Laird of Fendraucht of their innocence. On account of their numerous distresses the supplicants have been put to much trouble and expense, "and they can hardlie leave thair oatseid tyme, quhilk is the most important season of the yeere." They crave their Lordships to continue the diet until some day in June. The Lords consent hereto and appoint the 15th of June next.

Supplication
by John
Gordon, elder
of Ardlogie,
and John
Gordon, his
heir, for post-
ponement of a
diet with
reference to a
sentence of
horning
against them.

Complaint by Gideon Weir, town clerk of Lanerk, as follows:—"The staple stone weights with the principall staple, all of brasse, marked be the burgh of Lanerk, to whome the charge of that measure is intrusted be the Borrowis, being concredit to the compleaner as thair clerke, and elleven of the saids measure, with the principall measure itselfe, being rowsted by lying in ane vould, the compleaner caused bring the same to Edinburgh to Robert Hog, potter in the Potterraw, to have beene dressed be him and made conforme to the principall measure to the effect the compleaner might have made use thairfor for the service of the Borrowis and benefit of the burgh of Lanerk, to whome everie one of the saids measures payed fyftie fyve merks. And the compleaner lookeing that the said Robert would have discharged his honest dewtie conforme to the trust reposed in him, yit it is of truthe that verie undewtifullie [he] destroyed and melted fyve of the saids measures with the principall measure and hes dispooned thairupon to his awne behove." The pursuer compearing, but not the defender, the Lords ordain the latter to be put to the horn and escheated.

Complaint by
Gideon Weir,
town clerk of
Lanark,
against Robert
Hog, potter in
the Potterrow,
Edinburgh, for
destroying five
measures
which the
complainer
had entrusted
to him.

Complaint by David Stuart in Elcheis and his spouse against David Innes of Kinnermonie for hamesucken.

Complaint by David Stuart in Elcheis and Elspet Stuart, his spouse, as follows:—On David Innes of Kinnermonie came by way of hamesuckin to the said David Stuart's dwelling-house with a drawn sword for the purpose of taking his life, and, missing him, he cruelly wounded his wife on the hand to the apparent mutilation thereof. The said David Stuart appearing for himself and his wife, but the defender not compearing, the Lords ordain the latter to be put to the horn and escheated.

Decreta, April 1635-February 1639. P. 310.

Complaint by John Kennedy of Haleithes and his brothers against John Johnston of Turner and others in a case of lawburrows.

Complaint by John Kennedy of Haleithes and George, Thomas and Harbert Kennedy, his brothers, as follows:—They have been charged at the instance of John Jonstoun of Turner, Andrew and George Jonstoun, his sons, Andrew Jonstoun of Kirkstoun, John Jonstoun, his son, Hercules Jonstoun, natural son of William Jonstoun of Gumenbie, and John Jonstoun of Cleuchheids, to find caution of lawburrows to them, the said John in £1000, and each of his brothers aforesaid in 500 merks, under pain of horning; which letters they have raised most wrongfully, as the complainers, on a similar charge quite recently before the Lords of Council and Session, suspended the charge and obtained a decret on 7th July last, modifying the caution to £40 in terms of the Act of Parliament, the complainers being but mean men. The letters can only thus be raised out of malice. Yet they have found caution according to law and crave suspension. John Kennedy appearing for himself and the other pursuers, and producing the decret aforesaid, in the case against them by the said Andrew Jonstoun of Turnor and George Jonstoun, his brother [*sic*], the Lords modify the amount of the caution to be found by each of the complainers to £100, and suspend the horning in respect of the greater sum.

P. 312.¹ [Omitted at its proper place in the Register.]

Edinburgh, 23rd February 1637.

Commission appointed for the examination of certain prisoners produced by the Laird of Grant.

"The Lordis nominatis the Earle of Mar, the Lordis of Lorne and Naper, the Clerk of Register, Thesaurer Depute, Justice Clerk and Justice Depute, not excluding any others of the Counsell, to examine the personis presentlie in warde within the tolbuthe of Edinburgh whilkis wer brought in be the Laird of Grant."

Sederunts, January 1635-November 1643. Fol. 40, b.

Edinburgh, 28th February 1637.

Sederunt:—Chancellor; Glasgow; Mar; Perth; Seafort; Dumfreis; Southesk; Lord Lorne; Bishop of Aberdeen; Bishop of Galloway; Bishop of Brechin; Lord Naper; Clerk Register; Advocate; Treasurer Depute; Justice Clerk.

Acta, May 1636-November 1639. Fol. 189, a.

Sir William Elphinstone, knight, admitted to the Council.

"The whilk day the Lords of Secreit Counsell, according to ane warrand and direction in writt signed be the King's Majestie and this day presentit unto thame, receaved and admitted Sir Williame Elphinstoun, knight, Lord Cheefe Justice of this kingdome,¹ to be ane of the Lords of Privie Counsell of the said kingdome, and to bruike and injoy all the liberteis, priviledges, honnors, digniteis and immunitis proper and dew

¹ Son of George Elphinstone of Blythwood. Scot of Scotstarvet, "he went back to England, "When the troubles began," says Sir John and there died in a bad condition."

Acta, May
1636-Novem-
ber 1639.
Fol. 189, a.

to that place and charge. Lykeas the said Sir Williame, being personallie present and acknowledging his Majesteis gracious bountie and favour shawin unto him in preferring and advancing him to this high place of honnour and dignitie, he in all humilitie, upon his knees, his hand lying upon the halie evangell, made and gave the oath of alledgeance and of a privie counsellor. Followes his Majesteis missive for warrant of the act abonewrittin :—CHARLES R.—Right reverend father in God, right trustie and weilbelovit cousins and counsellors, right trustie and trustie and belovit counsellors, we greit yow weill. Understanding perfectlie the sufficiencie and affection to our service of our trustie and weilbelovit servant, Sir Williame Elphinston, knight, and for his better encouragement thereunto heerafter, being willing to promote him to be one of our Privie Counsell of that kingdome, it is our pleasure that, having administered unto him the oath accustomed in the like causes, yow admitt him to be one of our said Counsell, accepting him as one of your owne number, for quhilks these presents sall be your warrant. We bid yow farewell. From our court at Whitehall, 7 February, 1637.”

Fol. 189, b.

“The Lords of Secreit Counsell ordains and commands his Majesteis Justice, Justice Clerk and thair deputs to pronounce thair interloquutor anent the relevancie of the Ladie Rothemayes dittay the morne, the first of Februar, and to continew the receaving of the assise till Fryday or Wedinsday nixt as the Justice sall thinke meit.” Lady Rothiemay.

Decreta,
April 1635-
February 1639.
P. 310.

[Sederunt as recorded above.]

Edinburgh,
28th February
1637.

Complaint by Peter Harroway, indweller in the Lynktowne of Abbotshaw, as follows :—On 14th instant William Mitchelsone, bailie in the said Lynktowne, alleging that the complainer had reset some goods stolen from Archibald Mitchelsone in Kirkcaldie, came to his dwelling-house, seized upon his person, carried him to the tolbooth of Kirkcaldie, and delivered him to the bailies, whose officer, Andrew Alexander, “putt the poore man in the theeves hole in the stockes, tooke his clocke frome him, and would not suffer his wyffe nor anie of his bairnes to come neir him, so as he is lyke to sterve for hunger and cold. Thairafter they sent to his hous, rypped the same, and, findeing nothing there, tooke the keyes frome his wyffe of her kists and other lockfast loomes, and would not suffer her to meddle with anie of her awne goods for enterteanment of her selfe, her husband and familie. And, quhairas the compleaner hes lived there be the space of 24 yeeres in the qualitie of ane honest man upon his ordinarie trade of ane tailyeour without blame, he hes delt with the baillies to putt him to libertie or tryell, quhilk they refuse, bot intends to keep him in miserie till he sterve.” Charge having been given to the said William and Archibald Mitchelsone to compear personally, and to Andrew Alexander, officer, Alexander Law, William Simesone, and John Palmer, bailies of Kirkcaldie, to compear by one of Complaint by Peter Harroway, indweller in the Linktown of Abbotshall, against William Mitchelson, bailie in the said Linktown, for illegal warding.

their number and produce the pursuer, and the pursuer compearing by ^{Decreta,} ^{April 1635-} ^{February 1639.} ^{P. 310.} his wife, and Archibald Mitchelsone personally, the rest of the defenders compearing by George Sibbald, advocate, who contended that the said Peter was lawfully apprehended for theft and reset of theft alleged and confessed against him by Thomas Craig, Margaret Broune, Isobel Reddie, and Elspet Arnot, and the defenders taking the 10th of March next for prosecuting all these persons criminally before the bailie-depute of the regality of Dumfermline, within whose bounds they dwell, the Lords accordingly remit the trial of the pursuer and these other four persons, who are all in ward in the tolbooth of Kirkaldie as being accessory to the same theft, for trial to the said bailie-depute, who is empowered hereby to hold his courts and deal with these persons as they shall be found innocent or guilty.

Supplication by Colin Campbell, brother to the Laird of Achinell, and his wife for the apprehension of George Buchanan, son of the deceased Robert Buchanan of Leny, who is threatening their lives.

Supplication by Colin Campbell, brother to the Laird of Achinell, and P. 312 Helen Stirline, his wife, as follows:—They have been very heavily oppressed by George Buchannan, son of the deceased Robert Buchannan of Lenie, of which they have made complaint to their Lordships. For this he is so enraged "that he hes tane the supplicants hous of Lenie and threatned to burne the same, to slay thair goods and lay thair lands waist." This he will not fail to do and then become a common sornor to the disturbance of the peace of the country if he be not apprehended. They therefore crave that the Lords would grant a warrant to some gentlemen for the apprehension of the said George and his servant. The Lords, understanding from some of their number "that the said George Buchannan is for the present visit with a phrænesie," grant a commission to John, Earl of Perth, Sir George Stirline of Keir, Halden of Glennegles and William Stirline of Ardoche, or any of them, to search for and apprehend the said George Buchanan and his servant and keep them in ward during the continuance of this phrensy and until some course be taken for his keeping the peace.

The Council required to be present at the Communion in his Majesty's chapel.

"The whilk day the Lord Chancellor intimat to the Counsell that ^{Sederunt,} ^{January 1635-} ^{November} the communioun wold be celebrat in his Majesteis chappell upoun ^{1643.} ^{Fol. 40, b.} Sondag nixt, and desirit the Lordis to prepar thame selffis and to be present at the said actioun."

Edinburgh, 2nd March 1637.

Sederunt:—Chancellor; Treasurer; Bishop of Glasgow; Mar; ^{Acta, May} ^{1636-Novem-} ^{ber 1639.} ^{Fol. 189, b.} Perth; Wigton; Gallouay; Seafort; Dumfreis; Lord Lorne; Bishop of Edinburgh; Bishop of Galloway; Bishop of Aberdeen; Bishop of Brechin; Lord Binning; Lord Alexander; Lord Naper; Clerk Register; Advocate; Lord Justice; Deputy Treasurer; Justice Clerk.

Sir William Elphinstone appointed Lord Justice General.

"Forsamekle as it hes pleased the King's Majestie to make choise of Sir Williame Elphinstoun, knight, to be Lord Cheefe Justice of this kingdome during his Majesteis will and pleasure, as in his Majesteis letters patent grantit to him for this effect bearing date at Whitehall,

the 23 of December last, and quhilk patent he produced before the Lords of his Majesteis Privie Counsell, at more lenth is conteanit. Quhilk patent being read and considerit be the saids Lords, and the said Sir Williame being personallie present and acknowledging with all humble and duetifull respect his Majesteis gracious favour showin unto him in preferring of him to this high place of dignitie, he accepted the said office in and upon him, and gave his great and solemne oath to discharge the same faithfullie according to his knowledge and conscience and to approve himselfe worthie of the trust concredite unto him be his Majestie."

"Forsamekle as the King's Majestie, being pleased to make choise of Sir Williame Elphinstoun, knight, to be Lord Cheefe Justice of this kingdome upon dimission of Archibald, Lord of Lorne, for himselfe and takand the burden on him for Archibald, Erle of Argile, his father, as in the patent grantit unto him for this effect at lenth is conteanit, quhilk patent the saids Lords allowed and allowes, with this declaration alwayes that the allowance of the said patent in favours of the said Sir William sall be without prejudice of the Lord of Lorne his office of heretable justiciarie within the bounds of the yles and others bounds exprest in his gift grantit heirupon, and this declaration being intimat to the said Sir William he acquiesced thereunto."

"The Lords of Secreit Counsell ordains Sir Williame Elphinstoun, Lord Cheefe Justice, to take place in Counsell as ane counsellor onelie untill suche time as his Majestie be pleased to make declaration of the precedence due to the office of Cheefe Justice"

"The Lords of Secreit Counsell nominats and appoints George, Erle of Seafort, Archibald, Lord Lorne, Williame, Lord Alexander, Archibald, Lord Naper, with his Majesteis Cheefe Justice, the Advocat, Justice Clerk, and Justice Deput, or anie three of thame, not excluding anie others of the Counsell who pleases to be present, to convene and meit in the Laich Counselhous the morne at eight of the clocke in the forenoone, and to call before thame Johne Dow Roy, Johne McInstalker, and the rest of the criminall prisoners now being in the tolbuith of Edinburgh, and Johne McJokkie and his twa sonnes, and to examine thame upon suche interrogators as they sall thinke meit to demand of thame, and to confront thame with suche others persons as they sall thinke meit, and, as they find occasion, to putt thame or so manie of thame as they thinke expedient to the tortour of the butts for the better discoverie of the treasonable practises whairof they ar suspect guiltie, and to report thair proceedings to his Majesteis Counsell to the effect they may give forder order and direction thereanent."

[Sederunt as recorded above.]

Edinburgh,
2nd March,
1637.

Supplication by John, Viscount of Kenmuire, Lord Lochinvar, and William, Earl of Morton, and Archibald, Lord Lorne, his tutors testa-

Supplication
by John,
Viscount of

Kenmure, and
others for a
warrant to
hold a court to
receive the
nomination of
burgesses for
the new burgh
of Galloway.

mentars, for his interest, as follows :—The deceased John, Viscount of Decreta, Kenmure, his father, at great expense purchased a charter for the erection of a royal burgh upon a part of the barony of Kenmuir therein designed, called "the burgh of Galloway," and gave to burgesses thair power and libertie to elect and constitute ane provest, foure baillies, ane deane of gild, ane thesaurer and tuelff persons of counsell, and sindrie others priviledges, as the said charter of the date the 19 of November, 1630 yeeres, ratified be ane speciall act of his Majesteis Parliament will testifie. And becaus as yit there hes beene na burgesses lawfullie creat, suorne and ressaved of the said burgh of Gallouay thair of, and to the effect that some persons may be creat burgesses thair of, who may ressave the rest of the burgesses of the said burgh, be whome the magistrats thair of may be suorne and be the whome the burgh may be governed, it is necessar that the saids Lords give warrand and commission "to that effect; and the supplicant craves accordingly. The Lords grant "thair warrand and commission to James Chalmers of Gatgerth and Allexander Gordon of Erlestoune, tua of the justices of peace within Gallouay, to pas to the said burgh of Gallouay and thairin to fence and hold ane court, and in the same court to make and ressave suche persons as salbe nominat be the supplicants burgesses of the said burgh of Gallouay, and to take thair oathes and authorise thame with thair burges tikket in dew forme conforme to the lawis of this realme, to the effect the saids persons so ressaved and admitted may make choise of the provest, baillies, deane of guild, thesaurer and counsell of the said burgh, be whome and thair successors the rest of the burgesses and gild brether of the said burgh may be ressaved in all tyme comeing."

Edinburgh,
2nd March
1637.

Lord Reay.

"Ane warrand and letter frome his Majestie for a licence to the Lord of Rae to go oute of the cuntrey for craving in of some debtis. The consideratioun and advysing upoun this letter continewed to Twisday nixt."

Sederunts,
January 1635-
November
1643.
Fol. 41, a.

Edinburgh,
7th March
1637.

Sederunt :—Chancellor; Treasurer; Bishop of Glasgow; Mar; Winton; Wigton; Gallouay; Seafort; Dumfreis; Lord Angus; Lord Lorne; Lord Binning; Lord Alexander; Bishop of Edinburgh; Bishop of Galloway; Bishop of Aberdeen; Bishop of Ross; Bishop of Brechin; Lord Naper; Clerk Register; Advocate; Deputy Treasurer; Lord Justice; Justice Clerk.

Acta, May
1636-Novem-
ber 1639.
Fol. 190, a.

Act against
resettlers of the
Clan Gregor.

"Anent our soverane lords letters, raised at the instance of Sir Thomas Hope of Craighall, knight, baronnet, Advocat to our soverane lord for his Majesteis interesse, makand mention that where albeit the ressett, supplee, intercommoning and furnishing of meate, drink, hous, harberie, powder, leade, and lunt to the rebellious and brokin theeves of the Clan Gregour and others brokin clans of the Hielands hes beene diverse times and by manie acts and proclamations made and published heirtofore

Acta, May
1636-Novem-
ber 1639.
Fol. 190, a.

prohibite and discharged under certane panes mentiouned and conteanit in the saids acts; notwithstanding quhair of it is of truthe that since the daitis respective foresaids of the saids acts and proclamations, and speciallie in the moneths of, etc., at the least in one or other of the saids moneths, the persons following; they ar to say, Alexander Gordoun of Abiryeldie, Allane Stewart in Stragernick, his tennent, Sir Robert Innes of Balvenie, Johne Dow McInrawer, his servant, Duncane Cumming in Braigauche, his tennent, Johne Gordoun of Innermerkie, Alexander Rattray at the milne of Ledla in Skeirdustane, Patrik McKerein in Kethacks, Thomas Stewart in Eskibow, Johne Fraser, elder of Dollibrachtie, Johne Fraser, younger in Clannerin, hes ressett, supplend and intercommonned with the brokin lymmars foresaids, furnished thame meate, drink, poulder, lead, lunt, and all others things necessar, and keeps intelligence with thame be word, writt and message in proud contempt of law and justice; and anent the charge givin to the persons ressetters particularlie abonewrittin to have compeired personallie before the saids Lords of Privy Counsell this present day to have underlyne suche order for thair said ressett as the saids Lords sould thinke fitting, under the pane of rebellion, etc., with certification, etc., lykeas at mair lenth is conteanit in the saids letters, executions and indorsations thair of; quhilks being callit and Sir Thomas Hope of Craighall compeirand personallie for his Majesteis interesse, and the said Laird of Balvenie compeirand be Sir Walter Innes, his sone, who produced ane testimoniall under the hands of the chantour and chancellor of Ross and some of the elders of the kirk of Rosmarkny, testifeing upon thair consciences that the said Laird wes so troubled with the gravell as he could not travell, as the said testimoniall of the dait, the twentie twa day of Februar last, proports; in regard whair of the saids Lords excuses his absence at this time; and tuicheing the said Duncane Cumming, alledged tennent to the said Laird, the said Walter declared that his father had obtained decreit of removing aganis him and that he wes not his fathers tennent; and the saids Lairds of Abiryeldie and Innermerkie, Alexander Rattray, Thomas Stewart, Patrik McKerein, Johne Frasers, elder and younger, compeirand personallie, and the said Allane Stewart, Duncane Cumming and Williame Hay being oftymes callit and not compeirand, the Lords of Secreit Counsell ordains his Majesteis Justice to examine the persons present upon the libell foresaid with convenient diligence, and ordains the saids persons present to stay in toun till they be orderlie dimitted, and ordains letters to be direct charging messengers of armes to pas and denunce the said Allane Stewart, Duncane Cumming and Williame Hay, who compeired not, our soverane Lords rebels, and to escheit, etc.; and ordains young Balvenie to find caution for his fathers appearance before the saids Lords upon the 13 of Junij nixt to answer anent his ressett of the Clan Gregour and other brokin men and for the production of his criminall horning and decreit of removing aganis the said Duncane Cumming, under the pane of ane thowsand punds."

Fol. 190, b.

Letter from his Majesty requiring that Lady Rothie may be allowed to return home under due caution.

"The whilk day the missive letter underwrittin, signed be the King's Acta, May 1636. Novem-ber 1639. Fol. 190, b.

Majestie and direct to the Lords of Privie Counsell, was presentit to the saids Lords and read in thair audience, of the whilk the tennor followes: —CHARLES R.—Right reverend father in God, right trustie and weil-belovit cousins and counsellers, right trustie and trustie and belovit counsellers, we greit yow weill. Being informed that the wedow of Rothemay hath beene long deteanned in Edinburgh attending a legall tryell tuicheing the late troubles in the north, and being humbelie petitioned on her behalfe for recommending her poore distressed estat unto yow, her husband and sone being both killed in the late unhappie accidents concerning Fendraucht, and that, though she is willing to abide anie tryell for cleering her innocencie, yitt she is unable to undergoue that charge whereunto delay and absence frome her hous reduce her, we have heirby thought fitt to recommend unto yow that upon suretie frome her for suche things as yow sall thinke requisite yow licence her to repaire to her hous, causing the keyes thair of to be delivered to her, unlesse yow have some speciall reason to the contrare, whair of we desire to be certified. We bid yow farewell. Frome our court at Whitehall, the 14 of Februarie, 1637. Quhilk missive being read, heard and considered be the saids Lords and they weill advised therewith, they ordaine the caution formerlie found be the said Ladie Rothemay for her remaining and keeping waird on this side of Forth to stand in force till the 27th of July nixt."

Fol. 191, a.

Act anent the minors of Lord Pitsligo in accordance with a direction from his Majesty.

"Forsamekle as upon a petition preferred to his Majestie in behalfe of the minors of the late Lord Pitsligo, his Majestie hes beene graciously pleased, out of his princelie care of all minors, to recommend to his Counsell the consideration of the just objections presentit to thame aganis the tutor, requiring the Lords, after hearing of both parteis, to establishe suche ane order for preservation of the saids minors thair estat and evidents and sattling of thair persons that they be not prejudged of what is justlie due unto thame in so far as sall be found agreeable to equitie and justice, for quhilk purpose the Lords of Secreit Counsell ordains letters to be direct charging Alexander Forbes of Boynlie, tutor of Pitsligo, to compeir before thame upon the 23 of this instant to heare his Majesteis pleasure and the saids minors thair just desire intimat to him to the effect the Lords, after consideration of the same and of the answers to be made thereunto be the said tutor, may take suche a course for the right mannaging of the saids minors estat as his Majestie in his royall care hes prescryved to be done, and that he compeir personallie, under the pane of rebellion, etc., with certification, etc. Followes his Majesteis missive for warrant of the act abonewrittin: —CHARLES R.—Right reverend father in God, right trustie and weil-belovit cousins and counsellers, right trustie and trustie and weil-belovit counsellers, we greit yow weill. Whereas we have beene humbelie petitioned in behalfe of the minors of the late Lord Pitsligo (who ar infants) that becaus of some just objections presentit aganis thair tutor,

Acta, May
1636-Novem-
ber 1639.

Fol. 191, b.

according to the informatioun whiche the persons interessd ar to exhibite before yow, we would be pleased, out of our princelie care of all minors, to recommend thair estat unto yow whereby they may not be defrauded of what is justlie due unto thame, wherein, as it is our princelie desire that they be not wronged in so far as lawfullie and convenientlie can be prevented by ws, so, being willing that what course sall be found necessarie to that purpose be first duellie considerit, it is our pleasure that yow take the demands to your consideration and after yow have thought upon that whiche is fitt to be done be yow for the better preservation of thair estats and evidents and settling thair persons, that yow give order accordingle that they be not prejudged of what is justlie due unto thame in so far as sall be found to be agreable to equitie and our lawes. We bid yow farewell. Frome our honnour of Hampton Court, 9 Decembris, 1636."

Sederunta,
January 1635-
November
1643.

Fol. 41, b.

"The whilk day the Lord Thesaurer and Earle of Nithesdall gaif in Edinburgh, a reporte in write of the proceedingis of the Commissioners of the 7th March 1637. Middleshyris at the lait justice courte haldin at Jedburgh in the Report of the Commissioners of the Middle Shires. moneth of Februar last. The Lordis delyverit the report to the Archbishop of Glasgow and Earle of Wintoun to be perused be thame, and thay to reporte upoun Thursday nixt."

"The whilk day thair was a letter frome his Majestie gevin into the Counsell in favours of the Lord of Rae, toucheing a licence to be grantit to him to go oute of the cuntrey for craving in of some debtis. The Lordis allowis of the licence upoun the conditionis contenit in the letter, the Lord Rae finding caution for performeing of whatever salbe decernit aganis him at the instance of his pretendit wyffe."

Acta, May
1636-Novem-
ber 1639.

Fol. 191, b.

Sederunt:—Chancellor; Treasurer; Mar; Winton; Perth; Wig-Edinburgh, ton; Gallouay; Lauderdaill; Seafort; Dumfreis; Lord Angus; 9th March, 1637. Lord Bining; Lord Alexander; Bishop of Edinburgh; Bishop of Gallouay; Bishop of Aberdene; Bishop of Ros; Bishop of Brechin; Lord Naper; Clerk Register; Treasurer Depute; Justice; Justice Clerk.

"The Lords of Secret Counsell, according to ane warrand and direction in writt signed be the King's Majestie and this day presentit to thame, gives and grants commission and warrant to Captane Robert Hume and to suche others captans, lieutenents and officers as hes charge under Colonell Hepburne, to levey and take up within this kingdome ane recrue of a thousand men to the said Colonell Hepburne his regiment for the service of his Majesteis brother, the Frenche King, and to transport thame over sea for that service, with power to the said Captane Robert and others foresaids for this effect to caus towcke drummes and to doe and performe all other things quhilks towards the uplifting and transporting of the said recrue ar necessar and may lawfullie be done: Charging heirby all our soverane lords lieges, judges, officers

Warrant to
Captain Robert
Hume to levy
1000 men for
service in
France in the
regiment of
Colonel
Hepburn.

and magistrats to burgh and land to concurre and assist the said Captane Robert and others officers foresaids in the leveying and transporting of the said recrue, and that they nor nane of thame presooome nor take upon hand to make anie trouble nor impediment to thame therein: And if anie person or persons who sall happin to inroll thameselffes for this service and sall receave pay sall thereafter withdraw thameselffes frome this service and so leave thair charge, that the saids officers, judges and magistrats doe justice therein to the said Captane Robert and others captans and officers foresaids, as they and everie ane of thame will answer to his Majestie and the saids Lords on thair perrell; the saids captans and others officers alwayes giving satisfaction to everie one of the said number as sall be agreed upon betuix thame according to the custome observed in the like caises. Followes his Majesteis missive for warrant of the act abonewrittin:—CHARLES R.—Right reverend father in God, right trustie and weilbelovit cousins and counsellers, right trustie and trustie and weilbelovit counsellers, we greit yow weill. Upon humble sute made unto us for licencing a recrue of one thousand men to be leveyed in that our kingdome to Colonell Hepburnes regiment for the service of our brother, the Frenche King, we ar pleased that yow grant to that purpose a commission with a sufficient warrant to Captane Robert Hume for leveying and transporting the foresaid number, with libertie to towcke drummes and with all suche other priviledges as anie other persons hath had heirtofore in the like kynde, he alwayes giving satisfaction to everie ane of the said number as sall be agreed upon betuix him and thame according to the custome in the like caises; for whiche these presents sall be your warrand. We bid yow farewell. Frome our court at St. James, 27 February, 1637.”

Acta, May
1636–Novem-
ber 1639.
Fol. 191, b.

Fol. 192, a.

Agreement
between Hew,
Lord Fraser of
Lovat, and
Colonel Monro
to accept the
Lord High
Treasurer as
umpire in their
dispute anent
the estate of
Foullis.

Order to the
Lord Chief
Justice to
proceed with
the trial of
John Dow
Braibner and
others.

Colonel
Hepburn's
regiment.

“The quhilk day in presence of the Lords of Secreit Counsell compeired personallie Hew, Lord Fraser of Lovat, and Colonell Robert Monro, and submitted, lykeas be the tennor heiroyf they submitt, all differences standing betuix thame anent the estat and living of Foullis to Johne, Erle of Traquair, Lord High Tresaurer of this kingdome, and band and obleist thame to abide and underly and fulfill whatever the said Lord Tresaurer sall determine heerin but appellation, reclamation or gainesaying whatsomever.”

“The Lords of Secreit Counsell ordains Sir Williame Elphinston, Lord Cheefe Justice of this kingdome, to putt the hail criminnalls presentlie in waird to a tryell with all expedition, and to begin with Johne Dow Braibner, and so to goe on with the rest, and that McInstalker be last, ordaning the said Justice, after conviction, to advise the Counsell anent the forme of doome to be pronounced aganis thame.”

“The Lords of Secreit Counsell ordains and commands the clerkes of Privie Counsell to give out severall extracts to everie one of the captans, officers and commanders of Colonell Hepburne's regiment, and to insert thair names therein for leveying thair proportionable part of the levey of ane thowsand men allowed to the said colonell.”

Fol. 200, b.
[This act
omitted in
its proper
place in the
Register.]

Acts, May
1636-Novem-
ber 1639.
Fol. 200, b.

"The Lords of Secreit Counsell, according to ane warrant and direction in writt signed be the King's Majestie and this day presentit to thame, gives and grants commission and warrant to Captane, etc., and to his lieutennants, ensignes and officers, being within and under the charge and regiment of Colonell Hepburne, to levey and take up within this kingdome his ratable and proportionable number of men to make up a recrue of ane thowsand men towards the strenthening of the said Colonell Hepburne his regiment, and that for the service of his Majesteis brother, the Frenche King, and to transport thame over sea for that service; with power to the said captane and others foresaids for this effect to caus towcke drummes and to doe and performe all others things quilks towards the uplifting and transporting of the said recrue ar necessar and may be lawfullie done: Charging heirby all our soverane lords judges, officers and magistrats and all others his Majesteis subjects to burgh and land to concurre and assist the said captane and others foresaids in the leveying and transporting of the said recrue, and that they nor nane of thame presooome nor take upon hand to make anie trouble to thame therein; and, if anie person or persons who sall happin to enroll thameselfes for this service sall leave thair charge, that the saids officers, judges and magistrats doe justice therein to the said captane and others foresaids, as they and everie ane of thame will answer to his Majestie and the saids Lords at thair perrell, the said captane and others officers alwayes giving satisfaction to everie one of the said number as sall be agreed upon betuix thame according to the custome observed in the like causes."

Warrant to
officers of
Colonel
Hepburn's
regiment to
levy 1000 men
for the said
regiment.

Decreta,
April 1635.
February 1639.
P. 316.

Supplication by Sir Thomas Burnet of Leyes, knight baronet, as follows:—He is infet in a tenement of land in the burgh of Aberdene which formerly belonged to Thomas Watsons, mason, by resignation, and which at one time was redeemable from the said Thomas by the heirs of the deceased Robert Watsons, his uncle or cousin; and the said heirs, by a contract between the said Thomas and them, renounced their right of reversion, which contract, at the time of the sale of the said tenement to the supplicant, the said Thomas abstracted from the writs and has as yet in his possession in the tolbooth of Aberdene, where he presently is as a prisoner for debt. And, though the supplicant has caused several friends deal with him to register the contract, so that the discharge of the reversion may be forthcoming to the supplicant, "nevertheles, suche is the wicked humor of the said Thomas that he sueares to suche as crave sight of the contract, either to ryve or burne the same, quhilk he will not fail to doe if the supplicant sall persew the same be a legall way." He therefore craves that their Lordships will give command to the provost and bailies of Aberdene "to seaze upon the said contract and to preserve the same in thair hands till it be callit for and registrat be a legall processe to be forthcomand to all parties haveing right." This the Lords do.

Edinburgh,
9th March,
1637.
Supplication
by Sir Thomas
Burnet of
Leyes, knight
baronet, that
Thomas
Watson,
mason, be com-
pelled to
surrender a
contract be-
tween the
supplicant and
the said
Thomas.

P. 317.

Sederunts,
January 1635.
November
1643.
Fol. 42, a.

"The Lords declares they will not alter the act made the last day anent the Lord Rae's licence."

Edinburgh,
9th March
1637.
Lord Reay.

Resettlers of
the Clan
Gregor.

"The Lords continewes the Laird of Grant, Innermerkie, and Balvenie and Abiryeldie and others persons summond heir for ressett of the Clan Gregour till Tuisday nixt."

Sederants,
January 1636.
November
1643.
Fol. 42, a.

Report of pro-
ceedings at the
court of Jed-
burgh.

"The quhilk day the report of the proceedings at Jedburgh court was delivered to the Lord Chancellor and Erle of Mar to be perused be thame, and to report upon Tuisday."

Edinburgh,
14th March
1637.

Sederunt :—Chancellor; Treasurer; Bishop of Glasgow; Mar; Winton; Seafort; Dumfreis; Lord Binning; Lord Alexander; Bishop of Galloway; Bishop of Aberdene; Bishop of Ros; Bishop of Brechin; Lord Naper; Clerk Register; Advocate; Justice; Justice Clerk.

Acta, May
1636-Novem-
ber 1639.
Fol. 192, a.

Report of the
proceedings of
the court held
at Jedburgh
by the Com-
missioners of
the Middle
Shires.

"The whilk day Johne, Earle of Traquair, Lord High Tresaurer of this kingdome, and one of the commissioners of the middle shires, produced and exhibite before the Lords of the Privie Counsell the proceedings of the commissioners of the middle shires at the late [court] haldin at Jedburgh and the acts and statuts sett doune be thame for the good of the countrie and peace and quyetnes of these bounds, quhairof the tennor followes:—The statuts and ordinances sett doun be Johne, Erle of Traquair, High Thesaurer of Scotland, Robert, Erle of Nithsdail, James, Lord Drumlanrig, James, Lord Johnestoun, and remanent commissioners and justiciars conteanit in his Majesteis commission givin to them for punishing of disorders upon the Borders and Middle Shires conforme to the tennor thair of, in the justitiarie court haldin be thame at Jedburgh, the 23 day of Februarie, 1637—First, they statute and ordaine that no person or persons whatsoever, having residence within the bounds of the Middle Shires conteanit in the commission, under the degree of landit men or unsuspect persons sall presooome in anie time comming to goe to Ireland without licence and warrand grantit and sub-scrvyed be some one or other of the commissioners, under the pane and with certificatioun to the partie so to be apprehended without warrand, to be repute as ane theefe, and the same sall be ane point of dittay-aganis thame in time comming, whereanent thir presents sall be ane warrand to all justices of peace, shireffs, stewarts, provests, bailleis and thair deputs, and all others his Majesteis officers whome it effeirs, to take and apprehend thame and committ thame to sure jayle and prisoun till they be brought to thair tryell, as they will be answerable to the contrare."

Fol. 192, b.

"As alsua the saids commissioners hes statute and ordained that no ailehous keeper, oastler or keeper of anie inne quhatsomever within the bounds of the commission foresaid sall presooome in time comming to have anie muttoun, beeffe or lambe within thair houses but suche as they sall present the skin, head, lugges and hyde thair of to two or more of thair honest nighbours who may beare witnesse of the marke and birne of the skin and hyde and that the flesh thair of is lawfullie becomit,

Acta, May
1636-Novem-
ber 1639.
Fol. 192, b.

under the pane and with certificatioun, if they failie, they sall be halden and repute as stealers and ressetters of suche goods."

"It is also statute and ordained be the saids lords commissioners that all landlords, barons, heretours and others having right to lands where the wyffes and relicts of these who ar execute for thift or declared fugitives does duell and remaine, that they remove the wyffes and haille childrein of suche persons furth of thair lands, and that nane others receive thame upon thair lands within the bounds of the said commission in time comming under the pane and with certification that the landlords, barons, gentlemen, heretours and others ressetters sall be comptable for whatsoever sall be layed to the charge of the saids wyffes and childrein. And in caise the foresaid wyffes, children or persons sall not be removed within the space of twentie dayes nixt after the ensuing terme following the execution of the foirsaid persons who sall happin to be execute or denunciation of these who sall happin to be declared fugitives, in that caise the landlord, gentleman or heretour sall be lyable and incurre the penaltie of ane hundreth merkes *toties quoties*."

Fol. 193, a.

"And siclyke the saids commissioners statuts and ordains that no escheits be uptakin or uplifted of anie person or persons till they ather be convict or than be declared fugitives, and that the partie persewer and interessed sall have satisfaction for the goods stollin frome thame for the whiche he does persew and the malefactor is found guiltie aff the foirend of thair escheit goods, and that the clerks, officers and members of court be satisfied for thair panes of the first and readiest thair of."

"And, farther, the saids Lords commissioners statuts and ordains that if anie person or persons sall happin to have goods stollin fra thame, and be collusion or connivence sall receive satisfaction thair of and sall not prosecute the theefe and stealer thair of according to the custome and lawes of this realme, the same connivence or satisfaction so to be takin sall be repute as thift and the partie persewer to be prosecute for the same. And if they sall delate and persew according to the custome used in the commission, the partie persewer sall receive satisfaction of what is stollin frome him of the first and readiest of the delinquents goods."

"It is also statute and ordained be the saids lords commissioners that anie fugitive or anie other suspect of thift being putt in prison, that they sall not be releved nor baylit but be ane warrant frome the commissioner be whome he wes imprissouned, and, when he is releved, that the caution be found and actit be the clerk to the processe where he is declared fugitive and who is clerk to the commissioner imputtar."

"Also the saids commissioners statuts and ordains that no person nor persons presooome nor take upon hand to buy nor blocke anie goods within the bounds of the foresaid commissioun except the same be bought and blocked in ane publict mercat at the least before twa famous witnesses, testifeing that the goods is lawfullie becumit, under the pane and with certificatioun, if they doe in the contrare, they sall be repute and haldin as connivers and traffiquers with theeves."

"And siclyke the saids commissioners statuts and ordains that in ^{Acts, May 1636-November 1639, Fol. 193, a.} caise anie of his Majesteis lieges or subjects sall see, speeke, give assistance or helpe ather be money or otherwayes to anie declared fugitives, or sall ressett, interteane or intercommoun with thame and doeth not raise huy and cry upon thame, the seers sall be punished be the sight and discretion of the commissioners. And seing be diverse acts of parliament made be King James the Fyft, and speciallie be his ^{Fol. 193, b.} sevint parliament, cap. 97, and be King James the Saxt of eternall memorie his first parliament and ellevinth parliament, ressetters of theeves and intercommouners with theeves and declared fugitives and rebels ar punishable by death, and, albeit the saids acts be in desuetude and have not been putt to execution in times bypast, yitt the saids lords commissioners, upon good considerations for the good and advancement of the service, finds ane necessitie that the same acts be revived and putt to due execution conforme to the tennor thair of, and, that no person pretend ignorance of the same in time comming, ordains that they be published at all mercat croces necessar."

"And, forder, the saids commissioners statuts and ordains that ane roll of the declared fugitives be made and subscryved under thair clerks hand and be delivered and presentit to ilke minister within the bounds of the commissioun, at the least to the moderator of the bounds, to the effect that he may disperse and deliver the same to the remanent of his brethrein, and ordains thame to affixe the said roll upon thair most patent kirk doore upon ilke Sunday and there to hing betuix ten and twelffe houres of the day quhairby the lieges pretend no ignorance. And in like maner the saids commissioners statuts and ordains that no man weare nor use swords, steil bonnets, nor no other suche weapons except noblemen and gentlemen unsuspect of fellonie or thift, with certification to the contraveenners they sall be punished according to the discretion of the saids commissioners without thair licence."

"Lykewayes the commissioners statuts and ordains that, if anie person be apprehended for thift upon informatioun, the commissioner to whome the information wes givin take the informer bound to persew the person or persons apprehended or delate and not to receave anie restitution or satisfaction for concealement."

"As also the saids commissioners statuts and ordains that whensoever anie sall be declared fugitive that advertisement and information sall be givin to the English commissioners of thair names, shape, fashioun and cullour for thair better discoverie and apprehensioun."

"And siclyke the saids commissioners statuts and ordains that, if anie persons sall be declared fugitives and sall remaine yeere and day thereafter outlaw and fugitive, than and in that caise it sall be lawfull and sufficient without farther dittay that they be apprehended and hanged, being presented to one of the lords commissioners of the quorum."

"The names of the persons execute in the said court:—**HANGED**—^{Fol. 194, a.} Richard Irwing, callit Hectors Richie, James Johnestoun of Kirk, Johne

Acta, May
1636-Novem-
ber 1639.
Fol. 194, a.

Beattie of Tannahill, Archibald Armestrang of Holhous, John Pollok Fergus Lintoun, Richard Colthird, James Forrester in Greinna, Simeon Elliot in Benkis, David Scot in Hawick, Robert Scot, his brother there, Robert Grahame in Beggeraw, Andro Grahame in Oldface, Arthure Haire in Liddisdail, Andro Scot callit of Bents, Simeon Elliot callit of Blackheid, Simon Armestrang callit Baitteis Simme; Thomas Hislop in Branhholme muire, Andro Scot callit Littill Andro, Alexander Hendersone in Dynnabie, William Frenche in Quacleuche, James Johneston in Willeis, Adame Gillespick in Minska, John Davidstone callit the pedder, John Elliot in Starricleuche, James Taylour in Cliftoun, William Pringill in Hownem, Alexander Hall in Chatto, Walter Mow in Oldisheuche, Hercules Crose, etc."

"Names of the persons convict of some small points of thift and pyckerie for quihlks they wer brunt in the left hand and actit under the pane of death not to committ the like:—BRUNT—Thomas Elliot, Patrik Robsone, Stevin Davidstone, Andro Douglas, James Thomstone."

"Names of the persons convict of thift and for causes knowne to the commissioners banished upon good caution never to returne to the countrie:—BANISHED—James Armestrang in Winterhopheid, Thomas Wauche in Braidreulingside, James Martine in Thornick, Adame Frenche in Quacleuche, William Beattie in Minska, Mungo Gray in Hietoun, John Clerk in Oxnem, Robert Johnston in Riuer and his 2 sonnes, Adame Grahame in Cannabie, Lancie Armestrang, *alias* Androis Lancy, William Wauche, sone to Thomas Wauch in Braidlingside, Robert Hislop in Harrat, George Achesone in Corscleuche, Andro Little in Mittieholme, Niniane Armestrang callit of Quhylawside his twa sonnes. The lords to consider for his and his wyffes maintenance."

"Names of the persons acquitt and cleanged at the said court:—CLEANGED—Archibald Johneston in Blakfuird, George Wauch, sone to Thomas Wauch, Fergus Storie in Reidkirk, Robert Armstrang, callit of Rathas, Robert Steinstone in Jedburgh, Francis Armestrang in Earned-dame, Archibald Hall in Newbigging, Charles Hall there, Robert Rutherford in Over Qubitton, William Brewhous in Earlsleuche, Francis Bell callit Franceis Wattie, James Ewart in Clairfitt, John Ewart there, James Ewart in tounheid of Frencheland, Adame Ewart in Clairfit."

Fol. 194, b.

"FYNNE—James Haswall in Jedburgh fynned for ressett of outlawes and theeves upon his awne confession in v^o merks; Clement Croser unlawed in j^m merks for dismissing of William Croser quhom he undertooke to bring to Jedburgh and there incarcerat him, and ordained to remane in waired till he pay the same; Thomas Glendoning, unlawed in j^o merks for giving up dittay to the commissioners before they came to court and not adhering thereto judiciallie; Adam Armstrang, *alias* Rackhas unlawed in j^o merkes for the same caus; Robert Johneson, unlawed, in j^m merks to the partie and j^m li. to the King."

"Names of these who presentit not the persons for whome they

becam cautioner be band or act:—CONTRAVEENERS OF ACTS—Charles Carruthers in Yll for not presenting Johne Carruthers, callit Jok in Raffill, Johne Dinwiddie in Johneston, cautioner for Johne Dinwiddy in Cleuchbrae, James Douglas in Tourens for not presenting Simon Johnstoun in Moffat, Williame Littill in Troupbeck for not presenting Johne Grahame of Ley, Thomas Bell in Denchinflat, cautioner for Johne Bell in Aldhall, Thomas Johnestoun of Fingland, cautioner for Johne Armestrang callit of Syd; Mathow Robsone, *alias* Leipleish, Robert Gibsone and Lyell Milburne, Englishmen takin in England for theft committed in Scotland, ordained to remaine in prison till his Majesteis pleasure be knowne and the English commissioners adverteist thair-
 anent.” Acta, May
1636-Novem-
ber 1639.
Vol. 194, b.

“Names of these who the first day of the court wes dismiss upon assurance to come and find caution within 20 dayes thairafter or ellis to be declared fugitives and as yitt hes not found the said caution:—Johne Grahame callit of the Gall, Gawin Tagart of the Bus, Ludovick Carruthers of Wormanby, Richard Irwing *alias* yong Willeis Richie, James Irwing, his brother, Johne Tagart in Bincka, Archibald Steill, servant to William Halyday in Fenton, Richard Johnstoun of Butterquhat, Andrew Pott, sone in law to the Cleg, Williame Johnestoun of Mellumtae, Archibald Johneston callit of Catlynnnes, Johne Blackhop in Nather Mossop, Simon Currie in Granton, Martine Glendonning in Moffat, Francis Bell in Greingathous, William Huchasone in Girthaid, William Johnston, oy to Cuddie of the Has, William Johneston of Brigmure, Johne Grahame, callit of the Gall, George Armstrang, sone to Francie of Kynmont.”

“Names of these who compeired not and ar decerned fugitives:—Johne Johnston of Graitnay, George Grahame callit Christeis Geordy, George Carruthers callit of Butterquhat, Harbert Sharp in Harthat, Thomas Johnstoun callit the Cleg, David Bell callit of Craighous, Christie Armstrang in Sculholme, Margaret Hunter now in Dumfreis, Thomas Bell callit Shaikfoot, Johne Hendersone in Drumprie, James and Eduard Johnstons in Earshag, James and George Johnstons in Broomhill, George Dobie, *alias* Roy in Braidshaw, William Dicksone in Lymkill, Johne Johnestoun, sone in law to James Grahame in Correlaw, Johne Armstrang, callit of the Syd, Sym Armstrang *alias* Caffield, Francis Armstrang, sone to old Francis of Kynmont, Hob Elliot callit of Thirstiehop, William Croser, sone to umquhill Johne Croser callit the Fryday theiff, Johne Graham in Quhitlauchmill, Johne Armstrang in Winterhopheid, Johne Armstrang, callit Capelgill, William Foster, brother to umquhill James Foster in Grenna, Sym Armestrang callit Archas Sym, Johne Armestrang callit Unshank, Jock Elliot callit Jock a gods name, Sym Wilsone callit the colt, Robert Elliot, sone to Hobbeis Crystie, Johne Wighame, sone to Williame Wighame in Neather Whisgills, William Stavert callit chiftane, James Clerk in Sprottis-
 know in Oxnem, William Johnestoun callit Langside of the gall, Johne Vol. 195, a.

Acta, May
1636-Novem-
ber 1639.
Vol. 195, a.

Johnestoun callit of Ricartris, Daniel Irwing callit of Kirkpatrik, Johne Jackson in Achindining, William Blaiklope, Johne Quhytman in Clairfute."

"Quhilks being read, heard, seene and considerit be the saids Lords, and they being weill and throwghlie advised therewith, the Lords of Secreit Counsell allowes of the proceedings of the saids commissioners and ratifeis and approves the acts and ordinances sett doun be thame, and finds and declares that the saids commissioners hes behaved thame-selffes verie worthilie in the mater abonewrittin, according to the trust reposed be his Majestie upon thame."

"Forsamekle as the late psalmes have by auctoritie of the King his Majestie and the clergie of both kingdoms beene exactlie revised and approvin, so that now his Majestie, according to his pleasure formerlie signified for receaving of the saids psalmes, is fullie resolved to have that worke goe on for the good of the church and memorie of the author, thairfoir the Lords of Secreit Counsell, according to his Majesteis expresse will and pleasure signified unto thame be writt, hes discharged and be the tennor of this present act discharges all forder impression of the old psalmes, as alsua the inbringing of the same frome England or elliswhere to the intent the new psalmes may be imprinted and generallie receaved and sung in all the churches of this kingdome. And the saids Lords hes recommendit and be the tennor heiroyf recommends to the Archbishop of St. Andrewes, Lord High Chancellor of this kingdome, to call before him or before the provest and bailleis of burrowes the whole printers and stationers within this kingdome and all others whome this mater may concerne, and to intimat unto thame this present act and ordinance and to require thame and everie ane of thame to conforme thameselffes and give obedience thereunto, under the pane of confiscation of the whole bookes whiche sall be printed or imported aganis the tennor of this act; and ordanis letters of publication to be direct heirupon if neid beis in forme as effeirs. Followes his Majesteis missive for warrant of the act abonewrittin:—CHARLES R.—Right reverend father in God, right trusty and welbelovit cousins and counsellors, right trusty and trusty and belovit counsellors, we greit yow weill. Whereas the late psalmes have by auctoritie frome ws and clergie of both kingdoms been exactlie revised and approved, we now (according to our pleasure formerlie signified for receaving thame in the church of that kingdome) being fullie resolved to have that worke goe on for the churches good and the authors memorie, it is our expresse will and pleasure that, according as yow sall thinke fitt, yow suffer no further impression to be made of the old psalmes, and that yow give suche order as yow sall find necessarie, and whiche is in your power, for printing and receaving of the new, to be generallie receaved, and sung in all the churches of the said kingdome; and to that effect that yow give to our clergie (to whome we have writtin at lenth tuicheing the same) what strenth and auctoritie yow sall find necessarie and can be grantit by

Act in accordance with a warrant from his Majesty forbidding the use of the old Psalms and ordering that the new Psalms be sung in all the churches.

yow: Quherein expecting frome yow a readie performance, both by your owne good exemple and otherwayes, whereby we may find the effects of your panes and affection to our service in this, whiche we will take as most acceptable service done unto ws, and for whiche these presents sall be your warrant, we bid yow farewell. From our court at Whitehall, the 3 of Februarie, 1637.”

Charge to William Murray, chamberlain to Patrick, Earl of Tullibardin, and others, on the one hand, and to Lord Madertie and others, on the other hand, to appear before the Council, and meanwhile to keep the peace.

“ Forsamekle as the Lords of Secreit Counsell ar informed that there is great appearance of trouble betuix Williame Murrey, chamberlane to Patrik, Erle of Tullibardin, David Murrey of Buchantie, Robert Murrey, his sone, Williame Murrey of Leacock, Umphra Murrey in Comchill, Johne Roy McGillichonill, Duncane, Donnald and Williame McGillichonills, his sonnes, Johne Dow Murrey and Johne McLaran in Wester Finnich, alledged fosters and keepers of the forrest of Glenalmond, on the ane part, and Lord Madertie, Maister of Madertie, Sir Coline Campbell of Glenurquhie and Sir James Campbell of Lawers, on the other part, anent the keeping of the said forrest of Glenalmond and some liberteis and priviledges acclaimed be either of thame to have within the said forrest, quhereupon great inconvenients ar like to fall out betuix thame to the breake of his Majesteis peace and disquyetting of the countrie without remeid be provydit; thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the persons particularlie abonewrittin to compeir personallie before the saids Lords upon the 28 day of Marche instant to underly suche order as sall be tane with thame for the peace and quyet of the countrie, under the pane of rebellion, etc., with certification, etc.”

Charge to Donald McLeod of Assynt and his sons to appear before the Council and give caution for their men, tenants, and servants.

“ Forsamekle as the Lords of Secreit Counsell hes thought it meit and expedient for the better preserving of his Majesteis peace and restraynning of the insolenceis and misrule of the dissobedient persons in the Hielands that the hail landlords and chiftans of clans in the Hielands sall be putt under caution for making thair men, tennents and servants and suche as they ar obleist to answer for be the lawes of the countrie obedient to law and justice, and for redresse of parteis skaithed, conforme to the acts of parliament made thereanent; thairfoir the Lords of Secreit Counsell ordains letters to be direct charging Donald McCleud, *alias* Neilson, of Assint and Donnald and Angus McCleuds, his sonnes, to compeir personallie before the saids Lords upon the fyft day of Junij nixtocome provided to find the said caution, conforme to the acts of parliament in everie point, under the pane of rebellion, etc., with certification, etc.”

Charge to the Chief Justice, Justice Clerk and Justice-Deputes to examine John Dow Roy and others, and, if necessary, to put them to the torture of the boot.

“ The Lords of Secreit Counsell ordains and commands his Majesteis Cheefe Justice, Justice Clerk and Justice Deputs to call before thame Johne Dow Roy M^cJokkie and his twa sonnes and Duncane M^cGregour, warders in the tolbuith of Edinburgh, and to examine thame anent thair bypast life and conversation and anent thair ressetters and abettors, and for the better tryell and discoverie of the truthe to caus putt thame to the tortour of the butts.”

Acta, May 1636-November 1639.
Fol. 195, b.

Acta, May
636-Novem-
ber 1639.
Vol. 196, a.

"Anent the supplication presentit to the Lords of Secreit Counsell be the provest and bailleis of Glasgow, makand mention that quhair they ar daylie troubled be a number of officers dwelling in the countrie about thame, as namelie within the shirefdomes of Lanerk and Renfrew and the baillereis of Kyle and Cuninghame, for receaving in thair wairds suche prisouners and rebells as they bring to the supplicants, quhilks for the most part being beggerlie people having nothing of thair awne, the burden of thame and of thair interteanement lyes upon the supplicants, so that thair jayle is pestered and filled with thame, and the supplicants ar forced out of pitie to give thame some maintenance, otherwayes they would sterve and dee in thair waird; and whereas [thair] is no reason that the burdein of thir people brought to the supplicants waird, and the enterteanying of thame sould be layed upon the supplicants, but that ather they thameselfes or these who ar thair committers sould beare this burdein, humbelie desyring thairfoir the saids Lords that the saids supplicants may have ane act of Counsell past and exped in thair favors in maner and to the effect following, lykeas at mair lenth is conteanit in the said supplication. Quhilk being read, heard and considerit be the saids Lords, and they finding the desire thairof reasonable, the Lords of Secreit Counsell finds and declares that the saids supplicants sall not be haldin to receave in thair waird anie prisouners or rebells brought unto thame, but suche for whois interteanement and furnishing caution sall be found to the supplicants, and that they sall be free of this burdein."

The Council grants a supplication from the magistrates of Glasgow, praying that they may be relieved from the maintenance of certain prisoners warded in their jail.

[Sederunt as recorded above.]

Edinburgh,
14th March
1637.

Supplication by John, Earl of Rothes, sheriff principal of Fyffe, and his deutes thereof, as follows:—Within the past two or three years they have been often charged and burdened to receive malefactors brought from the north at the ferry side of Dundie and transport them thence to Burntisland, and they have been threatened with horning in the event of their disobedience. These charges in this form are a great hinderance and prejudice to his Majesty's service as well as a great vexation to the supplicants, as their Lordships may see from the following reasons:—1st, "If the supplicants be charged to come and ressave a number of prisoners mae or fewer at the said ferrie syde, if they come not at the præcise appoynted tyme and the winde sall croce or anie other impediment fall out, as is common and usuall at ferryis, then the rebellis and prisoners most stay till wind and weather serve and thir impediments be removed, and so will turne thair panes and travells in vaine; and the toune of Dundie most keepe thame till the supplicants gett ane new charge; and in the second, thrid or fourt charges the same may fall out, quhilk will breid a verie great trouble not onelie to the supplicants bot to the toun of Dundie, who most still keepe the prisoners till they be tane aff thair hands. And if the toune of Dundie sall bring over

Supplication by John, Earl of Rothes, sheriff principal of Fife, that prisoners from the North be conveyed by the magistrates of Dundee to the town of Cupar. See ante, p. 371.

Decreta,
April 1635-
February
1639.
P. 314.

P. 315.

anie persons at ane evening tyde in winter when the dayes are short and the weather unseasonable, and there not being ane jayle at the ferrie syde quhairin to keepe the prisoners, the blame and hazard of thair escaping will light upon the supplicants; quhairas, if the toune of Dundie be liable to the bringing of thir prisoners to the toune of Couper, as formerlie they have beene in use to doe, and quhilk will be litle trouble to thame, sieing the burgh of Couper is within sex mylles to the said ferrie, and hes a strong and sure jayle to keepe thame, thir impediments wilbe removed, and his Majesteis service would have a better successe." They therefore crave that their Lordships would pass an act of Council declaring that the supplicants "salbe onelie lyable to ressave prisoners brought frome the north at the toune of Couper in Fyffe, and that the charge of bringeing of thame from Dundie to Couper may be layed on the toune of Dundie." The Lords, after advising, ordain the supplicants and the provost and bailies of Dundie "to continew thair forme of ressaveing and transporting of prisoners as formerlie in all tyme bygane they have beene accustomed and in use to doe without alteratioun or change in anie wayes ay and whill the partie pretending to be enterest and hurt by the ressaveing and transporting of prisoners after the accustomed maner meane thameselffes to the saids Lords and by a lawfull tryell and cognitioun tane in the caus gett reparatioun to thair prejudice and hurt."

Supplication
by Mr James
Clerke of Tullie-
corthie that he
may be
released from
ward on his
giving due
caution.

Supplication by Mr James Clerke of Tillecorthie, as follows:—He was recently in Aberdene attending the officers there in the execution of a caption against Mr George Leslie at Birsak Mylne and Alexander Leslie, his son, and "it fell furthe that in defence of the messenger, who wes invadit be the said Allexander, he wes woundit be the supplicant on the head, for the quhilk the supplicant wes wardit in the tolbuith of Aberdene, quhair he hes remained these 8 weekes bygane." He petitioned their Lordships in February last, but the matter was continued till the 22nd of this month upon a certificate under the hands of Thomas Cargill, and Hercules and Gilbert Guthrie, surgeons, burgesses of Aberdene, that the life of the said Alexander was in great hazard. Now these same three chirurgeons have certified that the said Alexander "is become better daylie and so farre convalesced that within a short tyme they hope he salbe perfytlie cured," as their certificate, dated 3rd March, shows. The supplicant is content to find caution in such an amount as their Lordships shall appoint to appear for trial of the matter before their Lordships or any other judge the said Alexander shall choose upon a lawful charge, and he therefore craves that command may be given to the provost and bailies of Aberdene to put him to liberty. The Lords having considered the petition, and Mr Robert Udnie of Langtoun having become cautioner in £500 to the above effect, they give command as craved to the said magistrates.

Letter to
his Majesty
anent certain

"A letter to his Majestie concerning the differences betuix the Commissioners of the Scottish and English side intreating withall his

Decreta,
April 1635-
February 1638.
P. 315.

P. 316.

Sederunta,
January 1635-
November
1643.
Fol. 42, b.

Sederunts,
January 1636-
November
1643.
Fol. 42, b.

Majestie not to grant anie protection or remission to anie of these delinquents that by order of the court wer banished the kingdome conforme to the roll and informatioun to be sent thereanent to his Majesteis Secretar."

differences between the Scottish and English Commissioners of the Borders.

"Continewes the Laird of Grant his appearance till Thursday nixt. The Lords ordanis the Justice Generall, Justice Clerk and Justice Deput to call before thame Johne Dow Roy M^cJokkie and his twa sonnes and M^cGregour, and to examine thame anent thair bypast life, ressetters and abettors. And for the better tryell of the trueth thair of to caus putt thame to the tortour of the butts."

Appearance of the Laird of Grant postponed, and the trial of John Dow Roy and others to be proceeded with.

"Charges aganis M^cGregour for his appearance before the Counsell M^cGregor. conforme to his act."

"Charges aganis Glenkindie for his appearance before the Counsell Glenkindie. upon the last of this instant."

"The Erle of Nithsdailis petition givin up to the Lord Johnestoun to be advised therewith till Thursday nixt."

The Earl of Nithsdale's petition.

"The Lords ordanis Abiryeldie to be confronted with M^cInstalker, and to find cautoun not to depart till he be releevd, under the pane of fyve thowsand merkes."

Abergeldie to be confronted with M^cInstalker.

"James Gordoun of Balmorro and Robert Ferquharsons of Caverny for Abiryeldeis appearance this day eight dayes, under the paine of v^m merkes."

Caution for the appearance of Abergeldie.

"James Seatoun actit himselfe for the indemnitie of Johne Keith under the paine of perjurie, perpetuall imprissonment and v^c merkes."

James Seton becomes caution for John Keith.

Acta, May
1636- Novem-
ber 1639.
Fol. 196, a.

Sederunt :—Chancellor; Treasurer; Glasgow; Mar; Wintoun; Seafort; Dumfreis; Binning; Bishop of Galloway; Bishop of Aberdeen; Bishop of Ros; Bishop of Brechin; Lord Naper; Clerk Register; Advocate; Lord Justice; Justice Clerk.

Edinburgh, 16th March 1637.

"The Lords of Secreit Counsell, having read, heard and considerit the act of Counsell made in favors of brokin men who sall apprehend and present ane greater lymmar nor thameselfes, they find that Johne Dow Braibner can have no benefite of the said act, and that the same extends not unto him, and thairfoir ordains and commands his Majesteis Justice to pronounce doome and sentence aganis him, ordaining him to be hanged to the death and his head cutt aff and sett upon some eminent place as the Justice thinkes fitt."

John Dow Braibner sentenced to death.

"The Lords of Secreit Counsell ordains and commands his Majesteis Justice and his deputs to putt M^cJokkie and his younger sone to the tortour of the butts; and the saids Lords nominats Johne, Erle of Mar, George, Erle of Seafort, Thomas, Lord Binning, and Archibald, Lord Naper, not excludng anie of the Counsell who pleases to attend, to assist his Majesteis said Justice, and to meit for that effect the morne at nyne houres in the counsell hous."

M^cJokkie and his younger brother to be put to the torture of the boot.

Alexander Gordon of Abergeldie accepts the Lord High Treasurer, the Archbishop of Glasgow, and the Lord Advocate as arbiters between himself and his wife.

"The quhilk day, in presence of the Lords of Secreit Counsell, com-peired personallie Alexander Gordoun of Abiryeldie for himselfe and M^r Alexander Nicolsone, advocat, in name of Katharine Nicolsoun, his sister, spous to the said Laird of Abiryeldie, and submitted, lykeas be the tennor heirof they submit, all differences and contraverseis standing betuix the said Laird of Abiryeldie and his said ladie to Johne, Erle of Traquaire, Lord High Tresaurer of this kingdome, and Patrik, Archbishop of Glasgow, and his Majesteis Advocat, judges arbiters nominat be thame, and to the decreit and sentence to be givin be thame heereanent, and binds and obleises thame to stand, abide at, underly and fulfill what ever the saids judges sall decerne heerin but appellation, reclamation or gainsaying whatsomever. Lykeas James Gordoun of Balmorro and Robert Ferquharson of Cavernie became cautioners and souerteis for the said Laird of Abiryeldie that he sall not depart furth of the toun till he be warranted, under the pane of fyve thowsand merkes."

Acta, May 1636-November 1639. Fol. 196, b.

Edinburgh, 16th March 1637.

[Sederunt as recorded above, omitting Lord Naper.]

Decreta, April 1635-February 1639. P. 317.

Complaint by Katherine Dunbar and Alexander Dunbar of Westfield, her spouse, against Sir Thomas Urquhart of Cromartie and others for contempt of horning.

Complaint by Katherine Dunbar, widow of David Brodie, and Alexander Dunbar of Westfeild, now her spouse, for his interest, as follows:—On 24th and 25th January last Sir Thomas Urquhart of Cromertie, Alexander Urquhart of St. Martines, Gilbert Paibe, portioner in Culcallane and Thomas Ros of Rasolls were put to the horn at the complainers' instance for non-payment of a debt of 5000 merks of principal, 1000 merks of expenses and certain interest due thereon; and they lie at the horn in gross contempt of law. The pursuers compearing by Richard Guthrie, W.S., but the defenders not compearing, the Lords ordain the latter to be charged to render their respective houses of Cromartie, St. Martines, Culcallane and Rossolls, and to enter themselves in ward within the Castle of Blacknes within fifteen days, under the pain of treason. P. 318.

Supplication by George Leslie of that ilk for protection.

Supplication by George Leslie of that ilk, as follows:—Their Lordships are not unaware of the great expense and trouble to which he has been put through his cautionries for the Laids of Clunie and Wardes, and how he has been frustrated of legal redress by the frequent protections granted to them. When their Lordships took great pains for procuring some relief to the supplicant by "the pretendit bargane made betuix thame and M^r Robert Ferquhar, the same hes notwithstanding miscaried, and aganis the saids Lords ordinance they have procured ane new protection; and the said Laird of Clunie is gone to Court to gett ane prorogatioun thair of with ane enlargment of the same, quhairby they intend to make the supplicant compt with all thair creditors, at the least to be made prisoner for thair debts." He therefore craves their Lordships' protection for a competent space. The Lords grant him till 1st November next, provided that this protection be no way prejudicial to David Aikenhead, provost of Edinburgh, respecting any sums of money due by the said George to him.

Decreta,
April 1635-
February 1639.
P. 318.

P. 319.

Sederunta,
January 1635-
November
1643.
Fol. 43, a.

Supplication by John Livingstone, merchant burgess of Edinburgh, as follows :—Their Lordships know how heavily he has been distressed on account of cautionries for his friends, and now he is daily burdened with the Earl of Lithgow's debt and cautionry. For his relief he is to dispose of his whole means with all possible diligence, and he craves a protection for this effect. The Lords grant him until 1st August next.

"The Lords allows young Balvenie to goe home, and assigns to old Balvenie the 13 of Junij for his compeirance before the saids Lords, and production of his letters of horning and decreit of removing aganis Duncane Cuming (?). Young Balvenie, cautioner for his father, to this effect, under the pane of j^m li."

"The Lords recommends to the Lord Thesaurar to represent to his Majestie the evils quhilks fall out by the frequent granting of protections, and to desire his Majestie to be sparing in granting of anie heereafter."

Supplication by John Livingstone, merchant burgess of Edinburgh, for protection.

Edinburgh, 16th March 1637.

The Laird of Balvenie and his heir.

His Majesty to be informed anent the evils arising from frequent grants of protection.

Acta, May
1638-Novem-
ber 1639.
Fol. 196, b.

Sederunt :—Chancellor ; Treasurer ; Glasgow ; Mar ; Kingorne ; Gallouay ; Dumfreis ; Bishop of Galloway ; Bishop of Aberdene ; Bishop of Ros ; Lord Naper ; Clerk Register ; Lord Justice ; Justice Clerk.

Edinburgh, 17th March 1637.

"Forsamekle as the Lords of Secreit Counsell ar informed of some great appearance of trouble like to have fallin out of late within the shiref-dome of Forfar betuix James, Lord Ogilvie of Airlie, James, Maister of Ogilvie, his sone, and Sir George Ogilvie of Bamff, on the ane part, and James, Lord Desfurd, and Sir Patrik Ogilvie of Inchemartine, on the other part, and that there hes beene betuix thame lyings at await to have tane advantage the one of the other, whilk had not failed to have procured great disorder and trouble in the countrie to the bringing on of manie others inconvenients, all tending to the breake of the peace, if by God's providence the same had not beene prevented and disappointed ; thairfoir the Lords of Secreit Counsell ordains letters to be direct charging both the saids parties to compeir personallie before the saids Lords upon the last day of Marche instant to answer to the premises and to underly suche tryell and order as the saids Lords sall thinke meit, under the pane of rebellion, etc., with certification, etc., and in the meantime to command and charge both the saids parteis to observe our soverane lords peace and to keepe good rule and quyetnes in the countrie, and that nane of thame presooome nor take upon hand to invade nor persew one another in thair persons, lands, goods nor geir for whatsoever deed, caus nor occasion otherwayes nor be order of law and justice, eache partie under the pane of twentie thowsand pundis ; certifeing thame that sall doe in the contrare that they sall be decerned to have incurred and to incurre the said pane of twentie thousand pundis, and letters and executorialis sall be direct aganis thame for payment thairrof to his Majesteis officers in his Majesteis name and to his

Charge to James, Lord Ogilvie of Airlie and others, on the one part, and to James, Lord Desford, and others, on the other part, to appear before the Council, and meanwhile to keep the peace.

Fol. 197, a.

Majesteis use in forme as effeirs; as lykewayes to charge James Ogilvie, Acta, May
 younger of Newgrange, Ogilvie, younger of Peill, Guthre, 1636-Novem-
 younger of Collestoun, Williame Arrat in , Williame Feichie in ber 1639.
 , Alexander Peirson of Balmadeis, James Peirson, clerk of Fol. 197, a.
 Forfar, and Alexander Abercrombie, elder of Birkinboig, to compeir per-
 sonallie before the saids Lords, day and place foresaid, to beir leill and
 suithfast witnessing and to depone what they know in this mater, under
 the pane of rebellion, etc., with certificatioun, etc."

Edinburgh,
 21st March
 1637.

Sederunt:—Chancellor; Treasurer; Mar; Kingorne; Seafort;
 Dumfreis; Lord Angus; Lord Binning; Lord Alexander;
 Bishop of Edinburgh; Bishop of Galloway; Bishop of Aberdene;
 Bishop of Ros; Lord Naper; Clerk Register; Advocate;
 Deputy Treasurer; Justice General; Justice Clerk.

Order that
 the youngest
 son of John
 M'Jokkie be
 put to the
 torture of the
 boot, as like-
 wise the said
 John's eldest
 son and John
 Dow Roy, if it
 be found
 necessary.

"The Lords of Secreit Counsell, for the better discoverie and tryell of
 the ressetts of the brokin men in the north, hes thought meit and
 expedient that Johne M'Jokkeis youngest sone, who is thought to be
 privie to manie of thir ressetts, sall be examined the morne at halfe
 houre to eight in the mornning and that he sall be putt to the tortour of
 the bootts; and they have lykewayes ordained that the said Johne, his
 eldest sone, and Johne Dow Roy sall be lykewayes examined at that
 time, and as the saids Lords finds occasion that they be lykewayes putt
 to the tortour of the bootts; and ordains that a full number of the
 Counsell sall be present at this examinatioun and tryell."

Edinburgh,
 21st March
 1637.

[Sederunt as recorded above.]

Decreta,
 April 1635.
 February 1639.
 P. 319.

Complaint by
 Thomas
 Armstrong,
 merchant
 burgess of
 Edinburgh,
 against Robert
 Grierson for
 contempt of
 horning.

Complaint by Thomas Armestrang, merchant burgess of Edinburgh, as
 follows:—On 5th November, 1633, Robert Greirson, lawful son of
 Thomas Greirson of Barjarge, was put to the horn at the complainer's
 instance for not paying the sum of £86 3s. 6d., with 20 merks of
 expenses, due by him; but he remains proudly at the horn. The
 pursuer compearing personally, but not the defender, the Lords ordain
 the latter to be charged to render his house of and to enter P. 320.
 himself in ward within the Castle of Blacknes within fifteen days, upon
 pain of treason.

Similar com-
 plaint by
 Robert Gibson,
 notary in
 Dumfries,
 against the
 above-named
 Robert
 Grierson.

Complaint by Robert Gibsone, notary in Dumfreis, as follows:—On
 26th August last Robert Greirson of Barjarge was put to the horn for
 non-payment to the complainer of £100 of principal and £20 of
 expenses; and he remains contemptuously at the horn. The pursuer
 compearing by Adam Gibsone, agent, his procurator, but the defender
 not compearing, the Lords ordain him to be charged to render his
 houses of and to enter himself in ward within the Castle of
 Blacknes within days, under the pain of treason.

secret, April 1635.
February 1639.
p. 321.

Complaint by George Leslie of that Ilk, Christian Lumsden, widow of Alexander Duff of Tensorell, Mr Alexander Kinnear, W.S., and Mr James Scot, merchant burghess of Edinburgh, as follows:—On 23rd May, 1635, Sir Alexander Gordoun of Clunie and George Gordoune of Newtoun, his cautioner, were put to the horn for not paying £1000 of principal and £100 of expenses to the said George Leslie. Further, on 23rd May and 1st June thereafter the said Sir Alexander Gordon, as principal, and John Gordon of Innermerkie, William Coutts, younger of Achterfoul, and William Gordoune of Cottoun, as cautioners for him, were put to the horn for not paying 3000 merks of principal and 300 merks of expenses to the said George Leslie. Further, on the said 23rd May Sir Alexander was put to the horn for not relieving the said George Leslie as his cautioner at the hands of the said Christian Lumsden, and for not keeping the said George scatheless of all debts and sums of money wherein Sir Alexander and he are jointly engaged for the Laird of Wardes. Again, on the last of February, 1636, Sir Alexander was put to the horn for not warranting an assignation and bond of corroboration made by him to the said George, whereby he obliged himself to cause Mr Robert Ferquhar to become obliged to the complainer for relief of all sums for which the said George is engaged for Sir John Leslie of Wardes and the said Sir Alexander, or wherein they are addebted to the said George. Further, on 6th November, 1634, Sir John Leslie of Wardes, as principal, and the said Sir Alexander Gordon, William Leslie of Ryhil, and William Abercrombie at Myltoun of Durno, as cautioners, were put to the horn for not paying 2000 merks of principal and certain interest and expenses to the said Christian: Likeas, on 23rd March, 1636, the said Sir Alexander was put to the horn for not paying 1000 merks and certain interest and expenses to Mr James Scot, for which the said George Leslie is cautioner. Moreover, on 30th January, 1636, the said Sir Alexander, as principal, and Sir John Leslie of Wardes, as his cautioner, were put to the horn for not paying 1000 merks, with interest and expenses, to the said Mr Alexander Kinnear, who was assignee thereto of the said George Leslie. But they remain at the horn and take no notice thereof. George Leslie compearing for himself and the other pursuers, but none of the defenders compearing, the Lords ordain the latter to be charged to render their respective houses, viz., William Gordon of Cottoun, his house of Gordonsmylne; Sir Alexander Gordon, his house of Clunie and his house in Old Aberdene; George Gordon of Newtoun, his houses of Neutoun and Tulliemeneath; William Abercrombie, his house of Mylnetown of Dornoch; William Leslie, his house of Bogend of Ryhill; Sir John Leslie, his houses of Wardes and Tilliefour; John Gordon of Innermerkie, his house of Innermerkie; and William Coutts, his house of Clunie, and to enter their persons in ward within the Castle of Blacknes until they shall have satisfied the letters of horning, and that within fifteen days after being charged, if they be within the country, and, if they be without

the same, within sixty days of the charge published against them at the cross of Edinburgh and pier and shore of Leith, upon pain of treason.

Edinburgh,
21st March
1637.
James Adie
sentenced to
perpetual
banishment.

"The Lords ordains his Majesteis Justice to pronounce doome aganis James Adie, ordaining him to be banished the kingdome betuix and Lambmesse nixt, and to act himselfe never to returne agane within the kingdome, under the pane of death, and that he find caution for his good behaviour during his remaining within the kingdome." Sederunts
January 1638
November
1643.
Fol. 43, a.

Edinburgh,
22nd March
1637.

Sederunt:—Treasurer; Mar; Kingorne; Seafort; Dumfreis; Lord Angus; Lord Binning; Lord Alexander; Bishop of Galloway; Bishop of Aberdeen; Bishop of Ross; Justice General; Deputy Treasurer; Justice Clerk.¹ Fol. 43, b.

Edinburgh,
22nd March
1637.

Sederunt:—Chancellor; Treasurer; Mar; Kingorne; Seafort; Dumfreis; Lord Angus; Lord Binning; Lord Alexander; Bishop of Edinburgh; Bishop of Gallouay; Bishop of Aberdene; Bishop of Brechin; Lord Naper; Clerk Register; Advocate; Treasurer Depute; Justice General; Justice Clerk. Acta, May
1636-Novem-
ber 1639.
Fol. 197, a.

Order for a
national
thankgiving
for the Queen's
delivery of a
daughter.

"Forsamekle as it hes pleased God to grant unto the Queen's Majestie ane happie and confortable deliverie of a daughter, for the quhilk inestimable blessing it becometh all good subjects to expresse thair joy and thankfulnes in als solemne a forme and maner as formerlie hes beene accustomed in the like caises, thairfoir the Lords of Secreit Counsell ordains all his Majesteis subjects to expresse thair joy and thankfulnes in ane usuall and accustomed maner, and that the ministrie of this burgh at the first preaching day acquaint the people with the said happie deliverie and to stirre up the people to be thankfull to God for this so great a benefite."

John M^cJokkie
and his sons to
be put to the
torture of the
boot, if it is
found
necessary.

"Forsamekle as Johne M^cNair and Johne M^cPhaill hes depouned sindrie things aganis Johne M^cJokkie, elder, and his sonnes anent the slaughter of Johne Stewart, for cleering of the truthe of quhilks depositions necessar it is that the saids M^cJokkeis be examined, and, if neid beis, confronted with the said Johne M^cNair and Johne M^cPhaill, and, if the saids M^cNair and M^cPhaill sall abide constant be thair depositions and the saids M^cJokkeis deny the same, it is then thought meit that they sall be putt to the tortour of the bootts." Fol. 197, a.

Edinburgh,
23rd March
1637.

Sederunt:—Chancellor; Treasurer; Mar; Winton; Kingorne; Seafort; Lauderdaill; Dumfreis; Southesk; Lord Angus; Lord Binning; Bishop of Edinburgh; Bishop of Gallouay; Bishop of Aberdene; Bishop of Ross; Bishop of Brechin; Clerk Register; Advocate; Deputy Treasurer; Justice General; Justice Clerk.

Protection
granted to
Donald Stuart,
son of
John Stuart

"Forsamekle as Donald Stuart, sone to Johne Stuart in Drumriecas-tell wes in companie with umquhill Johne Stuart in Drumquhen when

¹ This is an *ante-meridiem* session, one given in the Acta being here marked *post-meridiem*.

Acta, May
1636-Novem-
ber 1639.
Vol. 197, b.

he was killed be the Clan Gregour in the toun of Tulloch, and can give in Drumrie-castell, the clearest light and information anent the forme and maner of his that he may slaughter and how and by whome it was committed, and whereas he is give evidence anent the commandit to come heir to depone in that mater, and that the feare of slaughter of John Stuart in some hornings he underlyes, and some facts and deads committed be Drumquhen. him disables and discourages him to come heir, for removing the quhilk feare the Lords of Secreit Counsell declares be thir presents that the said Donnald sall be free to come and gang at his pleasure, and that he sall not be takin, apprehended nor wardit for quhatsomever dead, caus or occasion till the first day of May nixtocome, discharging heirby all judges, officers and magistrats of all apprehending, wairding or arresting the said Donnald for quhatsomever dead, caus or occasioun; discharging, etc."

"The Lords of Secreit Counsell gives and grants commission and Commission warrant be thir presents to Johne, Erle of Mar, George, Erle of Sea- appointed to try John Dow fort, Archibald, Lord Naper, his Majesteis Advocat, Justice Generall, Roy and, if Justice Clerk, and thair deputs, to meit the morne in the forenoone, and necessary, to put him to the to examine Johne Dow Roy anent his ressett, and, as they find caus, to torture of the putt him to the tortour of the buitts; and ordains him and the rest of the criminalls except M^cInstalker and the M^cJokkeis to be putt to the tryell of ane assise with convenient diligence."

Decreta,
April 1635-
February 1639.
P. 322.

[Sederunt as recorded above, omitting the Bishop of Aberdene.]

Edinburgh,
23rd March
1637.

Complaint by the minister, elders, deacons and remanent session of the Complaint by the minister, elders, deacons and others of the kirk of Ebdie, as follows:—John Arnot of Woodmylne, alleging that the kirk- session of the kirk of Ebdie against John Arnot of Woodmylne for threatening them with horning in the event of their disobey. Now, the complainers were never called to the hearing of the giving of these letters, and to give their reasons in the contrary; and the charge is too general, for the names of the contraveners should have first been furnished and also a probation and relevant dittay against them. Moreover, it ought also to be first determined by the Lords of Session whether the complainers have any right to deal with such a case. Yet they have found caution to obey, if it be found that they ought, and they therefore crave suspension. The complainers compearing by

Balfoure, minister at the kirk of Ebdie, and the said John Arnot compearing personally and producing the said letters of horning, the Lords, after seeing the same, hearing parties and advising, find the letters orderly proceeded in that point "anent the medling with the lint layed in the said loche and dispoineing of the same to the use of the

Complaint by the minister, elders, deacons and others of the kirk- session of the kirk of Ebdie against John Arnot of Woodmylne for threatening them with horning in the event of their disobey. Now, the complainers were never called to the hearing of the giving of these letters, and to give their reasons in the contrary; and the charge is too general, for the names of the contraveners should have first been furnished and also a probation and relevant dittay against them. Moreover, it ought also to be first determined by the Lords of Session whether the complainers have any right to deal with such a case. Yet they have found caution to obey, if it be found that they ought, and they therefore crave suspension. The complainers compearing by

P. 323.

poore," and ordain the same to be put to further execution in that respect. Further, Mr James M^cGill of Rankellor Nether, compearing personally, protested that no decree in favour of the said John anent his loch should be prejudicial to him "for laying of lint or hemp within such water holks adjacent the said loche as lyeth within his heritage of Auld Lundors, bot that he may be hard thairanent before the Lords of Session; and the said John Arnot protested in the contrare."

Decreta,
April 1635.
February 1639.
P. 323.

Complaint by
Mr Alexander
Jaffray of
Kingswells,
provost of the
burgh of
Aberdeen,
against John
Gordon of
Innermerkie
for contempt
of horning
under which
he lies at the
complainer's
instance.

Complaint by Mr Alexander Jaffray of Kingswells, provost of the burgh of Aberdene, as follows:—On 21st July last John Gordon of Innermerkie and William Coutts of Achtercoul, as his cautioner, were put to the horn for not paying him a debt of 6000 merks of principal and £1200 of expenses, and for not fulfilling their contract with him. Also, upon the same day the said John Gordon as principal, with Alexander Gordon of Carnborrow and John Gordon of Park as his cautioners, were put to the horn for not paying him 2000 merks of principal and 400 merks and 600 merks of expenses. Of these hornings these persons take no heed. The pursuer compearing by Mr Robert Petrie, agent, his procurator, but the defenders not compearing, the Lords ordain the latter to be charged to render their houses, viz., John Gordon of Innermerkie, his houses of Adinglassie and Innermerkie; William Coutts, his house of Clunie; the Laird of Carneborrow, his house of Carneborrow; and the Laird of Parke, his houses of Parke, Corincairne and Glenbuthnot; and to enter themselves in ward within the Castle of Blacknes within fifteen days after the charge, upon pain of treason.

Sederunt,
January 1635-
November
1643.
Fol. 43, b.

Edinburgh,
23rd March
1637.

The Earl of
Nithsdale
warned to
appear before
the Council.

Edinburgh,
28th March
1637.

"The Lords ordains the Erle of Nithsdail to be warned to compeir upon Tuesday, and to produce suche instructions as he will use for verification of his petition givin in to the Lords, and the Lord Johnestoun, being personallie present, is warned heiroy *apud acta*."

Sederunt:—Chancellor; Traquaire, Thesaurar; Mar; Wintoune; Kingorne; Southesk; Lord Binning; Lord Allexander; Bishop of Aberdene; Bishop of Ros; Bishop of Brechin; Lord Naper; Clerk Register; Advocat; Treasurer Depute; Justice.

Decreta,
April 1635-
February 1639.
P. 324.

Complaint by
Alexander
Watson, mer-
chant-burgess
of Aberdeen,
against John
Mercer,
indweller in
Edinburgh,
for threatening
the complain-
er's life and
defying the
law.

Complaint by Alexander Watstone, merchant burgess of Aberdene, as follows:—John Mercer, indweller in Edinburgh, in June, 1626, was due to the complainer the sum of £80 for merchant wares, for which he obtained decree against him in November, 1630, and in the month of June he went to his house in Edinburgh and modestly craved payment. For this the said John Mercer "strake him under the eare with his faldit neiff," and was then about to fell him with a baton if his wife had not prevented him. The complainer was then forced to raise letters of horning and caption against him, the execution of which he committed to Alexander Porteous, messenger, who "haveing apprehendit the said John on the Hie Streit of Edinburgh, he persewed the messinger with a

Decreta,
April 1635-
February
1639.
P. 324.

long rapper and ranne downe a crosse; vowis to take the compleaners lyffe, gois daylie with a long rapper, so as no messinger darre venture on him." The pursuer compearing but not the defender, the Lords ordain the said John Mercer to be denounced his Majesty's rebel and escheated.

P. 325.

Complaint by Marion Douglas, Lady Drum, and Elizabeth Douglas, her oy, eldest lawful daughter of Sir William Douglas of Glenbervie, and now spouse to Alexander Strachan, apparent of Thornetoun, and the said Alexander for his interest, as follows:—On 1st April, 1634, William Gordon of Barclay was put to the horn by the said lady and her grand-daughter for non-payment of a debt of £3000, with 500 merks of expenses and interest due thereon, to which sum the said Elizabeth has been constituted assignee by the said Lady Drum, but the said William Gordon pays no heed thereto. The pursuers appearing by Mr William Hog, advocate, their procurator, but no appearance being made by or for the defender, the Lords ordain the latter to be charged to render his house of and to enter himself in ward within the Castle of Blacknes within fifteen days, on pain of treason.

P. 326.

Sederunt:—Chancellor; Treasurer; Mar; Winton; Kingorne; Edinburgh, 30th March 1637.
Lauderdaill; Dumfreis; Southesk; Bishop of Edinburgh; Bishop of Galloway; Bishop of Aberdene; Bishop of Ros; Bishop of Brechin; Lord Naper; Clerk Register; Advocate; Deputy Treasurer; Justice Generall; Justice Clerk.

Acta, May
1636-Novem-
ber 1639.
Vol. 198, a.

"The Lords of Secreit Counsell, having at lenth heard Robert, Erle of Nithsdaill, and James, Lord Johnnestoun, anent the extent of the exemption grantit to the said Lord Johnnestoun his tennents and servants from the power and jurisdiction of the said Erle of Nithsdaill, and being weill and throughlie advised with all that was propounded and alledged be either of the saids parties *hinc inde*, the saids Lords finds and declares that the said Lord Johnnestoun his actuall men, tennents and servants, and all others for whome be the generall band he is obleist to answer, ar comprehended within the said exemption in the full plenitude thair of, both anent the taking and judging; lykeas the said Lord Johnnestoun, being personallie present, actit and obleist himselfe for the compeirance of his saids men, tennents and servants, and suche as he is obleist to answer for be the generall band before the remanent commissioners of the Middleshires in anie justice court to be haldin be thame outwith the said burgh of Dumfreis to underly thair tryell when ever they sall be lawfullie charged, ilke person under the pane of v^c merks. Lykeas the saids Lords declares that this exemption sall be extended to and in favors of the persons underwritin, they ar to say, Andro Johnnestoun of Turnour, Walter Johnnestoun of Windholme, David Irwing of Mowsknow, Martine Achesone of Hilhous, Johne Johnnestoun of Batock, Gilbert Johnnestoun of Kindleheid, and James Johnnestoun in

Anent an exemption granted to the tenants of James, Lord Johnstone, from the jurisdiction of Robert, Earl of Nithsdale, one of the Commissioners of the Middle Shires.

Mossop, becaus the said Lord Johnestoun, being personallie present, as said is, actit and obleist himselfe for the saids persons thair appearance to thair tryell before the saids remanent commissioners of the Middle-shires in anie justice court to be indicted be thame outwith the burgh of Dumfreis, when ever they and the said Lord Johnestoun for his interesse sall be lawfullie charged upon xv dayes warning, under the said pane of v^c merkes, by and attour the satisfaction and redresse to be made be thame to the partie skaithed in caise of the partie delinquent his flight and not appearance to his tryell. Lykeas the saids Lords ordains the said Robert, Erle of Nithsdail, his deputs and clerk to release and putt to libertie all and sindrie persons whome they sall apprehend, being freinds and followers of the said Lord Johnestoun and not *per expressum* exempted, and that upon the said Lord Johnestoun his missive letter to be directed to that effect to the said Erle of Nithsdail or, in his absence, to his said depute and clerk or partie apprehender; whiche missive letter the saids Lords declares to be als obligatorie aganis the said Lord Johnestoun as if he wer particularlie actit for the persons whois releasement he craves in maner and under the panes above conteanit both anent the v^c merkes and redresse and satisfacioun of the partie skaithed."

Acta, May
1636-Novem-
ber 1639.
Fol. 198, a.

Anent the
dispute
between Lord
Lovat and
Colonel Monro
concerning the
estate of
Foullis.

" Forsamekle as the differences betuix the Lord Lovatt and Colonell Robert Monro, tutor of Foullis, anent the said Lord his intromission with the estat and living of Foullis or acquyring anie part thair of at ane under value, being at lenth heard be the Lords of Privie Counsell, and, in respect of the saids Lords thair other imployments in manie of his Majesteis services, they had no time nor leasure to attend this bussines, they thairfoir desired Johne, Erle of Traquaire, Lord High Tresaurer of this kingdome, who wes personallie present, to take some panes on him for settling thair differences, quhilk charge the said Lord Tresaurar undertooke, and, having had diverse meittings, heard the saids parteis and thair contraverseis; and he, finding that there wes so manie difficulteis and contraverseis betuix thame as might have exhausted the haill living of Foulls before the same could have beene cleered be the air maill of umquhill Robert Monro of Foullis, if some other course had not beene tane by auctoritie, thairfoir the said Lord Tresaurer, after great panes and travells tane be him, he at lenth moved both the saids parteis to agree and settle with others be way of contract, quhilk contract the said Lord Tresaurer produced before the saids Lords and caused the same be read in thair audience. After the reading and considering quhair of, and after relation made be the said Lord Tresaurer to the Lords of Privie Counsell of the manie particular dangers and inconvenients quhilk might have befallin to the air male of the said umquhill Robert Monro, and how thereby the charges of law would have exhausted his estat and heavilie prejudgit the said Lord Lovatt, thairfoir the Lords of Secreit Counsell, in obedience of his Majesteis pleasure in favors of the said air male and his said tutor, and for the respect they have and

Fol. 198, b.

Acta, May
1636. Novem-
ber 1639.
Fol. 198, b.

quhilk is knowne to thame his Majestie hes to the said Colonell Robert Monro as one of his Majesteis privie chamber, and for the service done be the said Colonell in the warres of Germanie, in the quhilk warres umquhill Sir Hector Monro, father to Hector Monro, brother and appearand air to umquhill Robert Monro of Foullis, and the said Robert himselfe, with manie other gentlemen of the name of Foullis, hes spent and waired thair lyffes, hes ratified and approvin and be the tennor of this present act ratifies and approves the said Erle of Traquair his proceedings with the saids parteis and finds the same with the contract foresaid past betuix thame be his intercession, panes and travellis to have beene done and exped for the singular weale and good of both the saids parteis, and speciallie of the air male of the said umquhill Robert Monro of Foullis, and for the weale and standing of the hous and continewing the same in the persons of the airs male of the said umquhill Robert. Followes his Majesteis missive abone mentiouned :—CHARLES R. —Right trusty and right weilbelovit cousine and counsellor, right trustie and weilbelovit cousines and counsellors, right trustie and trusty and belovit counsellors, we greit yow weill. Whereas Colonell Monro hath humblie petitioned us that in regarde of the inclosed reasons he may be possessed of the estat and evidents of Fowllis, and to that effect that our guift of tutorie to him may pas our seales, and that suche persons who have acquired ane part of that estat at ane under value or intro-mitted with anie rents or goods belonging thereto may make accompt to the tutor and made compone for the minors use, it is our pleasure that yow consider of the demands, and if yow find thame to be just and agreeable to equitie, that in so farre as is proper to that judicatorie yow grant the same to him, recommending unto yow that what may concerne our other judicatoreis heerin, yow signifie our pleasure unto thame for granting him suche lawfull favour and speedie justice as sall be found agreeable to equitie and our lawes, whiche in regarde of the notice takin by us of his deservings in imployments abroad, and affection to our service otherwayes, we will take as good service done to us; for all whiche these presents sall be unto yow and all others our officers and judges whome it may concerne sufficient warrant. We bid yow heartilie farewell. Frome our honnour of Hampton Court, 25 November, 1636."

"Anent the supplication presentit to the Lords of Secreit Counsell be Colonell Robert Monro, makand mentioun that where he, having made and collected some observations tuicheing the warres of Germanie, and the occurrents that fell out in these warres, and drawin the same up in some perfyte forme and methode, he delivered the same to his sacred Majestie for his royall approbation and allowance to be givin to his weake and simple endeavours in this mater, quhilks observations being at lenth perused be his sacred Majestie, he hes beene graciouslie pleased not onelie to allowe and approve the worke, but lykewayes hes givin to him the sole libertie and priviledge of imprinting the same within the kingdome of England, quhereupon he hes entered in condition with some

Supplication
by Colonel
Robert Monro
for the security
of his rights
in a book
which he is
about to
publish.

printers in England anent the printing of 1500 of thir bookes; and whereas some printers in this kingdome may preasse to reprint the saids observations and occurrents and so frustrat him of the benefite and favour showin be his Majestie unto him, humbelie desyring thairfoir the saids Lords that he may have ane act and proclamation in maner and to the effect following, lykeas at mair lenth is conteanit in the said supplicatioun; quhilk being read, heard and considderit be the saids Lorda, and they advised therewith, the Lords of Secreit Counsell ordains letters to be direct to command, charge and inhibite all and sindrie printers within this kingdome, that nane of thame presooome nor take upon hand to print or sell the supplicants said observations and occurrents without his licence, under the pane of confiscation of the same."

Acta, May
1636-Novem-
ber 1639.
Fol. 199, a.
Fol. 199, b.

[Sederunt as recorded above.]

Edinburgh,
30th March
1637.

Decreta,
April 1635-
February 1639.
P. 326.

Complaint by
James John-
stone of Cor-
thead, heritable
proprietor of
the lands
called the
town flat of
Moffat, and
Mr George
Buchanan,
parson of
Moffat,
against George
Johnstone of
Girthead and
others, for
assault on the
said Mr
George
Buchanan.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, James Jonstoun of Corehead, heretable proprietor of the lands called the toun flat of Moffat, and Mr George Buchanan, parson of Moffat, as follows :—Though the carrying of hagbuts and pistolets and convocation of the lieges in arms has been often prohibited, yet upon 15th March instant George Jonstoun of Gritheid, Walter Jonstoun in Lighall, William Jonstoun in Ackinknow, Martin Jonstoun, his son, Francis Scot of Carnetoun, John Craufurde, his servitor, John Grahame, John Jonstoun, officer, Thomas Grahame in Bordlands, David Grahame of Carnewath, James Litle in Hutton, David Jonstoun in Staywood, Walter Torrie in Stobhill, Thomas Frenche, officer, and Cuthbert Carruthers in Currie, with others, to the number of fifteen persons, at the instigation of James, Lord Jonstoun, came to the lands of the said toun flat of Moffat, of which the said Mr George is tenant to the said James Jonstoun of Coreheid, and, seeing the said Mr George there, attending to the tilling of the said toun flat, "they, without respect to the said Mr George his place and charge, being thair pastor, pat violent hands in his person, strake, hurt and woundit him with thair said wapons in diverse parts of his bodie, violentlie patt his horses aff the same lands, and would not suffer thame to teill the same; and they were all boddin with suords, stalves and others wapons invasive and with pistolets, quhilk they ordinarlie carie about with thame in contempt of the law; and by this forme of bangesterie and oppression they intend to debarre and seclude the compleaners frome thair lands and to appropriat the same to the Lord Johnestoune himselfe." Charge having been given to Lord Jonstoun and the other persons named, and the pursuers compearing personally, and Lord Jonstoun appearing for himself and the remanent defenders, the Lords, after hearing parties and their witnesses, find that point "tuicheing the violent putting of the said Mr George his horse aff the ground and tuicheing thair misbehaviour to him by uttering disgracefull

P. 327.

Decreta,
April 1635.
February 1639.
P. 327.

and uncomelie speeches aganis him, being thair pastor and minister, to be cleirlie and sufficientlie verified and provin aganis the hail defenders forsaid, except the said Francis Scot," and therefore they ordain Lord Jonstoun to enter all the other defenders, except Francis Scot, in ward within the tolbooth of Edinburgh on the first Council day of June, therein to remain until they are released. Further, Lord Jonstoun found caution that the pursuers would not again be molested by himself and the other defenders in the possession of the said lands except by order of law and justice, under a penalty of 500 merks *toties quoties*. And with regard to tthe charge of carrying firearms the pursuers declare that they will remit probation thereof to the defenders' oaths of verity.

P. 328.

Supplication by Robert Ramsay, violer in Leith, as follows :—Thomas Ramsay, sometime sailor there, his brother, about seven years ago was taken prisoner by the Turks in Argiers and is kept "slave and captive be thame, tormented cruellie night and day for his faith and religion, and otherwayes miserablie used be thame, as his manie letters sent to the supplicant and diverse in Scotland beires record." Neither he nor his friends have the means to ransom him, and he therefore craves letters of recommendation from the Lords for this. The Lords hereby recommend the case of the said Thomas Ramsay to all noblemen, prelates, barons and gentlemen within the kingdom, and to all synods, presbyteries and kirk-sessions, and magistrates of burghs, and all the lieges, that they may contribute of their charity towards his ransom from this miserable slavery, and so manifest their Christian compassion. They are to deliver their contributions to the said Robert Ramsay, who out of his natural affection will have a care that the same is faithfully applied for his brother's release.

Supplication
by Robert
Ramsay,
violer in Leith,
that he may be
licensed to
appeal to the
lieges for a
contribution
towards the
ransom of his
brother, now a
prisoner in the
hands of the
Turks.

Supplication by John Weimes, lawful son of the deceased Mr John Weemes, minister at Dunse, as follows :—Their Lordships, in consideration of the continual process of law he undergoes for payment of his father's debts, granted him their protection till 31st March instant. Some of their Lordships know that he has done his best in the matter and that his process is continued till June. He therefore craves an extension of his protection. This the Lords grant till 1st August next.

Supplication
by John
Wemyss for a
protection.

P. 329.

Sir Colin Campbell of Glenurquhie, knight, having been charged to compear this day that order might be taken for his keeping the peace with William Murray, chamberlain to the Earl of Tullibardin, and others, alleged "fosters and keepers of the forest of Glenalmond," there compeared for him as his procurator Archibald Campbell, brother of the Laird of Lawers, who produced a certificate under the hand of Mr William Menzeis at Sendmore [? Kenmore], testifying on his conscience that the said Sir Colin "is diseased with a paine in his leg, and hes not travell[ed] on horse nor foote thir three yeeres bygane ane myle frome anie of his houses except to the parish kirk of Sendmore, which is within a myle to his house." The Lords, in respect hereof, excuse his absence at this diet.

Sir Colin
Campbell of
Glenurquhie
excused on
account of his
disability from
appearing
before the
Council.

Laird of Innermerkie allowed to return home under obligation to appear when summoned.

Meeting anent the duty for fishing.

Appointment of conveners of justices of peace.

"The Lords allowes Innermerkie to goe home becaus he, being person-Sederunts, allie present, actit himselfe to compeir when ever he sall be lawfullie charged upon xv dayes warning to answer to anie thing can be layed to his charge, and for his good behaviour in the meane time, under the pane of three thowsand merkes." January 1635-
November 1643.
Fol. 44, a.

"A meiting of the Counsell the morne at ellevin houres in the Chancellours hous for considering the missive anent the dewtie for fishing in his Majesteis sea."

"The Lords nominats M^r James Burnet to be conveenner of the justices of peace within the shirefdome of Roxburgh, and M^r Johne Maitland to be conveenner within the bailerie of Lauderdaill, and the Laird of Ethie conveenner within the shirefdome of Forfar, and his commission to be renewed.

Edinburgh, 31st March 1637.

William Hamilton of Dalserffe and William Lockhart of Carstairs appointed justices of peace in the sheriffdom of Lanark.

"The Lords of Secreit Counsell, understanding that Williame Hamilton of Dalserffe and William Lokhart of Carstairs ar verie weill affected to his Majesteis service and of good judgement and experience to undergoe the place of justices of peace within the bounds where they dwell, thairfoir the saids Lords hes made and constitute, and be the tennour heirof makes and constituts thame justices of peace within the bounds of the shirefdome of Lanerk, and hes adjoynned and adjoynes thame to the remanent commissioners and justices of peace of the said shirefdome, with power to thame to use and exerce the said office, in all and everie thing tending to the forderance of his Majesteis service and keeping the peace of the countrie, with als great fredome, priviledge, warrand and auctoritie as anie others justices of peace within the kingdome bruikes thair offices be vertew of the commission granted to thame under the great seale, and as if thair names wer particularlie insert in the said commission; commanding heirby the conveenner and remanent justices of peace of the said shirefdome to receave and admitt the saids persons to be of thair nomber and to have voice and place amongs thame as if they wer particularlie insert in thair commission, and to take thair oathes for faithfull discharge of the same; quhereanent thir presents sall be to thame ane warrant." Justices of Peace, 1612-1639.
Fol. 72, a.

Mr James Burnet and Mr John Maitland, minister at Lauder, appointed conveners of the justices of peace within the sheriffdom of Roxburgh and the bailliary of Lauder respectively.

"Forsamekle as the office of conveenner of the justices of peace within the shirefdome of Roxburgh now vaikes by the deceasse of William Dowglas of Bonjedburgh, late conveenner of the said shirefdome, and the office of conveenner of the justices of peace of the bailerie of Lauderdaill now also vaikes by the removall of M^r James Burnet, sometime minister at Lawder, late conveenner there, to the burgh of Jedburgh, where he is minister; and quheras the necessitie of his Majesteis service and peace of the countrie requires that some fitt person be substitute in thair place, thairfoir the Lords of Secreit Counsell hes nominat, elected and constitute and be the tennour heirof nominats, elects and constituts the said M^r James Burnet to be conveenner of the justices of peace within the said shirefdome of Roxburgh in place of the said Laird of

Justices of
Peace, 1612-
1639.
Fol. 72, b.

Bonjedburgh, and Mr Johne Maitlane, minister at Lauder, to be convenner of the justices of peace within the bailerie of Lawder in place of the said Mr James Burnet, with power to thame to use and exerce the saids offices with all the liberteis and priviledges thair of, siclyke and als freele in all respects as anie others convenners might have used the said office; ordaining be thir presents the remanent justices of peace within the saids shirefdome and bailerie respective or so manie of thame as sall be present for the time that at thair first meiting they take the saids convenners oathes for the faithfull discharge of thair offices."

Acta, May
1636. Novem-
ber 1639.
Fol. 199, b.

Sederunt:—Chancellor; Treasurer; Mar; Winton; Kingorne; Edinburgh, 1st April 1637.
Wigton; Dumfreis; Southesk; Lord Bining; Bishop of Edinburgh; Bishop of Gallouay; Bishop of Aberdene; Bishop of Ros; Bishop of Brechin; Lord Naper; Deputy Treasurer; Justice General; Justice Clerk.

"The Lords of Secreit Counsell ordains and commands Nicolas Briot, Nicolas Briot, master coiner, to proceed with the work in the Mint with which he had been charged. maister cunyear, to proceed and goe on in the working of his Majesteis mint be the milne and presse according to the former warrant grantit to him for this effect, till the fyftene day of Junij nixtocome."

"The Lords of Secreit Counsell ordains and commands his Majesteis Justice, Justice Clerk and thair deputs to pronounce doome and sentence John Dow Roy M'Gregor to be sentenced to death. aganis Johne Dow Roy M'Gregour, ordaining him to be hanged to the death at the mercat croce of Edinburgh and thereafter caried to the gallow lee and to hing there in yrne chaines."

Decreta,
April 1635-
February 1639.
P. 329.

[*Sederunt* as recorded above.]

Edinburgh,
1st April 1637.

Complaint by Janet M'Iloy, spouse to William Hendersoun, messenger, as follows:—In February last the said William "most cruellie, violentlie and unmercifullie strang, dang and abused her with his feit, rugged the hair out of her heade, shot her out of the hous, harled her up and doune the closse, exposed her naked to the violence of the tempestuous winter, and would not suffer her to have anie beild within his hous, fra the whilk he hes ever since debarrit her so as she hes almost perisht for lacke of maintenance." She complained to the kirk-session and also to the commissaries of Edinburgh, "and craved adherence and modificatioun of her maintenance," but was delayed; whereupon the said William, seeing she was likely to prevail, on some sinister information procured a warrant from the bailies of Edinburgh, and committed her to ward within the tolbooth of Edinburgh, where she has been since 22d March in a miserable condition and like to perish for want. Both pursuer and defender compearing and having been heard, the Lords remit the cause to the provost and bailies of Edinburgh or session of the kirk of Edinburgh, to be dealt with by them as they think expedient;

because their Lordships consider that by the defender's productions the case has already been before both, an act of the bailies purporting that the said Janet M^cIlroy was committed to ward "for abuseing her said spous both be word and deid and abstracting the insight and plenisheing of his house," and an act of the kirk-session showing that they ordained the defender to give his wife "ane bedding and other things to supplie her necessities till the said session of the kirk sie thame agried togidder."

Decreta,
April 1635.
February 1639.
P. 330.

Complaint by
John Suther-
land of
Sheriffmill
against
William Grant
of Cardells for
defiance of
horning.

Complaint by John Sutherland of Shirefmylne, as follows:—On 1st March, 1636, William Grant of Cardells was put to the horn for not paying the complainer £86 of principal and £30 of expenses, but he pays no heed to this horning. The pursuer compearing by George P. 331. Gordoun, messenger, his procurator, but not the defender, the Lords ordain the said William Grant to be charged to render his house of and enter himself in ward within the Castle of Blacknes within fifteen days, upon pain of treason.

Supplication
by Lancelot
Leslie, messen-
ger in Inche,
that he may be
reponed in his
office of which
he had been
deprived
owing to a
failure in his
duty.

Supplication by Lancelot Leslie, messenger in Inche, as follows:—He has been "ane famous and honest messenger thir 20 yeeres bygane but blame, fault or offence whill latelie within this tua he wes circumveened in giveing a charge of horneing to Allexander Spence in Inshe for ane hundreth merks without principall letters to warrand the copie, quhilks John Wilsone in Lochheid of Neutoun promitted to delyver to the supplicant the morne after the charge before he sould ressave the executioun, quhairupon the supplicant reposed and sua gave the charge." No one has been injured thereby, but the supplicant was cited before the Lyon, and upon his own confession was deposed from his office of messenger on 3rd July, 1635. Since then he has lain out of his office to his utter wreck and the undoing of his wife and children. He craves that, in respect of his great age, poverty and distress, he be reponed to his office. The Lords, after advising, ordain Sir James Balfoure of Kinnaird, knight, Lyon King of Arma, to restore the supplicant to the office of a messenger, with all liberties and privileges thereof.

Supplication
by John, Earl
of Wigtown,
for direction as
to the sentence
he shall pro-
nounce in a
case of reset of
two cows.

Supplication by John, Earl of Wigtowne, as follows:—Their Lordships P. 332. granted to him a commission for trying Malcolm Kincaid by an assise for theft and reset of theft, and to report the verdict. He has put the said Malcolm to the trial of a fenced court, where he was convicted by an assise of honest men of the reset of two cows at different times, and of being fugitive from his trial for half a year. He now desires to know what sentence he shall pronounce and cause be executed against him. The Lords direct him to pronounce sentence of banishment against the said Malcolm, ordaining him never to return to the kingdom without his Majesty's licence, upon pain of death; and that he be taken acted so to do.

The Clerk of
Forfar and
others.

Two cases of
caution.

"The Lords ordains Birkinbog, William Arnot, the Clerk of Forfar, etc., to be summound to the first Counsell day of Junij nixt."

"The Lord Ogilvie, cautioner for the Master of Ogilvie, Inchmartine for Desfurde, under the pane of x^m merkes."

Sederants,
January 1635.
November
1643.
Fol. 44, a.

Acta, May
1638-Novem-
ber 1639.
Fol. 199, b.

[No record of Sederunt.]

Edinburgh,
18th May 1637.

" Forsamekle as the Lords of Secreit Counsell hes receaved certane and sure information that there is diverse parts within the Middleshires upon the English side and just opposite to this kingdome infected with the contagious sickenes of the pest, and the daylie and frequent commerce and intercourse interteanned betweene the two kingdomes, and namelie within the saids Middleshires, may prove verie dangerous for this kingdome if the persons authorized with power and jurisdiction within the saids bounds use not thair best endeavoures for preventing, so far as may be, the bringing of that infection within this kingdome, for quhilk purpose the Lords of Secreit Counsell, upon verie good advice and deliberation, hes thought meit and expedient to committ and be the tennor heiroyf they committ the charge and oversight of the Middleshires, in the point of commerce and trade, to the shireffs of the shires, and justices of peace within these bounds, commanding thame, as they will be answerable upon the duetie of thair offices, to nominat and appoint some discreit and qualified persons under thame to attend that nane be suffered to resort nor repaire towards the saids Middleshires or to have commerce or trade within the same, but suche as sall be allowed and permitted be the saids shireffs and justices of peace to doe the same; and that they, as alsua all drovers that trades in England with anie goods, give up to the saids shireffs and justices of peace or to the persons to be nominat be thame, as said is, ane cleere note of the places within the middle marche whereinto they intend to repaire, and be the quhilk they ar to returne, and at thair returne that they give up a cleere report of the places quhair they have traded and frome whence they ar returned, and produce ane formall testificat of the lawfulness and unsuspect estat of the places where they have traded. And whereas the keeping of mercats in the saids bounds of the Middleshires, especiallie at Dunc, Kelso, Jedburgh, Melros, Hawick and others places upon this side may lykewayes prove verie dangerous to this kingdome, in respect of the great concourse of people frome the English side to the saids mercats, thairfoir the saids Lords hes discharged and be the tennor heiroyf discharges the halding and keeping of mercats within the bounds foresaids till upon good advice and deliberation the inhabitants of the saids touns and magistrats thairof be warranted and allowed to doe the same. And, if it sall please God to visite this kingdome with the said contagious sickenes, that than the saids shireffs and justices of peace and the provests and bailleis of burrowes within thair awne bounds and jurisdictions have a speciall care of the keeping and preservation of the saids bounds and preventing of the grouth and progresse of the said infection, and for this effect that they informe thameselfes daylie of the trew estat of the places infected and of the health and disposition of the persons dwelling within the same, and where they find anie contagion or probable suspicion thairof that they prescrive and sett down acts, rules and

Directions for
the prevention
of the plague
which has
appeared in
the English
Middle Shires.

Fol. 200, a.

ordinances how the suspect and foule persons, where anie sall happin to be, may be kept apart be thameselfes in suche places as sall be designed and allowed unto thame, commanding thame in his Majesteis name to make thair addresse to the parts and places to be assigned to thame and there to conteane thameselfes, and that they in no wayes presooome to come furth thair of or to transcend these bounds till after a lawfull tryell that they ar free of that contagion they be fred and releved, under the pane of death; certifeing thame that sall faillie and doe in the contrare that the pane of death sall be execute upon thame without favour. And ordains letters to be direct to make publicatioun heirof be opin proclamation at the mercat croces of the burrowes and touns foresaids and others within the Middleshires wherethrow nane pretend ignorance of the same, and to command and charge all the saids shireffs, justices of peace and all others whome these presents doe or may concerne that they and everie ane of thame attend thair severall charge in this mater and doe and performe that quhilk to the dewtie of thair place and charge apperteanes, and that all traders and drovers and others his Majesteis subjects within the saids bounds give obedience to the directions and charges to be givin to thame and conforme thameselfes thereunto, and in no wayes presooome to contraveene nor dissobey the saids directions in anie point, under the highest pane may be inflicted upon thame."

Acta, May
1636-Novem-
ber 1639.
Vol. 200, a.

Edinburgh,
1st June, 1637.

Sederunt :—Chancellor; Glasgow; Dumfreis; Naper; Clerk Fol. 200, b.
Register; Justice General; Deputy Treasurer; Advocate.

John Gordon
of Park
appears before
the Council.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Johne Gordoun of Park for obedience of the act quhairby he was obliged to that effect. The Lords continewes him till Tuisday nixt and ordains his caution to stand till that day."

Direction to
the Lord
Chancellor to
append his
seal to the
protection
granted to Sir
Thomas
Urquhart.

"Forsamekle as the King's Majestie having upon diverse good Fol. 201, a.
respects grantit ane protection to Sir Thomas Urquhart, knight, for some certane space, the same protection, upon diverse good considerations, was stayed at the great seale and so hes lyin unexped thir diverse moneths bygane. And now the saids Lords, having tane to thair consideration the trew grounds and motives whereupon the said protection was grantit, and respecting therewithall the honest and worthie disposition of the said Sir Thomas himselfe, throw whois default or neglect nane of the burdens now lying on his hous hes fallin out but the undewtifull cariage and behaviour of his children hes procured the same; and whereas he is upon a good course so to dispose upon his estat and living as his debts may be payed and his creditors according to equitie and justice receave satisfaction, if he had the benefite of his protection and might saifelie without trouble or arrest attend thereupon, thairfoir the saids Lords ordains the Lord High Chancellor of this kingdome, in whois hand the said protection lyes unsealed, to caus

append the great seale thereto and to deliver the same to the said Sir Thomas to be kepted and used be him for his releeffe and warrand during the time thair of, quhereanent the extract of this act sall be to the said Lord Chancellor ane warrant."

"The quhilk day Doctor Williame Ogstoun, minister at Colintoun, was adjoynned to the justices of peace within the shirefdome of Edinburgh."

Doctor Ogstoun, minister at Colintoun, made a justice of peace.

Sederunt :—Chancellor ; Treasurer ; Bishop of Glasgow ; Dumfreis ; Lord Naper ; Bishop of Edinburgh ; Advocate ; Justice General.

Holyrood House, 3rd June 1637.

"Forsamekle as upon ane late advertisement made to the Lords of Privie Counsell that diverse parts of the Middleshires within the kingdome of England just opposite to this kingdome wer infected with the contagious sickenes of the pest, order wes givin to the shireffs of the shires and justices of the peace upon the middle marche of the said kingdome for ordering commerce and trade betuix the inhabitants on these parts and these of the kingdome of England, according to the instructions sett down in the acts and proclamations published to this effect, as alsua the mercats within the saids bounds, speciallie at Duncce, Kelso, Selkirk, Jedburgh, Melros, Hawick, Caldstreame and others places on this side wer discharged, and direction givin to all shireffs, justices of peace, provests and bailleis of burrowes and others whome it concernes for prescrying and setting down orders for keeping of thair bounds free of the said contagion and keeping apart of suche as sould happin to be infected ; and the saids Lords being now informed that this contagion is at the pleasure of God brokin out in Ancrum, Spittell and others neighbouring parts on the middle marche of this kingdome, quhilk may prove verie dangerous to the countrie if diligence and care be not tane for preventing the forder spreading of the infection by the wise and prudent ordering of commerce and trade in these parts, thairfoir the Lords of Secreit Counsell hes givin and grantit and be the tennor heirof gives and grants full power, auctoritie and commission, expresse bidding and charge to Robert, Earle of Roxburgh, William, Erle of Lothiane, Johne, Lord Cranstoun, Sir William Douglas of Cavers, shireff of Roxburgh, and to suche others persons as they sall assume and associat to thame-selfes, to see that the acts and proclamations formerlie made in this behalfe be preciselie observed in all points ; as alsua with full power and warrant to thame to prescryve suche others orders and rules anent the forme and maner of commerce and trade or anent the discharging the same *simpliciter* and of all mercats and faires within the bounds fore-saids, and anent the interteanement of suche poore people as sall happin to be closed up upon suspicion of the said infection, and tuicheing the strait keeping of infected persons apart be thame-selfes as they sall find necessarie and expedient : And ordains letters to be direct to make publication heirof of all places neidfull, and to command and charge all

Directions anent the plague which has spread from the English Middle Shires to certain towns on the Scottish border.

See ante, p. 429.

Acta, May 1636-November 1639.
Fol. 201, a.

Justices of Peace, 1612-1639.
Fol. 72, b.

Acta, May 1636-November 1639.
Fol. 203, a.

Fol. 203, b.

and sindrie his Majesteis lieges and subjects whatsomever whome these presents doe or may concerne to reverence and obey the saids commissioners in all and everie ane of thair injunctions and directions, under all highest pane and charge that after may follow; and in speciall to command and charge all persons suspect of the said contagion to addresse thameselfes to the places to be assigned to thame and not to transcend the same till they be orderlie releevd, under the pane of death, certifeing thame that failleis that the pane of death sall be execute upon thame without favour."

ir William
Douglas of
Cavers, sheriff
principal of
Roxburgh, and
the plague.

"The Lords of Secreit Counsell freeths and releevs Sir William Dowglas of Cavers, shireff principall of Roxburgh, of his attendance upon the commissioun for the surrenders and teinds, to the effect he may goe home and attend the service imposed upon him be the saids Lords towards the government of these parts in the Borders quhilk ar suspect of the contagious sickenes of the pest."

Edinburgh,
3rd June 1637.

Sheriff of
Teviotdale and
the plague.

"The Lords freeths the shireff of Tiviotdaill of his attendance upon the commission for the surrenders, in regard of the service imposed upon him anent the plague beside Jedburgh."

Sederunt,
January 1635-
November
1643.
Fol. 44, b.

Edinburgh,
6th June 1637.

Sederunt :—Chancellor; Treasurer; Glasgow; Wigton; Hadinton; Lauderdaill; Dumfreis; Lord Angus; Lord Alexander; Bishop of Edinburgh; Bishop of Brechin; Clerk Register; Advocate; Justice General; Deputy Treasurer; Justice Clerk.

Acta, May
1636-Novem-
ber 1639.
Fol. 204, a.

Letter from his
Majesty
containing a
warrant for
the coining of
1800 stoncs of
copper.

"The whilk day the missive letter underwrittin, signed be the King's Majestie and direct to the Lords of his Majesteis Privie Counsell anent the coynning of some farther quantitie of copper coyne, being presented to the saids Lords and read in thair audiece, the saids Lords ordains the said missive to be insert and registrat in the bookes of Secreit Counsell, of the quhilk the tennor followes:—CHARLES R.—Right reverend father in God, right trustie and weilbelovit cousines and counsellors, right trustie and trustie and belovit counsellors, we greit yow weill. Whereas we have beene latelie acquainted with some prejudices and greevances conceaved in the course and quantitie of copper coyne in that our kingdome, we have beene carefull to informe our selfes concerning the same and find that the great want of small silver coynes hes made the use of copper money necessarie, and that necessitie hath occasiouned the great vent that hath beene of it, we ar nothing moved with the conceate that the copper money has beene the reason of the exportatioun of our better coynes or that it can possible be so in time comming, it being nather brought frome abroad nor having course abroad, the inconvenient quhairunto some of the meanner sort subject thameselfes in having nothing but these copper moneys, proceeds ather frome the scarsetie of other coynes (the fountane of all the ill) or frome thair awne negligence; and, howsoever it is a farre lesse ill than the not having of thame at all would be, and though we conceive that

lcta, May
636-Novem-
ber 1639.
ol. 204, a.

fol. 204, b.

in regard they ar not imposed to be receaved, the voluntarie receaving of thame proves the need of thame and that justifeis thair present use ; yitt, least the course intended for furnishing that kingdome with severall spesces of silver coynes may prove beyond expectation slow, and thereby a just feare may be givin of a necessarie vent of suche ane infinite and endlesse quantitie of copper coyne as might prove after-ward uselesse to the havers of it when the countrie sould come to be furnished with silver coynes, we have thought fitt to limite our former grants and ordinances concerning the said copper money to the quantitie of eighteene hundreth stone weight, whiche we ar certanelie informed to have been readie and prepared for the printing before the late question was made concerning the copper money. In regarde whairof and that we wer pleased to warrant our trustie and right weilbelovit cousine and counseller, the Earle of Stirline, for bargaining with merchants or others for his more speedie injoying of the benefite intended by ws to him in the said copper coyne, whiche would turne now heavilie to his prejudice if the said quantitie of 1800 stane weight sould be allowed to vent, and wherein we cannot justlie lett him suffer, seing what hath beene done heerin hath beene by publict auctoritie frome ws, our Counsell and Exchequer there, and that our servant, Nicolas Briot, was directed thither by us with warrants for the said coynnage according to whiche he did proceed ; we have now fullie determined, and it is our expresse pleasure, that there be no further interruption made of the present coynage of the said 1800 stone weight of copper yitt to be coynned, after the accomplishing whairof we doe heirby declare that we sall not allow of anie other further coynnage of copper moneyes be vertew of anie warrant formerlie grantit by us. And lett these presents be registrat in our bookes of Counsell *ad futuram rei memoriam* ; for all whiche these presents sall be your warrant. From our Court at S^t James, 13 May, 1637."

"The Lords of Secreit Counsell having read, heard and considerit his Majesteis missive letter directed to thame in favors of Sir Johne Hay, knight, Clerk of Register, for augmenting the fees and dewes allowed to him for his subscription, for satisfaction quhairof and that the mater may be the better prepared, the saids Lords nominats and appoints the Lord Tresaurer, the Earles of Hadinton and Lauderdaill, the Advocat and Justice Clerk, not excluding anie of the Counsell, to conveene and meit the morne in the Exchequer hous at nyne of the clocke in the forenoone. And in respect the Lords of Sessioun ar neerelie concerned in this bussines, the saids Lords desyres the said Lord Tresaurer to represent the same to thame and to desire thame to appoint some of thair number to meit with the others counsellors foresaids the time and place foresaid, and they joyntlie to consider of the justice and equitie of the Clerk of Register his desire and of the measure and proportion quhairby to satisfie him in reason ; and to report thair judgement thereanent to the saids Lords upon Thursday nixt or at

Appointment
of a commis-
sion to consider
the fees of the
Lord Clerk
Register.

thair best conveniencie. Followes his Majesteis missive abonementiouned:—CHARLES R.—Right reverend father in God, right trustie and weilbelovit cousines and counsellers, right trustie and trustie and weilbelovit counsellers, we greit yow weill. Whereas our Clerk Register hath represented to us that notwithstanding the prices of all seales and offices have, upon good considerations, beene raised and augmented, als weill in respect of the raising of the prices of silver and gold as of all wair and provision whatsomever, yitt the fees of his subscription have never beene altered, but still remaine at 6s. 8d. Sco., we, considering the panes and travelles tane be him in his office and how reasonable it is that there be a competent price allowed to him for his subscription, it is our pleasure that yow take the same to your consideration, and to sett down and modifie suche a price as agreeth with equitie and reasoun, and to the other prices of the remanent officers for thair fees in thair offices, for whiche these presents sall be your warrant. We bid yow farewell. From our court at St James, 1637.”

Charge of clipping the coin brought against Alexander Cochrane, son to John Cochrane of Lymekilns, by the Lord High Treasurer.

“The whilk day in presence of the Lords of Secreit Counsell compeired personallie Johne, Earle of Traquair, Lord High Tresaurer of this kingdome, and represented to the saids Lords that Alexander Cochrane, sone to Johne Cochrane in Lymkills, being deprehended with some clippings of his Majesteis and others coynes, and, being brought to his Lordship and examined how and frome whome he had receaved the same, he declared he received the same frome Thomas Broun, burges of Glasgow, quhereupon the said Lord Tresaurer caused committ the said Alexander Cochrane to waird there to abide the tryell of his guiltines and of others accessorie to the same. Quhilk report being heard be the saids Lords, they allow of the said Lord Tresaurer his proceeding in committing the said Alexander and declares the same to be good service to the King and countrie, and ordains the said Lord Tresaurer to dispatche, with all secrecie and speed, some of his servants to the citie of Glasgow, and to authorize thame with a lawfull warrant and commission to apprehend the person of the said Thomas Broun, burges there, fra whome the said Alexander Cochrane alledges he receaved the saids clippings and to seaze upon the said Thomas his coffers and to searche the same in presence of some of the magistrats of the said burgh, and if they find anie clippings or instruments serving to that use, to intromett therewith, and to bring and exhibite the same togidder with the said Thomas Broun before the saids Lords of Privie Counsell with all convenient diligence there to be tryed, examined and punished be thame according to his demerite.”

Case of John Gordon of Park.

“The Lords of Secreit Counsell nominats Sir William Elphinstoun, Justice Generall, and Sir Johne Hamilton of Orbestoun, Justice Clerk, not excluding anie of the Counsell, to meit the morne and to confront Johne Gordoun of Parke with M^eInstalker and to report thair depositions upon Thursday.”

Acta, May 1636-November 1639. Fol. 204. b.

Fol. 205. a.

Acta, May
1638. Novem-
ber 1639.
Fol. 205, h.

"The Lords of Secreit Counsell ordains ane maisser of Counsell to pas Case of resett-
and charge Howesone in the Potterraw to compeir before the ting persons
Counsell upon Thursday nixt to answer anent his ressett in his hous of coming from
persons comming frome suspect parts in the Middleshires." places suspec-
ted of the
plague.

Decreta,
April 1635-
February 1639.
P. 332.

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

Edinburgh,
6th June 1637.

P. 333.

Complaint by James Cruikshank, merchant burges of Aberdene, as Complaint by
follows:—Upon October last George Spence of Tulloche was put to James
the horn at the complainer's instance for non-payment of 200 merks of Cruikshank,
principal, £40 of expenses, and interest thereof; but to this horning he merchant-
pays no heed. The pursuer compearing by William Steinsone, agent, burgess of
his procurator, but not the said George Spence, the Lords ordain the Aberdeen,
latter to be charged to render his house of Tulloche, and enter himself against George
in ward within the castle of Blacknes within fifteen days, under the Spence of
pain of treason. Tulloch for
contempt of
horning.

Complaint by Jean Guthrie, widow of Robert Stirline of Letter, as Similar com-
follows:—On 26th July last John Hamilton of Blair was put to the plaint by Jean
horn at her instance for not paying £1000 of principal and interest and Guthrie,
expenses due thereupon, but to this horning he pays no heed. The widow of
pursuer compearing by Alexander Stirline, her son, but John Hamilton Robert Stirling
not compearing, the Lords ordain the latter to be charged to render his of Letter,
houses of Blair and against John
Hamilton of
Blair.
and enter himself in ward within the castle
of Blacknes within ten days after being charged upon pain of treason.

P. 334.

Complaint by Alexander Kyde, merchant burges of Dundie, as Complaint by
follows:—Robert Constable, elder and younger, burgesses of Dundie, Alexander
Thomas Constable there, and Janet Salters there "have most Kidd,
unchristianlie seduced and alienated the affection of Margaret Constable, merchant-
the compleaners spous, frome him, and not onelie so, bot they have burgess of
latelie, in the moneth of Dundee,
evidents with his goldsmith worke and a part of his household against Robert
plenisheing, quhilk they have resset in thair houses, and hes moved his Constable,
elder and
younger,
burgesses of
Dundee, and
others for
alienating the
affections of
the complain-
er's spouse, and
taking posses-
sion of his
goods.
wyffe altogidder to separat frome thame [*sic*] and to live with thame, so
as the compleaner was forced to give [up] his hous and to close the
doores of the same." Further, on 2d May last these persons armed with
invasive weapons, and "with great forehamers come to ane privat entrie
and doore of the compleaners hous, quhilk is next adjacent to the said
Robert Salters hous, forcible brake up the doore, entered within the
hous, brak up and oppened the haill kists and presses thair of, medled
with the haill writs and plenisheing and what els wes not tane away the
day before, and disposed thairupon at thair pleasure." When the
complainer modestlie reproved them for doing so, they pursued him for
his life, gave him "manie bauche and blae straiks," and would have
killed him but for the help of the neighbours. Charge having been given

to the said Robert Constable, elder and younger, Thomas Constable, and Janet Salter, who all compeared along with the pursuer, except Robert Constable, elder, against whom the pursuer declared he withdrew the charge, and the probation being referred to the defenders' oaths of verity, who all denied the charge, the Lords assoilzie the remanent defenders.

Decreta,
April 1635.
February 1638.
P. 334.

Supplication
by Claud de la
Scot, Baron of
Surrein and
Assien, Presi-
dent of the
Mortar of the
parliament of
the Dauphin
in France, that
letters patent
anent his
Scottish
descent may
be passed
under the seal
of the Lord
Chancellor.

Supplication by Claud de la Scot, Baron of Surrein and Assien, P. 335.
President of the Morter of the parliament of the Daulphine in France, as follows :—His Majesty has been graciously pleased to direct the Lord High Chancellor of this kingdom "to try and informe himselfe of what familie umquhile Peter Scot, the supplicants predecessor, is descendit, quhairupon the supplicants [*sic*] hes producit unto the saids Lords a testificat under the hands of some noblemen, barons and gentlemen of good ranke and qualitie, testifieing his pedigre and fra whome she [*sic*] is trewlie descendit," and he has caused draw up letters patent to be passed his Majesty's great seal for testifying the truth thereof. He therefore craves that command may be given to the Director of Chancery and his deputes to write and expedie the said patent to the great seal, and to the Lord Chancellor and his deputes, as keepers of this seal, to append the same thereto. The Lords grant warrant as craved.

Complaint by
James
Crawford,
goldsmith,
burgess of
Edinburgh,
against James
Pearson,
writer, for
assault and
illegal
warding.

Complaint by James Craufurde, goldsmith, burgess of Edinburgh, and Margaret Wallace, his spouse, as follows :—Their Lordships are not unacquainted with the great trouble he has sustained this long time by James Peirson, writer, as their differences being at last brought before them, and being at present under submission to the Archbishop of Glasgow and the Lord Register are as yet undecided, though James Peirson has given in many bills to their Lordships desiring the same to be discharged. The complainer looked for no molestation during the dependence of the case, yet on 13th May last the said James Peirson, accompanied by his sister and "a number of rascall people, come under silence of night at three houres in the morneing to the compleaners duelling hous in Pleasance, brake up the doores thair of, and, the compleaner being lying sore seike of the gutt, they harled him and his wyffe out of thair naiked beds athort the fluire, ruiffled the skinne aff thair backs and with thair hands and feit cruelie demayned his haille bodie and caried him to the tolbuith of Edinburgh, quhair he hes lyne sensyne in hazard of his lyffe, as he dois yit." Both pursuer and defender compearing and having been heard, the Lords ordain the provost and bailies of Edinburgh to liberate P. 336.
the pursuer in so far as he is warded at the instance of the said James Peirson, because he has acted himself that if the said Archbishop of Glasgow and Lord Register give not their judicial sentence upon the said submission before 30th June instant, he will re-enter to his ward in the said tolbooth and shall expect no further favour herein, nor shall his complaints be heard again in this business.

Sederunt:—Treasurer; Hadinton; Lauderdaill; Dumfreis; Presi-
dent of the Session; Deputy Treasurer; Advocate; Justice
Clerk; Durie; Innerpeffer.

Edinburgh,
7th June 1637.

"The Lords of the Committee appoints their next meeting the morne at
nyne of the clocke to the effect that in the meane time the President of
the Sessioun may remonstrat to the Lords of Session the Clerk of
Registers desire and to consult their judgements anent the expedience
of the same, for whiche purpose his Majesteis letter wes delivered to the
President."

Anent the
Court of
Session.

Sederunt:—Chancellor; Treasurer; Glasgow; Hadinton; Laudir-
daill; Bishop of Edinburgh; Bishop of Brechin; Lord Naper;
Master of Elphinston; Clerk Register; Justice General; Advo-
cate; Deputy Treasurer; Justice Clerk.

Edinburgh,
8th June 1637.

"Forsamekle as the Lords of Secreit Counsell ar informed that there is
a faire proclaimed and appointed to be haldin at Lauder upon the
day of Junij instant, unto the quhilk faire numbers of people frome all
the circumjacent parts will resort and repaire for interteanying of their
intercourse in buying and selling and dispatche of their commoditeis;
and whereas the keeping of the said faire at this time may prove verie
dangerous to the countrie in respect of the contagious sickenes of the
pest quherwith sindrie parts of the east and middle merches is visite,
thairfoir the Lords of Secreit Counsell, upon verie good considerations,
hes thought meit and expedient, and commands and ordains that the
said faire sall not be kept nor haldin at this time; and for this effect
ordains letters to be direct to command, charge and inhibite the bailleis
and inhabitants of the toun of Lauder and all others his Majesteis
subjects, be opin proclamatioun at the mercat croce of Lauder and others
places neidfull, that nane of thame presooome nor take upon hand to
keepe or hold ane mercat or faire within the toun of Lauder the day
foresaid nor no other day heereafter, till they be warranted be the saids
Lords to that effect, and to command, charge and inhibite all his
Majesteis lieges and subjects that they nor nane of thame presooome nor
take upon hand to resort nor repaire to the said faire, nor to blocke,
bargain, buy nor sell thereat under quhatsomever cullour or pretext, as
they and everie ane of thame will answer upon the contrare at their
perrell and under the highest pane and punishment that be the course of
law can be inflicted upon thame; certifoing thame that sall doe in the
contrare that they sall be exemplarlie punished in their persons and
goods to the terrour of others; and to command and charge the magis-
trats of the burgh of Lauder to appoint watchemen for keeping of their
toun and that no persons be suffered to repaire to the said faire, and
that nane be suffered to resort nor repaire to the said toun frome anie
suspect place."

Lauder Fair
prohibited on
account of the
plague in the
neighbouring
districts.

Alexander Harper in the Potterrow, Edinburgh, to be committed to ward as having come from parts suspected of the plague.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Alexander Harper in the Potterraw, conforme to the charge givin to him for that effect, and confest unto the saids Lords his contempt in breaking of waird, being committed for contraveining the proclamation made aganis persons resorting frome parts suspect of the plague, in regarde quhereof the saids Lords ordains him to be committed to waird therein to remaine till he be fred and releevd be the saids Lords and find caution to the bailleis of the Potterraw to keepe good order in time comming, under the panes to be appointed be thame by and attour the panes conteanit in the proclamation." Acta, May 1636-November 1639. Fol. 206, a.

Howeson in the Potterrow forbidden to resset persons coming from parts suspected of the plague.

"The Lords of Secreit Counsell discharges Howesone in the Potterraw, who wes personallie present, to harbour or ressett within his hous anie person comming frome suspect places, as he will answer upon the contrare at his perrell."

Commission appointed to consider to what extent the fees of the Lord Clerk Register should be augmented. See ante, p. 433.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Johne, Earle of Traquair, Lord High Tresaurer of this kingdome, and reported to the saids Lords that this day his lordship wes present with the Lords of Sessioun, where they having debated and takin to thair consideration the expedencie of the augmentation of the fees dew to the Clerk Register for his subscription, the saids Lords of Sessioun seemed not to be averse frome ane augmentation, and remitted to the Counsell the way, time, measure and proportion of the said augmentation to be regulat be thame according to reason and equitie. Quhilk report being heard and considerit be the saids Lords, and they advised therewith, the saids Lords hes nominat and appointed and be the tennor heiroy nominats and appoints the said Johne, Earle of Traquaire, Lord Tresaurer, Thomas, Erle of Hadintoun, Johne, Erle of Lauderdaill, Walter, Bishop of Brechin, and Sir Thomas Hope of Craighall, his Majesteis Advocat, to meit and conferre with the said Clerk of Register anent the proportion of the augmentation of the fees dew for his subscription, and to report to the saids Lords thair opinions at thair best opportunitie."

A port to be set up at the entrie of the Potterrow as a precaution against the plague.

"The Lords of Secreit Counsell ordains and commands Sir George Fol. 206, b. Towres of Innerleith, who wes personallie present, and his bailleis of the Potterraw to sett up a port at the entrie of the Potterraw and to close up suche other passages as they sall think fitt, and to appoint a guard to attend the port in the day time for debarring all persons comming frome places suspect of the plague, providing that the ports be alwayes made patent to free persons resorting to the burgh of Edinburgh."

Proclamation against regrating and forestalling and the storing of victual till a time of dearth.

"Forsamekle as the girnelling and keeping up of victuall to a dearth and the regrating and forestalling of the same be crimes verie detestable and odious both before God and man and hes beene verie straitlie prohibite and discharged be diverse acts and proclamations made and published thereanent, nevertheles the Lords of Secreit Counsell ar informed that, now when the Lords hand is upon the countrie and diverse parts visite with the contagious sickenes of the pest, that there is numbers of people

Acta, May
1636-Novem-
ber 1639.
Fol. 206, b.

within the merches of this kingdome who, preferring thair awne filthie lucre and gayne to the commoun weale, ar now bussie in gaddering togidder the whole victuall that they can find ather to be bought or exchanged, and this victuall they keepe and hald up to a dearth and will nowayes vent nor sell the same but at suche untolerable and unreasonable prices as the poore people dow not beare, so that if the infection sall spread anie where ellis, it is verie likelie that the poore sall not gett victuall but at the unreasonable appetite and pleasure of thir regraters and hoorders of victuall; for preventing of quhilk mischant abuse the Lords of Secreit Counsell ordains letters to be direct to command and charge the justices of peace within the shirefdomes of Berwick, Roxburgh, Selkirk, Peebles and Baillerie of Lauderdaill that they conveene and meit in the ordinar places of thair meittings with all convenient diligence, and at thair meeting that they sall sett down competent prices upon all sorts of victuall, and that they have a care that the same be not girmelled, kepted nor haldin up to a dearth, but that his Majesteis subjects may be furnished and served therewith tymouslie and readilie at the prices to be sett down be the saids justices of peace according to the power committed to thame be the Estats of the kingdome, as they and everie ane of thame will answer upon the dewtie of thair offices and charges."

Fol. 207, a.

"Forsamekle as the Lords of Privie Counsell having givin strait direction to the justices of peace within the shirefdome of Selkirk anent the preservation of thair bounds from the contagion of the pest, and, in obedience thair of, Sir Johne Murrey of Philiphauche, conveenner of the saids justices of peace, having upon the day of Junij instant address himselfe to the said toun of Selkirk and givin orders anent some persons suspect of the said contagioun, and the said conveenner, understanding that James Murrey in Selkirk wes to have his daughter married upon Tuisday last and that he had conveenned a great part of the countrie about to the solemnizing of the mariage, the said conveenner, in the dewtie of his place, discharged the said James to make ane convocation, and to have no more but foure or fyve witnesses at the mariage, quhilk he refused to doe, quhereupon the conveenner told the bailleis of the toun that, if they suffered anie convocations, they would compleane to the Counsell, but they gave no answer; and upon the fyft of this instant the said conveenner sent for the said James Murrey and of new discharged him in his Majestie and his Counsell's name, but he prouddie replied to the conveenner, "If yee be feared, come not there." And the said conveenner, having required the bailleis to take him to waird, there wes no obedience givin thereto, but upon the morne there wes about foure or fyve score persons who mett and dranke togidder in the said toun at the mariage all that day till night, quhilk is a verie proud contempt in the said James, and dangerous neglect in the bailleis, and will not faile to produce verie bad effects to the whole countrie without remeid be provydit: Thairfoir ordains letters to be

Charge to the
bailies of
Selkirk to
appear before
the Council
and to produce
James Murray
in Selkirk,
whom they
had failed to
place in ward
for infringing
the regulations
for preventing
the spread of
the plague.

direct charging the saids bailleis of Selkirk to compeir, bring and exhibite with thame the said James Murrey before the Lords of Privie Counsell upon the day of Junij instant, to underly suche order as sall be tane with thame for the said James his contempt and thair neglect of dewtie, under the pane of rebellion, etc., with certificatioun, etc."

Letter from his Majesty prohibiting Lord Reay from leaving the country till he has made satisfactory provision for his wife.

"The whilk day the missive letter underwrittin signed be the King's Majestie wes exhibite in Counsell, of the quhilk the tenor followes:—
CHARLES R.—Right reverend father in God, right trustie and weilbelovit counsellor, and right trustie and weilbelovit cousines and counsellors, and right trustie and trustie and weilbelovit counsellors, we greit yow weill. Fol. 207, a.
 Whereas we wer pleased to write formerlie unto yow for the Lord Reay that he sould have a licence to travell abrod for craving in of the debts dew to him with suche limitations and conditions as wer conteanit in our said letter to that effect, and being since humbelie petitioned be her who is now found to be his wife, that in regard of that which justlie she may clame of him he may not be suffered to goe till a course be tane for her satisfaction, it is our pleasure that before he gett his licence he sall first find sufficient suretie or make his lands lyable to anie action that she hes right to charge him with in suche sort as sall seeme best and reasounable unto yow; and, if it be alreadie grantit, that you stay him till he give her satisfactioun; for doing quhair of these sall be unto yow sufficient warrant. Givin at St James, the first of Aprile, 1637. Quhilk missive being read in presence of the saids Lords, and they acknowledging the justice of his Majesteis commands in the mater abonewrittin, thairfoir they ordain and command that no licence be past or exped to the said Lord Reay till he first find caution in maner and to the effect conteanit in his Majesteis letter foresaid and for observing the others conditions prescryved in his Majesteis letter abonementiouned."

Charge to Alexander Forbes of Boynlie, tutor to Lord Pitsligo, to appear before the Council in order that arrangements may be made for the education of the said Lord.

"Forsamekle as the King's Majestie having formerlie writtin to the Lords of Privie Counsell concerning some questions betweene the freinds of the Lord Pitsligo and his tutor anent the securing of his evidents, the fitting the rentall of his estat and modification of a competent meanes for his interteanement during the time of his education with his mother, all whiche his Majestie conceaving to be reasonable, and it being alwayes his princelie care to protect all minors from oppression of anie and to caus suche course be takin whereby tutors may be made lyable to a just charge at the fitting of thair compts, thairfoir the saids Lords, according to his Majesteis expresse warrant and direction, ordains letters to be direct charging Alexander Forbes of Boynlie, Tutor of Pitsligo, to compeir personallie before the saids Lords at a certane day to heare and see suche course tane heerin as may give the pupill a just ground to charge his tutor at the fitting of his compts for securing of his evidents, and that he, according to his estat, be interteanned during the time of his being

Acta, May
1636-Novem-
ber 1639.
Fol. 208, a.

pupill, under the pane of rebellion, etc., with certificatioun, etc. Followes his Majesteis missive for warrant of the act abonewritten:—
CHARLES R.—Right reverend father in God, right trustie and weil-belovit cousines and counsellers, and trustie and belovit counsellers, we greit yow well. Whereas we did formerlie write unto yow concerning some questions betweene the freinds of the Lord Pitsligo and his tutor anent the securing of his evidents, the fitting of the rentall of his estat and modification of a competent meanes for his interteanement during the time of his education with his mother, all whiche we, conceaving to be reasonable, and it being alwayes our princelie care to protect all minors frome oppressioun of anie and to caus suche course be takin whereby tutors may be made lyable to a just charge at the fitting of thair compts, our pleasure is that yow agane call the saids parteis before yow and see suche course takin heerin as may give the pupill just ground to charge his tutor at the fitting of his compts for securing his evidents, and that he, according to his estat, be interteanned during the time of his being pupill; whiche recommending to your care, we bid yow farewell. Frome our Court at St James, 13 May, 1637.”

[Sederunt as recorded above.]

Edinburgh
8th June 1637.

Decreta,
April 1635-
February 1639.
P. 336.

P. 337.

Complaint by Sir Thomas Hope of Craighall, King's advocate, and Sir James Leslie and Thomas Dalmahoy, his Majesty's commissioners, anent the retailing of tobacco, narrating the terms of their commission (*ante*, p. 69) and that notwithstanding thereof John Rid, merchant in Irwing, John Campble there, William Wishart there, John Wright there, Adam Cunynghame there, Robert Diet there, William Henrie there, John Smith there, David Broune there, John Dickson there, John Woodsyde there, James Jonstoun there, Archibald Lenos in Dumbartane, William McKie there, Matthew Faisdaill there, Robert Corraith there, James McIntyre there, and James Watson there, have violated the said acts, and so have incurred the penalty of 100 merks each. The pursuers appearing by Alexander Watson, their procurator, but not the defenders, the Lords decern every one of the latter to have incurred the said penalty and letters to be directed against them for payment thereof.

Complaint by the commissioners anent the sale of tobacco against John Reid, merchant in Irvine, and others for infringing the laws anent the sale of the same.

P. 338.

Complaint by Isobel Hilstoun, widow of Patrick Hog, merchant burgess of Edinburgh, and Mr William Hog, now her spouse, as follows:—On 9th July, 22d August and 8th September, 1635, Sir William Keith of Ludquharne, as principal, and Alexander Keith of Balman, Nathaniel Keith of Coklaw and Alexander Bannerman of Elsik, as cautioners for him, were put to the horn at the instance of the complainers for non-payment of a debt of 5000 merks, with interest and expenses due by them; but they remain proudly at the horn. Mr William Hog compearing personally, but none of the defenders, the Lords

Complaint by Isobel Hilstoun and William Hog, her spouse, against Sir William Keith of Ludquharne and others for contempt of horning.

ordain the latter to be charged to render their houses and enter themselves in ward within the castle of Blacknes within fifteen days, under the pain of treason. Decreta, April 1635. February 1639. P. 339.

Edinburgh,
10th June
1637.

"*Sederunt* :—Chancellor; Treasurer; Glasgow; Roxburgh; Hadintoun; Dumfreis; Bishop of Edinburgh; Bishop of Brechin; Clerk Register; Advocate; Justice; Justice Clerk." Sederunts, January 1635. November 1643. Fol. 46, a.

Ordinances
drawn up
by the
commissioners
appointed for
the prevention
of the plague
on the Borders.

"Forsamekle as the Lords of Privie Counsell having givin commission to Robert, Erle of Roxburgh, William, Erle of Lothiane, Johnne, Lord Cranstoun, and Sir William Douglas of Cavers for setting doun of acts and ordinances for preventing the farther progresse and spreading of the contagious sickenes of the pest within the bounds of the Middleshires and interteanement of the inclosed persons and of the poore and indigent within the same, and the saids commissioners, having mett heirupon, after grave advice and deliberation they have sett doun certane acts and ordinances verie muche conducing to the effect abonewrittin, of the quhilk the tennor followes :— Acts, May 1636. November 1639. Fol. 201, a. 1. [This Act omitted in its proper place in the Register.]

"Acts and ordinances sett doun be the noble and potent Erles, Robert, Earle of Roxburgh, William, Earle of Lothiane, Johnne, Lord Cranstoun, and Sir William Douglas of Cavers, commissioners appointed be the Lords of Privie Counsell for ordering the trade betuix Scotland and England and setting doun suche others orders as they sall thinke expedient anent the infection, having conveenned for that effect at Roxburgh Kirk upon the 6 day of Junij, 1637, with certane others justices of peace and gentlemen in everie corner of the shirefdome."

"It is ordained that the lord and maister of the land or others having power where it sall please God to suffer the sickenes to appeare, that they sall appoint sufficient honest men, ather belonging to the ministers or indwellers within the parish, to intromett with suche proportioun of their goods that ar diseased that it may be imployed for their maintenance in this time when they may not nor cannot be suffered to take panes for thameselffes, the maisters of the land and others having power, as is aforesaid, having alwayes speciall care that the intromettters with the goods be answerable for their intromission and that it be putt to the right use." Fol. 201, b.

"Item, it is ordained that for the better maintenance of the poore within everie parish ather visited with the sickenes or not able to mainteane thameselffes but frome the favourable charitie of others, that the maister of the land or others having power frome him, with the minister of the parish and twa of the most sufficient indwellers thereuntill, or moe, as sall seeme good to thame, that they sall sett doun ane convenient stent proportionablie upon these within the parish to be distribute amongs the poore of the parish, as said is, and for keeping

Acta, May
1636-Novem-
ber 1639.
Fol. 201, b.

thame within thair awne parishes that they stray not abroad ; and this in like sort to be done within all burghes royall and regall, and that there may be penalteis sett down and exacted upon the contraveenners of the stentmaisters decrees according to the order."

"It is farther ordained that everie minister within the shirefdome of Roxburgh or outwith the same where thir presents sall be published sall publishe everie Sabboth day after the dait heirof after thair sermon the necessitie of suche, where they sall understand this dangerous disease to have brokin furth ; for the supplement quhairof they sall desire all good christiane people within thair parishes, as God sall move thair hearts to give some proportion of that God hes blessed thame with for the maintenance and helpe of the people so visited, and for this effect that ane be nominat be the minister and sessioun of the kirk to stand at the kirk doore before and after sermoun to desire and receave what may be procured to witnes thair christiane dewtie ; as alsua it is thought most necessarie that within anie day after this receipt the minister of everie parish sall direct ane honest man to the minister of that parish where this contagioun does continew with what hes beene receaved the Sabboth day before."

Fol. 202, a.

"It is lykewayes ordained for keeping of the better order within everie parish and for the greater preservatioun of the haille countrie by God's assistance, that the maister or landslord or suche as he sall give power unto sall appoint and nominat, according to the quantitie of the places and bounds infected, sufficient number of watches of the ablest and best understanding within that part to guard and watche the toun, hous or loodge where the infectioun is, that nather the infected persons come furth nor others be suffered to repaire to thame nor these persons suspected but suche as sall be ordained to bring the sustenance and what ellis is necessarie for the persons in danger, and that these who ar putt in a loodge sall not repaire to thair awne houses agane till sufficient care be had for cleanging of thair houses but that they keepe thair loodge and come not furth of it under the pane of death, till they be allowed be the maisters and others having power."

"It is lykewayes ordained that in respect there is skairsetie of victualls in the countrie and that the necessitous people must be suppleed that suche as sall travell to transport victuall from Leith, Eymouth or other parts where victuall may be most saifelie had sall have sufficient testimonialls signed and subscryved be the maister of the ground out of the whiche they come or be suche as the maister sall authorize with power in his absence, or be the minister of the parish where the travellers reside and be ane justice of peace or twa, if they may be had neir hand, otherwayes the travellers for transport of victuall to be lyable to suche panes as the Counsell sall find fitt. And it is ordained that the landalord or suche as sall have power frome him with the minister of the parish thair testimonialls sall be sufficient if a justice of peace cannot be had ; and this to be extended to all necessarie things

that is to be transported and the testimonials to be givin gratis and to beare the name of the person receaver of the testimonials, the place or toun whereto he is directed, and that the testimonials may beare ane desire that the persons or some principall man in the part the carier traffiques in sall give ane testimoniall to witnes where he hes beene and how long he hes stayed."

Acta, May
1636-Novem-
ber 1639.
Fol. 202, a.

"Item, it is thought farther necessarie and so ordained to be observed and kepted that everie landslord and others having power within burghs royall and regall sall appoint sufficient watches in all touns or other parts within thair severall bounds, albeit not suspected of danger, that nane be suffered to come amongs thame or to reside with thame but suche as sall be sufficient testimoniall witnes that they ar come frome unsuspect parts; and it is lykeweyes ordained that the saids landslords and others within burgh, as is aforesaid, sall give speciall order under great penalteis that no publict brydells to draw convocationns of people be suffered within thair bounds."

"It is farther ordained, according to the power of the commissioun sent be the Lords of Counsell to us nominat in the said commissioun, that all acts and proclamatiouns preceeding anie former commissioun sent to the shireff and justices of peace be thair Lordships of Counsell sall stand in force and effect according to the tennor and warrand of the said commissioun, and that all other proclamatiouns discharging faires, mercats or other publict convocationns mentiouned in the saids proclamatiouns sall be punctuallie and strictlie observed, under all highest panes conteanit in the saids proclamatiouns."

Fol. 202, b.

"It is also ordained that there sall be no farther convocation at burialls within burgh or in landwart touns, but the inhabitants within the said burgh or toun, notwithstanding that the said buriall is to be performed within a toun or part without suspicion; as also there sall be no arwalls, whiche is in effect meiting at drinke after the burialls, nor na lykewakes but suche as ar within the hous where the person dies to attend the corps except it be one sought for winding of the corps or one or twa of the narrest freinds within the toun where the person dees."

"And for the better obedience of the order and commission sent frome the Lords of Secreit Counsell it is ordained that no publict nor privat intercourse nor commerce sall be be anie of his Majesteis lieges within the bounds of the Middleshires on the English side untill suche time as the Lords of Counsell give farther order and warrant thereto. Quhilks acts and ordinances being exhibite before the saids Lords be the Erle of Roxburgh, read in thair audience and considerit be thame, the saids Lords finds that the saids acts ar good and advisedlie sett down for the good and preservation of the countrie frome the danger of the said infection, and thairfoir the saids Lords allowes of the same and hes interpouned and interpons thair auctoritie thereto, ordaining the same acts to be dewlie observed and putt to execution accordingle. Lykeas the saids Lords ordains the commissioners foresaids to delegat and

Acta, May
1636-Novem-
ber 1639.
Fol. 202, b.

appoint a select number of honest men whome they will intrust with the furnishing of the countrie with victuall and others necessars frome Leith, and that they direct thame joyntlie with testimonials to the magistrats of Edinburgh at certane times and certifie the saids magistrats of thair dyet to the effect the victuall may be prepared and in readines to be delivered. And ordains letters to be direct to make publicatioun heirof be opin proclamatioun at the mercat croces of Jedburgh, Kelso, Selkirk, Hawick, Dunce, Melros and others places neidfull quherethrow nane pretend ignorance of the same, and to command, charge and inhibite all and sindrie the inhabitants of the parishes of Jedburgh, Kelso, Ancrum, Crailling, Bowdoun, Sprowstoun and toun of Selkirk that nane of thame presooome nor take upon hand to come furth of thair awne bounds and parishes, but that they conteane thameselffes within the same till the xv day of July nixt, except suche allanerlie as sall be appointed and licenced be the saids commissioners in maner and to the effect abonewrittin, under the pane of death; certifeing thame that failleis and does in the contrare that the said pane of death sall be inflicted upon thame without favour; and to command and charge all and quhatsoever beggers to make thair addresse with all convenient diligence to the places and parishes where they wer borne and to remaine and conteane thameselffes within the same and not to transcend the bounds thairof, under the pane of death; as also to command and charge all and sindrie justices of peace and magistrats of burrowes and touns within the saids bounds to have a special care to see the lawes, acts and ordinances made concerning the poore putt to execution with all rigour; with power lykewayes to the said justices of peace and magistrats to conduce and agree with cleangers upon reasonable conditions, and to prescrive and sett doun rules unto thame tuicheing thair dewtifull and honest behaviour in the prosecution of thair service, and, in caise of thair refusall, to undergoe the said service to take, apprehend and committ thame to waird, and to compell thame to doe thair dewtie in so necessar ane exigent; and the saids Lords declares that if the saids cleangers sall not exerce thair offices honestlie but sall preasse to wrong the parteis infected and further the infection that upon tryell of anie suche fault they sall be hanged to the death without favour."

Sederunts,
January 1636-
November
1643.
Fol. 46, a.

"The Lords remitts to the Lords of Sessioun to have a regarde to the persons dwelling within the bounds of the Middleshires who by proclamatioun ar disabled to appear to persew or defend before thame." Edinburgh,
10th June
1637.
Anent the
plague.

Acta, May
1636-Novem-
ber 1639.
Fol. 208, a.

Sederunt:—Chancellor; Treasurer; Glasgow; Roxburgh; Hadinton; Dumfreis; Bishop of Edinburgh; Bishop of Gallouay; Bishop of Brechin; Lord Naper; Clerk Register; Justice General; Deputy Treasurer; Advocate; Justice Clerk. Edinburgh,
13th June
1637.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Robert, Erle of Roxburgh, and produced and exhibite before Robert, Earl
of Roxburgh,
appointed

Keeper of the
Privy Seal.

the saids Lords ane patent under his Majesteis great seale bearing date at the first day of Junij instant, by the whiche patent his Majestie hes beene graciouslie pleased to make choise of him to be Lord Keeper of the Privie Seale of this kingdome and to have place and precedence nixt to the Lord High Tresaurer of the same, with all the priviledges, honnors and casualiteis perteaning to the same, quhilk office vaiked in his Majesteis hand be deceasse of umquhill Thomas, Erle of Hadinton, late Lord Privie Seale, as in the said patent at lenth is containit. Quhilk patent being read in presence of the saids Lords, and they acknowledging with all dewtifull respect his Majesteis royall judgement in the worthie and fitting choise made be him of the said Erle of Roxburgh to fill a place of so great trust and eminencie, the right reverend father in God, Johne, Archbishop of St. Andrewes, Lord High Chancellor of this kingdome, delivered back the said patent to the said Erle of Roxburgh and ordained him to have and take place conforme to the tennor thairof. Quhilk patent the said Earle with all dew reverence and thankfulnes receaved upon his knees, and halding up his hands gave his great and solemne oath that he sall trewlie and faithfullie discharge and exerce the said office to his Majesteis honnor and good of the countrie. Lykeas M^r Adame Hepburne, Keeper of the said Privie Seale under umquhill Thomas, Erle of Hadinton, late Lord Privie Seale, being personallie present, produced before the saids Lords his Majesteis Privie Seale wherewith he wes entrusted be his late lord and maister, whiche the said Lord Chancellor receaved fra the said M^r Adame, and delivered the same to the said Erle of Roxburgh, Lord Privie Seale, to be used be him conforme to his gift and patent thairof, and the saids Lords freiths and releeves the said M^r Adame Hepburne of the charge and keeping of the same."

Acta, May
1638-Novem-
ber 1639.
Fol. 208, a.

Fol. 208, b.

Proceedings in
a case of
clipping coin.

" Forsamekle as some clippings of silver being apprehended in the possessioun of Alexander Cochrane in Glasgow, and, he being examined fra whome he receaved thir clippings, he confest and acknowledged that he receaved and bought the same fra Thomas Broun in Glasgow; lykeas the said Thomas being examined fra whome he receaved thir clippings, he confest that the same wer sauld be him to the said Alexander and that he bought the same fra Hew Campbell in Mauchline; for the better tryell and discoverie quhairof necessar it is that the said Hew be apprehended and brought to his tryell and examination anent the saids clippings. And whereas the said Thomas is ordained to find caution for his awne compeirance and exhibition with him of the said Hew Campbell, thairfoir the Lords of Secreit Counsell hes givin and grantit, and be the tennor heirop gives and grants full power, warrant and commission to the said Thomas Broun to pas, searche, seeke and take the said Hew Campbell where ever he may be found and to bring, present and exhibite him before the saids Lords to be examined anent the saids clippings, with power to the said Thomas Broun with the concurrence of anie magistrat within burgh or of the shireff or anie justice of peace to

Acta, May
1636-Novem-
ber 1639.
Fol. 208, b.

seaze upon the said Hew his kists, coffers and lockefast loomes and to opin the same and meddle with clippings and all instruments made for that use quhilks he sall deprehend, and to exhibit the same before his Majesteis Counsell; and all things necessar for his apprehensioun to doe and use quhilks in suche caises ar lawfull: firme and stable halding and for to hald all and whatsomever things sall be lawfullie done heerin; charging hereby all magistrats to burgh and land to concurre and assist the said Thomas in the apprehension of the said Hew, as they sall answer upon the dewtie of thair offices."

Fol. 209, a.

"Forsamekle as albeit there hes beene diverse acts of parliament made be his Majesteis predecessors of famous memorie whereby all his Majesteis subjects wer discharged to shoote or slay deir, rae, vennisoun or wilde foule within his Majesteis forrests, or to cutt or destroy the wod, policie or planting within the same, or to use sheilling or pasture thair horses, meares, cattill, oxin or other bestiall therein under certane panes mentiouned and conteanit in the saids acts; to witt, aganis the shootters and slayers of deir, rae and wilde foule, everie person being a landit man under the pane of v^e merkes, and being unlandit and responsall under the pane of ane hundreth merkes, and being unresponsall under the pane of warding and punishing of thair persons and confiscation of the saids bestiall and goods, as in the saids acts, and namelie in ane act haldin at Edinburgh in the moneth of Junij, 1617, quhereby it is ordained that in time comming the keepers of the saids forrests and others having right by thair infettments sould have power, priviledge and jurisdiction to call and conveene the transgressors before thame, and being found guiltie to putt the saids acts to execution aganis thame, at lenth is conteanit: And altho publicatioun hes beene oftymes made of the saids acts and accordinglie prohibition givin that nane of his Majesteis subjects sould violat the same within his Majesteis forrest of Glenalmond and Kyle thairof, notwithstanding it is of truthe that diverse undewtifull subjects, preferring thair privat gayne, contentment and pastyme to the obedience of the law, they not onelie hunt, shoot and slayes the deir, rae and wylde foule within the said forrest, but they hold and pasture thair bestiall and goods within the same, and cutts and destroys the growing trees thairof, and they make suche ane destruction of the vennisoun, wilde foule, growing trees, hayning and pasturage of the said forrest as the same is like in verie short time to become voide and barren thairof, and the persons offending therein takes the greater boldnes to continew in thair contempt and breake of the law be reason of the oversight of the keepers of the said forrest, who putts not his Majesteis lawes in execution aganis the saids offenders; thairfoir the Lords of Secreit Counsell, according to his Majesteis expresse warrant and direction, ordains letters to be direct to command, charge and inhibite all and sindrie his Majesteis lieges and subjects of what estat, qualitie and degree soever they be, be opin proclamation at the mercat croce of Perth and all the parish kirks neere to Glenalmond and others

Proclamation
anent the
preservation
of the royal
forest of
Glenalmond.

places neidfull, that nane of thame presooome nor take upon hand at anie time heerafter to kill anie deir, rae or wilde foule within his Majesteis said forrest nor within the mures and mosses of the same, and speciallie in that part thair of callit the Kyle, and that they cutt no wod nor putt, hold nor pasture thair bestiall or goods within the same, under the panes particularlie abonewrittin conteanit in the saids acts of parliament to be execute upon thame severelie without favour; and for the better execution heirof to command and charge Patrik, Erle of Tullibardin, and others of his Majesteis fosters, keepers of the said forrest, to have a speciall care of the keeping of the same, and that they suffer no suche destruction nor spoile to be made as formerlie hes beene within the same, and whereas they sall apprehend or discover anie to proceed in that kynde that they proceed aganis thame according to the power and warrant givin to thame be the said act of parliament, as they will answer to his Majestie upon the dewtifull discharge of thair offices. Followes his Majesteis missive for warrant of the act abonewrittin :—
 CHARLES R.—Right reverend father in God, right trustie and weilbelovit cousines and counsellers, right trustie and weilbelovit counsellers and trustie and trustie and belovit, we greit yow weill. Whereas our right trustie and weilbelovit cousine and counsellor, the Earle of Tullibardin, keeper of our forrest of Glenalmond, hath humbelie represented unto us that proclamation wes made in our name at the mercat croces and parish churches nixt adjacent to that forrest in behalfe of Sir Mungo Murrey of Drumcarnie for keeping of that forrest according to the acts of parliament prescribed tuicheing free forrests, desyring that the like course may be takin now for restraining the great abuses committed ordinarlie therein and for putting our lawes in execution upon the offenders, our pleasure is that, having takin this purpose into your consideration, yow caus the like proclamation be made with all possible diligence, authorizing the said Earle and his underkeepers to performe and execute all suche things tuicheing his charge as ar warranted by our saids lawes or may conduce to the preservation of that forrest and our game therein, willing yow frome time to time to be ayding and assisting unto him and thame as he and they sall lawfullie and convenientlie require, for whiche these presents sall be your warrant. Frome our Court at S^t James, the 15 of May, 1637.”

Acta, May
1636-Novem-
ber 1639.
Fol. 209, b.

Proclamation
charging all
presbyteries
and ministers
to see that two
copies of the
Service-book
be provided
for every
parish.

See ante, p. 352.

“ Forsamekle as by act and proclamatioun made and published heirtofore it wes commandit and ordained that everie presbyterie within this kingdome sould have had a care that thair parochiners sould have beene furnished and provydit betuix and Pasche last with twa of the bookes appointed to be universallie receaved throughout this kingdome for the publict forme of service in the worship of God, as in the act and proclamation made to this effect at lenth is conteanit; quhereunto, altho great numbers of the minstrie of best learning and soundest judgement and gifts hes givin dewtifull obedience and hes conformed thameselfes to his Majesteis royall will and pleasure in this point, yitt there is some

Fol. 210, a.

ta, May
36-Novem-
r 1639.
d. 210, a.

others of the ministrie who out of curiositie and singularitie refuse to receave and embrace the said booke and does what in thame lyes to foster and interteany distractioun and troubles in the Kirk, to the disturbing of the publict peace thair of without remeid be provydit. Thairfoir the saids Lords ordains letters to be direct charging the whole presbyters and ministers within this kingdome that they and everie ane of thame provide and furnishe thameselfes for the use of thair parishes with twa of the saids bookes of publict service or commoun prayer within fyftene dayes nixt after the charge, under the pane of rebellion and putting of thame to the horne, and, if they failie, to denunce, etc., and to escheit, etc."

"The Lords of Secreit Counsell gives and grants libertie and licence to Johne Gordoun of Parke to goe home to his awne bounds for doing his lawfull affaires, he first finding caution and souertie in the bookes of Privie Counsell for his compeirance before the saids Lords when ever he sall be lawfullie charged upon fyftene dayes warning, under the pane of ane thowsand merkes."

Licence to
John Gordon
of Parke to
return home
on his finding
caution to
appear when
summoned.

See ante, p. 434.

"The whilk day James Cochrane, ane of the bailleis of Edinburgh, compeirand personallie before the Lords of Privie Counsell, the saids Lords recommendit unto him to deale with the provest and remanent bailleis of the burgh of Edinburgh to have a speciall care to see the poore within thair toun provided for and kepted aff the calseyes, that his Majesteis good subjects be not troubled with thair clamours and outcryes, and that no strong nor sturdie beggars be suffered to have ressett nor beild within thair toun."

Anent beggars
in Edinburgh.

ices of
e, 1612-
72, b.

"The quhilk day M^r George Dundas of Manner wes adjoynned to the justices of peace within the shirefdome of Linlithgow, and Alexander Hamiltoun of Haggs wes adjoynned to the justices of peace within the shirefdome of Lanerk."

Edinburgh,
13th June
1637.

New Justices
of Peace for
Linlithgow-
shire and
Lanarkshire.

runts,
ary 1636-
ember
46, b.

"The Laird of Fintreis commission aganis brokin men prorogat for a yeere."

The Laird of
Fintry and
broken men.

, May
Novem-
ber 1639.
210, b.

Sederunt :—Chancellor; Treasurer; Privy Seal; Glasgow; Marquis of Huntlie; Kingorne; Hadinton; Dumfreis; Bishop of Edinburgh; Bishop of Gallouay; Bishop of Brechin; Lord Naper; Clerk Register; Justice General; Deputy Treasurer; Advocate; Justice Clerk; Blakhall.

Edinburgh,
15th June
1637.

"The whilk day the Lords of Secreit Counsell, according to ane warrand and directioun in writt, signed be the King's Majestie and this day presented to thame, received and admitted Sir Archibald Stuart of Blakhall to be one of the ordinar number of the Lords of his Majesteis Privie Counsell of this kingdome, and to bruike and injoy all honnours, titles, digniteis and prerogatives proper and dew to the said place. Lykeas the said Sir Archibald being personallie present and acknowledg-

Sir Archibald
Stuart of Blak-
hall admitted
into the
Council.

ing with all humble and dewtifull respect his Majesteis gracious favour shawin unto him in preferring of him to this high place of honnour and dignitie, he with all submissive reverence on his knees, his hands lying upon the halie evangell, made and gave the oath of alledgeance and of a privie counsellor. Followes his Majesteis missive for warrant of the act abonewrittin :—CHARLES R.—Right reverend father in God, right trustie and weilbelovit cousines and counsellors, right trustie and trustie and weilbelovit counsellors. We, being credible informed of the abilitieis and affection to our service of Sir Archibald Stuart of Blakhall, have thought good in regard thair of, and for his better encouragement and enabling to doe us good service heerafter, to promote him to be one of our Privie Counsell of that kingdome. Thairfoir it is our pleasure that, having caused administer to him the oath accustomed in the like caises, yow admitt him upon our said Privie Counsell, accepting him as one of your number, for whiche these presents sall be your warrant. We bid yow farewell. Frome our Court at S^t James, 13 May, 1637.”

Protection to
Sir Alexander
Gordon of
Cluny.

“The whilk day Johne, Archbishop of Sanct Andrewes, Lord High Chancellor of this kingdome, produced and exhibite before the Lords of Privie Counsell a missive letter signed be the King’s Majestie and directed to him and the Director of the Chancellarie for wrytting and appending his Majesteis great seale to ane protection grantit be his Majestie to Sir Alexander Gordoun of Cluny and his cautionaris specifeit in the said protection. Quhilk being read, heard and considderit be the saids Lords, they have allowed of the same, and accordingly ordains Sir Johne Scot, Director of the Chancellarie, and the said Lord Chancellor to pas and exped the same, and to append his Majesteis great seale thereto, and to deliver the same to the said Sir Alexander, becaus he, being personallie present, gave in to the saids Lords a note subscryved with his hand, bearing that the time of his last protection he had purged and payed to his creditors 77,372 merkes of debt, quhilk note he wes content sould be tryed be George Leslie of that ilk, and, if it wer controlled, that his protection sall be voide, and lyke-ways becaus he promiseit to pay presentlie to the said George Leslie all his byrunne annuelrents dew to him before the terme of Martimes last, otherways his protection to be null.”

Licence to
John Gordon,
apparent of
Ardlogie, to
return home
on his finding
caution to
appear when
summoned.

“The Lords of Secreit Counsell gives and grants libertie and licence to Johne Gordoun, apparent of Ardlogie, to depart and pas home at his pleasure for doeing of his lawfull affaires, he first finding caution actit in the bookes of Privie Counsell for his compeirance before the saids Lords when ever he sall be lawfullie charged to underly thair will and pleasure anent suche things as sall be layed to his charge and for observing of his Majesteis peace, under the pane of ane thowsand merkes, and this caution being found the Lords releeves him of his former obligation.

[Sederunt as recorded above, omitting the Marquis of Hamilton,
Kingorne, and Blackhall.]

Edinburgh,
15th June
1637.

Complaint by Andrew Miller, boatman in Seamilnes, and George Scot, messenger, as follows:—The said Andrew, upon a horning raised by him against James Andersone in , purchased letters of caption, and committed the execution thereof to the said George Scot, who on 12th February last went to the mylne of and apprehended the said James Andersone. Thereupon James Monorgan, elder of that ilk, Gilbert Monorgan, fiar thereof, James Andersone at the mylne, Gilbert Thomesone there, Gilbert Fyffe there, William Henrie there, Gilbert Henrie there, Andrew Monorgan and John Ogilvie, with others their accomplices, came armed “with suords, Jedwart stalves, prolaxes” and other weapons, and in a most furious manner assailed the said George Scot, and pursued him for his life, giving him “a number of bauch, blae and bloodie straits in diverse parts of his bodie,” thereby violently deforcing him in the execution of his office, and took the prisoner from him. Charge having been given to all these persons, and the said George Scot compearing for himself and the said Andrew Miller as pursuers, but none of the defenders compearing, the Lords, after hearing the witnesses adduced by the pursuers, find that the said Gilbert Monorgan took the foresaid rebel out of the hands of the said messenger after he had apprehended him, and so deforced his Majesty’s officer in the execution of his duty; and they therefore ordain the said Gilbert to be charged to enter himself in ward within the tolbooth of Edinburgh within six days and there remain on his own costs until order be taken with him for his insolence.

Complaint by William Malloh, baker, burgess of the Cannogait, as follows:—At the instance of William Fleeming, cordiner in Edinburgh, he has been warded since Yuile, 1636, as alleged cautioner for his son, John Mallohe, who owes Fleeming £100. He has thereby been distracted from his calling and has nothing wherewith to maintain himself, and, if he were at liberty, he would be able to satisfy his creditors. Besides, the creditor has discharged the principal, and out of malice pursues the supplicant, who is only cautioner; he therefore ought either to maintain him in prison or consent to his liberation. Charge having been given to the said William Fleeming, and the pursuer compearing personally, and the defender by Mr Samuel Gray, his procurator, the pursuer produced a note under the hand of John Monro in Edinburgh consenting to his liberation. The Lords, after hearing and advising, ordain the bailies of the Cannogait to release the pursuer in so far as he is arrested at the instance of the said William Fleeming or John Monro, because the pursuer obliged himself to re-enter into his ward if within fifteen days he does not settle with the said William Fleeming. Further, the Lords recommend to David, Bishop of Edinburgh, to compose the differences between the parties.

Secreta,
April 1635-
February 1639.
P. 339.

P. 340.

P. 341.

Complaint by
Andrew
Miller,
boatman in
Seamilnes,
and George
Scot, messen-
ger, against
James
Monorgan of
that ilk and
others for
assault on the
said George
Scot, while
discharging his
office in the
arrest of
James Ander-
son, at the
instance of the
said Andrew
Miller.

Complaint by
William
Malloh, baker,
burgess of the
Canongate,
against
William
Fleeming,
cordiner in
Edinburgh,
for illegal
warding.

Complaint by
Ambrose
Johnstone of
Poldene and
Simon John-
stone, younger
thereof,
against Mr
Alexander
Johnstone,
advocate, and
others for a
false accusa-
tion of cattle-
stealing.

Complaint by Ambrose Jonstoune of Poldene and Simon Jonstoune, younger thereof, as follows:—By the Act of the Sixth Parliament of King James the Sixth, cap. 49, it is statute and ordained “that whosoever accuseth anie person of treason and dois not qualifie the same is guilty and lyable to that same paine himselfe”; and in a subsequent act of the same parliament it is declared “that a landit gentleman committing thift is guiltie of treason and encurres the punishment thairrof; lykeas the malicious accusers, forgers and devysers of suche treasonable and detestable persutes aganis persones of qualitie, without ground of truthe, be the practique and custome of this kingdome have ever beene most severelie and exemplarlie punished.” Now, Mr Alexander Jonstoune, advocate, James Jonstoun of Brakinsyde, James Jonstoun, son of the deceased James Jonstoun of Grantoun, “borrowing the name of Thomas Jonstone, who is bot ane bairne, and his sisters, hes verie maliciouslie conveyened the supplicants before his Majesties Justice this present day as common theives and nolt stealers for alledgit thifteous stealling of 28 nolt frome the said Thomas, it being of truthe and weele knawin to thir malicious persewers that the goods were most legallie and orderlie poyndit at 9 houres with all circumstances requisit upon a decreit of the Lords of the Session and letters of poynding; and the supplicants haveing appeired to justifie thameselfes of so foule ane imputatioun, lookeing for a faire tryel, thir persons, knawing the iniquitie of thair caus, and haveing thus shamefullie brandit the supplicants with the odious name of theeves, and for thair greater disgrace sumoned a great manie of the inhabitants of Edinburgh upon thair assyse for the fashion allanerlie, they suffered the diet to desert, and so not onelie mocked the course of justice, bot left the compleaners under that odious and foule aspersion.” The complainers have thought good to acquaint their Lordships herewith so that such order may be taken in the matter as the weal of the subjects and laws of the kingdom require. Charge having been given to the said James Jonstoun of Brakinsyde, James Jonstoun, son of the deceased James Jonstoun of Grantoun, Janet Porteous and Mr Alexander Jonstoun, advocate; and the pursuers compearing personally with Mr Thomas Nicolson, younger, their procurator, and the defenders also compearing personally with Mr John Nisbet, their procurator, the Lords, after hearing parties, continue the case until “the exception proponed be the pannel upon thair lawfull poynding, with the answer made thairto, be first præcognosced before the judge ordinar,” and assign to parties the 31st January next for closing of their process.

Complaint by
Mr John Hay,
parson of
Renfrew,
justice of
peace within
the sheriffdom
of Renfrew,
and Mr
William Hall

Complaint by Mr John Hay, parson of Renfrew, one of the justices of peace within the sheriffdom of Renfrew, Mr William Hall of Foulbar, provost, and John Simervail, bailie of Renfrew, as follows:—On 31st May last, there being some appearance of trouble likely to fall out between Robert Hal, fiar of Foulbar, son of the said provost, and John Porterfeild of Greinend, “who, haveing stopped ane ordinarie passage

Decreta,
April 1635-
February 1636.
P. 341.

P. 342.

Decreta,
April 1635-
February 1639.
p. 342.

p. 343.

betweene his lands and the lands of Porterfeild Deors perteaning to the said Robert, and he haveing dung doune the flaike quhairwith it wes stopped, the said John Porterfeild and his bastard sone went to thair house, brought furthe suords, and come in a furious maner to the ground of the saids lands; quhairupon the person of Renfrew, persaveing some evill lyke to fall out, he come to the said John upon his awne gleib lands, and, after long dealing with him, out of the dewtie of his place, commandit him to find caution for keeping of the peace, quhilk he proudly refused. And when he come to the mercat croce of Renfrew and wes desired be the said baillie and one of the constables to give obedience to the justices of peace, and lykewayes the baillie haveing comandit him in his Majesteis name to find caution for keeping the peace and not to trouble the toun, he not onelie prouddie disobeyed, bot, when the baillie preast to caus take him to prison, he drew his suord, avowing to God he sould putt it throw him, calling him false whooresone swinger." He would have done some mischief to the bailie if he had not been prevented. This is not his first contempt to the burgh of Renfrew, as a year previously, when the said John and his tenant were committed to ward within the tolbooth for debt, he "prouddie brake the warde and come furthe and his tenent with him." Charge having been given to the said John Porterfeild, and pursuers and defenders compearing and having been heard, both parties, out of their affection to his Majesty's peace, declared their willingness to submit the present complaint and the question between the burgh and the said John respecting the pasturage claimed by the latter upon the commonty of Renfrew, and all other matters in dispute between them to the arbitration of Sir Ludovick Houstoune of that Ilk (nominated for the said John Porterfeild) and to William Semple of Foulewood (nominated by the pursuers), with Bryce Semple of Catchart [*sic*] as oversman, in case of variance, and bound themselves to abide by their deliverance therein. The Lords accordingly remit the matter to them, with power to appoint places and times of hearing, and a term for pronouncing their decision.

of Foulbar,
provost, and
John Somerville,
baillie of
Renfrew,
against Robert
Hall, fiar of
Foulbar, and
John Porter-
feild of
Greinend, for
defying the
laws of the
said burgh.

P. 344.

Complaint by the justices of peace for Selkirk, as follows:— Their Lordships gave strict directions to them to take measures to preserve their bounds from the contagion of the pest, and in obedience thereto Sir John Murray of Philiphauche, their convener, went on June instant to the town of Selkirk and gave orders about some suspected persons. He then learned that James Murray in Selkirk had invited a great number of the country people to the marriage of his daughter upon Tuesday, 6th instant, and, knowing how dangerous such a concourse of people would be at that time, he discharged the said James to have more than four or five witnesses at the marriage. He refused, and the convener then told the bailies of the town that if they permitted any convocations at that time he would complain to his Majesty's Council, to which they made no reply. Again, on the 5th instant, the said convener sent for the said James Murray and once more

Complaint by
the justices of
peace for
Selkirk against
James Murray
in Selkirk for
disobeying
their
injunctions for
prevention of
the spread of
the plague,
and against
the magis-
trates of
Selkirk for not
enforcing the
law in the
case of the
said James.

forbade him in his Majesty's name; "who prouddie replied unto him, ^{Decreta,} 'If yee be feared, Sir, come not there,' and cryed openlie out to the ^{April 1635.} baillies, saying, 'The toun were bot beasts that suffered the con- ^{February 1635.} veener to have suche power over thame.' " He thereupon required the ^{P. 344.} bailies to put the said James in ward, but they refused. On the following day four or five score persons met together at the marriage in the said town and drank there all that day till night. This proud contempt by the said James and dangerous negligence in these bailies will produce bad effects if a remedy be not provided. Charge having been given to William and Thomas Scot, bailies of Selkirk, to compear and bring the said James Murray with them, and the said William Scot compearing and producing the said James Murray, who acknowledged that he said to the convener, "If yee be feared, Sir, come not there," and that "he held the brydell," the Lords find that he therein committed a great wrong both in the speech and in holding the bridal at a time when there was fear of the infection, and they direct the said bailie to take the said James back to the tolbooth of Selkirk and keep him in ward ^{P. 345.} there until he shall be released by the said convener and remanent justices of the peace.

Supplication
by Sir Alexan-
der Gordon of
Cluny for
continuance of
protection.

Supplication by Sir Alexander Gordon of Cluny, as follows:—Their Lordships have assigned to him the 29th instant for discussing the suspension raised by him against George Leslie of that Ilk as to the delivery of his house and entering his person in ward within Blacknes. But his chief is now come home and he must go north with him shortly to give account of his intromissions with the government of his estate during his absence, and he craves that their Lordships would prorogue the diet. The Lords continue it until 18th July, and direct the supplicant to inform his party hereof.

Edinburgh,
15th June
1637.
The Hospital
of Leith.

"The Lords ordains the Clerk of Counsell to give furth the extract ^{Sederunta,} of the decreit anent the Hospitall of Leith under his hand according as ^{January 1635.} the same is drawin up be the Lord Advocat." ^{November 1643.} ^{Fol. 46, b.}

Edinburgh,
17th June
1637.

Sederunt:—Chancellor; Treasurer; Dumfreis; Bishop of Edin- ^{Acta, May} burgh; Bishop of Gallouay; Bishop of Brechin; Clerk Register; ^{1636. Novem-} Justice General; Justice Clerk. ^{ber 1639.} ^{Fol. 211, a.}

Moffat Fair
prohibited for
prevention of
the spread of
the plague.

"Forsamekle as the faire of Moffat is shortlie to be haldin at the toun of Moffat upon the day of Junij instant, and whereas upon occasion of the resort and concourse of people to the said faire frome all parts, specialie frome the toun of Selkirk and parts thereabout where the infection is suspected to be, there may be some danger of spreading of the same infection, thairfor the Lords of Secreit Counsell ordains letters to be direct to command, charge and inhibite the bailleis and inhabitants of the toun of Moffat and all others his Majesteis subjects quhatsoever that nane of thame presoom nor take upon hand to resort nor repaire to the said faire, nor to blocke, buy nor bargane thereat under

lcta, May
636-Novem-
ber 1639.
Vol. 211, a.

whatsomever cullour or pretext, under the highest pane and censure that by law may be inflicted upon thame in caise of thair dissobedience; and to command and charge the inhabitants of the toun of Moffat to appoint watches at thair toun to attend and watche the same, that nane be suffered to repaire to the said faire, and that no persons be suffered to come within thair toun frome suspect parts, as they will answer upon the dewtie of thair offices."

"Forsamekle as the Lords of Secreit Counsell have this day directed furth a proclamatioun discharging the faire of Moffat, and they being unwilling that his Majesteis subjects sall suffer heerin without some knowne and just ground of feare, thairfoir they have remitted and remitts the execution of the said proclamatioun to James Johnestoun of Corheid to be disposed of be him as he sall find just caus upon tryell to be tane be him if there be anie just ground or caus of suspicion of the infection within the burgh of Selkirk or parts thereabout, recommending alwayes to the said James that, howsoever the faire sall hold, he have a speciall care that watches be appointed to attend and watche that nane comming frome suspect parts repaire to the said faire nor within the toun of Moffatt."

The above fair
to be held
with certain
specified
precautions.

Vol. 211, b.

"Forsamekle as the Lords of Secreit Counsell, having by ane former act and proclamatioun givin warrant and commission to Robert, Earle of Roxburgh, Lord Privie Seale, William, Erle of Lothiane, John, Lord Cranstoun, and Sir William Douglas of Cavers, shireff of Roxburgh, and suche justices of peace and gentlemen as they sould associat to thame-selffes, to consult and sett down rules and orders for government of the Middleshires in the point of commerce and trade and for restraining and keeping apart of suche persons as sould be infected with the plague frome these that ar cleane, according whereunto the saids commissioners made diverse good acts and ordinances, quhilks the saids Lords, after hearing and consideration of the same, hes allowed and interpouned thair auctoritie thereto; and the saids Lords being informed that there is some farther growth and spreading of the said infection in the Middleshires, and that the orders formerlie established ar not sufficient for preventing the farther growth thairof, thairfoir the saids Lords decerns, ordains and declares that, where and in whatsoever place the infectioun [*sic*] not onelie to mainteane the poore within the bounds, but also to restraine the hail inhabitants of the parts so infected frome comming abroad and transgressing the bounde of thair restraint, under all highest pane that by rigour of law can be inflicted both upon the heretour and partie so offending. Lykeas the saids Lords decerns and ordains that all and sindrie the inhabitants within the shirefdome of Roxburgh, having a testimoniall frome one of the commissioners foresaids or frome one of the justices of peace within the saids bounds or minister of the parish, sall be tymouslie answered in victuall or salt frome the persons entrusted with furnishing of these parts with vivers upon payment made be thame

Further direc-
tions anent the
plague in the
Middle Shires.

for the same or certanetie of payment to be givin thairfoir, provyding always that the inhabitants within the particular parishes having need of victuall come to the place appointed at one time with testimonialls to receive the same. And whereas the saids Lords cannot foresee and provide everie thing that may occurre and fall out in this so exigent and dangerous a time, and reposing in the faithfulness and care of the commissioners abonewrittin, they have thairfoir givin full power unto thame and to the justices of peace, gentlemen and ministers whome they sall associat to thame, to conveene and meit weekelie at Ancrum-bridge and Stobcroce and to sett down suche acts and ordinances as may conduce to the good of the countrie and preventing the farther progresse of the said infection, to the quhilks acts and ordinances the saids Lords, now as than and than as now, interpons thair auctoritie and ordains the same to be putt to full and dew execution in all points, for quhilk purpose ordains letters to be direct to make publicatioun heiroyf be opyn proclamatioun at the mercat croce of the heid burgh of the shire and parish kirks of the same and others places neidfull, quherethrow nane pretend ignorance of the same, and to command all and sindrie herelours and others whome thir presents doe concerne to readilie answer, performe and fulfill the promises and to give tymous and thankfull obedience to the same, under all highest pane that by rigour of law can be inflicted upon the contraveenners, and under the pane to be callit and persewed before his Majesteis Counsell or Justice and to be punished in thair persons or goods according to the merite and qualitie of thair offence."

Acta, May
1636-Novem-
ber 1639.
Fol. 211, b.

Fol. 212 a.

Edinburgh,
20th June
1637.

Sederunt:—Chancellor; Treasurer; Glasgow; Privy Seal; Winton; Kingorne; Hadinton; Lauderdaill; Dumfreis; Bishop of Edinburgh; Bishop of Gallouay; Bishop of Brechin; Lord Naper; Clerk Register; Advocate; Treasurer Depute; Justice General; Justice Clerk; Blakhall.

Anent certain
instructions
given by his
Majesty to the
Lord High
Treasurer.

"The whilk day Johne, Earle of Traquair, Lord High Tresaurer of this kingdome, produced before the Lords of Privie Counsell a missive letter under his Majesteis hand, by the whiche his Majestie hes imparted his minde to the said Lord Tresaurer concerning these propositions whereanent his Lordship did consult his Majestie by warrant frome the Counsell, willing the Counsell to give trust to the said Lord Tresaurer in what he sall represent to thame be word or writt, of the quhilk missive the tennor followes:—CHARLES R.—Right reverend father in God, right trustie and weilbelovit cousines and counsellers, right trustie and trustie belovit counsellers, we greit yow weill. We receaved your letter by our right trustie and right weilbelovit cousine and counsellor, the Earle of Traquaire, our Tresaurer, and have considerit your propositions and desires therein, whereunto we have returned yow answer by him, to whome in these things, and what ellis we conceave at this present to be

Acta, May
1636-Novem-
ber 1639.
Fol. 212, a.

necessarie for the further good of our service, we have at lenth imparted our minde. Thairfoir it is our speciall pleasure that what our saids officer sall represent unto yow by word or writt yow see our directions accordinglie performed: Recommending with all unto yow that if anie purpose be fullie condescended upon at Counsell table, we will not that it be countermanded or anie wayes altered be anie privat warrant or direction frome anie one or moe of your number unlesse it be agane publictlie concluded upon before yow in opin Counsell, whiche we will have punctuallie observed heerafter. We bid yow farewell. Frome our court at Denmark Hous, 17 May, 1637. Whiche letter being read in presence of the saids Lords and ordained to be registrat, the said Lord Treasurer gave ane account of these articles quherewith he wes entrusted to sollicite answer and resolution. And first declared that it wes his Majesteis pleasure that no protection nor other signature quhatsoever passing his Majesteis hands sall pas the signet or seales till the same be first exhibite in the ordinarie judicatorie of Counsell or Exchecker and allowed be thame."

Anent
Protections.

"Anent the dewtie payable be strangers fishing in his Majesteis seas of Scotland, the said Lord Treasurer declared that his Majestie will have a tender regard thereto when ever anie treatie sall occurre or be moved concerning the same, and with all that the Counsell sould in the meanetime consider of the best and most faisable way to uplift the said dewtie."

Anent the duty
payable by
foreigners
fishing in
Scottish seas.

"Anent the power and extent of the conjunct commission of the Middleshires, the said Lord Treasurer reported that it wes his Majesteis pleasure that some commissioners sould be delegat for either side to debate and consider the differences, and to sett down some equable course for composing the same, whereunto his Majestie promeist to interpone his auctoritie, and that he would grant no remission nor protection to these who wes outlawed or banished at the late justice court kept at Jedburgh."

Anent the
jurisdiction of
the conjoint
commission of
the Middle
Shires.

"Anent the place and precedence dew to the office of Justice Generall, the said Lord Treasurer declared that his Majestie signified his royall pleasure, that at the first parliament or convention of estats he would caus erect and institute the Justice Generall to be ane officer of State, and in the meantime that his Majestie would have the Justice Generall to have and take place according to the Cheefe Justice in England."

Anent the
precedence of
the Lord
Justice-
General.

"Anent the processe depending before his Majesteis admirall at the instance of Thomas Lindsey aganis Christopher Wilson, Englishman, that his Majestie remitted the same to the said Lord Admirall."

The Lord High
Admiral to
settle the dis-
pute between
Thomas
Lindsey and
Christopher
Wilson,
Englishman.

"Whiche report thus made be the said Lord Treasurer being read and considerit be the saids Lords, they allow of the same, and finds and declares that the said Lord Treasurer hes carefullie and faithfullie acquitt himselfe and answered the charge and trust reposed be the Counsell in him. Lykeas the saids Lords acknowledges with all thank-

Approval of
the Report of
the Lord High
Treasurer.

Fol. 212, b.

fulness his Majesteis royall judgement and resolution in the particulars abonewrittin and interpons thair autoritie to the same." Acta, May 1636-November 1639. Fol. 213, a.

Warrant to
Colonel
Alexander
Cunningham
to levy 400
men for service
in Sweden.

"The Lords of Secreit Counsell, according to ane warrant and direction in writt signed be the Kings Majestie and this day presented unto thame, gives and grants commission and warrant to Colonell Alexander Cuninghame and to suche captans, lieutennants and others officers as hes trust and charge under him to levey and take up within this kingdome a supplee of 400 men for the use and service of the crowne of Sueden, and to transport thame over sea towards that imployment; with power to the said Colonell Alexander Cuninghame and others foresaids to towcke drums, disply cullours, and to doe and performe all and sindrie things quhilks towards the uplifting and transporting of the said supplee of 400 men ar necessar and may be lawfullie done, and that with all liberteis dew and that hath beene accustomed to be grantit to anie others in the like caises of before; charging heirby all our soveran lords judges, officers and magistrats and others his Majesteis subjects to burgh and land to concurre and assist the said Colonell Alexander Cuninghame and the others officers foresaids in the leveying and transporting the said supplee, and that they nor nane of thame make anie trouble to thame therein; and, if anie person who sall happin to enroll himselfe in this service sall thereafter disband and leave his charge, that the saids judges, officers and magistrats doe justice therein to the said colonell and others foresaids, as they and everie ane of thame will answer on the contrare at thair perrell, the said colonell and others foresaids alwayes giving satisfioun to everie one of the said number according to the custome observed in the like caises. Followes his Majesteis missive abonewrittin:—CHARLES R.—Right reverend father in God, right trusty and weilbelovit cousins and counsellers, right trusty and trusty and weilbelovit counsellers, we greit yow well. Wee, being willing at this time to give way that a supplee of 400 men be leveyed within that our kingdome by Colonell Cuninghame for the use and service of the crowne of Sueden, it is our pleasure that yow to that purpose give commission to him with sufficient warrant for leveying and transporting of that number with all liberteis that have beene accustomed to be grantit to anie others in like caises, he and the saids persons condescending upon suche conditions as they can best agree upon, for whiche these presents sall be your warrant. We bid yow farewell. From our Court at St James, 13 May, 1637."

Warrant to
Colonel Robert
Monro to levy
800 men for
service in
Sweden.

"The Lords of Secreit Counsell, according to ane warrant and direction in writt signed be the Kings Majestie and this day presentit unto thame, gives and grants commission and warrant to Colonell Robert Monro, gentleman of his Majesteis Privie Chamber, and to suche captans, lieutennants and others officers as hes trust and charge under him to levey and take up within this kingdome a supplee of 800 men for the use and service of the crowne of Sueden, and to transport thame over sea towards that imployment; with power to the said Colonell Robert

Acta, May
1636-Novem-
ber 1639.
Fol. 213, b.

Monro and others foresaids to towcke drummes and displey cullours and to doe and performe all and sindrie things quhilks toward the uplifting and transporting of the said supplee of eight hundreth men ar necessar and may be lawfullie done, and that with all liberteis dew and that hath beene accustomed to be grantit to anie others in the like caises of before; charging heirby all our soverane lords judges, officers and magistrats and all others his Majesteis subjects to burgh and land to concurre and assist the said Colonell Robert Monro and the others officers foresaids in the leveying and transporting of the said supplee, and that they nor nane of thame make anie trouble to thame therein; and, if anie persons who sall happin to inroll thameselfes for this service sall thereafter disband and leave thair charge, that the saids officers, judges and magistrats doe justice therein to the said colonell and others foresaids, as they and everie ane of thame will answer upon the contrare at thair perrell, the said colonell and others foresaids alwayes giving satisfaction to everie ane of the said number according to the custome observed in the like caises. Followes his Majesteis missive abonewrittin:—CHARLES R.—Right reverend father in God, right trusty and weilbelovit cousins and counsellers, right trusty and trusty and belovit counsellers, we greit yow well. Being willing at this time to give way that a supplee of eighth hundreth men be leveyed in that our kingdome by Colonell Robert Monro, gentleman of our Privie Chamber, for the use and service of the crowne of Sueden, it is our pleasure that yow to that purpose give commission to him with sufficient warrant for leveying and transporting of that number with all liberteis that have beene accustomed to be grantit to anie others in like caises, he and the saids persons condescending upon suche conditions as they can best agree upon, for whiche these presents sall be your warrant. We bid yow farewell. Frome our Court at St James, 13 May, 1637.”

Fol. 214, a.

“ Forsamekle as Margaret Patersone, servitrice to Sir James Balfoure, Charge to the
Lyon King of Armes, being tane and apprehended upon the thrid of bairnes of
Aprile last be the bailleis of Falkland upon verie pregnant presumptions deliver to the
and suspicion of the murder of her awne childe, and she being com- magistrates of
mitted to waird and examined anent that foule murder, she grantit and Edinburgh
confest that she, having conceived with childe betuix Hallowmes and Margaret
Martimes, she parted with the same in the moneth of Aprile last Paterson,
privatlie without the helpe of anie persons whatsoever, and after she accused of
had parted with it she tooke it up and layed it under the bolster, where child murder,
she lay fra Moonday at night till Wednesday in the morning, and that that she may
she putt the childe in her pockett that day and kepted it till night, at be tried by the
quhilk time she went to the yaird and buried the childe there, and that Lord Justice-
upon the Saturday thereafter she lifted the childe agane and kaist it in General.
the burne that runnes throw the parke of Falkland, quhereby it is verie
cleere that she hes beene the murderer and destroyer of her childe.
Quhilk being a crime passing the bounds of nature, most offensive to God
and scandalous to the kingdome, the same thairfoir aucht to be the more

narrowlie and exactlie tryed and censured before his Majesteis Justice General, thairfoir the saids Lords ordains letters to be direct charging the bailleis of Falkland, who hes the said Margaret now in keeping, to caus bring her in suretie under a good garde to the burgh of Edinburgh and to deliver her to the provest and bailleis of that burgh to be committed be thame to waird within thair tolbuith and to remaine therein till she be examined and tryed of this foule crime, within 48 houres nixt after the charge, under the pane of rebellion and putting of thame to the horne, and, if they faillie, the saids 48 houres being bypast, to denunce, etc., and to charge the provest and bailleis of Edinburgh to receave her fra the saids bailleis of Falkland and to committ her to waird within thair tolbuith within ane heure after the charge, under the said pane of rebellion, etc., and, if they faillie, the said heure being bypast, to denunce the dissobeyers rebels and putt thame to the horne and to escheit, etc."

Acts, May
1636-Novem-
ber 1639.
Fol. 214, a.

[Sederunt as recorded above.]

Edinburgh,
20th June
1637.

Complaint by
George Hen-
derson, servitor
to Sir James
Lundie,
against John
Lundin in
Langraw and
others for
assault.

Complaint by George Hendersone, servitor to Sir James Lundie, and the said Sir James for his interest, as follows:—On 27th March last, as the said George was returning from the plough about 7 o'clock at night, he met John Lundin in Langraw, Ramsay, his spouse, and Katharine Hird, their servant, who, without any offence done by him to them, "feircelie sett upon him, tooke his pleuche gad frome him, gave him manie bauch and blae straiks thairwith in diverse parts of his bodie; and the said John Lundin himselfe brake a great tree in peaces upon the compleaner and woundit him on the face to the great effusion of his blood at mouth and nose." Further, on 1st April thereafter the said Ramsay and Katharine Hird, and Harie Scot, tenant of the said John Lundin, at the instigation of the said John Lundin, came to the said George Hendersone while he was at his plough for the purpose of taking his life. "And the more easilie to effectuat thair intention the said Harie come in a freindlie shew to the compleaner and talked with him, saying he sould be his warrand and nothing sould ail him; and with that er ever he wes awar drew him frome the pleuche and frome all his wapons and then callit for the said Katherine, who had tua great graip shafts carying under her plaid, and tooke one of thame frome her, and the said Ramsay tooke up one of the pleuche gads lying on the ground quhairwith she gave the compleaner a number of cruell straiks on the backe, he being haldin at this tyme be the said Harie Scot, who also, when she wes tyred, gave the complainer a number of straiks thairwith, and so birsed and bruised his haill bodie as he hes ever lyne bedfast sensyne in great paine and dollor to the hazard of his lyffe." Charge having been given to these persons complained upon, and the pursuers compearing but not the defenders, the Lords, after hearing the deposition of witnesses, find that John Lundin "tooke ane gad frome

Decreta,
April 1635-
February 1639.
P. 345.

the said George Hendersone and strake him thairwith on the heid, and thairafter brake a stalffe on his face to the effusion of his blood"; and that "Ramsay, Katherine Hird and Harie Scot strake, hurt and woundit the compleaner in maner abonewritten and bruised him as he hes ever lyne bedfast sensyne under the cure of chirurgians," for which insolence they fine the said John Lundin 100 merks; Ramsay, his wife, £40; Katherine Hird, 40 merks; and Harie Scot, £40, to be paid by them to the said George Henderson; and they also ordain the said John Lundin to pay the chirurgions charged with the curing of the said George. They further ordain the whole defenders to be charged to enter in ward within the tolbooth of Edinburgh until they pay these fines and are liberated by their Lordships, Hird and Scot on a charge of six days, and John Lundin and his wife, in respect of their present sickness, on a charge of fourteen days, and that upon pain of horning.

Sederunt:—Chancellor; Treasurer; Privy Seal; Glasgow; Winton; Edinburgh, Kingorne; Lauderdaill; Bishop of Gallouay; Bishop of Aberdeen; Bishop of Brechin; Lord Napier; Clerk Register; Justice General; Deputy Treasurer; Advocate; Justice Clerk; Blakhall.

"The Lords of Secreit Counsell, according to ane warrant and direction in writt signed be the King's Majestie and this day presented unto thame and read in thair audience, receaved and admitted James, Lord Deskfurde, to be of the ordinar number, and to bruike and enjoy all honnours, digniteis, priviledges, immunitieis and preeminences proper and dew to that place; lykeas the said Lord Deskfurde, being personallie present, and acknowledging with all submissive respect his Majesteis bountie and favour shawin unto him in preferring him to this high place of honnour and dignitie, he with all humble reverence on his knees, his hand lying upon the halie evangell, made and gave the oath of alledgeance and of a privie counsellor. Followes his Majesteis warrant abonewrittin:—CHARLES R.—Right reverend father in God, right trusty and weilbelovit cousins and counsellors, right trusty and weilbelovit counsellors, we greit yow weill. Being crediblie informed of the abiliteis and affection to our service of our right trustie and weilbelovit James, Lord Desford, and being willing for his encouragement and enabling thereto heerafter to promote him to be one of our Privie Counsell of that kingdome, it is our pleasure that, having caused administer unto him the oath accustomed in the like caises, yow admitt him upon our said Counsell, accepting him as one of your number, for which these presents sall be your warrant. We bid yow farewell. Frome our Court at S^t James, 13 May, 1637."

Secreta,
April 1635-
February 1639.
p. 345.

p. 346.

Acta, May
1636-Novem-
ber 1639.
Fol. 214, b.

James, Lord
Deskford,
admitted to
the Council.

Edinburgh,
22nd June
1637.

[Sederunt as recorded above.]

Decreta,
April 1635-
February 1636.
P. 347.

Complaint by
Katherine
Polwarth,
daughter of
the deceased
Henry
Polwarth of
Ariweel, and
her curators
against James
Polwarth of
Caldlaw for
illegally carry-
ing off the
said Katherine
and thus
preventing her
education.

Complaint by Katharine Polwart, daughter of the deceased Henrie Poluart of Ariweel, and William Baillie of Carphin, Mr William Hamilton, Tutor of Bathcat, and Thomas Baillie of Polkennok, her curators, as follows:—The said curators are legally intrusted with the person of the said Katherine and government of her means, and they placed her in the keeping of the said Thomas for her maintenance and education. But James Poluart of Caldaw [described in the rubric as her uncle], who has a great part of the minor's goods in his hands, with the resolution of obtaining possession of the person of the said Katherine and of disposing of her and her estate, on sent his own daughter, Katherine Poluart, to the said Thomas Baillie's house, and "craftilie traynned furthe the yong gentlewoman, pat her on horseback behind a servant of his awne, and brought her to his house at Caldaw, quhair, haveing kepted her a certane space, he sent her to Edinburgh and keepes her there. He hes spent a great deal of her meanes upon sumptuous and unseemlie apparel, and be all appeirance in a short tyme he will exhaust her hail meanes." Charge having been given to the said James Poluart to compear and produce the said Katherine before the Lords, and he compearing and producing her, the said pursuers being also personally present, the Lords, after hearing parties, direct the said James Poluart to deliver the said Katharine to her said curators to be educated and brought up in their company during the period of their charge, and that within ten days, under pain of horning.

Complaint by
Gordon,
son of Sir
George Gordon
of Gicht,
portioner and
owner of the
ship called
*The Hope
for Grace*,
against
William
Durham of
Grange and
others for
seizing the
cargo of the
said ship, which
had been cast
ashore at the
mouth of the
Tay.

Complaint by Gordon, son of Sir George Gordon of Geicht, P. 348.
portioner and owner of the ship called *The Hope for Grace* and cargo thereof, also by Alexander Bouar, burgess of Dundie, master of the said ship, as follows:—As the said ship was on her voyage from Norway with dails and other merchandice towards Dundie, it fell out that on "by the unskilfulnes of the skipper who stirred the ship that she was driven on a bed of sand at the mouth of Tay, and, altho with litle travel she might have beene brought aff this bed, the said Allexander Bouar come to the said Sir George desiring helpe of him and his tenents for recoverie of the ship and goods, and using his best endeavors to have procured this aid for lighting the ship so as she might goe to Dundie and unloaden her selfe, the said Sir George, accompanied with tuentie horse and carts, come to have lighted the ship, and haveing tane out a number of thir dailles, and the ship haveing flotted abone the water, and there being some hopes and possibilitie of her recoverie of the same, trew it is that William Durhame of Grange, William Durhame of Omachy, James Durhame, sone to the Laird of Grange, and M^r James Straiton, with others thair complices to the number of fourtie persons all boddin in feare of warre, with suords, stalves and others wapons invasive, come upon the 4 and 5 dayes of October last by breake of day

Decreta,
April 1635.
February 1639.
P. 348.

toward the said ship, manned the same, possest thairwith and with the haill goods and geir being within her, and forcible and violentlie stayed thame frome lighting the ship, strake, dang and abused the haill persons in her, threatning thame with present death if they made anie opposition to thame, so as the said Allexander Bowar was forced for saiftie of his lyffe to take his horse and flee away. And the said Sir George haveing demandit the said William Durhame why he used such a violence and oppression, he answerd, verie disdainefullie, that he would mainteyne his doings both be law and by law. And with that they cutted the masts of the ship and hagged doune the haill bodie thairof, and disponed upon the same at thair pleasure." Charge having been given to these persons complained upon, and both pursuers and defenders compearing, the Lords, after hearing parties and their witnesses, assolzie the defenders from the charge of violence and convocation, and remit the trial of the right to the goods to the ordinary judge. They also ordain Gordon, pursuer, to pay five merks to each of the witnesses.

P. 349.

Complaint by John Gok [Gob in margin] in Melsyde, tenant to George, Bishop of Orkney, as follows:—On 30th May last Andrew McNeish in , Donald Roy, son to John Roy, William Gorrie, son to Donald Gorrie in Logie Almond, Umphra McColme, William Dow there, Thomas Sorrell and Donald McInester there, with others their accomplices, all armed, came under cloud and silence of night by way of hamesucken to the complainer's dwelling-house, he and his family being in bed, and "forcible dang up the doores of his hous, shamefullie and cruellie invadit and persewed the compleaner of his lyffe, threatned to kill thame presentlie if they spake one worde, and then they past to ane other bed, quhair Gok, the compleaner's daughter, of the age of 15 yeeres, wes lying, violentlie threw her naiked out of the bed, caried her perforce away with thame and keepes hir as yit." Charge having been given to the persons named, and the pursuers compearing but not the defenders, the Lords ordain the latter to be put to the horn and escheated.

P. 350.

Complaint by Mr Thomas Blackhal, indweller in Aberdeene, and Isobel Blackhal, his spouse, as follows:—On 22d January, 1635, William Gordon of Brodlands, as principal, and on 20th January, 1634, Alexander Gordon of Achanahie, as cautioner for him, were put to the horn for not paying a debt of £1000 of principal, £300 of expenses, and interest thereon; but they most proudly remain at the horn. The pursuers appearing by Mr David Hereot, their procurator, and the defenders not compearing, the Lords ordain the latter to be charged to render their houses of and to enter themselves in ward within the Castle of Blacknes within fifteen days, on pain of treason.

P. 351.

Complaint by John Sutherland of Kinstarie, as follows:—On 7th March last Alexander Dumbar of Asklesk and George Dumbar, his eldest son, were put to the horn at the complainer's instance for non-

ander Dunbar
of Asklesk
and his son.

payment of a debt of 2400 merks, 500 merks of expenses, and interest due thereupon; but they proudly remain at the horn. The pursuers compearing by Mr Thomas Gilzeane, their procurator, but the defenders not compearing, the Lords ordain the latter to be charged to render their houses of _____ and enter themselves in ward within the Castle of Blacknes within fifteen days, on pain of treason.

Decreta,
April 1635-
February 1639.
P. 351.

Acta, May
1636-Novem-
ber 1639,
Fol. 238, a. 1
[1 Omitted in
its proper place
in the
Register.]

Sederunt :—Chancellor; Treasurer; Privy Seal; Glasgow; Lauder-
daill; Southesk; Bishop of Edinburgh; Bishop of Gallouay;
Bishop of Aberdene; Bishop of Brechin; Clerk Register;
Justice General; Deputy Treasurer; Advocate; Justice Clerk.

Edinburgh,
23rd June
1637.

"The whilk day in presence of the Lords and others of the committee appointed be his Majestie for ordering the bussines of the coyne compeired personallie Johnne, Erle of Traquair, Lord High Tresaurer of this kingdome, and produced before the saids Lords ane commission under his Majesteis great seale of the date at his Majesteis Palace of St James, the 13 day of May last, whereby his Majestie hes givin full power and commissioun to Johnne, Archbishop of St Andrewes, Lord High Chancellor of this kingdome; Johnne, Erle of Traquair, Lord Tresaurer; Patrik, Archbishop of Glasgow; Robert, Erle of Roxburgh, Lord Privie Seale; Johnne, Erle of Lauderdaill, David, Erle of Southesk, Archibald, Lord Douglas, Archibald, Lord Lorne, William, Lord Alexander, David, Bishop of Edinburgh, Thomas, Bishop of Galloway, Adame, Bishop of Aberdene, Johnne, Bishop of Rosse, Walter, Bishop of Brechin, Sir Johnne Hay of Baro, Clerk of his Majesteis registers; Sir Williame Elphinstoun, Justice Generall; Sir James Carmichaell, Deputie Tresaurer; Sir Thomas Hope, Advocat; and Sir Johnne Hamiltoun of Orbestoun, Justice Clerk; or anie fyve of thame, the Lords Chancellor or Tresaurer being alwayes one, to take order and consider the estat of the Mynt in maner conteanit in the said commissioun. Quhilk being read in presence of the commissioners present, viz., the Lords Chancellor, Tresaurer, Privie Seale, Bishop of Glasgow, the Erles of Lauderdaill and Southesk, the Bishops of Edinburgh, Galloway, Aberdene and Brechin, the Clerk Registrar, Justice Generall, Deputie Tresaurer, Advocat and Justice Clerk, they accepted the said commission upon thame and gave thair oath *de fidei administratione*. Lykeas the saids Lords, for the better advancement of this important service, ordains the ordinarie time of thair meeting to be upon the Moonday, and the whole day to be spent upon that mater, and discharges the Commissioners for the Teinds to sitt upon that day in the afternoone till forder order be givin thereanent. And, forder, the saids Lords ordains the toun counsell of Edinburgh to be warned to make choise from amongs thameselfes or frome the burrowes of some qualified and understanding persons in the mater of the coyne to attend the committee upon Moonday nixt to give thair best advice concerning the same; and ordains the officers of the Counyie-

Appointment
of a Commis-
sion to enquire
into the state
of the coinage.

Fol. 238, b.

Acta, May
1636-Novem-
ber 1639.
Fol. 238, b.

hous to be warned to that same effect. Lykeas thesaides Lords thinkes fitt that some understanding noblemen and barons in the mater of the coyne be heard and considerit concerning the bussines and remedeis of the evill."

Fol. 238, b.¹
[¹ Omitted in
its proper
place in the
Register.]

Sederunt:—Chancellor; Treasurer; Glasgow; Privy Seal; Southesk; Edinburgh, 26th June 1637.
Bishop of Edinburgh; Bishop of Aberdene; Bishop of Brechin;
Clerk Register; Justice General; Deputy Treasurer; Advocate;
Justice Clerk.

"Forsamekle as the King's Majestie, out of his princelie care of the weale and good of this his native and ancient kingdome, having givin commission under his great seale to delegat a number of the Lords of his Privie Counsell to consider of the present skarsetie and want of moneyes within this kingdome and of the most conduceable meanes for remeiding the evill and furnishing the countrie with plentie of good coyne, according whereunto the Lords of the committee, having mett this day and considerit of the bussines committed to thair trust and care and for that effect having conferred with some understanding merchants in the mater of the coyne, the saids Lords ar informed that one of the causes of the skarsetie of moneyes at this time proceeds frome some ydle surmises that the dollers ar to be cryed up, whiche moves these whois hands ar filled therewith to keepe up the same till they may vent the same at thair expected advantage; whiche being a cleere mistake and that there is no change nor alteration to be made in the price and value of the dollers, thairfoir the Lords of the Committee ordains a maisser of Counsell to pas to the mercat croce of Edinburgh and be opin proclamation to make publication to all his Majesteis subjects that there is no change nor alteration to be made of the dollers nor no benefite to be expected by the raising thair of, and thairfoir to intimat to all his Majesteis subjects who hes anie dollers in thair hands to vent and utter the same to his Majesteis lieges at the rate and price they doe presentlie goe."

Fol. 239, a.

Sederunts,
January 1635-
November
1643.
Fol. 48, a.

"The Lords assignes to the merchants of Edinburgh and officers of the Cunyiehous foure of the clocke in the afternoone to give in in writt thair opinion concerning the causes of the present skarsetie of moneyes and remedeis of the same and time of execution thair of."

The merchants
of Edinburgh
and the officers
of the Mint
to report
anent the
scarcity of
money.

Acta, May
1636-Novem-
ber 1639.
Fol. 239, a.¹

[¹ Omitted in
its proper place
in the
Register.]

Eodem die post meridiem: *Sederunt*:—Chancellor; Treasurer; Glas-
gow; Privy Seal; Southesk; Bishop of Edinburgh; Bishop of Brechin;
Clerk Register; Justice General; Deputy Treasurer;
Advocate; Justice Clerk.

Edinburgh,
26th June
1637.

"The whilk day M^r Alexander Guthre, toun clerk of Edinburgh, accom-
panied with James Cochrane, baillie, William Dick, Williame Gray,
Archibald Tod, David M^cCall, Peter Blaikburne, Johne and Robert

Opinion of the
town of
Edinburgh
anent the
scarcity of
coin.

Fleemings, compeirand personallie before the Lords of the Committee anent the coyne, and being demanded anent the most conduceable meanes for remedying the present skarsetie of moneyes, the said Mr Alexander declared that in his judgement the crying up of annuelrents, the enlargement of trade by ane ease of the custome and the erecting of manufactoreis would greatumlie conduce to the imbringing and furnishing of the countrie with store of moneyes."

Edinburgh,
28th June
1637.

Opinion of the Master of the Mint anent the same. "The Generall of the Cunye hous gave in a remonstrance in writt concerning the estat of the coyne and remedeis of the skarsetie thairof."

Acta, May
1636-Novem-
ber 1639.
Fol. 239, a.

Sederunta,
January 1635.
November
1643.
Fol. 48, a.

Edinburgh,
27th June
1637.

Sederunt:—Chancellor; Glasgow; Dumfreis; Southesk; Lord Alexander; Bishop of Edinburgh; Bishop of Aberdene; Bishop of Murrey; Bishop of Ross; Bishop of Brechin; Lord Desford; Lord Naper; Clerk Register; Justice General; Deputy Treasurer; Advocate; Justice Clerk; Blakhall.

Acta, May
1636-Novem-
ber 1639.
Fol. 214, b.

Continuance of "The Lords of Secreit Counsell, for the more saife returne of Sir Robert Innes of Balvenie, knight, to his awne bounds, having now stayed heir at the direction of the saids Lords upon his tryell anent the ressett of brokin men these twentie dayes, prorogats and continewes the warrant formerlie grantit be the saids Lords to him for his appearance and attendance upon his tryell, without trouble of law for anie debts till the xv day of July nixt; discharging heirby all shireffs, stewarts, bailleis of regailteis and others judges, officers and magistrats quhatsoever to burgh and land, and als all messengers of armes, of all warding or arresting the said Sir Robert for anie debts or civill causes; discharging, etc."

Postponement of the trial of Alexander Irving of Lenturk and others.

"The Lords of Secreit Counsell having heard his Majesteis Justice, Justice Clerk and Justice deputs and the assessors appointed to thame be the saids Lords for advising the processe led and deduced at the instance of his Majesteis Advocat aganis Alexander Irwing of Lenturke and others gentlemen who wer criminallie conveyned for ane assise of errour, and having considerit the opinion and judgement of the said Justice and assessors foresaids tuicheing the relevancie of the said libell and of the exceptions and answers made thereto in behalfe of the pannell, and being weill advised therewith, the saids Lords, being laith to dyve further in this bussines, upon considerable respects ordains his Majesteis Justice, Justice Clerk and thair deputs to desert the dyet appointed to the said Laird of Lenturke and others mentiouned in the criminall letters and not to proceed anie further therein, discharging thame heirby of all directing of anie letters at the instance of his Majesteis Advocat aganis the saids persons upon this ground and caus in time comming till they receave order thereanent be a publict deliverance frome the Counsell table; quhereanent and the hail premises the extract of this act sall be to the said Justice, Justice Clerk and thair deputs a sufficient warrant."

Fol. 215, a.

[Sederunt as recorded above.]

Edinburgh,
27th June
1637.Decreta,
April 1635-
February 1639.
P. 351.

Complaint by Sir Thomas Hope of Craighal, King's Advocate, and Mr James Clerke of Tilliecorthie, as follows:—Though the carrying of hagbuts and pistols and the convocation of the lieges in arms has been often prohibited by law, on 12th July last Mr Andrew Leslie in Braidhauche, George Leslie, his son, Mr George Leslie at Birsackmylne, Alexander Leslie, his son, Forbes, his servant, and others, armed with swords, staves and other invasive weapons, and with hagbuts and pistols, came by way of hamesucken to the said Mr James Clerke's dwelling-house of Lamertoune and threatened his wife and children with many "injurious speeches." Further, on 26th November last, these persons, armed as above, came to the complainer's said dwelling-house, and entering it, "boasted and threatned his wyffe and servants, brake up his studie doore, tooke furthe thair of his writs and other comodities, brake up ane wyne seller, tooke away his pleuch yrnies; lykeas they daylie beare and weir hacquebuts and pistolets, rydes and gangs thair-with in all parts of the countrey at thair pleasure, awaiting all occasions to molest and persew the compleaner and others." The pursuers compearing, but not the defenders, the Lords ordain the latter to be put to the horn and escheated.

Complaint by
Mr James
Clerk of
Tilliecorthie
against Mr
Andrew Leslie
in Braidhauche
and others for
hamesucken.

P. 352.

Complaint by Mr Robert Biggar, minister, as follows:—On 26th January last Robert Creichtoune in Cairne came to the dwelling-house of the deceased James Dalyell in , where the complainer was for the time, "and patt violent hands in his person, buffeted and bruised him in diverse parts of his bodie, strake him on the heid with ane pycked rod, shamefullie nipped his cheeks, pulled his beard, and had almost killed him, were not with great difficultie he ranne out at the doore. Bot the said Robert followed him, kuist him among his feit, harled him out to a snow wraith and brake tua ribs of his syde, to the great effusion of his blood and perrel of his lyffe." The pursuer compearing personally, but not the defender, the Lords ordain the latter to be put to the horn and escheated.

Complaint by
Mr Robert
Biggar, minis-
ter, against
Robert
Crichton in
Cairne for
assault.Justices of
Peace, 1612-
1639.
Fol. 72, b.

"The quhilk day Mr Johne M^cNacht, minister at Symprene, wes adjoynned to the justices of peace within the shirefdome of Roxburgh."

Justice of
Peace for
sheriffdom of
Roxburgh.Acta, May
1636-Novem-
ber 1639.
Fol. 215, a.

Sederunt: — Chancellor; Treasurer; Glasgow; Perth; Kingorne; Dumfreis; Southesk; Lord Alexander; Bishop of Edinburgh; Bishop of Gallouay; Bishop of Aberdene; Bishop of Murrey; Bishop of Ross; Bishop of Brechin; Lord Desford; Lord Naper; Clerk Register; Justice General; Deputy Treasurer; Advocate; Justice Clerk; Blackhall.

Edinburgh,
27th June
1637.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Thomas Broun, burges of Glasgow, and for verificatioun of the diligence done be him in searching and apprehending of Hew Thomas Brown, burges of Glasgow, charged by the Council to apprehend

Hew Campbell in Mauchline, accuses Mr Andrew Dalrymple, bailie in Mauchline, of refusing to aid him in the arrest of the said Hew.

See *ante*, p. 446.

Campbell in Mauchline, produced before the saids Lords ane instrument under the hand of George Campbell, notar, of the date at Mauchline the nynetene day of Junij instant, bearing that upon that day, having found the said Hew Campbell in the toun of Mauchline, conforme to the direction of the commission givin to him be the saids Lords, he went to Mr Andrew Dalrimpell, baillie of Mauchline, and shew him his said commission, desyring him to concurre with him for apprehending of the said Hew and exhibiting him before his Majesteis Counsell to be examined anent some clippings of silver, quherunto the said Mr Andro answered that the commission boore onelie to apprehend Hew Campbell in Mauchline and not Hew Campbell, chapman, who never dwelt there, and in regard thair of that he could not concurre with the said Thomas, as the said instrument more fullie proports. Quhereunto the said Mr Andro, being callit to answer and he compeirand personallie with the said Thomas Broun, and they being at lenth heard anent this mater, the Lords of Secreit Counsell finds that the said Mr Andro hes committed ane great wrong in refusing to apprehend the said Hew Campbell conforme to the Counsells commissioun, and that thairfoir he aucht to be answerable for the said Hew, for quhilk purpose the saids Lords assignes to the said Mr Andro the ellevint of July nixt for exhibitoun of the said Hew before his Majesteis Counsell to underly his tryell for the saids clippings. Lykeas the said Mr Androw, being personallie present, as said is, actit himselve to exhibite the said Hew the day foresaid, under the pane of ane thowsand punds, untill quhilk time the saids Lords continewes the censuring of the said Mr Androw for his contempt foresaid."

Case of Alexander Irwing of Lenturk and others.

See *ante*, p. 466.

"The quhilk day Alexander Irwing of Lenturke, with some others of the gentlemen who wer summond upon the assise of error, compeirand personallie before the Lords of Privie Counsell, the Lord Chancellor remonstrat to thame thair oversight in the said assise, and desired thame to be more warie of thair cariage in a bussines of this kynde heereafter."

Edinburgh,
29th June
1637.

Alexander Erskine of Dun and others, on the one part, and James Scott of Logie and his son, on the other, agree to submit their differences to the Lord High Treasurer and others.

[Sederunt as recorded above.]

This day there compeared personally before the Lords Alexander Areskyne of Din and Patrick Lichtoun of Dinninald (the said Alexander taking burden for the whole remanent defenders in the complaint against him and thame at the instance of James Scot of Logie and James Scot, his son) on the one part, and the said James Scot and his said son, and submitted their differences to the arbitration of John, Earl of Traquaire, Lord High Treasurer of this kingdom; David, Earl of Southesk; and such others of the Council as they may be pleased to associate with themselves in this matter, and promised to abide by the decision to be given by them after hearing them and their witnesses. The Lords therefore continue the actions depending before them till Tuesday next, 4th July.

Decreta,
April 1638.
February 1639.
P. 353.

Decreta,
April 1635.
February 1639.
P. 353.

John Kennedie and James Smith, bailies of Maybole, compearing personally, produced summonses for their compareance this day at the instance of Adam Logane, smith in Maybole, and Gilbert Logane, his son, for alleged wrongfully imprisoning them and putting them in the stocks, and in respect of the non-appearance of the pursuers, to whose complaint they were ready to answer, they protested that they should not be held to answer thereto without new citation and payment of their expenses. The Lords admit the protestation and decern the said Adam and Gilbert Logane to pay £20 to each of the bailies for their expenses in coming to Edinburgh. Further, they ordain the said bailies at their return home to put the said Adam and Gilbert Logane in ward until they pay this sum, and until they find caution, each in £100 for keeping the peace and not troubling the town of Maybol.

Award of expenses to John Kennedy and James Smith, bailies of Maybole, who have presented themselves before the Council at the instance of Adam Logan, smith in Maybole, and his son, who failed to appear.

P. 354.

Supplication by the sub-principal and regents of the University of Aberdene, as follows:—At the time of the erection of their University by King James the Fourth, “the foundit persons were condiscendit upon and maintenance provydit unto thame, ansuerable to thair places and charges for the tyme. Bot thairafter, about the tyme of reformation of the religion, the revenewis of the universitie being dilapidat, and a great number of the members of the same becomeing unnecessarie, upon remonstrance made the number of the members were retrinched; and in regarde of the meanesse of the provision allowed in the first foundation, the rents of suche as were declared unnecessarie were annexed to the provision of the members quhilks were then approved and allowed to be necessar members; and the orders and statuts sett doune heiranent were ratified and sett doune in the parliament haldin at thairafter; conforme quhairunto the universitie hes beene of a long tyme agoe governed in the number of the members and quantitie of the maintenance; till now of late that certane persons, aganis the tenor of these established orders, hes usurped upon thame places in the said universitie quhilks are declared unnecessarie, and intend thairby to appropriat to thameselfes some ansuerable maintenance by defrauding the supplicants, necessar members, of the particular revenewis allowed unto thame, to the great prejudice of the universitie.” They therefore crave that the Lords would give order to the Lords of the Committee appointed by his Majesty for reforming abuses within the universities of this kingdom for rectification hereof; and to them the Lords, after advising, remit the matter.

Supplication by the sub-principal and regents of the University of Aberdeen anent the foundations in the said university.

P. 355.

Supplication by Mr William Gordoune, common procurator of the King's College of Aberdene, as follows:—He is the only elected commissioner for both the Colleges of Aberdene to represent to their Lordships the state and grievances thereof. “In the meanetyme one Mr David Leitch, heirtofore admitted regent of the fourt classe and to exercise discipline in the said colledge and for that effect sufficientlie provydit according to the fundation, nevertheles some tuo yeeres agoe

Supplication by Mr William Gordon, common procurator of King's College, Aberdeen, against Mr David Ritchie, regent in the said college, whom he

accuses of neglect of his duties and of infringing the statutes of the said college.

he hes maried himselfe and yit still possesseth the said place according to the fundation aganis the acts of the General Assemblie and daylie practise, and by lying and eating out of the said colledge hes cassin the hail discipline thairof lousse ; as also hes intrometted with other of the colledge rents by and attour his ordinarie stipend, and being craved accompt thairof by the supplicant as procurator and dilated to the Rector for his other enormities, he hes vented and uttered both heir and at home some scandalous speeches aganis the supplicant in particular. And in end, findeing himselfe guiltie of so manie disorders, for eshewing the punishment thairof prescryved be the true fundation he hes of late conspyred against the hail universitie and against his oath of admission combynned with the enemies thairof by devyseing and divulgating of ane new fundation of thair awne (whiche is not nor ever wes anie suche authenticke *in rerum natura*), presoomeing thairby to abrogat the old and true fundation so oft ratified in Parliament, practised these sex score yeeres bygane and never hithertill called in question ; and hes laboured to appropriat to himselfe and three regents the stipends of the rest of the professors and to dissipat thair auditors ; and by all these machinations hes mightilie disturbed the peace of the hail universitie to the great scandall of the country. And findeing no sufficient auctoritie to curb himselfe at home, this is the second tyme this yeere that he hes deserted his station, and but comission, warrand or leive of the universitie he is come over heir to prosecut his sinistrous designes, intending to supplicat the saids Lords, and under culor of augmentation of his stipend and the three regents, to draw ane warrand frome the saids Lords to ruine the universitie, if he be not prevented." In name therefore of the university he craves that the said David "may be sent home againe to attend his classe and the laureation of his sholars, whome this yeere he hes so muche neglected, and that till the forsaid violations of the true fundation by his mariage, his frequent absence and dilapidation of the colledge rents, his scandalous cariage toward his colledge and strangers, may be condignelie punished, for example to others to attempt the lyke ; or at least, since he is presentlie in toun that it would please the Lords, according to his Majesties warrand, to depute tua or three of thair number to cognosce and try his malversations whither they merit deprivation or augmentation, and to report to the rest of the sextene commissioners at thair nixt meeting, least by going on abruptlie upon the said M^r David his misinformations some warrand may be procured whiche may seeme to patronize his irregular proceedings and may be fund in end not to subsist in reason, *parte non audita nec vocata*, according to justice." The Lords remit the consideration of this petition to the commissioners appointed by the Lords and others of the committee established by his Majesty for reforming the abuses of the universities of this kingdom, to be dealt with by them as they shall find expedient.

Decreta,
April 1635-
February
1639.
P. 355.

P. 354.

Sederants,
January 1635-
November
1643.
Fol. 48, b.

"A letter frome the Deputie of Ireland¹ conteaning ane answer of a letter writtin frome the Counsell to the said Deputie in favours of one Johne Lindsey."

Letter from
the Deputy of
Ireland.

"The quhilk day the Lord Chancellor intimat to his Majesteis Counsell that the comunon wes to be celebrat in the chappell upon Sunday nixt; and in his Majesteis name required the counsellors present to be present at that actioun, certifeing the absents that thair names sall be delate to his Majestie."

The Council to
appear at
Communion in
Holyrood
Chapel on
Sunday next,
and the names
of absentees
to be communi-
cated to his
Majesty.

Acta, May
1636-Novem-
ber 1639.
Fol. 239, a.¹
[¹ Omitted in
its proper
place in the
Register.]

Sederunt :—*Ut die prædicto*, except Aberdeen and the Advocate.

Edinburgh,
30th June
1637.

"The whilk day in presence of the Lords and others of the committee compeired personallie William, Lord Alexander, and Johne, Bishop of Ros, twa of the saids commissioners, and accepted the office upon thame and gave thair oath *de fidei administratione*."

Commissioners
on the coin.

Fol. 215, b.

Sederunt :—Chancellor; Treasurer; Glasgow; Privy Seal; Perth; Wigtoun; Kingorne; Southesk; Lord Alexander; Bishop of Edinburgh; Bishop of Gallouay; Bishop of Aberdene; Bishop of Murrey; Bishop of Ross; Bishop of Brechin; Lord Desford; Lord Naper; Master of Elphinston; Clerk Register; Justice General; Deputy Treasurer; Advocate; Justice Clerk; Blakhall.

Edinburgh,
4th July 1637.

"The whilk day Johne, Earle of Traquair, Lord High Tresaurer of this kingdome, according to the trust committed to him be the King's Majestie, remonstrat to the Lords of his Majesteis Privie Counsell that it wes his Majesteis expresse will and pleasure that the reverend father in God, the Archbishop of Sanct Andrewes, present and to come, sall have place and precedence before the Lord Chancellor and all others his Majesteis subjects within this kingdomè. Whiche report being heard and considderit be the saids Lords and the same being putt to the voices of the table, the Lords, with all dewtifull respect, acknowledged the justice of his Majesteis royall and pious commandement, and accordingly decerns and ordains the Archbishop of Sanct Andrws, present and to come, to have place and precedence in all time comming first and before his Majesteis Chancellor and all others his Majesteis subjects and officers within this kingdome, quhereanent the extract of this act sall be to all after ages a sufficient warrant."

The Arch-
bishops of St.
Andrews,
present and to
come, to take
precedence of
the Lord Chan-
cellor and all
other subjects.

Fol. 216, a.

"The Lords of Secreit Counsell allowes Sir Williame Elphinstoun, knight, Justice General, to goe on in the exact tryell of the alledged murder of a childe borne be Margaret Patersone, daughter to Johne Patersone, and quhilk childe she confesses wes gottin betuix her and James Wemes, sone to Duncane Wemes, and to examine all persons as can give light and information anent the said murder and to consult his Majesteis Counsell before they putt the said Margaret to the tryell of ane assise."

The Lord
Justice-
General to
proceed with
the trial of
Margaret
Paterson,
accused of
child-murder.
See ante, p. 459.

¹ Thomas Wentworth, Earl of Stafford.

Charge to such as have been appointed justices of peace to accept the office and to discharge its duties—both of which obligations have been generally neglected.

" Forsamekle as the King's Majestie, with advice of the Lords of his Privy Counsell, hes established commissions to diverse gentlemen and others of ranke and qualitie for preserving his Majesteis peace within the particular bounds of the shirefdomes, stewartreis and baillereis limited and designed unto thame, and the saids Lords, looking that thir persons whome his Majestie, with advice of the saids Lords, hes intrusted with suche ane high imployment as to be conservers of his Majesteis peace, sould have dewtifullie in humble obedience to his Majestie accepted the charge upon thame and attended the discharge thair of with that respect and dewtie quhilk become thame, notwithstanding it is of truthe that the persons nominat and elected to this place and charge hes verie careleslie and undewtifullie attended thair charge, numbers of thame having refused to accept the charge upon thame, and others who accepted neglects and slights thair ordinar times and dyets of meiting, so as that service, quhilk is so important for his Majesteis honnour and for the peace of the countrie, is in effect cassin louse, to the undoing of the service quhilk his Majestie and his umquhill father of blessed memorie so carefullie and earnestlie affected. Thairfoir the saids Lords ordains letters to be direct charging the hail justices of peace and thair conveyners throughout the hail shirefdomes of this kingdome to accept that charge upon thame and carefullie and dewtifullie to attend the times and dyets of that imployment and in no wayes to shunne the same upon whatsoever coulour or pretext, as they and everie ane of thame will be carefull to approve thameselfes answerable to the trust committed unto thame in this high imployment, and forder under the pane of rebellion and putting of thame to the horne; with certificatioun to thame that failleis that not onelie sall they be denounced rebells and put to the horne but with that they sall be declared unworthie of anie suche imployment and charge heerafter."

Acta, May 1636-November 1639. Fol. 216, a

Fol. 216, b.

The Sheriffs of Aberdeen and Bamff, the magistrates of Aberdeen, and James Gordoun of Letterfourie, baillie to the Marquis of Huntly, appearing before the Council on the charge of remissness in their duty in suppressing lawless men, are relieved from the said charge.

" Anent the terme assigned be the Lords of Privie Counsell to the Laird of Drum, shireff principall of Aberdene, and to the Laird of Bamff, shireff principal of Bamff, and to the provest and bailleis of Aberdene and James Gordoun of Letterfourie, baillie to the Marques of Huntlie, to have compeired personallie before the Lords of Privie Counsell this present day and to have givin in a report of thair more exact diligence done be thame in the execution of thair offices aganis the lawlesse and brokin men of the name of Gordoun, be whome the peace of the countrie wes disquyetted and troubled, as at more lenth is conteanit in the principall letters raised heerupon; quhilks being callit this present day, and the saids shireffs of Bamff and Aberdene compeirand personallie, and the bailleis of Aberdene compeirand be Thomas Mortimer, baillie, thair commissioner, and the said James Gordoun compeirand be Mr James Ferquharson, his , and the saids Lords, having at lenth heard and considerit the report of thair diligence in the execution of thair offices aganis the saids brokin men, and the saids Lords, remem-

Acta, May
1636-Novem-
ber 1639.
Fol. 216, b.

bring and considering that the fynes imposed upon the saids shireffs, the burgh of Aberdene and James Gordoun wes rather to stirre thame up to a farther diligence than to punishe thame for anie alledged bygane neglect of thair dewteis, quhereupon no probatioun wes deduced nor nothing verified and provin aganis thame, and finding the diligence now reported be thame to be satisfactorie and sufficient and that they have answered the dewtie incumbent to thair charge, thairfoir the saids Lords hes remitted and discharged, and be the tennor of this present act remitts and discharges unto thame the fynes formerlie decerned aganis thame, to witt, the soume of v^m merkes decerned aganis either of the saids twa shireffs and the soume of v^m merkes decerned aganis the said burgh of Aberdene, and declares thame and every one of thame and the bailleis, counsell and whole communitie and inhabitants of the burgh of Aberdene to be exonered, fred and releved thairof for ever; and siclyke decerns James Gordoun of Letterfoure to be exonered, fred and releved of the soume of three thowsand merkes decerned aganis him in respect he hes no publict office nor charge within these bounds and there is others bailleis putt in the places formerlie possess be him."

Fol. 217, a.

"Forsamekle as the Lords of Secreit Counsell ar informed that there is a faire, callit St. Bosuells faire, appointed to be keeped at Lessudden upon Fryday nixt, the sevinth of July instant, whereunto great numbers of people frome all the parts of the countrie thereabout will repaire for buying and exchanging thair commoditeis, and it is to be feared that in respect of the contagious sicknes of the pest, wherewith manie parts of the countrie thereabout ar infected, that the resort of people to that faire will bring the said contagion with it, to the great endangering of the countrie, without suche ordinar meanes be used as at God's pleasure may stop the said infectioun; thairfoir the Lords of Secreit Counsell hes discharged and discharges the said faire, ordaining the same in no wayes to be keeped nor haldin this present yeere, and ordains letters to be direct to make publicatioun heiroyf be opin proclamation at the mercat croces of Jedburgh, Kelso, Melros, Hawick, Selkirk, Peebles and all others places needfull quherethrow nane pretend ignorance of the same; and to command, charge and inhibite all his Majesteis lieges and subjects that nane of thame presooome nor take upon hand to resort nor repaire to the said faire, and that nane of thame presooome to keepe or hald the same, nor to bring anie commoditeis or goods to be bought or sold there under whatsomever cullour or pretence, under the pane to be persewed and punished in thair persons and goods as proud contemnors of the directions of his Majesteis Counsell with all rigour and extremitie."

St. Boswells
Fair prohibited
for prevention
of the spread
of the plague.

Decreta,
April 1636.
February 1639
P. 364.

[Sederunt as recorded above, omitting Wigtoun and Southesk, and adding Wintoun and Lauderdaill.]

Edinburgh,
4th July 1637.

Elspet Nein and Isabel Thaine in Invernes are suspected to have been "upon the counsel and devyce and personall actors in the thifteous

Charge to the
magistrates of
Invernes to

apprehend
Elspeth Nein
and Isabel
Thaine,
accused of
stealing money
pertaining to
his Majesty.

stealing of some certane soumes of money perteaneing to his Majestie, Decreta,
of the quhilk M^r John Strachane of Muretoun had the charge and April 1635.
keeping and who locked thame in a bowel or almerie in the duelling February 1638.
hous of Francis Bishop, litster in Innernes, quhair he ludgit for the P. 356.
tyme "; and it is necessary for the discovery of the thieves that these P. 357.
two persons be apprehended and examined. The Lords therefore
empower the provost and bailies of Innernes and the said Mr John
Strachan and Francis Bishop to apprehend them and ward them in the
tolbooth of Innernes, and also to examine them upon the said theft,
setting down their depositions in writing, and giving the same sealed to
the said Mr John Strachane, who is to bring them to the Council.
Further, the provost and bailies are to keep the said persons in ward
until further orders, or, if the said Mr John will undertake to bring and
exhibit the said persons here, then the bailies are to deliver the two
prisoners to him.

Certain
persons to
appear before
the Council in
connection
with the above
charge.

Mr John Strachan of Muretoun, compearing personally, undertook to
exhibit before their Lordships, on 25th July instant, Patrick Strachane
and , his man. There also compeared personally Francis Bishop,
litster, burgess of Innernes, and promised to exhibit that day before their
Lordships George M^cConochie, his servant. They are then to be
examined upon the aforesaid theft of his Majesty's money.

Commission to
the provost
and minister
of Inverness
anent the
same.

Commission by the Lords of Privy Council in the same matter to the
provost and minister of Inverness, as follows :—" Within some few houres
after that his Majesteis moneyes (quhair of M^r John Strachan of Mure-
toun had the charge and keeping) were stollin within the duelling hous
of Francis Bishop, litster in Innernes, the provest and minister of
Innernes, at the requeist and desyre of the said M^r Johne, come to the
said hous and informed thameselfes the best way they could how the
bowel or almerie, quhairin the saids moneyes were layed, could be opened
or brokin, and they examined some persons thairanent; quhairfore
necessar it is that the Lords of Secreit Counsell be acquainted with the
proceeding of the said provest and minister of Innernes in this bussines."
The Lords therefore ordain the said provost and minister to put down
in writing under their hands " a cleere and particular report and note of
all the evidences that they perceaved or saw anent the breakeing of the
said almerie or bowell and of all the particular circumstances quhilks
they fand thairin," and to send these, with the depositions already taken
in the matter, to their Lordships, closed and sealed, upon 25th July
instant. And, as there may be a further discovery by the examination P. 358.
of witnesses, the Lords grant a commission to the said provost and
minister of Innernes to call before them and examine those persons
whose names the said Mr John Strachan should give up to them in a
list, and report their depositions in writing to the Lords, closed and sealed,
on 25th July instant.

Charge to
James, Lord
Johnstone, to

This present day having been assigned to James, Lord Jonstoun, for
entering William Jonstoun in Achinknow, John Crawford, servitor to

Francis Scot of Cairntoun, and Cuthbert Carruthers in Currie within the tolbooth of Edinburgh, on the complaint of Mr George Buchanan, parson of Moffat, and James Jonstoun of Corheid against them of removing his horses from the lands of the town flat of Moffat and uttering disgraceful speeches against their pastor; and the said James Jonstoun of Corheid compearing for himself and Mr George Buchanan, but Lord Jonstoun not compearing and not having entered these persons in ward, the Lords ordain Lord Jonstoun to be charged to enter these persons as aforesaid within six days upon pain of rebellion, and, if he disobey, to put him to the horn; and also to compear before the Council on to answer for his contempt and disobedience, under the pain of horning.

Supplication by Sir John Murray of Philiphaugh, convener of the justices of peace of Selkirkshire, for himself and the remanent justices, as follows:—On account of the late restraint of the inhabitants of Selkirk in regard of the plague in the neighbourhood, “these poore people who live be thair handie trade (the most part of thame of barking of leather) ar brought to extreme necessitie and want.” As there is no infection among themselves and there is no fear of infection “by commerce with these on this side of Tweid, speciallie within the burgh of Edinburgh, where the inhabitants use to make greatest sale of thair ledder,” they crave that their Lordships would permit the inhabitants of Selkirk to trade with all the lieges on this side of Tweid and elsewhere where there is no danger of infection; and especially to bring their leather to Edinburgh for sale. The Lords grant the prayer of the petition, provided that none of the inhabitants resort to England or any other infected places, and that they keep no company with any dwelling in these places.

Complaint by Mr William Davidson, minister at Rathen, as follows:—He has for long been in possession of the right of winning peats in the Moss of Arglassie “for winter provision of elding and fewell for his familie,” and that by virtue of a decret of the Court of Session in his favour against Alexander Fraser of Phillorth, but the said Alexander out of malice has now stirred up the tenant, Alexander Fraser in Arglassie, who masterfully debars the complainer from winning his peat, to his heavy “hurt and prejudice and disabling him to attend the cure of his ministrie in these parts, having no commoditie of elding or fewell frome anie part but furth of the said mosse. And the complainer is ane poore minister unable to strive with the said Laird of Phillorth or to subsist without the benefite of the said mosse.” Both pursuer and defender compearing, the latter declared he “was content to tolerat and permitt the said persewer to winne peitts and fewell upon the said mosse of Arglassie in maner and during the time specifeit and conteanit in the decret above mentiouned recovered before the saids Lords of Sessioun.”

Decreta,
April 1635-
February 1639.
P. 358.

enter William
Johnstone in
Achinow and
others in ward,
which he has
hitherto
neglected to
do.

P. 359.

Supplication
by Sir John
Murray of
Philiphaugh,
convener of
the justices of
peace of
Selkirkshire, in
favour of the
barkers of
leather in
Selkirk, who
are prevented
from earning
their livelihood
by the regula-
tions for the
prevention of
the plague.

P. 362.

[Omitted at
its proper place
in the
Register.]

Complaint by
Mr William
Davidson,
minister at
Rathen,
against Alex-
ander Fraser
of Phillorth for
preventing the
complainer
from obtaining
peats from
Arglassie
Moss, to
which he has a
legal right.

Edinburgh,
6th July
1637.

Sederunt :—Chancellor ; Treasurer ; Glasgow ; Privy Seal ; Winton ; Perth ; Kingorne ; Hadinton ; Lauderdaill ; Dumfreis ; Southesk ; Lord Lorne ; Lord Alexander ; Bishop of Edinburgh ; Bishop of Gallouay ; Bishop of Aberdene ; Bishop of Murrey ; Bishop of Ros ; Bishop of Brechin ; Lord Desford ; Lord Naper ; Master of Elphinston ; Clerk Register ; Justice General ; Treasurer Depute ; Advocate ; Justice Clerk ; Blakhall.

Acta, May
1636-Novem-
ber 1639.
Fol. 217, a.

Question
whether the
Council may
mend or
explain an Act
passed by the
Estates.

"The whilk day anent the questioun moved to the Lords of Privie Counsell, if the Counsell, be vertew of ane reference frome the parliament, having concluded ane act, and the same being registrat and extracts givin furth thair of, and in that respect the Counsell being *functi officio* and having performed what wes committed to thame be the Estats, if or not the Counsell may thereafter in a warrantable way mend or explane the said act altho with consent of parteis, the Lords, having heard the proposition, continewes the debating and answer thereto till Tuisday nixt, that in the meanetime they may seriouslie consider the bussines according to the weight and importance of the same."

Edinburgh,
6th¹ July 1637.

[Sederunt as recorded above.]

Decreta,
April 1635-
February
1639.
P. 359.

[¹16th is writ-
ten by mistake
in the Record.]

Complaint by
John M^cIntoshe
alias Keir in
Mukcoull and
others against
Lachlan
M^cIntoshe in
Borlum for
hamesucken.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and John M^cIntoshe *alias* Keir in Mukcoull and Ago M^cWilliam V^cCoull there, tenants to William M^cIntoshe of Torcastell, and the said William for his interest, as follows:—In violation of the laws prohibiting the carrying of hagbuts and pistols and convocation of the lieges in arms, on September last Lachlan M^cIntoshe of Borlum came by way of hamesucken to the dwelling-houses of the said tenants in Mukcoull, armed with hagbuts, pistols and other forbidden weapons, broke up their doors, meddled with all their goods and plenishing, took away the whole oats, beir and other grain growing upon their lands and all thair ky, nolt, sheep and other bestial, and violently thrusting them and their families out of their said houses placed Dougal M^cWilliam V^cCoull, a common thief and sornor, therein. The pursuers compearing but not the defender, the Lords, after hearing the witnesses produced in the case, find that the said Lachlan M^cIntoshe broke up the said tenants' doors, took away their goods, gear, nolt and kine and put the said Dougal M^cWilliam in their places; and for this oppression they ordain him to be charged to enter himself in ward within the tolbooth of Edinburgh within fifteen days, on pain of horning.

P. 360.

Complaint by
Patrick
Edmonstoun of
Wolmet
against David
Preston of
Whitehill for
illegal horning.

Complaint by Patrick Edmonstoun of Wolmet, as follows:—He has been charged at the instance of David Prestoun of Quhythill to find caution in their Lordships' books "that he sall not worke upon the merche and seinyie wall interjected betuix his coale and the said David his coaleheuche ather toward the east or toward the north" till the right thereto be discussed before the Lords of Session, under the penalty

of 700 merks in addition to the damage that may ensue; as also for his obedience to the decreet and sentence to be given against him by their Lordships for his alleged contempt of the command of George, Earl of Wintoun; and the said David intends in case of his disobedience to put him to the horn, though most wrongfully, for (1) the penalty is far above that appointed by the law. The complainer, "being ane gentleman of mean qualitie," is only required to find caution in 500 merks; and (2) no such charge can be given until the party gives his oath that he dreads oppression, and this the said David neither has done nor can do, for the complainer has never wronged him, while on the contrary the said Laird of Quhythall has since the date of the said decreet "hoghed the compleaners seinyie wall and mynes of the same and hes wrought in upon the compleaners coale and winne great quantitie thair of," thereby greatly damaging the complainer. Still for avoiding the danger of horning he has found caution in case the Lords find he should do as he is charged, and therefore he craves suspension of the horning. Both parties compearing and having been heard, the Lords suspend the horning in respect of the caution now found, which they ordain to stand in full force unmodified.

"Charges aganis the Laird of Grant for exhibition of one Patrik McRummie, who is presentlie in his keepinge."

"The quhilk day George Hepburne of Alderstoun and Mr Cornelius Ainslie of Dolphinstoun wer adjoynned to the justices of peace within the constabularie of Hadintoun."

Edinburgh,
6th July 1637.

The Laird of
Grant to
exhibit Patrik
McRummie.

Edinburgh,
8th July 1637.

Two justices
of peace for
the constabu-
lary of
Haddington.

Edinburgh,
11th July 1637.

Sederunt:—Chancellor; Treasurer; Glasgow; Privy Seal; Winton; Perth; Wigton; Kingorne; Hadinton; Lauderdaill; Dumfreis; Southesk; Lord Lorne; Lord Alexander; Bishop of Edinburgh; Bishop of Aberdene; Bishop of Gallouay; Bishop of Murrey; Bishop of Ros; Bishop of Brechin; Lord Desford; Lord Naper; Master of Elphinston; Clerk Register; Justice General; Treasurer Depute; Advocate; Justice Clerk; Blakhall.

"Anent the terme assigned to Mr Andro Dalrumpell for exhibition of Hew Campbell, sone to Campbell in , to have beene examined anent some clippings of silver conforme to his act, and the said Mr Androw compeirand personallie this day, and not having exhibite the said Hew, the saids Lords decerns the said Mr Androw to have incurred and to incurre the pane of ane thowsand pundis conteanit in his said act, and continewes the uplifting of the said fyne till the first Counsell day of November, quhilk day is assigned to the said Mr Andro for exhibition of the said Hew."

Mr Andrew
Dalrymple
fined a
thousand
pounds for
failing to
produce Hew
Campbell, who
is accused of
clipping silver.
See ante, p. 468.

"Forsamekle as the Lords of Secreit Counsell has assigned the first Counsell day of November nixt to Mr Androw Dalrumpell, baillie of Mauchline and servitour to the Lord Lowdown, for a farther diligence in the apprehension and exhibition of Hew Campbell, chapman, who is Commission to the said Mr Andrew Dalrymple for the arrest of the said Hew Campbell.

scots,
April 1635-
February 1639.
360.

361.

ederunts,
January 1635-
November
643.

ol. 49, a.
ustices of
peace, 1612-
639.
ol. 72, b.

lcta, May
636-Novem-
ber 1639.
ol. 217, b.

delate to be guiltie of clipping his Majesteis moneyes, thairfoir the saids Lords, for the better enabling the said M^r Andro to performe this service, gives and grants commission and warrant to him to pas, searche, seeke and take the said Hew wherever he may be apprehended within anie part of this kingdome and to bring and exhibite him before the saids Lords the said first Counsell day of November nixt; commanding heirby all his Majesteis judges, officers and ministers of his Majesteis lawes quhatsomever to concurre and assist the said M^r Androw in all and everie thing toward the apprehension and exhibition of the said Hew, as they will answer upon the contrare at thair perrell."

Acta, May
1636-Novem-
ber 1639.
Fol. 217, b.

Members of
the College of
Justice to be
exempted
from contri-
bution to the
stipends of
Edinburgh
ministers.

"The Lords of Secreit Counsell, after reasoning and voiceing, finds that the members of the Colledge of Justice, viz., the advocats, clerkes, writters, ar exempted from the act of parliament, quhereby all inhabitants within Edinburgh, except the Lords of Secreit Counsell and Sessioun, ar made lyable to be taxt towards the payment of the ministers stipends according to the proportion of the maills quhilks they pay for the houses wherein they dwell, and declares thame to be included in the exception conceaved in favors of the saids Lords of Secreit Counsell and Session, in regard of the saids advocats, clerkes and writters thair voluntarie offer to contribute a proportionable taxt towards the payment of the saids ministers stipends; and ordains the register wherein the said act is insert to be mended in the margent, and the members of the Colledge of Justice to be comprehended in the said exceptioun, and the said marginall note to be accordinglie subscriyved be the Lords and all former extracts to be brought in and cancelled."

Edinburgh,
11th July 1637.
Anent the
failure of the
Islanders to
appear before
the Council.

"The quhilk day the Ylanders, being callit and not compeirand con- forme to thair obligation, the Lords decerns aganis thame and thair cautioners and superseeds the execution of the decreit till the xvij of November nixt, quhairof intimatioun wes made to M^r Thomas Nicolsone and Johnne Nicoll."

Sederunts,
January 1635-
November
1643.
Fol. 49, a.

Edinburgh,
13th July
1637.

Sederunt :—Chancellor; Treasurer; Glasgow; Privy Seal; Winton; Perth; Wigton; Kingorne; Dumfreis; Southesk; Lord Alexander; Bishop of Edinburgh; Bishop of Gallouay; Bishop of Aberdene; Bishop of Murrey; Bishop of Ros; Bishop of Brechin; Lord Desford; Lord Naper; Clerk Register; Justice General; Deputy Treasurer; Justice Clerk; Blakhall.

Acta, May
1636-Novem-
ber 1639.
Fol. 218, a.

Appointment
of a commis-
sion to inquire
and report
anent the
condition of
the College of
Aberdeen.

"Forsamekle as the King's Majestie, out of his most religious and pious disposition towards the forderance and advancement of learning within this kingdome, hes diverse times recommendit to the Lords of his Privie Counsell, and Commission for helping the universiteis, the visitation of his Majesteis colledge of Aberdene, and establishing of suche good orders therein as may procure the forderance and advancement of that good worke; and the said Lords, being carefull to secund his Majesteis royall

cta, May
636-Novem-
ber 1639.
ol. 218, a.

and gracious disposition in this point, hes for this effect givin and grantit and be the tennor heirof gives and grants full power, warrant and auctoritie to George, Marques of Huntlie, William, Erle Marishell, Adame, Bishop of Aberdene, Johne, Bishop of Murrey, Johne, Bishop of Ros, and James, Lord Deskford, or anie three of thame, the bishop of Aberdene alwayes being one, to resort and repaire to the burgh of Aberdene and King's Colledge thairof upon the last day of August nixt, or quhatsoever other dayes that they sall judge convenient, and to call and conveene before thame the principall, publict professors, regents and maisters of the said Colledge of Aberdene, and to call for production of the ancient records and writts of the said universitie, and the ancient and trew foundation thairof, as the writtin lawes of thair proceedours, togidder with the acts and bookes of thair former visitations, and to convocat suche persons yitt on life as wer present at the former great visitations, 1616 and 1619, and whatsomever other testimoneis can give thame farther light and information, in particulars how and in what maner the foresaids founded persons sould acquitt thameselfes in thair privat stations according to the said foundation, and wherein the colledge rent, doctrine, discipline and maners or privileges, good order, articles and clauses of the said foundation hes beene wronged or infringed by anie of thame, and what hes beene or sould be thair ordinarie offices, order of teaching and stipends as the present meanes of the said colledge may affoord and in time comming according as they sall happin to increasse, and generallie to try and informe thameselfes of all the abuses, disorders and dissensions croppin in of late in the said colledge and how they may be rectified and repaired, and the causes and occasions thairof takin away in all time comming, and to make a full report in writt of thair proceedings and opinions hereanent to the saids Lords under thair hands betuix and the first Counsell day of November nixt, to the intent the saids Lords may take suche order heerin as they sall thinke expedient, quherethrow this good and worthie worke, importing so neir the weale of the said colledge, be no longer delayed: Commanding heirby the saids commissioners to accept the commission in and upon thame and proceed in the execution thairof with all convenient diligence, as they will answer to his Majestie and the saids Lords upon thair obedience."

Fol. 218, b.

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

Edinburgh,
18th July
1637.

The Lords ordain his Majesty's Justice, Justice Clerk, and their deputies to continue the criminal diet appointed for the trial of Mr Gavin Dumbar, Chantor of Murray, and Mr Alexander Dumbar, his son, for the alleged slaughter of John Dow in Boghoill until the last Wednesday of November next, taking new caution of them for their compareance that day. They also ordain "the said Thomas" to have letters charging the assisers and witnesses to compear that day, under a penalty of 500 merks, John Dow in Boghill.

Postponement
of the trial of
Mr Gavin
Dumbar.
Chantor of
Moray, and
Mr Alexander
Moray, his son,
for the alleged
slaughter of
John Dow in
Boghill.

Decreta,
April 1636-
February 1639.
P. 362.

with this declaration that, if "the said Thomas Dumber and the rest of the persewars" use not lawful diligence and insist in the pursuit that day, they will be excluded from all further pursuit and the diet will desert.

Decrets,
April 1635.
February 1637.
P. 363.

Supplication
by Michael
Elphinstoun
of Querrell,
tutor to Jean
Elphinstone,
anent the
duties of
Bartill Fair in
the interest of
his ward.

Supplication by Michael Elphinston of Querrell, tutor to Jean Elphinstoun, daughter of the deceased James Elphinstoun of Barns, his brother, as follows:—Alexander, Master of Forbes, is in debt to the said Jean 5000 merks, "quhilk wes her haill partage"; and for recovery of this the supplicant comprised the debtor's lands, raised inhibition thereupon, and afterwards arreisted the duties of Bartill fair belonging to the said Master, first, in 1635, in the hands of Lord Forbes, his father, and thereafter in the hands of the Laird of Drum, Sheriff of Aberdene, who by their Lordships' warrant uplifted these duties this last year, as there was like to be some disturbance between John Leith of Harthill, Arthur Forbes of Mynie and the Laird of Caskiben, who also claimed the duties of the said fair. The supplicant has now raised an action before the Lords of Session for reduction of their pretended rights as being posterior to his inhibition, and three diets of this action have passed without any appearance of diligence in any of these three persons; so that the undoubted right to these duties belongs to the supplicant as tutor foresaid. Meanwhile these arreisted moneys lie unprofitably in the hands of the said Lord Forbes and Sheriff of Aberdene, and he craves warrant from their Lordships to them for delivery to him thereof. The Lords grant the desired warrant, the supplicant having found caution in their Lordships' books to make the same forthcoming to all parties having interest. And further, for avoiding trouble in the uplifting of this year's duties of the said fair, the Lords grant their commission to Arthur, Lord Forbes, and his bailies, and discharge all others from doing so, the said Lord Forbes, having found caution for making the same forthcoming to all parties having interest.

Complaint by
William Sin-
clair of Saba
against Patrick
Stewart of
Gyre for
contempt of
horning.

Complaint by William Sinclair of Saba, as follows:—On 1st October last Patrick Stewart of Gyre was put to the horn for not finding caution in their Lordships' books for keeping the peace with the complainer under the penalty of £1000; and he most proudly remains thereat. The pursuer compearing, but not the defender, the Lords ordain the latter to be charged to render his houses and enter himself in ward within the castle of Blacknes within twenty days, upon pane of treason.

Sederants,
January 1635.
November
1643.
Fol. 49, b.

Edinburgh,
13th July
1637.

Laurence
Abernethy,
servitor to Mr
Francis Hay,
committed to
ward for alter-
ing the style
of a signature
of the gift of
escheat of
Harry Gordon,
portioner of
Baramar.

"The quhilk day the Lord Treasurer produced a signature of the gift of escheit of Harie Gordon, portioner of Baramar, quhilk wes past in Exchequer, and the composition payed and was readie to be writtin to the Privie Seale, quhilk signature, after the same wes past and the composition payed, as said is, Laurence Abirnethie, servitour to M^r Francis Hay, writter, vitiat be drawing out these words, 'portioner of Baramar,' and putting in the stile of Glassauche, quhilk is not the stile conteanned in the horning, quhairupon the said gift of escheit wes past; and the said Laurence, being warned be a maisser to have compeired

Sederunt,
January 1635.
November
643.
Vol. 49, b.

before the saids Lords this present day, and he being callit, compeired personallie and confest his fault in mending and changing the stile of the said gift, for the quhilk the saids Lords ordains him to be committed to waird within the tolbuith of Edinburgh till farther order be tane with him heeranent."

"The Lords ordains letters to be direct charging the persons assyssors and witnesses summond in the pereute of Mr Gawin Dunbar and his sone to compeir before the saids Lords upon the first Counsell day of November nixt to [answer for] thair proud contempt in not keeping the dyet before the Justice."

Case of Gavin
Dunbar and his
son.
See ante, p. 479.

Vol. 50, a.

Sederunt:—Chancellor; Kingorne; Dumfreis; Southesk; Lord Edinburgh, Alexander; Bishop of Aberdene; Bishop of Murrey; Bishop of Ros; Lord Deskfurd; Lord Naper; Clerk Register; Justice General; Deputy Treasurer; Advocate; Justice Clerk; Blakhall.

18th July
1637.

"The Lords recommends to the Justice Generall and Blakhall to consider the act of Counsell made in favors of Colonell Hepburnes captans and officers for leveying of a thowsand men for a recrue of Colonell Hepburnes regiments and of the warrand of thair imployment under Colonell Hepburne."

The recruiting
for Colonell
Hepburn's
regiments.

Justices of
peace, 1612-
639.
Vol. 72, b.

"The quhilk day Henrie Montgomerie of Goffing, Neill Montgomerie of Langshaw, Gabriel Porterfeild of Hapland, William Hamiltoun, elder of Broommure, and Henrie Kelso, baillie of Largs, wer adjoynned to the justices of peace within the baillerie of Cuninghame."

Justices for
the bailliary
of Cuning-
ham.

Acta, May
636-Novem-
ber 1639.
Vol. 218, b.

Sederunt:—Chancellor; Treasurer; Privy Seal; Glasgow; Winton; Edinburgh, Kingorne; Hadinton; Lauderdaill; Dumfreis; Southesk; Lord Lorne; Lord Alexander; Bishop of Gallouay; Bishop of Aberdene; Bishop of Murrey; Bishop of Ros; Lord Desford; Lord Naper; Master of Elphinston; Clerk Register; Justice General; Deputy Treasurer; Advocate; Justice Clerk; Blakhall.

20th July
1637.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie James, Lord Deskford, and James, Maister of Ogilvie, and submitted, lykeas be thir presents they submitt all differences, contraverseis, grudge and eyelists standing betuix thame for whatsomever deid, caus or occasioun to Johne, Erle of Traquair, Lord High Treasurer of this kingdome, Robert, Erle of Roxburgh, Lord Privie Seale, and David, Erle of Southesk, and to the decreit and sentence to be givin heereanent, and band and obleist thame to stand, abide at, underly and fulfill whatsomever the saids judges sall determine heerin, but appellation, reclamation or gainsaying quhatsomever."

James, Lord
Deskford, and
James, Master
of Ogilvy,
agree to
submit their
differences to
the Lord High
Treasurer, the
Lord Privy
Seal, and the
Earl of
Southesk.

Edinburgh,
20th July
1637.

[Sederunt as recorded above.]

Decreta,
April 1638.
February 1639.
P. 364.

Supplication
by Sir Patrick
M'Kie of Larg
for a licence to
continue the
levying of a
toll for the
completion of
a bridge over
the Water of
Polnewer.

Supplication by Sir Patrick M'Kie of Larg, as follows:—"There is a bridge upon the water of Polnewer within the diocie of Galloway, quhilk is the common hieway frome Scotland and England to Ireland, quhilk hes twise fallin down and hes beene twise repaired within thir few yeeres. And now at last in the 1634 yeere this bridge and the calsey quhilk leades toward the same, being at the utter point of decaying and falling down, quhilk would be ane great hinder and impediment to the repairing of persons to and fra England, the saids Lords in respect this bridge and calsey, quhilk is the lenth of halfe a myle, stands upon the supplicants land and heritage, wer pleased to committ unto him the charge and burden of repairing of this bridge and calsey, and allowed unto him vi d. Scots money for everie hors and nolt caried in droves betuix Scotland, England and Ireland, and passing and repassing be the said bridge and calsey. And in this short time that the saids Lords allowed to him for doing of this warke he hes bestowed verie great charges and expenses of his owne proper meanes for repairing and helping of the said bridge, and all that he hes collected and gottin thir three yeeres bygane will not defray the charges that he hes bestowed in one yeere. And, if some present course be not tane for repairing this calsey and bridge before the approacheing winter, the bridge will fall and the calsey will be so brokin as hardlie will there be anie passage that way." He therefore craves that their Lordships will continue his warrant for uplifting the foresaid allowance; and this the Lords grant for seven years from this date.

P. 365.

Supplication
by the noble-
men, barons,
gentlemen,
and others in
West Lothian
that contri-
butions be
recommended
for the build-
ing of a bridge
at Saughton-
hall.

Supplication by the noblemen, barons and gentlemen and others, his Majesty's subjects in West Lothian, as follows:—"The bridge of Saughtonhall, whiche is the most frequented passage frome Edinburgh to the west countrie, is now so farre decayed, as, if the same be not tymouslie repaired, it will totallie fall down and will cost verie great charges and expenses to big it up agane, quherethrow the passage at this bridge will be altogidder interrupted and hindered, and his Majesteis subjects travelling that way will be exposed to the hazard and perrell of thair lyves." When this was represented to their Lordships by the supplicants about the end of March last, they granted their recommendation for a voluntary contribution within the shires of Linlithgow, Lanerk, Stirline, Air, Renfrew and Dumbartane, but delayed expeding the same until the names of the collectors were given in. The barons and freeholders of the sheriffdom of Edinburgh, having convened at their head court on 18th April last, on this matter being brought up, appointed John Brown, elder of Gorgie Milne, to be collector of this contribution and to deliver the money which he collects to James Elleis of Stennopsmilne and Thomas Mudie, portioner of Saughtonhall. They therefore crave that their Lordships would now expedie this recommendation. The Lords do so, and recommend "this pious and charitable

[¹Omitted at
its proper place
in the
Register.]

P. 390.¹

workes to all noblemen, prelates, barons and gentlemen, magistrats of burrowes and touns and others his Majesteis subjects whatsomever to burgh and land within the said shirefdomes of Linlithgow, Lanerk, Stirlene, Air, Renfrew and Dumbartane," desiring them "to extend suche proportion of thair charitie toward the reparation of the said bridge as in thair Christiane judgement they sall thinke fitting, and to deliver the same to Johne Broun, elder of Gorgie Milne," who is to give the money collected to the persons before named. This recommendation is to endure for one year from the date hereof.

Sederunt:—Chancellor; Treasurer; Glasgow; Privy Seal; Dum-Holyrood
 freis; Southesk; Lord Lorne; Lord Alexander; Bishop of House, 24th
 Edinburgh; Bishop of Murrey; Bishop of Gallouay; Bishop of July 1637.
 Ros; Bishop of Brechin; Clerk Register; Justice General;
 Deputy Treasurer; Advocate.

"Forsamekle as the Lords of Secreit Counsell, having considerit the late turbulent and mutinous cariage of a number of base people, who, upon the Lord's day and in the Lord's house, in a rude, barbarous and seditious way, and with foule mouths and impious hands oppose thame-selves to His divine service, to the dishonour of God, disgrace of his Majesteis government and disturbance of the publict peace of this citie of Edinburgh; and the saids Lords, being carefull in the dewtie of thair office to inquire for and make tryell of the authors and abettors of this disorderlie tumult and to prevent all further growth of the same, the Lords of Secreit Counsell ordains the Lyon Herald and his brethren heralds and pursevants, with a trumpet and displayed coat of armes, to pas to the mercat croce of this citie, and there be opin proclamation to command and charge all and sindrie the inhabitants of the said citie of Edinburgh, als weill men as women, that they conteane thameselfes in peace and quyetnes and that nane of thame presooome nor take upon hand to make anie gadderings or convocationuns upon the streit or to have anie meittings in privat quhereby the publict peace of the citie may be disturbed, and in speciall that nane attempt to make disorder or raise anie tumult in the churches or churchyards, nor to revile or belshe furth anie contumelious speeches or imprecations aganis anie of his Majesteis servants, being of the ecclesiastick or civill estat or of the inferior clergie, nor to offer violence or injurie to thame or anie of thame be word or deid, nor to impugne nor traduce his Majesteis government nor to raile and speeke aganis the service booke, whiche for the furtherance of God's worship hes beene warrantable established, under the pane of death to be inflicted upon thame as seditious persons and contemners of his Majesteis religious and royall commandements, certifeing all and sindrie who sall doe or attempt anie thing in the contrare that the pane of death sall be execute upon thame without favour or mercie conforme to the lawes and acts of Counsell provided in that behalfe. Lykeas the

ecrets,
 pril 1635-
 ebruary 1639.
 . 390.

icta, May
 636-Novem-
 er 1639.
 Vol. 218, b.

Fol. 219, a.

Proclamation
 anent the
 disturbance
 in the Church
 of St. Giles,
 July 23rd,
 on the reading
 of the new
 Service-book.

said Lords declares, if anie servant man or woman sall offend in that Acta, May 1636-November 1639. Fol. 219, a.
 kynde, or that anie of the inhabitants of this citie sall heare or see anie of the aforesaid misdeameours and not reveale the names of the offenders or apprehend and deliver thame to the magistrats of the said citie, or if anie of the rascall, maisterlesse boyes committing anie suche disorder sall be ressett within anie hous of the said citie, that the maister of the servant, the hearer of the speeches and seer of the deid, not doing diligence, as said is, and the ressetters of the saids persons sall be repute, haldin and esteemed as persons guiltie connivers and favorers of the partie delinquent and sall be accordingle punished in thair persons and goods as the principall offenders and according to the merite and qualitie of his trespassse. Lykeas the saids Lords finds and declares upon good reason of state that the provest, bailleis, counsell and communitie of the said citie of Edinburgh ar and must be lyable and debtors for quhatsom-ever ryot, trouble or wrong that sall be committed within thair citie in maner foresaid; commanding heirby the saids provest and bailleis of the said citie of Edinburgh to have a speciall care and regard to see the premises putt to dew and full execution in all points, and that they inquire for, apprehend and committ to ward all and sindrie persons whome they sall leirne or deprehend to have beene or who heerafter sall be guiltie of the bygane tumult or after disorder, as the saids provest and bailleis will answer upon the dewtie of thair office at thair highest charge and perrell."

Proclamation to be made that the Council is to meet in Holyrood House.

" Forsamekle as the Lords of Secreit Counsell upon considerable Fol. 219, b.
 respects hes thought meit and expedient that the meittings of the Counsell sall be at his Majesteis palace of Halyrudhous, thairfoir the saids Lords ordains ane maisser with a trumpet to pas to the mercat croce of the citie of Edinburgh and to make publication thair of be opin proclamatioun and to warne all and sindrie his Majesteis lieges and subjects who hes anie action or caus to persew or defend, and all persons who ar summound as witnesses therein to attend the saids Lords at Halyrudhous, the morne at twa of the clocke in the afternoone, where justice sall be ministrat unto thame according to the merit of the caus, with intimation as effeirs."

Bonds between Alexander Brodie of Lethin and certain of the Dunbars.

Holyrood House, 25th July 1637.

" The Lords ordains the Clerk of Counsell to give up to the Bishop Sederunt: January 1638
 of Murrey the bands tane be him betuix Alexander Brodie of Lethin November 1643.
 and some of the Dumbars." Fol. 50, a.

Sederunt:—Chancellor; Treasurer; Privy Seal; Glasgow; Kingorne; Acta, May 1636-November 1639. Fol. 219, b.
 Hadinton; Dumfreis; Lord Lorne; Lord Alexander; Bishop of
 Edinburgh; Bishop of Gallouay; Bishop of Murrey; Bishop of
 Aberdene; Bishop of Ros; Bishop of Brechin; Lord Desford;
 Lord Naper; Clerk Register; Justice General; Deputy Treas-
 urer; Advocate; Justice Clerk; Sir Robert Gordon; Blakhall.

Warrant to Colonel Robert Stuart to levy

" The Lords of Secreit Counsell, according to ane warrant and direction in writt signed be the King's Majestie and this day presentit to thame,

cta, May
38. Novem-
ber 1639.
sl. 219, b.

gives and grants licence and warrant to Colonell Robert Stuart and to 400 men for
suche captans, lieutenants and others officers as hes charge under him, service in
Sweden.

to levey and take up within this kingdome ane supplee of foure hundreth
men for the use and service of the crowne of Sueden and to transport
thame over sea toward that employment; with power to the said colonell
and others foresaids to towcke drwmmes, displye cullours and to doe
and performe all and sindrie things quhilks toward the uplifting and
transporting of the said supplee of 400 men ar necessar and may be
lawfullie done, and that with all liberteis due and that hath beene
accustomed to be grantit to others in the like caise; charging heirby all
our soverane Lords judges, officers and magistrats and all others his
Majesteis subjects to burgh and land to concurre and assist the said
Colonell Stuart and his officers foresaids in the leveying and transporting
of the said supplee, and that they nor nane of thame make anie trouble
to thame therein; and if anie person who sall happin to inroll thame-
selfes in this service sall thereafter disband and leave thair charge, that
the saids judges, officers and magistrats doe justice therein to the said
colonell and his foresaids, as they and everie ane of thame will answer
upon the contrare at thair perrell, the said colonell and his foresaids
alwayes giving satisfaction to everie ane of the number according to the
custome observed in the like caises. Followes his Majesteis missive
abonementiouned:—CHARLES R.—Right reverend father in God, right
trustie and weilbelovit cousines and counsellers, right trustie and trustie
and weilbelovit counsellers, we greit yow weill. We being willing at
this time to give way that a supplee of 400 men be leveyed in that our
kingdome by Colonell Stuart for the use and service of the crowne of
Sueden, it is our pleasure that yow, to that purpose, give commission to
him with sufficient warrant for leveying and transporting of that number
with all liberteis that have beene accustomed to be grantit to anie others
in the like caises, he and the saids persons condescending upon suche
conditions as they can best agree upon, for whiche these presents sall be
your warrant. We bid yow farewell. From our Court at S^t James, 13
May, 1637.”

Decreta
April 1635-
February 1639
P. 366.

[Sederunt as recorded above.]

This day James, Lord Johnstoun, compearing personally, acted himself
“that he nor no others in his name sall discharge, hinder nor stop anie
of his tennents to give unto M^r George Buchannan, parson of Moffat, all
willing helpe and assistance in the leading of his elding or otherwayes,
under the pane of ane thowsand pundis.”

Supplication by Thomas and Alexander Urquhart, sons of Sir Thomas
Urquhart of Cromertie, as follows:—They have been cited at the instance
of their said father to compear before the Justice and answer for certain
crimes alleged to have been committed by them; but now all differences
between them and their father have been settled at the sight of the

Edinburgh,
25th July
1637.

Obligation by
James, Lord
Johnstone, not
to hinder any
of his tenants
from providing
Mr George
Buchanan,
parson of
Moffat, with
fuel.

Supplication
by Thomas and
Alexander
Urquhart
anent citation
against them
by their father,
Sir Thomas
Urquhart of
Cromarty.

noblemen appointed by their Lordships for that effect, and they crave that the Lords would ordain the Justice, Justice Clerk and their deputies to desert the criminal diet against them. This the Lords do.

Decreta,
April 1636-
February 1637.
P. 367.

Protection of
the Laird of
Abercarnie
continued.

"A protection to Abercarnie till the tenth of November to the effect he may summon his creditors to heare his Majesteis protection past the seales."

Sederunt,
January 1635-
November
1643.
Fol. 50, b.

Holyrood
House, 26th
July 1637.

Sederunt :—Chancellor ; Treasurer ; Glasgow ; Privy Seal ; Perth ; Kingorne ; Hadinton ; Lauderdaill ; Dumfreis ; Lord Alexander : Bishop of Edinburgh ; Bishop of Gallouay ; Bishop of Aberdene ; Bishop of Murrey ; Bishop of Ros ; Bishop of Brechin ; Lord Desford ; Lord Naper ; Clerk Register ; Justice General ; Treasurer Depute ; Advocate ; Justice Clerk ; Sir Robert Gordon ; Blakhall.

Acta, May
1636-Novem-
ber 1639.
Fol. 220, a.

Two bailies
and the town-
clerk of
Edinburgh to
report what
course should
be taken anent
the late tumult
in the Church
of St. Giles,
and for secur-
ing the reading
of the Service-
book.

See *ante*, p. 483.

Obligation by
Walter Corn-
wall of
Bonhard and
others to
present Kath-
arine Polwarth
before the
Council.

"The Lords of Secreit Counsell ordains and commands Andro Ainslie and Johne Smith, bailleis of Edinburgh, and M^r Alexander Guthre, toun clerk, to caus conveene the toun counsell the morne at eight houres in the morning, and after consultation had with thame to report to the saids Lords at twa of the clocke in the afternoone what course they thinke fittest for trying and punishing the authors of the late uproare and securing the reading of the service booke."

"The quhilk day Walter Cornwall of Bonhard, M^r Johne Cornwall, minister at Linlithgow, and Patrik Bell, merchant burges of Edinburgh, compeirand personallie before the Lords of Privie Counsell, actit, band and obleist thameselfes conjunctlie and severallie to exhibite Katharine Polwart, ane free woman, unmarried, before the saids Lords the morne in the afternoone, under the pane of x^m merkes."

Holyrood
House, 27th
July 1637.

Sederunt :—Chancellor ; Treasurer ; Glasgow ; Privy Seal ; Wintoun ; Perth ; Kingorne ; Hadinton ; Lauderdaill ; Dumfreis ; Lorne ; Bishop of Edinburgh ; Bishop of Aberdene ; Bishop of Murrey ; Bishop of Ros ; Bishop of Brechin ; Lord Desford ; Lord Naper ; Clerk Register ; Justice General ; Deputy Treasurer ; Advocate ; Justice Clerk ; Sir Robert Gordon ; Blackhall.

Commission
appointed to
examine the
Lord
Treasurer's
Accounts.

"The Lords of Secreit Counsell nominats and appoints Johne, Erle of Lauderdaill, David, Erle of Southesk, and Sir Johne Hamilton of Orbestoun, Justice Clerk, or anie twa of thame, with the Clerk Register, to peruse, consider and skoure the compts of his Majesteis Tresaurer and to fitt and prepare thame for the auditors appointed be his Majestie under the great seale for hearing of the same."

Fol. 220, b.

Two bailies
and town-clerk
of Edinburgh
to consult with
the Town
Council anent

"The Lords of Secreit Counsell ordains and commands Johne Smith and Charles Hamiltoun, bailleis of Edinburgh, and M^r Alexander Guthre, toun clerk, who wer personallie present, to consult the toun counsell of Edinburgh the morne anent the suretie quhilk they will give

ta, May
36. Novem-
r 1639.
d. 220, b.

for the saife reading of the service booke, and if they will act thame-
selfes for that effect, and to make thair report the morne at nyne of the
clocke in the Chancery Hous."

security for the
reading of the
Service-book.
See ante, p. 486.

"The Lords of Secreit Counsell, considering the great peartnesse
quhilk diverse persons takes to thameselfes in speeking and uttering
scandalous and reproachfull speeches to the prejudice, disgrace and dis-
credite of suche whome his Majestie hes honnoured to be of the number
of his Majesteis Privie Counsell, and that this pernicious and execrable
custome growes and increasses out of hope and expectation of impunitie;
and the saids Lords, being carefull to restraine the like boldnes and pre-
sumption in time comming, declares, statuts and ordains that quhat-
soever person or persons, ather in judgement or outwith the same,
speekes or utters be word or writt anie scandalous or reproachfull
speeches aganis anie of his Majesteis Privie Counsell or gives information
aganis thame or makes scandalous reports tending to thair discredite,
that suche persons sall be bound to prove the saids speeches, reports and
informations to be trew, or ellis sall be subject and lyable to the like or
equivalent censure and punishment, as the said counsellor would be if
the same wer provin aganis him; and ordains publication to be made
heirof be a maissar of Counsell wherethrow nane pretend ignorance of
the same."

Proclamation
against per-
sons who may
be found
guilty of
calumniating
Privy Coun-
cillors.

Decreta,
April 1635-
February
639.
p. 367.

[Sederunt as recorded above.]

Edinburgh,
27th July
1637.

Complaint by Margaret Miller in Strangergill and Alexander Innes of
Borrowstoun, her spouse, for his interest, as follows:—She is infest in
liferent in certain lands in Strangergill, and with her said husband has
enjoyed long and uninterrupted possession thereof, until lately that
Hew Keith in Strangergill, "her unnaturall and undewtifull sone," has
taken upon him violently and illegally to put her out of her lands. In
October last he came to the complainers while they were tilling the said
lands, and, "with ane drawin sword, persewed the poore men who wer
at the pleuche of thair lyves, cutted the haille pleuche graith and drave
away the oxin aff the ground of the saids lands." Again, on 15th
February, he came to the complainers' servants as they "wer leading
thair fewell, persewed the poore men of thair lyves, gave them a number
of bauche, blaë and bloodie straiques on diverse parts of thair bodeis to
the effusion of thair blood; and then he cutted the creills and creill
graith aff the horse backes, and with great kents strake and chaist the
poore men and horses aff the saids lands." The pursuers compearing
by George Stewart, servitor to Walter Hay, advocate, their procurator,
but the defender not compearing, the Lords ordain the latter to be put
to the horn and escheated.

Complaint by
Margaret
Miller in
Strangergill
and Alexander
Innes of
Borrowstoun,
her spouse,
against their
son for seeking
to dispossess
the said
Margaret of
her lands in
Strangergill,
and of assault
on their
servants.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and Sir
Alexander Abircrombie of Birkinboig, knight baronet, as follows:—

Complaint by
Sir Alexander
Abercromby

of Birkenbog
against Harry
Gordon of
Glassauche for
convocation of
the lieges,
carrying of
prohibited
weapons, and
invading the
complainer's
lands.

Although the carrying of hagbuts and pistols and convocation of the lieges in arms has been often prohibited by law, yet on June last, ^{Decreta. April 1635-February 1636. P. 368.} being Sunday, when the said Sir Alexander was in the burgh of Edinburgh "doing his lawfull affaires, Harie Gordon of Glassauche, out of some preconceived malice in his heart aganis him, resolved to take occasion of his absence frome his awne affaires and to putt some effront upon him. And for this effect he convocat togidder the persons following:—Patrik Gordon of Badinscoth, Patrik Sinclair there, James Crawford in Langland Walls, Robert Meldrum at the Milne of Rothey, George Rait of Folly, Robert Thomesone in Bankhill, Harie Gordon, sone to the said Harie, James Gordon, his servitour, Walter Ogilvie in Forstan, Walter and Alexander Ogilveis, his sonnes, George Duffus in Forstan, Johne Shiphird there, George Bonytoun there, James Steinsoun there, James Muresone in Blairmadie, James Milne there, Andro Bagray there, Gilbert Barlat there, Andro Ellem and William Cobin there, Thomas Muresone there, Thomas Andersone there, Thomas Godsman, with diverse others their complices, boddin in feare [of warre], with swords, stalves, hacquebuts and pistolets, and in a tumultuous and unseemlie maner came to the said Sir Alexander his proper mosses quhair his peitts wer cassin for his winter provision and quhair of he and his authors hes beene in peaceable possession past memorie of man, and there filled a number of creills and sleds quhilks they brought with thame, caried the same throw his cornes and grasse quhair there wes never ane passage of before, and hes altogidder destroyed the same; and last came bragging and boasting by the compleaners yett of Achip, making provocation to his servants to enter in squabbling with thame." And they daily carry these prohibited weapons. Charge having been given to these persons above named, and his Majesty's Advocate compearing personally, and ^{p. 369.} Sir Alexander Abercrombie by Mr Thomas Nicolson, younger, advocate, his procurator, as pursuers, and the said Harie Gordon compearing for himself and the remanent defenders, the Lords, after hearing parties and their witnesses, find that there was a convocation of the lieges at the time libelled, and that they had hagbuts in their company, also that the said Harie and three of his sons were there present and acted in the unlawful and unseemly manner stated in the leading of the peats; for which insolence they ordain the said Harie to compear before them on 23rd August next and underlie their censure herein, and also before that date to enter his said three sons in ward within the tolbooth of Edinburgh.

Date of next
meeting of
Council.

"The Lords appoints the nixt Counsell day to be upon the 23 of August nixt."

Sederunts,
January 1635-
November
1643.
Fol. 50, b.

Edinburgh,
28th July
1637.

Sederunt:—Chancellor; Treasurer; Glasgow; Privy Seal; Winton; Wigtoun; Kingorne; Dumfreis; Lord Lorne; Lord Alexander; Bishop of Edinburgh; Bishop of Gallouay; Bishop of Aberdene; Bishop of Murrey; Bishop of Ros; Bishop of Brechin; Lord

Acta, May
1636-Novem-
ber 1639.
Fol. 220, b.

Acta, May
1638–November
1639.
Fol. 220, b.

Desford; Lord Naper; Clerk Register; Justice General;
Deputy Treasurer.

"The Lords of Secreit Counsell having heard the provest and bailleis of Edinburgh tuicheing the proposition made be thame and course takin conforme thereto for a peaceable exercise of the service booke and securitie of the persons imployed or who sall be present and assist at the practise thair of, the Lords ordains the provest and bailleis to advise amongs thameselfes anent ane obligatorie act to be givin be the toun for the reall performance of what they sall undertake in the bussines abonementiouned; and allowes thame to publishe by towcke of drwm the orders to be established be thame for keeping of thair toun in peace and quyetnes and preventing of all trouble and commotioun within the same."

Anent an
obligatory
Act by the
magistrates of
Edinburgh for
the peaceable
reading of the
Service-book.
See ante, p. 486.

Fol. 221, a.

"The Lords of Secreit Counsell, understanding that Johne Crawford of Kilbirnie and Malcolme Crawford of Cartisburne hes tane and apprehended Robert Reid in , Elspitt Speir, his spous, and Robert Campbell in Cochrane with some counterfoote moneyes, als weill of his Majesteis awne coyne as of forrane, and with some clippings of moneyes, and hes thame presentlie in thair custodie and keeping, thairfor the saids Lords ordains letters to be direct charging the saids Johne and Malcolme Craufurds to deliver the saids three persons to the provest and bailleis of Glasgow within 12 houres after the charge; and to charge the saids bailleis to receive the saids three persons within ane heure after the charge and to transport thame to the bailleis of Faw Kirk within 12 houres thereafter; and to charge the saids bailleis to receive the saids three persons within ane heure after the charge and to transport thame to the bailleis of Linlithgow within 12 houres thereafter; and to charge the saids bailleis of Linlithgow to receive the saids three persons and to transport thame to the provest and bailleis of Edinburgh within 12 houres thereafter, to be entered be thame within thair tolbuith within ane heure after they be charged, under the pane of rebellion and putting of thame to the horne, and, if they faillie therein, the times respective foresaids being bypast, to denunce, etc."

Charge for the
conveyance
from Glasgow
to Edinburgh
of three
persons
accused of
coining false
money.

"Forsamekle as the Lords of Secreit Counsell ar certanelie informed that Johne Crawford of Kilbirnie and Malcome Crawford of Cartisburne have tane and apprehended Robert Reid in , Elspitt Speir, his spous, and Robert Campbell in Cochrane, who ar guiltie of false coyne, forging, printing and melting of the same als weill in his Majesteis awne stampe as in the stampe of forrane princes, togidder with some of the said false coyne and clippings of moneyes, the saids Lords finds and declares that the saids John and Malcome Craufurds have done good and acceptable service heerin to his Majestie and the countrie, and thairfor they have allowed and be the tennor heirof allowes and approves of the same, and declares that they will be mynde full thair of as the occasion of thair affaires sall require."

Act in
favour of
John Crawford
of Kilbirnie
and Malcolm
Crawford of
Cartisburne
for the
apprehension
of the three
persons above
noted.

Edinburgh,
29th July
1637.

Sederunt :—In the Chancellor's lodging :—Chancellor ; Treasurer ; Acta, May 1636-November 1639, Fol. 221, a.
Privy Seal ; Glasgow ; Wintoun ; Kingorne ; Lord Alexander ;
Bishop of Gallouay ; Bishop of Aberdene ; Bishop of Brechin ;
Lord Deskford ; Clerk Register ; Justice General ; Blakhall.

Opinion of the
Archbishop
of St. Andrews
and the other
bishops that
the use of both
the old and
the new
Service-books
be discontinued
till his
Majesty has
signified his
pleasure
regarding the
authors of the
late tumult in
St. Giles'
Church.

"The whilk day the Archbishop of St^t Andrewes, Lord High Chancellor of this kingdome, for himselfe and in name of the remanent bishops reported to the Counsell that in regard of the late trouble and insurrection raised upon Sunday last for opposing the service booke and upon new emergent occasions and considerable respects, it wes thought fitt and expedient be thame that there sould be a surceasse of the service booke till his Majestie sould signifie his pleasure tuicheing the redresse and punishment of the authors and actors of that disorderlie tumult, and that a course be sett down for the peaceable exercise thairof to the glorie of God, his Majesteis honnour and the good of this citie. And in the meanetime to the effect his Majesteis good and loyall subjects be not defrauded of the comfort of the word, the saids bishops had appointed and givin order that in the whole churches of this citie sermon sall be made at the accustomed times by regular and obedient ministers, and that a prayer sall be made before and after sermon, and that nather the old service nor the new established service be used in this interim. Whiche report and conclusion takin be the saids bishops being heard be the Counsell they remitted to thame to doe therein according to the power incumbent unto thame in the dewtie of thair offices."

Holyrood
House, 1st
August 1637.

Sederunt :—Treasurer ; Privy Seal ; Kingorne ; Hadinton ; Tullibardin ; Annandaill ; Southesk ; Lord Lorne ; Lord Alexander ; Bishop of Edinburgh ; Bishop of Brechin ; Lord Naper ; Master of Elphinston ; Clerk Register ; Justice General ; Deputy Treasurer ; Advocate ; Justice Clerk ; Sir Robert Gordoun ; Blakhall.

Proclamation
forbidding the
promiscuous
resort of
persons to
Dumbar
herring drive
in precaution
against the
spread of the
plague.

"Forsamekle as the time of the herring drave at Dumbar now approaches, quhereunto great numbers of his Majesteis subjects doe yeerelie resort frome all parts, and whereas it is likelie that some of the necessitous and poore people within the bounds of the shirefdomes of Roxburgh and Selkirk, where the sickenes of the pest is, who ar for the present under restraint, will transgresse the bounds of thair said restraint and resort to the said herring drave to the endangering of the countrie, thairfoir the Lords of Secreit Counsell ordains letters to be direct to command and charge the justices of peace of the shirefdome of Hadinton, the provest and bailleis of Dumbar and George Aitkene of Underedge, admirall depute of these bounds, to have a speciall care that no person comming to the herring drave frome suspect places be admitted or have accesse thereto nor receaved within the toun of Dumbar nor others parts where the fishing is but suche as have testimonials of the

Acta, May
1636-Novem-
ber 1639.
Fol. 221, b.

unsuspect estat of the places they come fra, and that under the hand and subscription of anie of the commissioners appointed by the Counsell for ordering of these places in the South that ar presentlie visited with the contagion of the plague, or under the hand of the shireff of the shire or anie of the justices of peace within the bounds where they dwell; with power for this effect to the saids justices of peace, George Aitkine and provest and bailleis of Dumbar and others persons appointed for ordering these fishings, to conveene and meit with all convenient diligence and to sett down and establishe suche acts and ordinances as they sall thinke conduceable for restraining the promiscuous resort of people frome suspect places, and debarring the numerous concourse of ydle beggers, and that nane be suffered to remaine within the said toun of Dumbar nor places where the fishings ar but suche and so manie as sall be found requisite for that service and that they be knowne to dwell in neighbouring touns cleere and free of all infectioun."

Fol. 222, a.

"Forsamekle as William Elie, baillie of Jedburgh, being charged to have compeired before the commissioners of the Middleshires appointed be his Majesteis Counsell for ordering the bounds suspect of the infection of the plague, and he compeirand and his excuse anent the points layed to his charge being heard and considderit, he wes not onelie unlawed in a certane fyne and unlaw, but wes ordained to enter his person in waird within the tolbuith of Jedburgh therein to have remained upon his awne expenses till his Majesteis Counsell had tane farther order with him for his said dissobedience, quhilk ordinance he hes lykewayes most prouddie contemned and dissobeyed, and he hes thereby givin verie ill exmple to others to fall in the like contempt and dissobedience if this be suffered to pas over unpunished; thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the said William Elie to pas and enter his person in waird within the tolbuith of Jedburgh, therein to remane upon his awne expenses ay and whill the saids Lords take farther order with him anent his contemptuous dissobedience foresaid, within six dayes after the charge, under the pane of rebellion, etc., and, if he faillie, to denunce, etc., and, he being denounced, to command and charge the provest and bailleis of Jedburgh to see this act and ordinance putt in execution and accordingly that they take and apprehend the said William Elie and committ and deteane him in waird in maner foresaid, as they and ilke ane of thame will answer to his Majestie and the saids Lords on the contrære at thair highest perrell to be punished most exemplarlie to the terrour of others."

"The whilk day the missive letter underwritin, signed be the King's Majestie and direct to the Lords of Privie Counsell, wes presented to the saids Lords and read in thair audience, of the quhilk the tennor followes:—CHARLES R.—Right reverend father in God, right trustie and weilbelovit cousines and counsellers, right trustie and trustie and weilbelovit counsellers, we greit yow weill. Whereas our right trustie and

Charge to William Elie, baillie of Jedburgh, who has neglected his duty with respect to the plague, and has failed to present himself before the Council, to enter himself in ward in the Tolbooth of Edinburgh.

Letter from his Majesty enjoining that certain persons accused of injuring the royal forest of Glenalmond be brought to trial and that

commissioners
be appointed
for determin-
ing the bounds
of the said
forest.

weilbelovit cousine and counseller, the Earle of Tullibardin, our keeper of the forrest of Glenalmond, hes informed us that some persons doe ordinarilie haunt in all parts thair of, killing our deir and wilde foule, and that they threw down a little hous therein and in a barbarous maner did cutt the timber thair of, having withall wounded ane under keeper for executing his charge, our pleasure is that, calling the delinquents before yow and finding the abuses to be as is affirmed, yow caus thame to be exemplarlie punished, in so far as sall be found agreable to justice and our lawes that others be terrified frome attempting the like heerafter. And whereas we ar likewayes informed that now of late the said forrest is muche incroached upon by some nighbouring persons pretending right therein, to the end the merches may be so cleerelie distinguished and thair rights knowne that heerafter nather we nor anie our good subjects justlie interested be prejudged, our further pleasure is that yow appoint suche of your number as yow sall thinke fitt (our Tresaurer, or, in caise our affaires will not permitt, our deputie Tresaurer being one) to survey the bounds of that forrest and to try the interest and right pretendit be anie persons to anie part thair of, and that they call before thame suche persons as have receaved money for thair interest and possession therein to give evidence of the trew merches, and that the saids commissioners perfytelie distinguishe the same and take suche order as sall be requisite for keeping thair of heerafter or frome being anie wayes encroached upon; and, where yow and they sall find anie unjust intrusion made upon that forrest, command our Advocat in our name (in case of the parteis unwillingnes to relinquishe it) to insist aganis thame be law for reduceing thair pretended rights in so farre as can lawfullie be done, otherwayes advertise us of your opinions tuicheing the same that we may give suche further order therein as we sall find caus. And to the effect the saids commissioners may in the meane time the more warrantable proceed in this service, we will yow to give thame suche further power as sall be found requisite, whiche we will authorize (if neid be) in suche maner as yow sall thinke fitt to prescribe. So recommending this to your care, we bid yow farewell. From our mannour at Greenewiche, 28 June, 1637. Quhilk missive being considerit be the saids Lords, they ordaine the same to be delivered to the Laird of Lawers, partie heerin concerned, to the effect he may give in his answers thereto. Lykeas the said Laird of Lawers, being personallie present, receaved the said missive and promeist to give in his answers thereto in the afternoone."

Acta, May
1636-Novem-
ber 1639.
Fol. 222, b.

Edinburgh,
1st August
1637.

Complaint by
James, Duke
of Lennox,
heritable
bailie of the
regality of
Glasgow,

[Sederunt as recorded above.]

Complaint by James, Duke of Lennox, heritable bailie of the regality of Glasgow, as follows:—He is heritably infeft in the said bailiary, and his predecessors and their deputes have ever heretofore exercised sole jurisdiction over all persons within the said regality in all matters pertain-

Decreta,
April 1635-
February 1639.
P. 369.

Decreta,
April 1635-
February 1639.
P. 370.

ing to their charge and office. But lately Walter Douglas, burges of Glasgow, pretended bailie to Robert, Lord Belheaven, of the barony of Gorbals, which lies within the said regality, has upon 30th June last, at his own hand, without any warrant or authority from the said Duke, fenced and held a justice court, arraigned before him a thief, whom he imprisoned and put in the stocks, finally executing justice upon him. He has thereby encroached upon the office and jurisdiction of the said Duke. The pursuer compearing by Sir Walter Stewart of Minto and Mr Robert Bruce, advocate, his procurators, and the defender appearing by Mr Robert Douglas of Blaikester and Mr Alexander Burnet, advocate, the Lords, after hearing parties, continue the case until the first Council day of November, and discharge the defenders meanwhile "to exerce anie priviledge competent to thame whiche may be extended to the pane and punishment of death."

Complaint by Hew Livingston in Newbigging, as follows :—"He is verie heavilie opprest be M^r George Dowglas of Penzerie, who does what in him lyes to force the compleanner to quite his lands in Newbigging, quhilks he and his predecessors hes possesst these twa hundreth yeeres and abone. And for this effect he came with diverse his servants to Frok mosse upon the day of , 1636, where the compleanner had wunne ten darg of peitts and turffes to be winter provision and fuilyie for his lands, as his predecessors had beene in use to doe past memorie of man, and there caused cast a great part of the peitts in the peitt myre and raised fyre among the turffes and consumed thame to ashes. Lykeas upon the day of , 1637, the said M^r George and his servants came to the said mosse quhair the compleanner had winne the like quantitie of peitts and turffes, medled with the peitts and caried thame away, raised fyre among the turffes and brunt thame, and strake and woundit the compleanners servants when they preast to carie some of the turffes away." The complainer is thus not only deprived of his winter fuel, but his lands are laid waste for want of fuilzie. Both pursuer and defender compearing, and they and certain witnesses having been heard, the Lords assoilzie the defender, as the witnesses proved nothing against him; and they modify to every witness, if a horseman, four merks and, if a footman, 40s. to be paid to them by the pursuer.

Complaint by Marjory Hay, widow of Alexander Dumbar, sheriff clerk of Narne, and Mr John and Alexander Dumbar, her sons, Beatrix, Magdalene and Helen Dumbar, her daughters, and David Hay of Leichlie for his interest, as follows:—John Campbell, fiar of Calder, heritable sheriff principal of Narne, for himself and in behalf of Colin Campbell, his brother and depute, alleging that the said Alexander Dumbar meddled with certain sums of money of his Majesty's taxations, whereof he made no payment in his lifetime, procured a warrant from their Lordships to take and meddle with all the goods, gear, books and writs which belonged to the said Alexander or to the supplicants or

against Walter Douglas for infringing the complainer's rights over the said regality.

Complaint by Hew Livingston in Newbigging against Mr George Douglas of Penzerie for preventing the complainer from collecting his peats.

Complaint by Marjory Hay, her family, and David Hay of Leichlie against John Campbell, fiar of Calder, heritable sheriff principal of Nairn, for illegally meddling with the goods and writs of the complainers.

which were in his or their possession, and to arreist all debts due to him or them to be forthcoming to the collector of the taxation. This warrant has been given effect to and affects the said David Hay in respect of the yearly duties of his lands of Leichlie, in which the said Alexander was his tenant. Hereby the supplicants are greatly prejudiced, as they shall make appear. Charge having been given to the said John Campbell, and the pursuers compearing by Alexander Hay, resident in Leith, their procurator, and the defender compearing personally, the Lords, after hearing parties, sustains the commission foresaid and ordain it to stand in full force, and also for selling and disposing upon the said goods for payment of the said balance of taxations, because the supplicants refused to find caution for payment of what was due by the said Alexander of his Majesty's taxations.

Decreta,
April 1635
February
1639.
P. 371.

Complaint by
Alexander
Stewart of
Whitemyre
and his spouse
against Sir
Robert Innes
of Balvenie
and others for
contempt of
horning.

Complaint by Alexander Stewart of Quhytmyre and Elspet Falcouner, his spouse, as follows:—On 16th and 21st December and 17th May last Sir Robert Innes of Balvenie, as principal, and Robert Cuming of Alter and Archibald Innes of Haltoun, as cautioners for him, were put to the horn at the complainers' instance for non-payment of a debt of 4400 merks, £1000 of expenses, and the interest due thereupon; and they contemptuously abide at the process of the horn. The pursuers appearing by Alexander Don, their procurator, but the defenders not compearing, the Lords ordain the latter to be charged to render their houses, and enter themselves in ward within the castle of Blacknes within fifteen days, under pain of treason. But the Lords reserve to James Sutherland, Tutor of Duffus (who appeared by James Gibson, advocate, and produced a sasine of the barony of Balvenie given to him), whatever right and possession of the said Laird of Balvenie's house he may have as accords of the law.

P. 373.

Complaint by
John Scot,
shoemaker in
Leith, against
William
Sinclair, baron-
bailie of
Broughton,
for releasing
from ward
Janet Scot,
who is
accused of the
slaughter of
the com-
plainer's
daughter,
and was
warded at his
instance.

Complaint by John Scot, shoemaker in Leith, for himself and the remanent kin and friends of the deceased Margaret Scot, his daughter, as follows:—Janet Scot, spouse to David Patersone, mariner in Leith, being at the horn for not finding caution to underlie the law for the cruel slaughter of the complainer's said daughter, he raised letters of caption thereupon and caused apprehend the said Janet and put her in ward in the tolbooth of the north side of the Bridge of Leith until her trial. Yet William Sinclair, baron-bailie of Broughton, against the duty of his office, dismissed the said Janet out of the said ward to the complainer's "heavie greefe and displeasure" and slighting of his Majesty's laws. Charge having been given to the said baron-bailie to compear and produce the said Janet before their Lordships, and the pursuer compearing personally, and the baron-bailie also appearing and declaring that he had taken sufficient caution to make the said Janet forthcoming to her trial, the Lords, after advising, ordain and command the said baron-bailie to administer justice at the pursuer's instance against the said Janet according to law.

Decreta,
April 1635-
February
1639.
P. 374.

Complaint by Thomas Johnstoun in the Cannogait, as follows :—

July last, while he was taking his night's rest in his bed in his own house, Patrick Pitcarne and Robert Henrie, with a number of other persons, and Mr James Wilkie and James Simson, bailies, "came in a most furious maner to his hous, entered within the same, patt violent hands in his person, drugged [*sic*] and drew him out of his naiked bed, harled him throw the hous, and, without any lawfull warrant, apprehended his person and committed him to waird within the tolbuith of the Cannogait," where they have unlawfully kept him for the past days and refuse to set him to liberty. Charge having been given to these persons complained upon, and the pursuer compearing, being produced by the bailies of the Cannogait, the said bailies alleged that he was lawfully apprehended in virtue of a decreet recovered against him before them on 16th March last for the contravention of his bond and obligation given at divers time, in that being an unfreeman he was bound not to work within their liberties. The Lords, after hearing parties and advising, decern the said bailies to put the pursuer to liberty upon his finding caution in their Lordships' books in 1000 merks for the indemnity of the tailors of the Cannogait, their wives, bairns, men, tenants and servants, and not to work within their said liberties.

Complaint by
Thomas John-
stone in the
Canongate
against Mr
James Wilkie
and James
Simson,
bailies, for
violently
dragging him
from his bed
and illegally
warding him.

Anent the term assigned to Mr John Strauchane of Muretoun to have exhibited Patrick Strauchane, messenger, and to Francis Bishop, burgess of Innernes, to have exhibited George McConnochie, his servant, before their Lordships, to be examined about his Majesty's money that was stolen from the said Mr John out of the house of the said Francis, the said Mr John Strauchane compeared and declared that he could not exhibit the said Patrick because he was a prisoner in the tolbooth of Innernes; but the said Francis Bishop, appearing by James Gibson, advocate, produced the said George McConnochie. Parties having been heard, the Lords, after advising, continue the commission granted to the provost and minister at Innernes for trying the persons guilty of the theft of the said money until 7th November next, ordaining them to go on therein, and also to try the said George McConnochie upon such questions and probation as should be furnished to them be the said Mr John Strauchane, and to report the results of their investigations sealed and closed to their Lordships upon 7th November next. And to the end that Mr John may then exhibit the said Patrick Strauchane, the Lords ordain the provost and bailies of Innernes to put him to liberty upon his finding caution to satisfy the cause for which he has been warded.

Anent Patrick
Strachan,
messenger,
and George
McConnochie,
who are
accused of
stealing money
pertaining to
his Majesty.
See ante, p. 473.

Complaint by David Maxwell, litster in Dumfermeline, as follows :—
On July last James Reid, provost of Dumfermeline, apprehended the complainer and unlawfully warded him within the tolbooth of Dumfermeline, where he still remains. Charge having been given to the said James Reid to compear and produce the pursuer, and both parties compearing, the defender produced an act and rolment of the court of the

Complaint by
David
Maxwell, dyer
in Dunfer-
meline, against
James Reid,
provost of
Dumfermline,
for illegal
warding.

burgh of Dumfermeline, and an act of warding thereupon which showed that the pursuer was warded on 24th July last for non-payment to John Clerk, treasurer of the said burgh, of £4 as the interest of £100 due by bond by John Meiklejohn, as principal, and the said David Maxwell, as cautioner. The Lords, after hearing parties, find that the pursuer "was worthelie and orderlie committed to waird and that he hes committed a verie great wrong in his malicious and causlesse summonding of the provest and withdrawing him from his charge to come over to this burgh at this time"; and they ordain the pursuer to enter himself in ward within the tolbooth of Dumfermeline before 6th August next and there remain until he craves pardon of the provost for his fault. In case of the pursuer's contumacy the Lords ordain the bailies of Dumfermeline to enforce this act.

Decreta,
April 1635-
February 1636.
P. 375.

P. 376.

Complaint by
Mr William
Justice,
minister at
Gargunnoch,
against John
Lokhart in
Boquhan for
assault on the
complainer and
others, for
contempt of
the kirk-
session, and
defiance of the
law.

Complaint by Mr William Justice, minister at Gargunnoch, and one of the justices of peace of the sheriffdom of Stirlin, as follows:—In August, 1633, James Lokhart, son of John Lokhart in Boquhan, "filthilie abused ane young damosell preassing to force her," and for this he was ordained by the complainer and his session to make his repentance, but proudly contemned them. "Thereafter, upon this occasion, he persewed his awne sister of her life with a tree and grevouslie troubled his father and mother, so as they wer forced to leave thair hous and dwell sax myles therefra and give him foure hundreth merks to be quite of him and free of his trouble." He gave them a bond to this effect, but did not keep it. For this he was cited to appear before the kirk session by Andrew Chalmers, the complainer's reader, and "came upon the 29 of May, 1635, being the preparation day before the communion, a little before the sermon to the said Andrew his hous with a forke, and first strake him at his awne doore on the face with his falded neiff, thereafter drew a durke wherewith he intended to have killed him." When he was summoned for this riot before the sheriff of Stirlin and the justices of peace there at several diets, he absented himself disdainfully. For these wrongs, and for wounding of two servants of the Laird of Howstoun and Bonhard, direction was given to the complainer to apprehend him, who thereupon made search for him along with two constables, Andrew Crawford and Andrew Chalmers. But he then sought out the said Andrew Crawford in his house, "and threatned to caus the best of thame lose thair lyves if they tooke him. Lykeas the Laird of Boquhen, his maister, and diverse others gentlemen, haveing dealt with him to give obedience to the justices of peace, he not onelie prouddie refused, but also when his said maister preast to apprehend him, he drew a durke threatning to sticke whosoever sould adventure on him." On being informed of this the Chancellor wrote a letter to the Earl of Mar, as sheriff of Stirlin, to take order with the said James, and the Earl directed William Rannald and James Winzet, his officers, to go with the complainer and make search for the said James and make him answerable to the law. In October, 1636, they found him

secreta,
April 1635-
February 1639.
376.

377.

at a market in Kippen, but, as soon as he "perceaved the compleanner beaken upon him with his hand, he drew his sword and came fiercelie running throw the preasse of the people toward the compleanner, but wes stayed in the way and putt to the ground be Alexander Cuninghame, fear of Boquhen, who tooke his sword from him; and when the said James Winzet came to seeke him he pulled furth his durke and gave him a dangerous wound on the thigh, and wes releevd by his brother, who patt another sword in his hand. Quhereupon his father and brother being acted not to ressett him, he notwithstanding came in November last with a broad sword, a durke and sword stalffe to his father, and becaus he desired the said James to goe furth he strake him with his durke and cutted a plaid quhilk he had about his arme for his defence more then ane elne long. And now latelie, upon the saxt of July, upon a citation he compeired before the kirk sessioun, and when the violatioun of diverse acts of sessioun wer objected to him, he proudlie ansuwerd he never purposed to keepe anie of these acts nor would not submitt himselfe to thair censure, and went furth and awaited till the compleanner came out of the kirk, shamefullie railed upon him, bade him cast aff his gowne and he sould have fighting his fill, vowing if he had not beene a minister and they wer all hanged he sould have amends of him. And when he wes gone he declared to Thomas Bruce of Wodside that he repented he had not sticked the minister." Charge having been given to the said James Lokhart, and the pursuer compearing personally, but not the defender, the Lords, after hearing the witnesses produced in the case, find "that the said James Lokhart hurt the shireff officer, persewed and railed upon the minister," and has thereby committed a very great insolence, for which they ordain him to be charged to enter himself in ward within the tolbooth of Edinburgh and there remain until further order be taken with him, and that within six days upon pain of horning.

P. 378.

Complaint by Elspet Stewart, widow of John Stewart of Drumquhen, and Stewart, his son, as follows:—Their Lordships ordained Sir William Forbes of Cragyvar to pay to the said deceased John Stewart the 2000 merks which their Lordships had delivered to the said Sir William to give to the said John Stewart for his services against the Clan Gregour, and after long delay he received from Sir William the half of this sum with a bond, in which Robert Forbes, his brother, was cautioner, for payment of the other half at Martinmas last. That bond was in the said John's possession "at the late unhappie murder committed upon him be the Clangregour in his Majesties service and wes tane frome him be thame." The complainers have dealt with the said Sir Williame "to make payment to thame of this soume quhilk her husband had so deir coft," but he only shifts and delays them. The pursuer compearing personally, and the defender by Mr Alexander Johnstoun, his procurator, the latter produced before their Lordships the said sum of 1000 merks, with 40 merks as the interest thereof since

Complaint by
Elspeth
Stewart,
widow of John
Stewart of
Drumquhen,
against Sir
William
Forbes of
Craigievar for
non-payment
of a sum of
money due to
the said John
Stewart.

Martinmas last, and delivered both to the pursuer instantly at the bar. The Lords thereupon exoner the said Laird of Cragievar and of his bond given for payment thereof.

Decreta,
April 1635-
February 1636.
P. 378.

Supplication
by James
Dunbar of
Boigs to be
relieved from
the sheriffship
of Elgin on
account of his
advanced age.

Supplication by James Dunbar of Boigs, as follows:—For the last four years their Lordships have appointed him sheriff of Elgine, which is “a charge unsupportable for him in regard of his age, being past three score ten yeeres, and of the great losse and charges that he hes susteanned in transporting prisouners and uplifting his Majesteis annuiteis and other services of that kynde, quhairby he is greatly hurt and damnified.” He craves therefore that he may be relieved of that charge. The Lords accede to his request and relieve him thereof after Michaelmas next, provided that the heritable sheriff of Murray, being charged to accept the office and go on in the service, shall do so.

Holyrood
House, 1st
August 1637.

Anent the
plague in the
south parts of
the kingdom.

“A missive to the commissioners appointed for governing the South parts suspect of the plague to renew thair former proclamatiouns in regard of the herring drove.”

Sederunta,
January 1635-
November
1643.
Fol. 51, a.

Holyrood
House, 1st
August 1637.

Eodem die post meridiem: Sederunt:—Ut supra, togidder with Perth; Dumfreis; and Bishop of Galloway.

Acta, May
1636-Novem-
ber 1639.
Fol. 223, a.

Answers of
Mungo
Campbell,
fiar of Lawers,
to his
Majesty's
missive anent
the Forest of
Glenalmond.

“The whilk day Mungo Campbell, fear of Lawers, compeirand personallie before the Lords of Privie Counsell, reproduced his Majesteis missive anent the forrest of Glenalmond with his answers thereto, of the quhilk the tennor followes:—May it please your Lordships,—Whereas it appeares by his Majesteis letter to your Lordships that his Majestie hes been informed be the Earle of Tullibardin that there ar some who slayes vennisoun and wilde foule within the bounds of Glenalmond and that latelie they have throwin doun ane little hous and woundit ane of the under keepers—for answer, when the Erle sall be pleased to condescend on the persons and persew thame legallie there is no doubt but they will compeir before your Lordships and abide your Lordships censure for thair proceedings; and for wrongs and injureis they have susteanned be the Erle and his servaunts they sall lykewise in a legall maner crave justice of your Lordships.”

“And whereas his Majestie commands ane commission to be grantit to some of your Lordships number (the Tresaurer being alwayes one) for making merches with these lands that ar his Majesteis propertie, to the effect that nane of his Majesteis good subjects may be anie wayes prejudged thereby—for answer, we have als great caus to thanke God that we live under so gracious and just a soverane, who wills nothing but that is most just and equitable. It is thairfoir humbelie craved of your Lordships that, according to his Majesteis command, the commission for surveying the merches may be exped and all parteis having interesse may be lawfullie warned to attend the commissioners.”

“Where it is desired that parteis produce thair rights and securiteis of thair lands—for answer, this hes beene alreadie done, and suche as had

Acta, May
636-Novem-
ber 1639.
Fol. 223, a.

not sufficient rights they wer satisfied for thair kyndelie possessions and suche as had undoubted rights wer ordained to bruike thair possessions, as the Lords decreit will testifie. Yitt notwithstanding, when ever it sall please the Lord Tresaurer, the Lairds of Glenurquhie and Lawers sall be most readie and willing without ane processe of law to produce thair writts and securiteis to his lordship."

Fol. 223, b.

" And as for the heavie prejudice a great part of the countrie susteanes by the Earle of Tullibardin his invention moving his Majestie to have a forrest there merelie for his lordships awne profite and pleasure, it is humbelie craved that your Lordships will receive a petition frome some of the parteis greeved, and that your Lordships may be lykewayes pleased to recommend the same to his Majesteis gracious consideratioun. Whiche answers being heard and considerit be the saids Lords, they ordained letters to be direct aganis the killers of deir, casters down of the hous and wondrous of the under keeper, and past and exped ane commission of the tennor following."

" Forsamekle as the King's Majestie hes beene informed that the forrest of Glenalmond hes beene muche encroached upon be some nighbouring persons pretending right therein, to the end the merches may be so cleerelie distinguished and the parteis rights knowne that heerafter nather his Majestie nor anie of his subjects justlie interested be prejudged, the Lords of Secreit Counsell, according to his Majesteis direction and warrant in writt, hes givin and grantit and be the tennor heirof gives and grants full power and commission be thir presents to Johne, Earle of Perth, Johne, Earle of Wigton, Archibald, Lord Lorne, Sir Johne Hamiltoun of Orbestoun, Justice Clerk, and Archibald Stewart of Blakhall, or anie twa of thame, to conveene and concurre with Johne, Earle of Traquair, Lord High Tresaurer of this kingdome, and, in caise of his absence, to conveene and meit with Sir James Carmichell, Deputie Tresaurer, to survey the bounds of the said forrest and to try the interest and right pretendit by anie persons to anie part thair of, and to call before thame suche persons as have received money for thair interest and possession therein to give evidence of the trew merches, and perfectlie to distinguishe the saids merches, and to take suche order as sall be requisite for keeping thair of heerafter frome being anie wayes eucroached upon; as lykewayes to take tryell what way it hes beene kept in time by gane. For quhilk purpose the saids Lords ordains letters to be direct charging all and sindrie persons pretending right and interesse to anie part of the said forrest to compeir personallie before the saids commissioners upon the sevintene day of August instant upon the ground of the saids lands of Glenalmond, and upon suche others dayes and places as sall be appointed be thame to heare and see thair right and interesse pretendit to anie part of the said forrest tryed and cognosced to the effect that, if the saids commissioners find anie unjust intrusion made upon the said forrest and that the parteis ar unwilling to relinquishe it, that command may be givin to his Majesteis Advocate to

Appointment
of a commis-
sion to enquire
into the
bounds of the
Forest of
Glenalmond.

insist aganis thame be law for reducing thair pretendit rights in so far as lawfullie can be done, or otherwayes that his Majestie may be advertised of the saids commissioners thair opinions concerning the same and give farther order therein as his Majestie sall find caus; and that they compeir and produce with thame thair rights to the effect foresaid under the pane of rebellion, etc., or ellie to shaw a reasonable caus in the contrare, with certificatioun, etc.; and siclyke to charge all suche persons as have receaved money for thair interest and possession in the said forrest, and all suche persons as can give light and evidence in the mater abone-writtin, to compeir before the saids commissioners at the dayes and places foresaids to depone what they know or sall be speirit at thame in the said mater, under the said pane of rebellion, etc., with certificatioun, etc."

Acta, May
1636-Novem-
ber 1639.
Fol. 223, b.

Fol. 224, a.

Report of the
Lord High
Treasurer and
David, Earl of
Southesk,
anent the
dispute
between the
widow of the
Laird of
Pitsligo and
her son, on
the one part,
and Alexander
Forbes of
Boynlie, tutor
to the said
minor, on the
other.

"The whilk day Johne, Earle of Traquair, Lord High Tresaurer of this kingdome, and David, Earle of Southesk, compeirand personallie before the Lords of Privie Counsell, reported unto thame that, according to the trust and power committed be the saids Lords to thame for accomodating the differences betuix the relict and minor of Pitsligo and Alexander Forbes of Boynlie, tutor to the said minor, they had mett with the parteis, and after conference and reasoning that it wes compromitted and agreed betuix thame that a perfyte and trew inventar of the writts and evidents of Pitsligo sall be delivered to the Ladie Pitsligo or to ane trustie freind under the subscription of the said Alexander Forbes of Boynlie, and that action sall be moved before the judge ordinar and decreit recovered aganis the said tutor for sustentation of the pupill and for the maintenance to be allowed for that effect; and tuicheing the maynes of Pitsligo that the tutor sall use his best care and diligence to gett good and responsall tennents and who sall offer most advantageous condition for the saids lands, and the Ladie Pitsligo sall doe the like, and certifie the Lord Desfurd frome time to time of thair diligence therein. Whiche report being heard be the saids Lords, they allow of thair proceedings and accordinglie ordains the same to be inacted in the bookes of Secreit Counsell, whereupon execution may pas in forme as effeirs, and that the said Lord Desfurd certifie the Lords of the parteis diligence and what course sall be takin with thame for effectuating the purpose. Lykeas the saids Lords continewes the processe moved be his Majestie and presentlie in dependance till the nynetene day of December nixt, and ordains intimatioun to be made heirof to all parteis interested."

Katharine
Polwarth and
her father's
debts.

"The whilk day the Lords of Secreit Counsell, in respect that Williame Baillie of Carfin, curator to Katharine Polwart, hes testified under his hand that he hes receaved securitie for releeffe of these burdens quhilks he underlyes for the said Katharine her father's debts, the saids Lords freiths and releeves the Laird of Bonhard and Patrik Bell in Linlithgow of thair act and obligement and of thair panes therein conteanit, by the quhilk they judiciallie acted thameselfes not to dispose upon the said Katharine nor to matche her with anie person

Acta, May
1636-Novem-
ber 1639.

Fol. 224, b.

whatsomever untill her curators wer first releevd in maner foresaid, under the pane of ten thowsand merkes."

"The whilk day the missive letter underwrittin, signed be the King's Majestie and direct to the Lords of Privie Counsell, wes presented to the saids Lords and read in thair audience, of the quhilk the tennor followes:—CHARLES R.—Right reverend father in God, right trustie and weilbelovit cousines and counsellers, right trustie and trustie and weilbelovit, we greit yow weill. The inclosed petition being presentit to us in behalfe of the goldsmiths of Edinburgh, freemen of that citie, and being willing to rectifie whatsoever wrongs or prejudices susteanned by thame to the hurt of thair incorporatioun, have thought fitt to recommend thair petition to your consideratioun, willing yow to examine the equitie thair of and to take suche course thereanent as may in time comming debarre all unfreemen of thair trade frome usurping upon the same and for encouraging and enabling of the petitioners to discharge a dewtie in thair lawfull trade; whiche recommending to your care, we bid yow farewell. Frome our Court at St James, 13 May, 1637. Followes the petitioun:—The humble petition and complaint of the goldsmiths, freemen of Edinburgh, aganis the merchants usurpers of thair calling, makand mention that where the saids goldsmiths being educat and traynned up frome thair infancie in the calling of goldsmith craft and sworne to fidelitie in thair calling and being bound in stenting and contribution in all things requisite for the weale of the said toun according to thair power, for maintenance quhair of they have nothing but what they justlie gayne by thair lawfull calling, yitt of late there ar sindrie merchants (howsoever ignorant in the calling of goldsmith trade) who presooome and take upon hand to bring frome forrane parts jewells, carcanetts, gold rings, silver and gold warke, and maketh commoun merchandice of the same, notwithstanding that they be ignorant and hes no skill thereintill, but at sometimes does sell and vent to the lieges counterfoote and base jewells for upright, base and layded silver and goldworke for good, to the wrack and losse of the lieges and to the saids goldsmiths thair utter ruine and destruction in prejudging thame of thair calling, whereby under God and the King they have thair being and living ever readie according to thair power to beare all kynde of burden imposed upon thame. But now by this abuse and wrangous dealing of the merchants and unfree persons, men altogidder ignorant of the calling, the saids goldsmiths ar brought to ane few number and great decay and povertie, and the saids merchants, for the better effectuating of thair late usurped traffique in jewells, silver and gold wark, they transport out of the kingdome all maner of brokin or haill gold or silver warke urtherwayes unlawfull to be transported, whereas when the like cometh in the goldsmiths thair hands, if the same be lawfullie come, they melt the same for the use of the countrie; if unlawfullie come, they keepe the same to be restored to the owners. The saids goldsmiths freemen heirby humbelie petitions that his Majestie would be [so] graciouslie

Letter from
his Majesty
anent a
petition from
the goldsmiths
of Edinburgh
that they may
be protected
from the
infringement
of their
privilege by
unlicensed
persons.

Fol. 225, a.

weill pleased as to caus redresse thir wrangs and that the saids goldsmiths who ar traynned up frome thair infancie may have the onelie power in thir commoditeis, as thair seales of caus and liberteis provide, and that in time comming his Majestie would be pleased to recommend to the Lords of Secreit Counsell or to the Lords of Sessioun, ordinarie judges, that thir abonewrittin wrongs be redressed and that the said merchants be discharged in time comming, under ane penaltie to be exacted of the contraveenners at the sight of the judge, the equall halfe thair of to his Majesteis Tresaurer and the other halfe to the divulger of the partie contraveenner *toties quoties*." Acts, May 1636-November 1639, Fol. 225, a.

"Quhilk missive and petition being heard and considerit be the saids Lords, and they advised therewith, the Lords of Secreit Counsell ordains ane copie thair of to be givin to the provest and bailleis of Edinburgh, whome the mater concernes."

Case of Lady Reay and her husband, who has deserted her and refused alimnt to her and her son.

"Anent our soverane lord's letters raised at the instance of Dame Rachael Harrisoun, Ladie Reay, makand mention that where Donnald, Lord Reay, about yeeres since, having made choise of her to be his lawfull spous, and they being lawfullie and orderlie married togidder, as ane decreit givin heeranent be certane judges delegat be his Majestie for tryell of the same of the date the xvj of May, 1636, beirs, and after the said mariage she, having borne diverse children to the said lord and lived with him in that respective dewtie quhilk became her without giving him anie just caus of offence, looking for ane answerable meiting at his hand, nevertheles it is of truthe that in the yeere of God 1631, aganis the strict bands of matrimoniall conjunction and lawes of kirk and policie, he withdrew himselfe frome her companie and societie, and tooke to wife one Elizabeth Thomeson, with whome he hes now lived be the space of sax yeeres and begottin diverse childrein on her, to the great offence of God, neglecting of the compleanner, his lawfull spous, and Donnald McKy, his sone, and putting thame to beggerie amongs thair freinds; and the said lord having latelie petitioned his Majestie for licence to goe out of the countrie, and his Majestie being informed of his cariage towards the compleanner wes graciouslie pleased to write to the Lords of Privie Counsell to stay the said lord his licence till he fand sufficient suretie or make his lands lyable to the said compleanner for what in justice she is to clame of him for her bygane charges and expenses since he separat frome her and for the interteanement of her and her sone in all time comming, as his Majesteis letter beirs. And now her freinds have directed the said ladie to this kingdome to sue for justice before the Lords of Privie Counsell. And anent the charge givin to the said Donnald, Lord Reay, to have compeired personallie before the Lords of Privie Counsell upon the 27 of July last to have heard and seene him decerned and ordained to refund unto the compleanner the whole charges and expenses quhilk she has susteanned upon the interteanment of herselfe and his sone since the time of his separation frome her in suche proportion as the saids Lords please modifie, and forder to Fol. 225, b.

cta, May
36-Novem-
ber 1639.
ol. 225, h.

make payment of ane yeerelie allowance to her and her said sone for thair interteanement, and to find suretie for this effect or make his lands lyable for the same in suche forme and maner as the saids Lords sould prescrive, or ellis to have shawin a reasonable caus why the same sould not be done, with certification to him and he faillied the saids Lords would decerne and ordaine in maner foresaid; and forder, that he sould have compeired personallie to the effect foresaid, under the pane of rebellion, etc., with certification, etc.; and to the effect all evasions and subterfuges might be tane frome the said lord the saids Lords of Privie Counsell by the saids letters gave warrant, libertie and licence to the said Lord Reay for his appearance and attendance upon thame anent that mater during thair will and pleasure notwithstanding anie restraint or confynement quhatsomever quhilk he underlyes; quhereanent the saids Lords dispensed be the said charge to the effect foresaid, lykeas at mair lenth is conteanit in the saids letters, executions and indorsations thairof; quhilk being callit upon the 27 day of July last, and the said Ladie Reay compeirand personallie with Sir Thomas Hope of Wester Granton, her procurator, who produced and exhibite before the saids Lords ane certificat conteaning ane decreit of certane judges delegat be his Majestie, dated the last of May, 1636, under the hand of Williame Barker, thair clerk deput, and the certificat sealed the first of Junij, 1636, whereby the said Ladie Reay is found to be the lawfull spous of the said Lord Reay, togidder with the said Lord Reay his awne declaratioun all writtin with his awne hand at Londoun, the 23 of Aprile, 1631, concerning the honest cariage of the said ladie to the said lord, her husband, and the said Lord Reay compeirand be Williame Innes of Sandside and Mr James Baird, his procurators, and the reasons and allegatiouns of both the saids parteis being heard and considerit be the saids Lords at that dyet, the saids Lords decerned letters of horning to be direct for denouncing the said Lord Reay and continewed the outgiving thairof till this present first day of August instant, that in the meane time the said Ladie Reay might give in a note of her bygane charges and a rentall of the Lord Reay his estat, to the intent the saids Lords might modifie upon the more sure grounds. And the saids Lords declared that, if upon the said first of August sufficient caution sould be found under great soumes for the Lord Reay his appearance in the moneth of November nixt, they would forbear the granting of anie modification at this time. And this mater being of new callit upon the said first of August instant, and the said Ladie Reay and her said procurator compeirand personallie, who gave in ane rentall of Lord Reay his estat, extending to the soume of fiftie thowsand merkes be yeere, quhilk the said Ladie Reay subscriyved in presence of the saids Lords as ane just estimat of the said Lord Reay his estat according to the information givin to her, and the ladie declared lykewayes that she had beene at the charge of foure thowsand pundis sterline upon the interteanement of her selfe, her sone and familie, and upon sutes of law these sax yeeres and

fol. 226, a.

ane halfe bygane since the said Lord Reay diverted and seperat himselfe frome her, and the said Williame Innes of Sandside and M^r James Baird being lykewayes personallie present, who refused altogidder to sett caution for the said Lord Reay his appearance in November nixt, and disassented frome anie modificatioun to be givin to the Ladie Reay or to impugne the rentall of the Lord Reay his estat to be givin in be her, and in respect thair of past *simpliciter* frome thair compeirance. In regard quhair of the saids Lords ordains letters to be direct charging officers of armes to pas and denunce the said Lord Reay his Majesteis rebell and putt him to the horne and to escheit, etc.; and forder, the saids Lords hes modified and be the tennor heirof modifeis to the said Ladie Reay for her bygane charges and expenses and interteanement of herselfe and her sone the soume of twa thowsand pundis sterline, and for her yeerelie interteanement in time comming the soume of foure hundreth pundis sterline, so long as she sall be at the charge and interteanement of her sone, and that how soone the Lord Reay sall releve her of the burden of her sone that her yeerelie modificatioun sall be restricted to three hundreth pundis sterline (quhilk the saids Lords heirby declares to be her yeerelie modificatioun thereafter to be payed to her yeerelie be the said Lord Reay at twa termes in the yeere, Martimes and Witsunday, be equall portions, beginnand the first termes payment thair of at Martimes nixt and so furth yeerelie; and for payment thair of the saids Lords allowes personall and reall execution according to the lawes of the kingdome. Becaus the said Lord Reay, being lawfullie charged to have compeired personallie before the saids Lords to have heard and seene decreit and sentence givin in maner foresaid or ellis to have shawin a reasonable caus in the contrare, with certification as is abonespecifeit, and he being oftymes callit, compeired not to shaw ane reasonable caus, as said is, for the quhilk caus the saids Lords hes decerned and modified in maner foresaid."

Holyrood
House, 1st
August 1637.
Justices of
Peace.

"The quhilk day Androw Ker of Greenheid, Robert Ker of Graden, Johnne Turnebull of Minto, Williame Elliot of Stobs, Gaudilands, and M^r Robert Cuninghame, minister at Hawick, wer adjoynned to the justices of peace within the shirefdome of Roxburgh, and Lawmont of that Ilke wes adjoynned to the justices of peace within the shirefdome of Argile and Tarbett."

Holyrood
House, 1st
August 1637.
Anent the
coinage.

"A letter frome his Majestie concerning M^r Briot and the coynes of gold and silver, the consideratioun quhair of continewed till the morne; and ordains M^r Briot to give in to the committee anent the coyne his overtures anent the said coyne, and the officers of the Cunyiehouis and commissioners of burrowes to be warned to that effect."

Holyrood
House, 2nd
August 1637.

Sederunt:—Treasurer; Privy Seal; Perth; Kingorne; Tullibardin; Dumfreis; Southesk; Lord Lorne; Bishop of Edinburgh; Bishop of Gallouay; Bishop of Brechin; Justice General; Deputy

Acta, May
1636-Novem-
ber 1639.
Fol. 226, a

Fol. 226, b

Justices of
Peace, 1612
Scot of
1639.
Fol. 72, b

Sederunts,
January 1612
November
1643.
Fol. 51, b

Acta, May
1636-Novem-
ber 1639.
Fol. 226, b

Acta, May
1636-Novem-
ber 1639.
Fol. 226, b.

Treasurer; Advocate; Justice Clerk; Sir Robert Gordoun;
Blakhall.

"Forsamekle as Lauren faire is shortlie to be kepted at the burgh of Selkirk upon the day of August instant and, whereas the concourse of people to that faire frome the parts adjacent to the said toun, quhilks ar infected with the contagion of the pest, may prove dangerous to the countrie, thairfoir the saids Lords hes discharged and be the tennor heir-of discharges the keeping of the said faire, and ordains letters to be direct to command, charge and inhibite all and sindrie his Majesteis lieges and subjects be opin proclamation at the mercat croce of Selkirk and others places neidful that nane of thame presoomie nor take upon hand to bring thair goods to the said toun for keeping of the said faire the day fore-said nor to blocke, bargane nor make merchandice of thair commoditeis within the said toun that day, under the pane of death; and to charge the provest and bailleis of Selkirk to have a speciall care and to caus watche thair toun that no persons whatsomever repaire with anie commoditeis to thair said toun for keeping of the said faire, speciallie frome suspect parts, as they will answer upon the contrare at thair highest charge and perrell."

Fair at Selkirk prohibited in precaution against the spread of the plague.

"Anent the supplication presentit to the Lords of Secreit Counsell be M^r Andro Dalrumpell, servitour to the Lord Lowdown and baillie of Mauchline, makand mentioun that where he hes tane Hew Campbell, chapman, sone to George Campbell in Clewes, delate guiltie of clipping his Majesteis coyne and committed him to waird within the tolbuith of Edinburgh, conforme to his act and obligation and commissioun grantit be the saids Lords, humbelie desyring thairfoir the saids Lords to freith the supplicant of his said act and penaltie conteanit therein, lykeas at mair lenth is conteanit in the said supplication; quhilk being read and considerit be the saids Lords, and they advised therewith, the Lords of Secreit Counsell, in regard of the entrie of the said Hew within the said tolbuith, exoners and releeves the said supplicant of his act and obligation foresaid and of all panes conteanit therein."

Andrew Dalrymple, baillie of Mauchline, and Hew Campbell, who is accused of clipping the coin.
See ante, p. 477.

Fol. 239, a.¹
[¹ Omitted in its proper place in the Register.]

"The whilk day in presence of the Lords of Secreit Counsell com-peired personallie Nicolas Briot, maister of his Majesteis mint, and exhibite before the saids Lords the missive letter underwritten, signed be the King's Majestie and direct unto the saids Lords, of the quhilk the tennor followes:—CHARLES R.—Right reverend father in God, right trustie and weilbelovit cousines and counsellers, right trustie and trustie and belovit counsellers, we greit yow weill. Whereas we have beene pleased at this time to direct to that our kingdome Nicolas Briot, our servant, for performing of suche things concerning the gold and silver coynes thought necessarie to have course there, wherein having now of late givin order to our Tresaurer at his being heir, and direction at this time to the said Nicolas, upon performance of that service, to returne with speid, our pleasure is that, with all the conveniencie that can be,

Holyrood House, 2nd August 1637.
Letter from his Majesty anent Nicolas Briot and the coinage.

Fol. 239, b.

yow caus him to be sett a worke tuicheing the ordering of the saids Acta, May
coynes of gold and silver according to our direction signified to our 1636-Novem-
Treasurer. As tuicheing the copper moneyes, we having at late by our ber 1639.
letters signified our pleasure at lenth, we will yow to see the same Fol. 239, b.
settled accordinglie; for all whiche these presents sall be your warrant.
From our mannor of Greenwich, 21 June, 1637. Quhilk missive being
heard and considerit be the saids Lords, they ordaine the same to be
givin up to the Burrowes to be advised thairwith till the morne."

Holyrood
House, 2nd
August 1637.

[Sederunt as recorded above.]

Decreta,
April 1635-
February 1639
P. 379.

Supplication
by William
Sinclair of
Saba anent
the shearing,
leading, and
sequestration
of his crops.

Supplication by William Sinclair of Saba, as follows:—Their Lordships have appointed William Stewart of Maynes and Patrick Smith of Brako to shear, lead and sequesterate the corns growing upon his lands of Over Sandie for this present crop, but these gentlemen, for some special considerations, refuse to undertake the charge. He therefore craves that their Lordships would add to the commissioners for this purpose Adam Bannatyne, elder and younger of Stennes, and Thomas Buchannan, sheriff depute of Orkney. The Lords, after advising, adjoin the said Thomas Buchannan to the said commission, and ordain him and the said two first appointed commissioners, jointly and severally, to shear, lead and sequesterate the said corns and stack them in some neutral place; prohibiting all persons from hindering them herein, and commanding the lieges to assist the commissioners in their work.

Supplication
by the bailies
and councillors
of Kirkwall
anent a right-
of-way through
a vennell.

Supplication by the bailies and councillors of his Majesty's town of Kirkwall in Orkney and the master of the Grammar School thereof, as follows:—They have "a commoun vennell and passage of old, callit the Schollers Campus Closse, betuix the northmost houses now perteaning to Robert Monteith of Egilschaw, as ane opin passage fra the sea to the commoun streit of the said toun serving for the use of the inhabitants, but cheefelie for the schollers of the schoole of the same toun, there being no other convenient for thair necessiteis; as also for going to the sea and returning therefra for supplee of water in caise of anie danger or accident of fire in suche parts of the said toun as ar adjacent thereto." But the said Robert, for his own benefit and to the great hurt of the scholars and inhabitants, "taking occasion of the vacancie of the schoole in respect of the want of the meanes and rent thair of, being in the said Robert his awne hands thir manie yeeres bypast and as yitt is, the said schoole having nothing for the present but the rent of a small contribution collected frome the gentlemen of the countrie, did dyke in the end of the said vennell and putt a firr yett at the heid thair of, altogidder intending to appropriat the same to his owne privat use." They crave that the Lords would order the demolition of this dyke and restoration of the said passage to the uses for which "in all times bygane past memorie of man the same wes appointed." The Lords, after advising,

P. 380.

secreta,
pril 1636-
February 1639.
390.

grant a commission to George, Bishop of Orkney, the Sheriff of Orkney and his deutes, Mr Walter Stewart, minister at , and such others as they may assume with them for the purpose, or any three of them, the sheriff or his deutes being one, to inquire into this complaint and report what they find therein in writing to their Lordships at their best opportunity, so that the case may be dealt with as its merits may require.

Supplication by the father, brothers, kin and friends of James Glendonning, son of Glendonning, minister at Kirkcudbright, as follows:—Peter Duncane, son of the deceased James Duncan, "being unhappilie slane be the said James Glendonning upon a suddane chaudmelle" and without premeditation, the supplicants, as became them, dealt with the party for giving them satisfaction, which the latter accepted and gave them a letter of slains in a very fair and ample manner. But the supplicants "ar verie carefull that the said James fall not in suche ane unhappie accident heerafter," and so crave that the Lords would grant warrant and commission as after follows:—The Lords, having considered the petition, grant warrant and commission to Sir Patrick McKie of Larg, James Chalmers of Gatgirth, John Broun of Carsluith, William Gordoun of Kirkconnell and John Foullertoun of Carletoun, or any two of them, to hold courts within the burgh of Kirkcudbright and put the said James Glendonning to trial for the above slaughter and, according as he may be found guilty or innocent, to report their proceedings to their Lordships that they may give further direction thereanent.

p. 351.

ederunts,
January 1636-
November
1643.
Vol. 51, c.

"The Lords continewes the advising of the report of the commissioners appointed for trying the ressetters of brokin men in the North till the nixt Counsell day, and ordains the commission grantit to thame to be produced that day."

"The quhilk day the Lords, having heard the bill givin in be the noblemen and freinds of the Vicount of Kenmure, and another be William Glendonning, baillie of Kirkcudbright, both compleaning upon acts of the High Commissioun and decreits givin be the Bishop of Galloway aganis the said William Glendonning and Alexander Gordoun of Erlestoun, the Lords, for good respects, forbearis the answering thairof till the nixt Counsell day, that they see and consider the High Commissioun and the power and extent thairof; whiche commission the Lords ordains the Bishop of Galloway to produce the day foresaid."

"The Lords assignes to Sir Johne Sinclair, William Dick and Mr Alexander Guthre and the officers of the Cunyiehous the morne at nyne of the clocke in the morning to appeare before the Counsell in the Chancellor's hous, and to exhibite in writt all the conditions requisite to be craved of the master cunyear for ordering of the mynt; as likeways to propone thair objections, if they anie have, why Mr Briot could not be receaved Master of the Mynt, he performing the dewtie incumbent to the office."

Supplication
by the father,
brother, kin,
and friends of
James Glendonning,
son of the minister at
Kirkcudbright,
anent the
accidental
slaughter of
Peter Duncan
by the said
James.

Holyrood
House, 2nd
August 1637.

Anent the
trial of
resetters of
broken men in
the North.

Anent a bill
given in by the
friends of
Viscount Ken-
mure and
another bill by
William Glendonning
complaining
against certain
acts of the
Court of High
Commission.

Sir John
Sinclair and
others to
appear before
the Council
with reference
to Nicolas
Briot and the
Mastership of
the Mint.

Proposals of
Nicolas Briot
for bringing
money into the
kingdom.

"The quhilk day M^r Briot gave in some overtures in writt for Sederunt, imbring of money within the kingdome, quhilks wer ordained to be January 1638-
delivered to the Burrowes to be advised therewith till the morne." November 1643.
Fol. 51, c.

Edinburgh,
3rd August
1637.

Sederunt :—Chancellor ; Treasurer ; Glasgow ; Privy Seal ; Perth ; Winton ; Wigton ; Tullibardin ; Kingorne ; Hadinton ; Dumfreis ; Lorne ; Lord Alexander ; Bishop of Edinburgh ; Bishop of Brechin ; Clerk Register ; Justice General ; Deputy Treasurer ; Advocate ; Sir Robert Gordon ; Blakhall.

Acta, May
1638-Novem-
ber 1639.
Fol. 239, b.¹
[Omitted in
its proper
place in the
Register.]

Nicolas Briot
appointed
Master of the
Mint, and his
son-in-law,
John Falconer,
conjoined with
him in the
office.

"The whilk day the Lords of Secreit Counsell, in obedience of his Majesteis commands and royall direction, hes made choice of Nicolas Briot, Frenchman, to be Maister of his Majesteis Mint during his Majesteis will and pleasure ; lykeas the saids Lords, after reasoning and voting, hes found it meit and expedient for the good of his Majesteis service and weale of the countrie that Johne Falconner, sone in law to the said M^r Briot, sall be joynned in the office of maister cunyer with him, and that they sall sett sufficient suretie for the faithfull discharge of thair dewtie ; lykeas the saids Lords hes adjoynned and be the tennor heirof adjoynes the said Johne Falconner to the said M^r Briot in the said office, with power to him to use and exerce the same in all the liberteis, priviledges, immunitis and casualiteis proper and dew thereto, and to uplift the fees and others dewteis belonging to the said office, siclyke and als freelie as the said M^r Briot or anie other maister cunyear hes or might have lawfullie done at anie time heirtofore, and that during his Majesteis will and pleasure allanerlie. And the said Johne Falconner, being callit upon and demanded anent the suretie to be found be him and his said father in law, the said Johne nominat David, Erle of Southesk, James, Lord Carnegie, George, Lord Forrester, Sir Alexander Carnegie of Bonymoone, Sir Alexander Falconner of Halkertoun and Sir Alexander Falconner, his eldest sone, to be cautioners for thame ; and the said Erle of Southesk, being personallie present, undertooke to be cautioner for the saids Johne Falconner and Nicolas Briot, quhereupon Johne, Earle of Traquair, Lord High Treasurer of this kingdome, in presence and hearing of the saids Lords of Secreit Counsell, did ministrat to the saids Nicolas Briot and the said Johne Falconner, his conjunct, the oath accustomed to be givin to the maister cunyear ; lykeas the saids M^r Briot and Johne Falconner, being personallie present, they did sweare by the everliving God and be thair part of heaven that they sall trewlie and faithfullie discharge the office and dewtie of Maisters of his Majesteis Mint, and sall not doe nor suffer anie wrong to be done be the officers of the Mynt, but sall behave thame-selves uprightlie and diligentlie according to the articles and orders to be sett down be the said Lord Treasurer for the right regulating of the Mint."

Fol. 240, a.

Sederunt,
January 1635-
November
1639.
ol. 51, d.

"The quhilk day Johne Sinclair, deane of gild of Edinburgh, William Dick and Mr Alexander Guthrie, toun clerk, compeirand before the Counsell exhibitie ane informatioun concerning the mynthous and of the conditions and particular obligeement quhairunto the Maister of the Mynt sould be lyable and bound."

Report by
John Sinclair,
deane of gild
of Edinburgh,
and others
anent the
duties and
obligations of
the Master of
the Mint.
Appointment
of a commis-
sion to
determine the
duties and
obligations of
the Master of
the Mint.

"The Lords nominats and appoints the Lord Privie Seale, the Erles of Wintoun, Southesk, Lord Alexander, Bishop of Edinburgh, Clerk Register, Justice Generall, Justice Clerk, Deputie Treasurer, Advocat, or anie twa of thame, to attend upon the Lord Treasurer, and to concurre with him for setting down the orders of the Coynehous and the condition of the master cunyear his obligeement for the faithfull discharge of his dewtie to his Majestie and his lieges."

Acta, May
1636. Novem-
ber 1639.
Fol. 227, a.

Sederunt :—Chancellor ; Treasurer ; Glasgow ; Privy Seal ; Winton ; Edinburgh, Wigton ; Kingorne ; Annerdaill ; Dumfreis ; Southesk ; Lord Lorne ; Lord Alexander ; Bishop of Edinburgh ; Bishop of Gallo-
way ; Bishop of Brechin ; Clerk Register ; Justice General ; Deputy Treasurer ; Advocate ; Sir Robert Gordoun.

4th August
1637.

"The whilk day the missive letter underwrittin, signed be the King's Majestie and direct to the Lords of Privie Counsell, was presented to the saids Lords and read in thair audience, of the quhilk the tennor followes : —CHARLES R.—Right reverend father in God, and right trustie and weilbelovit cousines and counsellers, and right trusty and weilbelovit counsellers, and trustie and weilbelovit, we greit yow weil. Having understood that in the church upon Sunday last, when the forme of divine service appointed to be receaved was begun to be read in the church, a number of rude and base people did rise and behave thame-selfes in a most tumultuarie maner, both within and without the church, as we do not doubt but hath beene particularlie made knowne to you all, whiche is so barbarous, disorderlie and evill both in it selfe and by the example that it doeth deserve to be severelie punished, it is our pleasure that yow use your best endeavoures to examine who ar authors or actors in that mutinie and that yow faile not to punishe anie that sall be found guiltie thair of as yow sall find thame to deserve ; and lykewayes that yow concurre with the clergie by strengthening thame in that whiche our auctoritie conferred upon yow may contribute unto thame for setling the said forme of divine service, both in the said toun and other parts as they frome time to time sall require your helpe, whiche we verie speciallie expect from yow, and so doe bid yow heartilie farewell. Frome our mannor at Oatlands, the 30 of July, 1637. Quhilk missive being read, heard and considerit be the saids Lords, and they advised therewith, the Lords of Secreit Counsell ordains the persons who ar delate guiltie of the said mutinie to be putt to thair tryell and punishment."

Letter from
his Majesty
ordering the
trial and
punishment of
the persons
concerned in
the tumult in
the church of
St. Giles, and
the taking of
order that the
Service-book
may be peace-
fully read in
all the
churches in
the kingdom.

Next meeting
of the Council
to be held in
the Low
Council House,

Edinburgh,
5th August
1637.

"Ordains thair nixt meeting to be at nyne of the clocke in the Laich Sederunt, January 1638.
Counsell hous." November 1643.

Sederunt :—Chancellor; Treasurer; Glasgow; Privy Seal; Win-
toun; Annerdail; Dumfreis; Lord Alexander; Bishop of Edin-
burgh, Bishop of Gallouay; Bishop of Brechin; Clerk Register;
Justice General; Deputy Treasurer; Advocate; Sir Robert
Gordoun. *Acta, May 1636-November 1639. Fol. 227, a.*

The Town
Council of
Edinburgh to
confer with the
Bishop of
Edinburgh
anent the
reading of the
Service-book.

"The quhilk day the lords of the clergie, having remonstrat to the
Lords of Privie Counsell that for the glorie of God and more decent *Fol. 227, b.*
performance of his divine service, and for securing the persons to be
employed for officiating the same that the toun counsell of Edinburgh
attend upon and meit with the Bishop of Edinburgh and conferre and
resolve with him anent the convenience of time when the service sall
begin, and of the assurance to be givin be thame for the indemnitie of
these who sall be employed in the service, and in the meantime that
the ministers sall preache in this subsequent weeke upon the ordinar
dayes without service, and choose pertinent texts for disposall of the
peoples myndes to ane heartie embracement of the service booke and for
cleering and removall of all prejudices and mistakes that may be con-
ceaved upon or concerning the saids bookes; whiche proposition being
considerit be the saids Lords, and they finding thair desire to be reason-
able and being willing to contribute thair best assistance for strengthen-
ing the clergie to settle the service booke, the Lords allowes of thair
proposition, and accordinglie ordains the provest and bailleis of Edin-
burgh to meit with the Bishop of Edinburgh, and to joyne and concurre
with him in all and everie thing that may concerne the provyding of
readers for the service and preparing of all things necessar and belong-
ing thereto, and that they give assurance for indemnitie of the church
ministers and peaceable behaviour of the inhabitants within thair citie;
quhereof intimation wes made to Andro Ainslie and Johnne Smith,
bailleis of Edinburgh, whome the Lords required to signifie thair ordina-
nce to the toun counsell, and to make report to the Bishop of Edin-
burgh of thair diligence, and what they will undertake and be answer-
able for with all conveniencie."

Anent the
same.

"The Lords of Secreit Counsell, having heard by report of the most
part of the clergie present that the service bookes cannot be orderlie used
in the kirks of Edinburgh the morne, the saxt of this instant, for want
of a sufficient number of readers to officiat the same, and others difficul-
teis occurring therein, and that the same cannot convenientlie be done
before Sunday come eight dayes, and the saids lords of the clergie, having
lykewayes declared that they have resolved that the said service sall
begin upon Sunday come eight dayes, and frome thence furth continew,
and with all having desired that the toun counsell of Edinburgh be callit
and order givin to thame for the peaceable exercise of the said service

Acta, May
1636-Novem-
ber 1639.
Fol. 227, b.

booke and that the saids Lords would interpone thair auctoritie thereto ; whiche being heard and considerit be the saids Lords, they allowed of the course takin be the clergie and interpouned and interpons thair auctoritie to the same ; and accordingle callit for Andro Ainslie and Johne Smith, bailleis of Edinburgh, whome they required to signifie this thair ordinance to the toun counsell of Edinburgh, and to see the dew performance and obedience of the same."

Fol. 228, a.

"The Lords of Secreit Counsell nominats and appoints Johne, Earle of Traquair, Lord High Tresaurar of this kingdome, Robert, Erle of Roxburgh, Lord Privie Seale, George, Erle of Wintoun, David, Bishop of Edinburgh, Thomas, Bishop of Galloway, Sir Johne Hay, Clerk of his Majesteis Registers, Sir Williame Elphinstoun, Justice Generall, and Sir Thomas Hope of Craighall, his Majesteis Advocat, or anie twa of thame, the Bishop of Edinburgh or Galloway being one of the twa, to conveene and call before thame all and sindrie persons suspect guiltie to have beene actors, authors and abettors of the late mutinie and insurrection committed within the kirks and toun of Edinburgh."

Appointment
of a committee
for the exami-
nation of
persons
concerned in
the tumult in
St. Giles'.

"The quhilk day George Bell, baillie of Linlithgow, compeirand personallie before the Lords of Privie Counsell, exhibite before the saids Lords ane pocke with false coyne togidder with yrnies and stamperes for printing of the same, whiche pocke and coyne therein conteanit the said baillie deprehended upon the person of Johne Rany, borne in Fraserburgh, and quhair of he hes confest himselve to be the actor as his deposition beirs ; quhereupon the saids Lords ordained the pocke and false coyne to be delivered to the clerk, and a warrant givin to the provest and bailleis of Edinburgh to receive the said Johne Rany and committ him to waird."

John Rany
accused of
having a bag
of false coins
and of coining
implements by
George Bell,
baillie of
Linlithgow.

"The Lords ordains letters to be direct charging all persons suspect guiltie or accessorie to the falsett of William Forsyth to compeir before the Counsell to be examined thereanent."

William For-
syth accused
of forgery.

Sederunts,
January 1635-
November
1643.
Fol. 53, a.

[No record of Sederunt.]

Holyrood
House, 8th
August 1637.

"The quhilk day the Bishop of Argyle was consecrat and gave his oath of homage and fealtie quhair of the tennor followes :—I, A. B., Doctor of Divinitie, and now elect Bishop of C., doe verilie testifie and declare in my conscience that your Majestie is the onelie supreme governour of the realme of Scotland and of all other your Highnes dominions and countreis, als weill in spirituall or ecclesiasticall things and causes as temporall, and that no forrane prince, prelate, state or potentat bath or ought to have anie jurisdiction, power, superioritie, preeminence or auctoritie, ecclesiasticall or temporall, within that kingdome or anie of your Majesteis dominions. And, therefore, I doe utterlie renunce and forsake all forrane jurisdictions, powers, superiorities and auctoriteis, and

Oath taken by
James Fairly¹
on his
consecration
as Bishop of
Argyle.

Fol. 53, b.

¹ "James Fairly, minister in Edinburgh, was consecrated Bishop of Argyle 15th July 1637, only two days before the disturbance about read- ing the Liturgy."—Keith, *Catalogue of Bishops*, p. 291.

doe promise that frome hencefurth during my life I sall and will beare Sederunt, January 1635-
trew faith and alledgeance to your Majestie, your heires and lawfull November
successors, and to my power sall assist and defend all jurisdictions, 1643.
preeminences and auctoriteis grantit and belonging to your Henes, your Fol. 53, b
lawfull airs and successors, or united and annexed to the crowne
imperiall of that your Majesteis realmes. (Heere the Bishop takes his
hands frome the booke and putts thame both betuix his Majesteis).

And, further I doe acknowledge and confesse to have and to hold the
said bishoprick of C. and the possessions of the same entirelie, als weill
spiritualiteis and temporaliteis thair of, onelie of your Majestie and the
imperiall crowne of that your Majesteis kingdome; and for the same I
doe homage presentlie to your Majestie, to whome and to your airs and
lawfull successors I sall be ever faithfull and trew. So helpe me God
and the contents of this booke.

This is the true copie of that oath whiche his Majestie requireth
to be givin to all bishops doing thair homage and for
that purpose to be insert in the bookes of Exchequer.

Ja. Gallonay.

CHARLES R.

Missive from
his Majesty
requiring the
Lord Chan-
cellor to
receive the
oaths of such
as are conse-
crated bishops,
after the
above form.

"These ar to require and authorize yow, our Chancellor, to receave
in our name and to our behove the homage dew to us frome all
bishops that heerafter sall be consecrated in that our kingdom and
in speciall frome the two latelie translated to Galloway¹ and Aberdene,²
and that yow administer unto thame the oath of fealtie accustomed in
that caise, quhairof we have sent yow heerewith a copie, that the same
and the receaving of all suche homages may to all intents be registrat
in the bookes of Exchequer; and for so doing these presents sall be suffi-
cient warrant. Givin at our honnour of Hamptoun Court, the 2 of
October, 1635."

"To the most reverend father in God, our right trustie and weilbelovit
counsellor, the Lord Archbishop of St Andrewes, our Chancellor of our
kingdome of Scotland."

Edinburgh,
9th August
1637.

Sederunt:—Treasurer; Privy Seal; Glasgow; Mortoun; Kingorne; *Acta*, May
Lord Lorne; Lord Alexander; Bishop of Edinburgh; Bishop of 1636-Novem-
ber 1639.
Galloway; Clerk Register; Justice General; Deputy Treasurer; Fol. 228, a.
Advocate.

Commission to
the Lord
Justice
General
and the Lord
Advocate to
try William
Forsyth, who
is accused of
forgery, and
all others
suspected of
abetting him.

"The whilk day the Lords of Secret Counsell, having heard Sir
Williame Elphinstoun, knight, Justice Generall, and Sir Thomas Hope
of Craighall, his Majesteis Advocat, anent the successe of the panes tane
be thame concerning the tryell and discoverie of the falsett committed
be Williame Forsythe, and whereunto M^r Gawin Dumbar, Chantour of

¹ Thomas Sydserf was translated from the
see of Brechin to that of Galloway in 1634.—
Keith, p. 281.

² Adam Bollenden was translated from the
see of Dunblane to that of Aberdeen in 1635.
—Keith, p. 132.

Acta, May
1636-Novem-
ber 1639.
Fol. 228, a.

Murrey, and his sone ar alledged to have beene accessorie, and the confessions and depositions made be thame and aganis thame, the saids Lords remitts to his Majesteis said Justice and Advocat to proceed to ane exact tryell and inquire of the said falsett, and for that effect recommends unto thame and with all gives full power and commission to thame to committ to waird within the tolbuith of Edinburgh or to confyne within the burgh of Edinburgh all and sindrie persons whome upon tryell they sall find guiltie or accessorie to the said falsett, and aganis whome they sall find pregnant presumptions and evidences of thair guiltines of the said fact or suche as they sall find necessar to be committed for further tryell."

Fol. 228, b.

"The whilk day James Cochrane, Johne Smith, Charles Hamilton, bailleis of Edinburgh, and M^r Alexander Guthrie, toun clerk, compeirand personallie before the Lords of Privie Counsell, and being demanded if, according to the late ordinance and dewtie incumbent to thame, they had provided readers for officiating the service in the kirks of Edinburgh upon Sunday nixt, and if they wer readie to secure and give assurance for the indemnitie of the Bishop of Edinburgh, ministers and pastors of the said citie and of the readers to be employed for performing and using the service booke appointed be auctoritie to be receaved within the saids kirks, the saids bailleis declared that they wer most willing to obtemper the Counsellis ordinance but that they could not upon so short a time provide understanding and sufficient clerkes and readers, there being none within the citie but vulgar schoolemaisters be whome the service might be disgraced and his Majesteis auctoritie upon thair employment receive opposition, and that they wer content to secure the clergie in suche legall way as the lawes of the kingdome in suche a caise will allow. The Lords having heard the Bishop of Edinburgh and M^r Alexander Thomesoun for himselfe and in name of the rest of the ministers of Edinburgh, and having considerit of thair desyres and of the answers made thereto be the saids bailleis and clerk, they forbear to meddle with or make anie change of innovation of the acts formerlie made upon remonstrance frome the clergie tuicheing the settling and begining of the service booke upon Sunday nixt, and remitts to the Bishop of Edinburgh to confer with the ministers and bailleis of Edinburgh anent the orderlie performance of the same in a peaceable and decent maner and that these who ar to be employed therein be provided of sufficient maintenance for thair better encouragement to undergoe the service, and siclyke ordains the saids bailleis and clerk to consider and sett down in writt the obligatorie act for the saids bishops, ministers and others thair indemnitie and to exhibite the same to the Counsell at foure of the clocke in the afternoone, till quhilk time the Lords continewes thair further advisement and resolution in the particulars abonewrittin."

Report of two
bailies and the
town-clerk of
Edinburgh
anent the
reading of the
Service-book.

Eodem die post meridiem : Sederunt :—Ut supra, with Wintoun.

Acta, May
1636–Novem-
ber 1639.
Fol. 228, b.

Petition of the
ministers of
Edinburgh
anent the
reading of the
Service-book.

"The whilk day M^r Alexander Thomesone, one of the ministers of Edinburgh, for himselfe and in name and behalfe of the rest of the ministry of the said citie, compeirand before the Counsell made humble remonstrance to the Lords and therewithall craved that they might not be burdenned to reade the service untill suche time as the toun of Edinburgh sall furnishe readers and clerkes for officiating the same, and that they be provided of a competent maintenance for thair better enducement to undergoe the charge, whiche being done, that the ministers would reade the service for the space of a moneth; that in the meanetime they may informe and instruct suche persons as sall be presented and upon tryell admitted to that charge; as lykewise that the kirks of Halyrudhous, the North Bridge of Leith, Libbertoun, Colintoun and S^t Cuthbert's kirk sould joyntlie and at the same time receave and performe the service, and withall that the citie of Edinburgh be ordained to give assurance for the indemnitie of the ministrie of Edinburgh. Whiche proposition and desyre being heard and considderit be the Lords, they callit for his Majesteis Advocat and required him with the clerk of Counsell to draw up ane obligatorie act aganis the provest, bailleis and counsell of Edinburgh for securing of the ministers and provyding for thair indemnitie, so far as the law, custome and practick of the kingdome in suche a kynd may warrant and allow, and that copeis be delivered thairrof to the parteis interessed to be advised therewith, till the morne at foure of the clocke in the afternoone, till quhilk time the Lords continewes the mater and ordains thair meeting to be at Halyrudhous."

Fol. 229, a.

Obligation by
the magis-
trates of
Edinburgh to
be responsible
for the security
of ministers
reading the
Service-book,
so far as they
are legally
bound.

"Forsamekle as it hes pleased his sacred Majestie by his letter direct to the Lords of Privie Counsell to require thame to concurre with the lords and others of the clergie by strenthening thame in all whiche by his Majesteis auctoritie may contribute to the settling of the forme of divine service now prescribed, and that both in the citie of Edinburgh and other parts as the saids lords of the clergie frome time to time sall require thair helpe; and forsamekle as the saids lords of the clergie hes represented to the Counsell that the most part of the actuall ministers of Edinburgh, togidder with suche others as ar imployed in officiating the service within the said citie, hes offered thameselffes readie to performe the dewtie incumbent unto thame, in reading of the said service, provyding that they be secured in thair persons, and made free of all danger or disgrace to be offered unto thame or to the said service be whatsoever persons within the said citie, and that als weill during thair actuall service as in thair comming thereto, and returning frome the same or otherwayes whatsoever untill the discontentments of the people arising upon occasion of the said service be removed, and the saids Lords, being most willing according to thair bound dewtie to give prooffe of thair fordward affectioun to his Majesteis service and execution of his royall commandements, thairfoir the saids Lords caused call for the

Acta, May
1636-Novem-
ber 1639.
Fol. 229, a.

Fol. 229, b.

provest and bailleis of Edinburgh, who compeired be the foure bailleis and toun clerk, to whome the saids Lords propouned the desyre of the clergie and the necessitie and justice thairof, to the quhilk the saids bailleis and clerk humbelie consented so far as they could or might be bound be the lawes of the kingdome; and thairfoir the saids Lords finds, declares and ordains the provest, bailleis and counsell of the said citie of Edinburgh present and thair successors in the saids offices to keepe the bishop of Edinburgh and ministers thairof and all others persons to be imployed for officiating the service free, harmlesse and skaithlesse of all and quhatsomever danger, perrell or trouble whiche they, thair wyffes, servants or famileis sall susteane or incur in thair persons, bodeis, goods or geir, and free and secure frome all injureis, contumeleis and disgraces to be done or offered to thair persons or names directlie or indirectlie, and that als weill enduring the time of thair actuall service as in repairing thereto and returning frome the same, and at all other times quhatsomever quhill the discontentments of the people arising upon occasion of the said service be purged and removed, and that fra all fact, deid or words to be done be the saids provest, bailleis and counsell of the said citie of Edinburgh or be whatsomever persons, inhabitants within the same or being there for the time, als weill male as female, maisters or servants, or what other condition they be of and all others whome they may stop or latt directlie or indirectlie, and that in so far as they ar or may be answerable be the lawes of the kingdome and that under suche panes, fynes and penalteis, and suche farther censure and punishment in thair persons and goods as the Lords of Counsell sall inflict after tryell of the contraventioun, ground and merite thairof, and of the diligence done be the magistrats for repressing the disorders and apprehending and exhibition of the parteis delinquents, quhilk tryell and punishment the Lords reserves to thameselfes."

Sederunt :—Treasurer; Glasgow; Privy Seal; Mortoun; Winton; Holyrood
Kingorne; Lorne; Bishop of Edinburgh; Bishop of Gallouay; House, 10th
Clerk Register; Justice General; Deputy Treasurer; Advocate. August 1637.

"The whilk day the act concerning the indemnitie of the Bishop of Edinburgh, ministers thairof, and others to be imployed for officiating the service booke being exhibite and considerit be the saids Lords, they allowed of the same, and accordingle past and exped the said act, quherof intimatioun was made to the foure bailleis, deane of gild, treasurer and toun clerk of Edinburgh for thameselfes and in name and behalfe of the provest and counsell of the said citie, and to the Deane of Edinburgh and M^r Alexander Thomeson in name of the ministrie, who acquiesced thereto."

"The quhilk day the Lords of Secreit Counsell recommendit to the bailleis and toun clerk of Edinburgh and therewithall required thame for satisfioun and expiatioun of the former uproare and insurrection Charge to the bailies and town-clerk of Edinburgh to discover and

punish those concerned in the tumult in St. Giles', and to provide readers of the Service-book.

within thair citie, to make diligent inquirie anent the authors, actors and abettors of that mutinie and withall to provide with all convenient diligence for readers and clerkes to officiat the service and to furnishe competent meanes to thame for discharge thair of, quherunto the saids bailleis and clerk promiseist most fordward and reall obedience."

Acta, May 1636-November 1639. Fol. 229, b.

Charge to Thomas Fraser, younger of Streachin, to shear and lead in the crops on the Ealearke of Bonyetoun, which are in dispute between Andrew, Lord Fraser, and Alexander Fraser of Phillorth.

"Forsamekle as there is some appearance of trouble like to fall out betuix Andrew, Lord Fraser, and Alexander Fraser of Phillorth anent the shearing and winning of the cornes growing upon the lands, callit the Ealearke of Bonyetoun, quhilks wer sawin be both the saids parteis, who intend with convocation of his Majesteis lieges either of thame to mainteane thair pretendit right to the saids cornes, quhilk will not faile to procure the disturbance of the peace and quyet of the countrie, for remeid quherof the saids Lords hes givin and grantit and be thir presents gives and grants full power and commission to Thomas Fraser, younger of Streachin, to caus sheare, winne and lead the cornes growing upon the saids lands this present crop and to stacke the same in some neutrall and indifferent place upon the expense of the selfe, there to remaine to be made furthcummand to the person or persons who sall be found to have best right thereto; and ordains letters to be direct to command, charge and inhibite the said Lord Fraser and Laird of Phillorth that nane of thame presume nor take upon hand be thameselfes nor no others in thair names to sheare, lead or intromett with the cornes growing upon the lands foresaids this present crop, but to suffer and permitt the said Laird of Streachin, younger, and suche as sall be employed be him, to leade, sheare, winne and stacke the cornes foresaids, as they and everie ane of thame will answer upon the contrarie at thair highest charge and perrell."

Fol. 230, a.

Memorandum anent the removal of the post and stage from Wedderbie to York.

"To remember the nixt Counsell day the drawing up a letter to the Secretarie tuicheing the removall of the post and stage frome Wedderbie to Yorke and to remonstrat to his Majestie the prejudices following thereon and to sollicite redresse thair of."

Sederunts, January 1635. November 1643. Fol. 55, a.

Holyrood House, 23rd August 1637.

Sederunt:—Chancellor; Treasurer; Privy Seal; Morton; Winton; Perth; Wigton; Tullibardin; Lauderdaill; Bishop of Edinburgh; Bishop of Galloway; Lord Naper; Clerk Register; Justice General; Deputy Treasurer; Advocate; Justice Clerk.

Acta, May 1636-November 1639. Fol. 230, a.

New warrant to the Justice-General and the Lord Advocate in the case of William Forsyth. See ante, p. 512.

"The Lords of Secreit Counsell of new gives warrant to Sir William Elphinstoun, Justice Generall, and Sir Thomas Hope of Craighall, his Majesteis Advocat, upon tryell or suspicion to confyne or waird all suche persons as they sall find accessorie to the falsett committed be Williame Forsythe."

Differences between Patrick, Earl of Tullibardine, and Mungo Campbell, flar

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Patrik, Earle of Tullibardin, for himselfe, on the ane part, and Mungo Campbell, fear of Lawers, for himselfe, and in name of Sir James Campbell of Lawers, his father, for whome he takes burden,

Acta, May
1636-Novem-
ber 1639.
Fol. 230, a.

Fol. 230, b.

on the other part, and submitted and be the tennor heirof submitts the surveying of the forrest of Glenalmond, and the trying of the merchies of the same and thair severall rights thereto, togidder with all other differences and questions, civill or criminall, standing betuix thame or thair tennents to Johne, Earle of Traquaire, Lord High Tresaurer of this kingdome, Johne, Erle of Perth, Johne, Erle of Wigton, Archibald, Lord of Lorne, Sir James Carmichell, Deputie Tresaurer, Sir Johne Hamilton of Orbestoun, Justice Clerk, and Sir Archibald Stuart of Blackhall, or anie twa of thame, the Tresaurer, or in his absence the Tresaurer Deput, being one, with power to thame to informe thameselfes the best way they can anent the trew estat of thir maters submitted unto thame and accordinglie to decerne therein, and, if anie difficult question sall arise quhilk cannot be discust and decyded be the saids arbiters, that they report the same to the saids Lords to the intent they may give thair determination thereanent. And the saids Lords, with consent of the saids arbiters hes appointed the first day of September or suche other day or dayes as the arbiters sall thinke meit for thair conveening and meiting upon the ground of the said forrest and for thair proceeding in this mater submitted unto them, conforme to the commission formerlie grantit to thame for this effect, whiche the saids Lords renewes and ordains to stand; and what ever the saids arbiters or anie twa of thame, the Lord Tresaurer, or in his absence the Deputy Tresaurer, being one, sall decerne, both the saids parteis obleises thame to stand and abide, underly and fulfill the same but appellatioun or contradiction quhatsoever."

of Lawers,
anent the
forrest of
Glenalmond
submitted by
both parties to
the arbitration
of the Lord
High Tresaurer
and others.
See ante, p. 498.

[Sederunt as recorded above.]

Decreta,
April 1635-
February 1639.
P. 381.

P. 382.

Complaint by John Richartsone, son of David Richartsone, elder in Greinhill, as follows:—On 23d July, "being Sunday, Habbie Kennedie in Over place of Haleiths and Robert Hendersone there came in time of divine service to the compleanners maisters yett, boddin with swords, durkes and battouns, and er ever he was awar strake him abone the elbow and almost brake his arme, gave him a deepe wound on the head, quhairwith they strake in his harne panne and clave his eare and left him for dead." Charge having been given to the said Habbie Kennedie, both pursuer and defender compeared, and probation being referred to the defender's oath of verity who granted "the stryking of the persewer," the Lords ordain the defender to pay £20 to the pursuer and find caution for his indemnity in 500 merks.

Holyrood
House, 23rd
August 1637.

Complaint by
John Richard-
son, son of
David
Richardson,
elder in
Greenhill,
against Habbie
Kennedy in
Over Place of
Haleiths and
others for
assault.

Complaint by Robert Rollock of Skeochmilne, for himself, and David Rollock, now of Powhous, his nephew, as follows:—By their Lordships' act, dated at Halyrudhous, 10th August, 1630, Mr John Rollock, commissary of Dumblane, and the complainer were obliged to produce and deliver to their Lordships all the money collected for the relief of those gentlemen whose lands were overflowed, for dis-

Complaint by
Robert Rollock
of Skeochmilne
for himself and
David Rollock,
now of
Powhouse, his
nephew,
against Mr
John Rollock,

commissary of
Dumblane, for
refusing to
give account
of the money
raised for the
relief of the
gentlemen
whose lands
were sub-
merged in
1630.

tribution among these gentlemen as their Lordships should appoint, and the said Mr John is obliged to relieve the complainer of the premises in so far as he should meddle with these moneys. Now, the said Mr John Rollock has dealt with the whole moneys collected for the relief of the said David Rollock's lands in the year 1630,¹ amounting to 5000 merks Scots, keeps the same to himself and refuses to account for the same to the said David Rollock or the complainer, his father, or yet to deliver the same, with the yearly interest thereof, to their Lordships in terms of the said act, so that the complainer is thereby endangered as cautioner for him. The pursuer compearing personally and also the said Mr John Rollock, who produced before their Lordships "certane warrants, bands and compts unperfytte anent this mater with twa bookes quhair of everie leafe is marked be the Clerk of Counsell and wherein wes insert some of the moneyes intrometted with be the said M^r Johne, and declared that he had intrometted with the moneyes collected in this bussines and that the said Robert Rollock had intrometted with nane of thame," the Lords, after hearing parties, appoint David, Bishop of Edinburgh; Sir John Hay, Clerk of Register; Sir William Elphinston, Justice General; Sir James Carmichell, Treasurer Depute; and Sir Thomas Hope of Craighall, his Majesty's Advocate, or any one of them with the Bishop of Edinburgh, to hear the said Mr John Rollock's accounts of these moneys, and, if they find that he has intromitted with more of these moneys than he has accounted for, they ordain him to relieve the said Robert of his engagement for him and to find him sufficient caution for that effect.

Decreta,
April 1635-
February 1636.
P. 382.

P. 383.

P. 384.

Complaint by
James White-
head, prisoner
in the
Tolbooth of
Edinburgh,
against
Robert Keith,
merchant
burgess of
Edinburgh,
and Robert
Notman,
officer, for
detaining him
illegally in
ward.

Complaint by James Quhytheid, prisoner in the tolbooth of Edinburgh, as follows:—He has been warded therein now for the last thirty weeks for not finding lawsurety to Robert Keith, merchant burgess of Edinburgh; and Keith, having taken possession of all the complainer's means and estate, intends "to deteane him in this miserie in the yrne hous, being ane aged man past 80 yeeres, of whome the said Robert can have no just feare that he sall trouble him, knowing that in regard of his povertie and want of meanes he is not able to find anie caution." He is also arrested at the instance of Robert Notman, officer, for 100 merks. Charge having been given to the said Robert Keith and Robert Notman, and the pursuer and Robert Keith compearing, the Lords, after hearing parties, ordain the provost and bailies of Edinburgh to put the pursuer to liberty in so far as he is warded at the instance of the said Robert Keith and Robert Notman; because the pursuer gave his great and solemn oath that he was unable to find the caution required, and bound himself personally not to molest the said Robert Keith nor his household, directly or indirectly, under the pain of perjury, infamy and defamation. Further, he acted himself to compear before the Lords on 7th November next to underlie their further pleasure in

¹ The date of the submerging of the lands in question was December, 1628. See vol. iii., p. 37 (second series).

Decreta,
April 1635-
February 1639.
P. 384.

this matter, and to remove himself and his family from the houses in Wester Currie belonging to the said Robert Keith, under the like pain, the said Robert Keith paying him £40 within eight days after his removal. If he do not remove, the Lords empower Robert Keith to enforce his letters of caption against him and put him in ward.

P. 385.

Complaint by Alexander Watson, merchant burges of Edinburgh, as follows:—He is warded in the tolbooth of Edinburgh at the instance of Alexander Watson, merchant burges of Aberdene, and John Home, merchant burges of Edinburgh, for some debts. It is well known that his “povertie hes proceedit frome his hazards at sea and others inevitable acts of Gods providence and not frome anie unhonest and unthriftie dealing in himselfe,” and that he is unable to do anything for his own maintenance or the satisfaction of his creditors so long as he is in ward. He therefore pleads that his creditors may be ordained either to release him or maintain him in ward. The pursuer compearing by Alexander Dalzell, his procurator, who produced deeds of consent to the pursuer’s liberation granted by the said Alexander Watson at Edinburgh on 22nd August instant, and by John Home on 23rd August instant, and that “without suspension, caution or consignment,” the Lords ordain the provost and bailies of Edinburgh to liberate the pursuer in so far as he is warded at their instance.

Complaint by Alexander Watson, merchant burges of Edinburgh, against Alexander Watson and John Home, merchant-burgesses of Edinburgh, for detaining him in ward without contributing to his maintenance.

Complaint by David Wadie, writer, as follows:—He has been kept in ward since the last of July at the instance of William Fairlie, merchant burges of Edinburgh, for a debt of £36; and of David Gray, merchant burges there, for £69, and he is like to starve for want, whereas, if he were at liberty, he would use his best endeavours for their satisfaction. Pursuer and defenders compearing, Fairlie consented to the pursuer’s liberation; and the Lords, after hearing parties and advising, ordain the provost and bailies to liberate the pursuer in so far as he is warded at the instance of the said two defenders; because the pursuer acted himself to pay the said David Gray the £69 contained in his decreet before Whitsunday, 1639, one half at Whitsunday, 1638, and the other before Whitsunday, 1639, and also to compear before the Council and show his diligence herein. If he fail in this, it shall be lawful to Gray to enforce his caption against him.

Similar complaint by David Wadie, writer.

P. 385.

P. 386.

Complaint by William Gardin in the Linktoun of Abbotshall, and Archibald Mitchelson, son of William Mitchelson, bailie of the Linktoun, as follows:—“Peter Harrowar in the Linktoun, alledging that upon the day of last he obtained ane decree before the Lords of Privie Counsell aganis the compleaners decerning thame to deliver to him and his spous the goods and gear underwrittin, alledged tane fra him be the compleanners, viz. 30 elne of white sey sumbessie, 23 elnes of skowrings, 14 elne of plaid blankett, 20 elne of thicke white cloath, 20 elne of gray, 15 rokes of twise heckled lint, 8 great clewes of worsett, ane wylie coat of small plaiding, ane paitlet, ane sword with ane buist full of writts, to witt, ane charter and seasing of

Complaint by William Gardin in the Linktoun of Abbotshall and Archibald Mitchelson, son of William Mitchelson, bailie of the Linktoun, against Peter Harrowar in the Linktoun, whom they accuse of illegally threatening

them with
horning.

umquhill Alexander Matheis, ane charter, seasing and contract of John Mathie, ane discharge of certane few maills of three ruids of land and ane seasing perteaning to Niniane Mure"; has caused charge the com-
plainers to deliver these goods within a brief space under pain of horning, and he intends to enforce the same, yet most wrongfully, because, as soon as they were charged so to do, they delivered the goods to the said Peter Harrowar in his own house, and he received the same, as an instrument taken thereupon under the hand of Thomas Allane, notary, now produced, testifies. Moreover, they have found caution for delivery of any other goods belonging to him with which it can be shown they have meddled and to pay £40 for their escheat if they are found to be orderly denounced; and therefore they crave suspension of the horning. Both pursuers and defender compearing and having been heard, the Lords remit the settlement thereof to William, Earl of Dalhousie, their master, according to law.

Supplication
by Lieutenant
James Lawder
that certain
persons
confined in the
Tolbooth and
Correction-
house of
Edinburgh
may be drafted
for foreign
service.

Supplication by Lieutenant James Lawder, as follows:—There are a number of idle and masterless persons, malefactors, in the tolbooth of Edinburgh and Correction house there, "who might prove steadable in the warres," and he craves that their Lordships would grant warrants to the magistrates of Edinburgh and of other burghs to deliver to him such persons as they, by advice of any of the Lords of Council, should think fit to be taken by him to the wars, provided they are not warded for debt nor criminal causes. The Lords grant the prayer of the petition.

Complaint by
Richard
Dawson, born
in Yorkshire
and now
resident in
Broughton,
against the
deacon of the
weavers for
seizing certain
of the com-
plainer's
goods.

Complaint by Richard Dawson, clothier, born in Yorkshire and now resident in Bruchtown, as follows:—He engaged some houses for exercising his trade and calling, and has done so peaceably without interruption for the past twelve months, until on 21st instant John Watsoun, deacon of the wobsters, came to his house in Broughton, with James Rattray, officer to the baron-bailie, and Arthur Barrie, officer to the bailies of the Cannogait, who, entering his house in a tumultuous manner and threatening his servants, "reft and away tooke twa spuills," though they had no sentence nor decree against him. Charge having been given to the said John Watsoun, James Rattray and Arthur Barrie, and to William Sinclair, baron-bailie, and James Simsoun, bailie of the Cannogait, and both parties compearing and having been heard, the Lords remit the trial of the matter to the ordinary judges, and ordain the defenders to deliver back the "twa spuills" to the pursuer.

Holyrood
House, 23rd
August 1637.

Post meridiem: Sederunt ut ante meridiem, unacum Southesk.

[No record of business.]

Sederunt,
January 1635-
November
1643.
Fol. 55, a.

Edinburgh,
24th August
1637.

*Sederunt:—*Chancellor; Treasurer; Privy Seal; Winton; Morton; Perth; Wigton; Tullibardin; Lauderdaill; Southesk; Bishop of Edinburgh; Bishop of Gallouay; Bishop of Ros; Lord Naper;
Acts, May
1636-Novem-
ber 1639.
Fol. 230 b.

Acta, May
1636-Novem-
ber 1639.
Fol. 230, b.

Clerk Register; Justice General; Deputy Treasurer; Advocate;
Justice Clerk.

"The whilk day the missive letter underwrittin, signed be the King's Majestie and direct to the Lords of Privie Counsell, was presented to the saids Lords and read in thair audience, of the quhilk the tennor followes:—CHARLES R.—Right reverend father in God, right trustie and weilbelovit cousines and counsellers, right trustie and trustie and belovit counsellers, we greit yow weill. We perceave by your letter your great care in causing apprehend some persons who had ane hand in the late tumult upon the 23 July last, and that yow intend to make further searche for the authors, having alreadie caused our proclamations to be solemnelie published for preventing the like barbarous commotioun heerafter, whiche we take verie weill at your hands and for whiche we give yow heartie thankes. Having before the receipt of your letter written both unto yow and to our clergie and withall to the magistrats of Edinburgh tuicheing that purpose, our pleasure at this time is that yow proceed according to our direction last signified unto yow, and as yow of your selfes have further ordered, and as by advice of our cheefe clergie yow sall find may further conduce to the full and quyet sattling of the practise of that service booke, whiche we will accompt as most acceptable service, and for whiche these sall be your warrant. We bid yow farewell. From our Court at Oatlands, 6 August, 1637."

Letter from
his Majesty
anent the
tumult in St.
Giles' Church.

Sederunta,
January 1635-
November
1643.
Fol. 55, b.

Post meridiem: Sederunt ut ante meridiem, unacum Lord Alexander.

Edinburgh,
24th August
1637.

"The Lords appoints the nixt Counsell day to be upon the twentie of September nixt."

Next meeting
of Council.

Acta, May
1636-Novem-
ber 1639.
Fol. 231, a

Sederunt ut die prædicto, except Tullibardin.

Edinburgh
25th August
1637.

"The Lords of Secreit Counsell, understanding that there hes beene ane great mistaking in the letters and charges givin out upon the act of Counsell made anent the buying of the service bookes, the saids Lords, for removing and cleering of all suche scruple, declares that the said act and letters extends allanerlie to the buying of the saids bookes and no farther."

Declaration of
the Council
anent the
Service-book.

"Forsamekle as for the better discoverie and tryell of the false chartour of Newtoun, for the quhilk Williame Forsythe and Thomas Tulloch, provest of Forres, ar presentlie in waird within the tolbuith of Edinburgh, necessar it is that M^r Williame Falconner, sone to M^r Samwell Falconner of Kincorth, Alexander Grant, Ursilla Tulloch and Patrik Kynnaird, her spous, M^r Alexander Dumbar, eldest sone to the chantour of Murrey, Johne Dumbar, toun clerk of Forres, Johne Winchester, Robert Ferquhar in Wastfeild and Alexander Cumming, notar in Elgine, who ar thought to know something anent the said false

Charge to Mr
William
Falconner, son
of Mr Samuel
Falconner of
Kincorth, and
others to
appear before
the Council
and give
evidence anent
the charter of
Newtoun,
alleged to have
been forged by

William
Forsyth and
Thomas
Tulloch, pro-
vost of Forres.
See ante, p. 516.

chartour, be present before his Majesteis Counsell and examined anent the said falsett; nevertheles the saids persons will not compeir and depone therein without they be compellit; thairfoir the saids Lords ordains letters to be direct charging the persons abone writtin to compeir before the saids Lords upon the twentie day of September nixt to depone in so far as they know or sall be speirit at thame anent the said false chartour, under the pane of rebellion, etc., with certificatioun, etc."

Acceptance of
sheriffships.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie George Hepburne of Alderstoun, shireff principall of the shirefdome of Hadintoun for the yeere to come, Alexander Hamilton of Haggis, shireff principal of the shirefdome of Lanerk, and Bryce Sempill of Cathcart, shireff principall of the shirefdome of Renfrew and regaltie of Paisley, and accepted upon thame the offices of the saids shireffships respective and gave thair oath for the faithfull discharge of the same."

Edinburgh,
25th August
1637.

[Sederunt as recorded above.]

Decreta,
April 1635-
February 1639.
P. 388.

Supplication
by Bryce
Sempill of
Cathcart,
sheriff-princi-
pal of Renfrew,
for direction
as to sentences
to be pronoun-
ced on certain
thieves.

Supplication by Bryce Sempill of Cathcart, sheriff principal of the sheriffdom of Renfrew, as follows:—Margaret Leggatt in Crocehill, Walter Liggat, her brother, and John Thomesone, her son, were recently tried before him as common thieves and convicted of stealing of some coals and a "burden of kail" under night, and of "bringing a ledder under night to the Laird of Minto his barn, leddering the same, breaking the barn and stealing furth thair of nyne stane of cheis." John Thomesone is but a youth of fifteen years, and he has delayed giving sentence until he should obtain their Lordships' direction. The Lords ordain him to pronounce sentence on these persons as follows, besides the escheating of their goods according to law:—the said Margaret Liggatt to be banished the kingdom, and taken acted never to return upon pain of death; and the said Walter Liggatt and John Thomesone to be delivered to John, Earl of Traquair, Lord High Treasurer of this kingdom, to be disposed of by his lordship to some captain for the service of the wars, the said sheriff taking them acted never to return to the kingdom, under the pain of death.

Complaint by
Thomas Dun-
bar of Boghill
against the
chanter of
Murray for
illegal warding.

Complaint by Thomas Dumbar of Boghoill, as follows:—"The chantour of Murray, his profest enemy, to eschew the legall persutes quhilks he hes aganis him before the Justice and Lords of Sessioun, hes caused Thomas Wentoun, burges of Edinburgh, take the compleanner and commit him to waird within the tolbuith of Edinburgh" for £200 of principal, £100 of expenses, and certain annual rents, though this is not the complainer's debt but that of the late sheriff of Murray, whose widow he has married, and of which, moreover, there is a discharge in the hands of Robert Ferquhar, notary, who declares that he dare not give up the same for fear of the said chantor. Since then he has also been arrested at the instance of John Coke, David Wardlaw and John

secret, April 1635-February 1639. p. 389.

Inglis, burgesses of Edinburgh, for certain alleged debts, of which he has satisfied John Inglis, but as for the other two, owing to competing claims for the money, he is unable to pay it until these be settled. "Alwayes by this indirect dealing of the chantour he hes beene heavilie crossed in his particular actions aganis him, to his utter wracke and undoing." Charge having been given to the said Thomas Wentoun, John Coke, John Inglis and David Wardlaw, and the pursuer compearing, but none of the defenders, the Lords ordain the provost and bailies of Edinburgh to liberate the pursuer in so far as he is warded at the instance of any of these persons.

Complaint by John Davidstone, servitor to the Lady Blairquhan, as follows:—He has been warded by his creditors for certain debts contracted in his youth, but a number of them have consented to his liberation, except Henry Nisbit, merchant, for £100 Scots and interest thereof; David Crichtoun, writer, as alleged assignee of John Crichtoun, notary in Sanquhar, for 100 merks and interest thereof; and David Crichtoun, stabler, for about £12. He is most willing to satisfy these persons, but by reason of his imprisonment can do nothing towards this end nor for his own maintenance. Charge having been given to these three creditors named, and the pursuer compearing, but of the defenders only David Crichtoun, writer, the Lords after hearing parties, ordain the provost and bailies of Edinburgh to liberate the pursuer in so far as he is warded at the instance of these persons.

Complaint by John Davidstone, servitor to the Lady Blairquhan, against Henry Nisbet, merchant, and others for detaining him in ward and thus preventing him from satisfying his creditors.

Acts, May 1636-November 1639. Fol. 231, b.

Sederunt:—Chancellor; Treasurer; Duke of Lenox; Wintoun; Edinburgh, Wigton; Tullibardin; Lord Angus; Bishop of Edinburgh; 20th September 1637. Bishop of Gallouay; Master of Elphinston; Clerk Register; Justice General; Deputy Treasurer; Advocate; Justice Clerk; Sir Robert Gordon; Blakhall.

"The whilk day M' George Dundas of Maner, shireff of Linlithgow, Sir Williame Nisbit of the Deane, shireff of Edinburgh, Johne Wilkie of Foulden, shireff of Berwick, Androw Riddell of Hayning, shireff of Selkirk, Sir Robert Greir of Lag, shireff of Dumfreis, Alexander Stuart of Gastoun, shireff of Air, and James Johnestoun of Corheid, Stewart of Annerdaill, compeirand personallie before the Lords of Privie Counsell, accepted the office upon thame and gave thair oath for the faithfull discharge of the same."

Acceptance of sheriffships.

"Forsamekle as upon some necessarie occasions and impediments Sir Alexander Irwing of Drum, shireff principall of Aberdene, Sir Thomas Blair of Baltheyock, shireff principall of Perth, David Grahame of Fintrie, shireff principall of Forfar, George Baird of Auchmedden, shireff principall of Bamf, and Foulerton of Dreghorne, baillie principall of Kylestuart, have beene disabled to give thair appearance this day before the Lords of Privie Counsell to give thair oaths for the faithfull discharge of thair offices, in regard whairof and least his

Commission for taking the oaths of sheriffs who have been prevented from appearing before the Council.

Majesteis service upon this occasion sould be prejudged, the Lords of Secreit Counsell gives and grants commissioun and warrant be thir presents to Johne, Earle of Kingorne, or Walter, Bishop of Brechin, to take the oath of the said Laird of Fintrie; to Adame, Bishop of Aberdene, to take the oath of the said Laird of Drum; and to Alexander, Bishop of Dunkelden, to take the oath of the said Laird of Baltheyock; to James, Lord Deskford, to take the oath of the said George Bard; and to Patrik, Archbishop of Glasgow, to take the oath of the said Foullerton; ordaining heirby the shireffs particularlie abonewritten to addresse thameselffes to the counsellers respective foresaids with convenient diligence, and to exhibite to thame this commission and accordinglie to give thair oathes for faithfull discharge of thair severall offices and thereafter to proceed and goe on in the exercise of the same, as they will answer upon thair obedience and alledgeance to his Majestie."

Protection to
Sir Alexander
Home of
Manderston
continued in
accordance
with a special
injunction
from his
Majesty.

"The Lords of Secreit Counsell, according to ane warrant and direction in writt, signed be the King's Majestie and this day presented to the saids Lords and read in thair audience, hes prorogat and continewed and be the tennor heirof prorogats and continewes the protection formerlie grantit to Sir Alexander Home, younger of Manderstoun, for the space of ane yeere nixt after the expyring of the said former protection, viz., to the 24 of September, 1638; discharging heirby all shireffs stewarts, bailleis of regaliteis and thair deputs, provests and bailleis of burrowes, and all others judges, officers and magistrats to burgh and land and als messengers of armes, of all apprehending, arresting or warding of the said Sir Alexander be vertew of anie hornings, captions or other warrant whatsoever for debts or soumes of money; discharging, etc. Followes his Majesteis missive for warrant of the act foresaid:—CHARLES R.—Right reverend father in God, right trustie and weilbelovit cousines and counsellers, right trustie and trustie and weilbelovit counsellers, we greit yow weill. Whereas we wer pleased by our letters patent in June, 1635, to grant unto our servant, Sir Alexander Hume, our protection to indure for a space therein conteanit, and farther during our pleasure to be signified unto yow, and whereas we ar informed that the time last grantit unto him doeth expire in September nixt, howsoever we have givin direction for restraint of protections, yitt seing our protection grantit to him wes upon verie just considerations; thairfoir and in regard that his caise doeth in a singular maner deserve our commiseration, especiallie he being our domestick servant, we have thought good heirby to signifie our pleasure unto yow that our said protection may stand in force to our said servant for the space of one yeere more after the expiration of the time he hath now running, and that yow grant him your act heirupon, for whiche these presents sall be your warrant. Givin at our Court at Bagshot, the last of August, 1637."

Acta, May
1636-Novem-
ber 1639.
Fol. 231, b.

Fol. 232, a.

[Sederunt as recorded above, omitting the Treasurer Depute.]

Edinburgh,
20th September
1637.

Complaint by David Preston of Quytehill, as follows:—He has “ane coale upon the lands of Hill nixt adjacent to the lands of Wolmet, where Patrik Edmonston of Wolmet hes also ane coale,” and, disturbances arising in the working thereof between them, for obviating these they entered into a contract whereby the said Patrick “gave license and tolerance to the compleanner or anie other in his name to goe in als oft as they pleased within ane shaft or sinke alreadie sett down or to be sett down be the said Patrik within his bounds of Wolmet and there to met, measure, pyle and compasse to the effect the compleanner might know if he received anie wrong frome the said Patrik by his working within his said bounds of the lands of Hill,” which contract is dated 6th May, 1634. But the said Patrick “shortlie thereafter entered to the working of a seinzie wall interjected betuix the compleanners coaleheuche and the said Patrik his coale, quhairby the compleanners coale wes like to be drownned.” By order from their Lordships the place was visited by George, Earl of Winton, who “fand the right of that part of the said Patrik his coaleheuche toward the east and north-east to be questionable and that the said Patrik his working therein would endanger the compleanners coaleheuche,” and so the Earl discharged the said Patrick from working therein until their differences were settled by the arbitration of some gentlemen. This the said Patrick promised to do, but in contravention thereof, and in contempt of the said Earl, “that same night he entered his servants to worke in the said seinzie wall.” The complainer for this cited him before their Lordships in November thereafter, and their Lordships remitted the trial of their respective rights to the Lords of Session, reserving the punishment of the contempt until the decision, and ordained the said Patrick to find caution not to work in the bounds under dispute meanwhile, under the penalty of 5000 merks in addition to the payment of the damage he should do. Letters were then directed against him for finding this caution, but these upon frivolous grounds he suspended, yet the same on being discussed were found orderly. Since then “the said Patrik hes caused his servants worke in the said seinzie wall and hes wrought throw the same, whereby he is like to drowne the compleanners coale, to his heavie losse and prejudice of the publick; whiche mater cannot admitt delay, but must be tryed with diligence.” Both pursuer and defender compearing, the Lords, after hearing parties and advising, appoint Sir David Crichtoun of Lugtoun, Sir John Wauchop of Nidrie, Sir Thomas Thomesone of Dudingston and James Rig of Carbarrie, or any three of them, to visit the coalheuchs pertaining to the parties, and try the alleged wrongs by examining witnesses and otherwise and report in writing to their Lordships before 1st October next, until which time they ordain the said Patrick to forbear further working in the said seinzie wall; and they empower the said visitors to discharge or

Complaint by
David Preston
of Whitehill
against Patrick
Edmonston of
Wolmet for
invading his
rights in a
coalheugh.

Secreta,
April 1635-
February 1639.
391.

continue his working therein till the first Council day of November next, ^{Decreta, April 1635.} until which date the Lords continue the report to be made by the said ^{February 1632.} visitors. P. 392.

Complaint by William Brown, burgess of Inverkeithing, against William Blackburne, also burgess there, for illegal pouding.

Complaint by William Broun, burgess of Innerkething, as follows:—P. 393.

William Blaikburne, also burgess there, has raised letters of horning and pouding against him "upon a bought plea," of which he procured a second suspension upon good grounds. Blaikburne was not ignorant of this, for he was at the trouble to obtain a copy thereof from the Clerk of the Bills. "The honest man thought himselfe secure of his trouble" now, but Blaikburne, accompanied by John Broun, messenger of Dumfermeline, came on 12th August last to the Hospital lands beside Dumfermeline, and, upon pretext of the said suspended letters, "violentieft away foure horse perteaning to the compleanner with thair secks and other furniture and caried the same away." On learning what had been done the complainer sent Robert Stirk, messenger, with the letters of suspension to Blaikburne and his messenger, which he showed to them and desired back the goods. But they proudly refused, "disdanefullie affirming that a reaver sould not be a rewer." Charge having been given to the said William Blaikburne and John Broun, and the pursuer and Blaikburne both compearing, the Lords, after hearing parties, ordain Blaikburne to find sufficient caution in their Lordships' books that he will pay whatever the pursuer may recover against him in this matter by course of law. And Mr William Blaikburne, son to the said defender, being also present, became cautioner for his father to this effect, the father obliging himself also to relieve his son.

Complaint by Mr Christopher Knowes, minister at Coldingham and a justice of peace, against Alexander Home of West Restoun for assault.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and P. 394.

Mr Christopher Knowes, minister at Coldingham, and one of the justices of peace of the sheriffdom of Berwick, as follows:—The pursuit and invasion of ministers is strictly prohibited by the laws and specially by an act of the late parliament. Now the said Mr Christopher is heritable possessor of certain lands of Swynwod, wherein "he hes beene verie heavilie molested and troubled be Alexander Home of West Restoun," who, notwithstanding an action of lawburrows against him, in contempt thereof "maisterfullie tooke away his tennents [*sic*] and cornes, diverted certane strypes frome his milne dammes and otherwayes verie heavilie oppressed" his tenants, resolving to lay his lands waste. Further, "he resolved without respect to the compleanners charge in kirk or policie to abuse his person in most barbarous and shamefull maner; for quhilk purpose, upon the fourth of September instant, he came to the hous of Alexander Home in Aittoun, where the compleanner was doing his lawfull affaires, callit upon him to the window, and after he had most disgracefullie abused the compleaner and threatned him with bloodie oathes and opprobrious speeches and given him the lee, he concluded his contumelious and railing discourse with these speeches—'I vow to God I sall make the Water of Ay quite of yow and force yow to sell your land chaper then yow coft it.' Upon hearing of quhilks

Decreta,
April 1636-
February 1639,
P. 394.

godlesse threatnings ane gentleman, having drawin him by and finding his purpose thereby marred, he in great despite strake himsele on the brow, thereafter on the breast and went in great passion down the staire, and shortlie thereafter directed up George Home, his servant, furnished with his owne coate, ane sword at his side with ane pletted and knotted rod, quhilk wes tane frome Johne Home, sone in law to the said Alexander, and the compleaner being leaning on the boord looking for no harme, the said George, ane person altogidder unknowne to the compleanner and unto whome he had never givin offence in worde nor deed, er ever the compleaner wes awar and without speaking anie words to him, at the direction of the said Alexander, his maister, cruellie strake the said minister on the face and nose with his said rod and felde him dead to the ground to the effusion of more then three chopins of his blood; and being lying on the ground he barbarouslie battouned him on the bare head with his said rod. Quhereat ane gentleman muche commoved and having apprehended him to make him furthcumand to justice, the said Alexander, accompanied with Alexander Home of Blackhills, his cousine, came up the staire, patt violent hands in the said gentleman, pulled him be the haire of the head and reft the said George frome him, and tooke him home to the said Alexander his hous, where he wes kyndelie interteaned for obeying this their impious service. Quhilk being ane nefarious and wicked attempt aganis ane preacher and justice of peace, whois persons (being publict officers) ar sacred, deserves most exemplarie censure and punishment." Charge having been given to the said Alexander and George Home, and the pursuer compearing and also the said Alexander Home, but not George Home, the Lords, after hearing parties and witnesses, find it verified "that the said George Home invaded and persewed, hurt and wounded the said minister," and for this great insolence the Lords ordain the said Alexander Home to exhibit the said George before them on the first Council day of November to be punished for the same; and they continue until then the sentencing of the said Alexander Home himself.

Supplication by Captain Alexander Stewart, lieutenant-colonel to Colonel Alexander Cuninghame, as follows:—His Majesty was pleased to grant a warrant to the said colonel for raising certain forces in Scotland for the service of the crown of Sweden, "the reall performance quhairof will greatlie conduce in this so important a time toward the strenthening of the Swedish armie." He therefore craves commission from their Lordships to himself and his officers to apprehend all persons who, having formerly received pay and enrolled themselves in service under the said crown of Sweden, have run away; and all sturdy beggars, and idle and masterless men "wanting trade, calling and dependance (the same, togidder with the condition of the saids fugitive souldiours, being qualified before the magistrats where the saids persons sall be apprehended) and to transport them over sea" for the said service. The Lords grant warrant and commission as craved, and ordain all magistrates

Supplication
by Captain
Alexander
Stewart for a
warrant to
apprehend
deserters from
the levies
raised for
service in
Sweden, and
also to press
masterless men
for the same
service.

P. 395.

P. 396.

and the lieges to assist the supplicant herein, as they will answer upon the contrary at their peril.

Supplication
by John
Wilson,
younger, cord-
wainer in
Glasgow,
against
Patrick
Watson, elder,
flesher in
Glasgow, and
William
Watson,
notary in
Glasgow,
whom he
accuses of
forging the
discharge of a
bond to free
the said
Patrick from
ward.

Supplication by John Wilson, younger, cordwainer in Glasgow, as follows :—Patrick Watson, elder, flesher in Glasgow, was warded in the tolbooth of Glasgow for not paying the supplicant certain sums of money he was due to him by two bonds ; but with the connivance and assistance of William Watson, notary in Glasgow, he has forged a discharge for a great part of this debt, and upon production of the same to the Lord Chief Justice procured a suspension and a charge for putting him to liberty. When the Lord Justice was informed of the forgery and that he had been abused in this matter, he called for the said Patrick and William Watson, who, upon examination, confessed the forgery of the discharge, whereupon his lordship ordered the magistrates of Glasgow to commit them both to ward, and there they presently remain. But they are endeavouring to procure their liberty through the foresaid pretended suspension and so to escape their deserved punishment. He therefore craves that the Lords would direct the provost and bailies of Glasgow to keep the said Patrick and William Watson in ward, notwithstanding any charge to the contrary until their Lordships give further directions, unless the said Patrick and William Watson find sufficient caution at the sight of the Lord Chief Justice. The Lords grant order as craved. .

Decreta,
April 1635.
February 1637.
P. 396.

Fullarton of
Dreghorn.

"The Lords continewes Foullertoun of Dreghorne to be baillie of Kylestewart till his Majestie sall be pleased to nominat another within the baillerie in his place."

Sederunt,
January 1637.
November
1643.
Fol. 56, b.

Eodem die post meridiem : Sederunt ut ante, unacum Southesk.

Two gipsies
apprehended
by the Lord
Advocate to be
banished.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Sir Thomas Hope of Craighall, knight baronnet, Advocat to our soverane lord, and declared that out of his affectioun to his Majesteis service and dewtie of his place as ane counseller he had caused latelie apprehend twa vagabounds, callit Egyptians, and sent thame over to the provest and bailleis of Edinburgh, be whome they wer committed to waird within thair tolbuith, where they presentlie remaine ; quhilk declaration being heard and considerit be the saids Lords, they have allowed and allowes of the service done be his Majesteis said Advocat in this mater, and ordains the Lord Cheefe Justice to call the saids twa Egyptians before him and to pronounce doome or banishment aganis thame, taking thame actit never to returne under the pane of death, and ordaining thame to be delivered to Colonell Robert Stuart to be transported be him to the warres."

Acta, May
1636-Novem-
ber 1639.
Fol. 232, a.

Appointment
of a committee
anent the
Service-book.
—Answer to
the petitions

"The whilk day the Lords of Secreit Counsell having heard and considerit his Majesteis missive letter direct unto thame concerning the service book, the saids Lords, for satisfaction of his royall pleasure signified therein, nominats, appoints and ordains the Lords Chancellor

acta, May
636. Novem-
ber 1639.
vol. 232, b.

and Tresaurer, the Erles of Winton, Wigton and Southesk, the Bishops of Edinburgh and Gallouay, the Clerk Register, Justice Generall, Deputie Tresaurer, Advocat, Justice Clerk, and Laird of Blakhall, or anie seven of thame, the Lords Chancellor or Tresaurer being alwayes ane of the seven (not excluding anie other of the Counsell who sall be pleased to be present), to attend and reside heir in this vacation time for performance of what his Majestie by his said letter hes committed to thair care. Lykeas the Lords superseids to give answer to the petitions givin in this day to thame to the noblemen, barons, ministers, and communitie aganis the service booke,¹ till his Majestie, after dew consideration of the same, sall signifie his gracious pleasure thereanent, wherewith the saids petitioners sall be tymouslie acquainted, and whairof intimation wes judicillie made to the Erles of Sutherland and Wemes for thameselffes and in name of the rest of the petitioners. And whereas the Duke of Lennox his Grace hes beene ane eare and ey witnes to all that wes moved or treatted in Counsell concerning that mater, and who is presentlie to repaire to his Majesteis royall court, the saids Lords intreats the Duke his Grace to remonstrat to his Majestie the trew estat of the bussines with the manie pressing difficulteis occurring therein, and to sollicite his Majesteis gracious resolution thereanent; for whiche purpose ordains two or three of the pryvie petitions whiche the Counsell sall make choice of with a roll and list of the rest to be delivered to the Duke his Grace to be represented by him to his Majestie at his fitting conveniencie."

of the noble-
men, barons,
ministers, and
community
anent the
same post-
poned till his
Majesty's
pleasure be
ascertained.

vol. 233, a.

"The quhilk day in presence of the Lords of Secreit Counsell compeired personallie Johne, Erle of Wigtoun, and Sir James Carmichell of that ilke, knight baronnet, Deputie Tresaurer, commissioners nominat be the saids Lords of Privie Counsell, and judges arbitrators nominat and chosin in presence of the saids Lords in the mater and be the persons aftermentiouned, and gave in thair decret and sentence, of the quhilk the tennor followes:—We, Johne, Earle of Perth, Johne, Earle of Wigtoun, and Sir James Carmichell of that ilke, knight baronnet, his Majesteis Deputie Tresaurer, being conveenned within the forrest of Glenalmond be vertew of ane judicill submission and commission made and direct to us frome the Lords of Secreit Counsell for surveying the said forrest and cleering the merches thairof, as the said submission and commission under the signe and subscription of James Prymrois, Clerk of Secreit Counsell, in thameselffes beirs, after surveying ane great part of the said forrest, and cheefelie that part thairof where the merches ar contraverted betuix Patrik, Erle of Tullibardin, and Sir James Campbell, elder of Lawers, and Mungo Campbell, his sone, fear thairof, and sufficient tryell taking be us of the old meiths and merches of that part of the said forrest by the depositions of sindrie famous persons, hes foundin and be thir presents finds the merches betuix the said Patrik,

Report of the
Commission
appointed to
settle the
respective
bounds of the
Earl of Tulli-
bardine and
Sir James
Campbell of
Lawers in the
forest of
Glenalmond.
See ante, p. 516.

¹ This is the first mention of the petitions for the withdrawal of the Service-book which now began to pour in upon the Council.

Erle of Tullibardin, and the said Sir James Campbell of Lawers and Mungo Campbell, his sone, cheefelie that part thair of to be particularlie as followes, viz. : fra the tap of the farthest west shoulder of Craigna-
carne in the sight of Coricharvie and frome that to goe lineallie downe-
ward to the Water of Almond be the east end of the arable hauche,
keeping the dyke and ground to build it with free, and frome that to
goe right northward to ane cairne quhilk is layed and frome that
lineallie north be twa severall great stones standing upon the face of
the brae right up to ane standand gray stone standing upon the top of
the hill of Beneganniche looking or jowcking eastward, and the merche
be the hills to be as wind and weather sheares, whiche merches abone-
writin we decerne and ordaine to be inviolable kepted be the said
Earle of Tullibardin and the saids Lairds of Lawers *hinc inde* to others
in all time coming. And this our decret we ordaine to be insert and
registrar in the bookes of our soverane lords Counsell and Session or
Secreit Counsell, to have the strenth of ather of thair decreits, thair
auctorities interpouned thereintill, with letters and executorialls to pas
heirupon in forme as effeirs, and to that effect constituts our
procurators conjunctlie and severallie to compeir to consent to the
registratioun heirof, *promitten de rata*, etc.; firme and stable etc. In
witnes of the quhilk thing thir presents, writtin be Robert Aissoun, notar
at Creiff, we have subscryved the same decret with our hands at Creiff,
the second day of September, the yeere of God j^mvj^c threttie sevin yeeres,
before thir witnesses, Johne, Lord Fleeming, Johne Drummond, sone
lawfull to the Erle of Perth, Sir Johne Halden of Glennegles, and
Robert Aissoun, notar, writter heirof. *Subscribitur*, Perth, Wigtoun,
James Carmichaell; Flemyng, witnes; J. Drummond, vitnes; S. J.
Glennegles, witnes; Robert Aissoun, noter, witnes. Quhilk being read,
heard and considerit be the saids Lords, they have allowed and allowes
of the saids judges thair panes and travells and of the decret and
sentence givin be thame in this mater, and hes interpouned and interpons
thair auctoritie thereto, ordaining the same to be insert and registrar in
the bookes of Privie Counsell that execution may pas thereupon in
forme as effeirs."

Edinburgh
22nd Septem-
ber 1637.

Sederunt :—Chancellor; Treasurer; Dumfreis; Southesk; Bishop
of Edinburgh; Bishop of Galloway; Clerk Register; Justice
General; Advocate; Deputy Treasurer; Justice Clerk; Sir
Robert Gordoun; Blakhall.

Sederunt,
January 1638.
November
1643.
Vol. 56, a.

Letter of
vindication to
his Majesty
from the
Council.

"A letter to his Majestie vindicating the Counsell frome the sinistrius
informatioun quhairwith they have beene charged."

Edinburgh,
23rd Septem-
ber 1637.

Sederunt :—Chancellor; Treasurer; Dumfreis; Southesk; Bishop
of Edinburgh; Bishop of Gallouay; Clerk Register; Justice

Acta, May
1636-Novem-
ber 1639.
Vol. 233, b.

Acta, May
636-Novem-
ber 1639.
Vol. 233, b.

General; Advocate; Deputy Treasurer; Justice Clerk; Sir
Robert Gordoun.

"Forsamekle as our late soverane lord of eternall and famous memorie, out of his royall and tender regard of the weale of the burgh of Perth (quhilk is one of the most ancient within the kingdome), having takin to his particular consideration the ruinous estat of the said burgh occasioned be the fall of the bridge thair of and others interveening occasions fra time to time, his Majestie wes graciouslie pleased to take to heart the preservation of the said burgh frome utter ruine and wracke and to begin with the reedifeing of the said bridge, without whiche nather can the said bridge be recovered nor the subjects repairing frome the south to the north eased; and his Majestie, knowing that nather ar the inhabitants of the said burgh able to undergoe anie considerable part of the charges requisite for suche a great work, and that the countrie nixt adjacent is lykewayes unable to contribute thereunto in suche proportion as will doe the turne, his Majestie thairfor in the skarsetie of his awne treasure began ane contribution, quhilk his Majestie wished that all his good subjects of this kingdome may continue according to thair meanes; and our present soverane lord, following the footsteps of his most worthie father with the like pietie, did not onelie further and advance this mater in his father's time, but also since at diverse occasions hes recommendit to his Majesteis Counsell to have a speciall care that all good meanes be used for procuring ane voluntar contribution throughout this kingdome toward this so important ane worke. And the Lords of his Majesteis Privie Counsell, being confident that all his Majesteis good subjects will with all alacritie secund our soverane lord and his said unquhill darrest father thair pious and princelie direction in a mater [concerning] so neerelie the good and weale of so ancient ane burgh and the publict benefite of his Majesteis subjects; thairfor the saids Lords have most earnestlie recommendit and be the tennor heirof recommends this pious and important work to all archbishops and bishops, noblemen, barons and gentlemen, sessions of kirks, meitings of exercises, provests and bailleis of burrowes, and all particular persons of ranke and qualitie within this kingdome to burgh and land, requesting and desyring thame and everie ane of thame to extend suche proportion of thair benevolence and christiane liberalitie towards the reedifeing of the said bridge as the necessitie of so weightie a mater doeth require; requeisting also the saids archbishops and bishops to give order and direction to the severall ministers within thair dioceis to stirre up the people of thair particular parishes (by dilating and amplifying the equitie and pietie of so worthie ane worke in the most powerfull way they can) to extend thair liberalitie towards the advancement of this earand and that suche furthersome wayes and meanes be prescryved for that effect, as hes beene used at anie time heirtofore in the like exigent. And for the better ordering of this worke, both anent the

Recommendation for a general contribution towards the building of a new bridge at Perth, and appointment of a committee for effectuating the same.

Vol. 234, a.

collecting of moneyes and imployment of the same towards the bigging of the said bridge, the saids Lords have nominat and appointed and be the tennor heirof nominats and appoints , Erle of Montrois, Johne, Erle of Perth, Johne, Earle of Kingorne, Patrik, Erle of Tullibardin, George, Erle of Kinnoull, Mungo, Vicount of Stormont, George Hay of Keillour, Sir Patrik Ogilvie of Inchemartine, knight, Sir Johne Moncreiff of that ilke, knight, Sir Thomas Blair of Baltheyock, knight, Sir Andro Rollock of Duncrub, knight, M^r Francis Hay of Balhousie, Johne Oliphant of Bachiltoun, Williame Butter, sone to umquhill Patrik Butter of Gormock, and the provest and bailleis of the said burgh of Perth for the time (who ar persons in whome the saids Lords repose special trust and credite), or anie seven of thame, to be commissioners to the effect after-mentioned, with full power and commission to thame or anie seven of thame to conveene, meit, consult and determine and conclude upon the best and most commodious maner of reedifeing and bigging agane of the said bridge of Perth, and of providing of warkmen and materialls necessar thereto, and for collecting, imbring, conserving, wairing and debursing of all moneyes givin and promitted to be givin or promitted for reedifeing of the said bridge, and to make, creat and constitute thesaurers, collectors, clerkes, overseers, attenders, and all others officers requisite and expedient for advancing of the said work, during suche space as the saids commissioners or anie seven of thame conjunctlie sall thinke meit and expedient, and thame to remove, place, displace, imput and outputt for suche reasonable causes as the saids commissioners or anie seven of thame sall thinke expedient at thair pleasure, and to give and grant to ilke ane of thame suche particular priviledges and liberteis in thair severall offices concerning the premises and to modifie and provide to thame suche fees and allowances for thair services as the saids commissioners or anie seven of thame conjunctlie sall thinke meit and expedient; and generallie all and sindrie others things in the premises that to the office of commissioners in suche caises of the law and consuetude of this realme ar knowne to perteane to doe, use and exerce, siclyke and als freelie in all respects as anie others his Majesteis commissioners in suche caises or affaires lawfullie might have done or may doe in anie time bygane or to come; quhilks commissioners foresaids sall be haldin to make report once yeerlie or oftner as they sall be required of thair proceedings in the said mater, and to show to the saids Lords the bookes of thair accompts, ressaits and voluntar contributions receaved and debursements thair of subscryved be the saids commissioners or anie seven of thame."

Edinburgh,
23rd Septem-
ber 1637.

The town
council of
Edinburgh and
the Service-
book,

"The Lords recommends to the provest, bailleis and toun clerk of Edinburgh to advise with thair Counsell anent the most conduceable meanes for satling the service booke within thair kirks in a peaceable way and to report thair resolution to the Counsell upon Moonday nixt."

Sederunt,
January 1638.
November
1643.
Vol. 56, a.

Acta, May
1636-Novem-
ber 1639.
Vol. 234, a.

Vol. 234, b.

Acta, May
1636-Novem-
ber 1639.
Vol. 234, b.

Sederunt:—Chancellor; Treasurer; Southesk; Bishop of Edin-Edinburgh,
burgh; Bishop of Gallouay; Clerk Register; Justice General; ber 1637.
Advocate; Deputy Treasurer; Sir Robert Gordon.

"Forsamekle as Colonell Stuart, having be vertew of the commission grantit to him, leveyed and tane up within the kingdom of Ireland the persons following for the service of the crowne of Sueden, they ar to say, Johne Pryce, Robert Hand, Gerard Canno, Myles Broun, Moreis Leynar, Harie Bilar, Antony Gillar, Williame Thomesone, Williame Flanaga, Hew Kene, Gerard Daniel, Johne Kene, Neill M^cRorie, Morton Farrir and Williame Bulgar, and having brought thame to this kingdome to have attended the commoditie of thair transport, it is of truthe that the persons foresaids, aganis the dewtie of good souldiours and aganis thair oath givin at thair enrolling, hes abandonned and left thair cullours and hes privlie convoyed thameselfes away, lurking in obscure places till the commoditie of thair transport be past over, to the great contempt of the good order of discipline universallie observed in all militarie affaires; and whereas it is a mater of verie bad exemple, and deserving hard censure and punishment, thairfor the Lords of Secreit Counsell hes givin and grantit full power and commission to the said Colonell Stewart and his officers authorized with commission frome him to pas, searche, seeke and take the fugitive souldiours abonewrittin, as alsua all others who have receaved pay and unworthilie disbanded and runne away, as alsua all sturdie beggers and ydle men wanting trades, the same togidder with the condition of the saids fugitive souldiours being first qualified before the magistrats where the saids persons sall be apprehended, and suche and so manie of thame as they can apprehend to caus keepe thame in saife custodie till the commoditie of thair embarking be presented; commanding heirby all shireffs, judges, officers and magistrats to burgh and land to concurre and assist the said colonell and his officers in execution of this commission, and to committ and deteane in waird the persons abonewrittin or so manie of thame as sall be presented to thame ay and quhilk the commoditie of thair embarking be presented, as they and everie ane of thame will answer upon thair obedience at thair perrell."

"The quhilk day the Deputie Treasurer produced a report in writt under the hands of, etc., tuicheing thair opinion anent the enlargement of the forrest of Glenalmond, whiche the Lords ordains to be registrat *ad futuram rei memoriam*."

"Missives to the burrowes of Edinburgh, Linlithgow, Perth, Air, Irwing and Glasgow for choosing of thair magistrats."

"The Lords recommends to the bailleis and toun clerk to advise upon a dewtifull and satisfactorie answer anent the service booke."

"A missive frome his Majestie to the Chancellor and Treasurer willing thame to associat to thameselfes the officers of estat, that, having informed thameselfes of the abuses in the commission for the surrenders and considerit the remedeis thair of, they may report to his

Commission to
Colonel Stuart
to arrest
certain
deserters
whom he had
enlisted in
Ireland for
service in
Sweden, and
also to impress
masterless
men for the
same service.

The forest of
Glenalmond.

Certain burghs
and the
election of
their magis-
trates.

The town
council of
Edinburgh and
the Service-
book.

Missive from
his Majesty
anent the
Commission

Sederunts,
January 1635-
November
643.
Vol. 56, a.

for the
Surrenders
and Teinds.

Majestie thair opinions thairanent; quhilk missive wes givin up to Mr Sederunt, January 1638.
William Hay, clerk of the commission." November 1643.

Edinburgh,
26th September 1637.

Sederunt:—Chancellor; Treasurer; Dumfreis; Bishop of Edinburgh; Bishop of Gallouay; Clerk Register; Justice General; Deputy Treasurer; Advocate. Fol. 56, a. Acta, May 1638. November 1639. Fol. 235, a.

The town
council of
Edinburgh
and the
Service-book.

"The whilk day James Cochrane, Johne Smith and Charles Hamiltoun, bailleis, the deane of gild, treasurer and town clerk of Edinburgh compeirand personallie before the Lords of Privie Counsell, gave in thair petition in writt, desyring for the reasons therein conteanit not to presse thame with the receaving of the service booke till his Majestie signifie his pleasure concerning the same, and that thair petition be offered to his Majesteis gracious consideration. The Lords having heard the petition, and considering the time of the change and election of the magistrats now approacheth, they ordaine a letter to be writtin to his Majestie to the effect abonewrittin." Fol. 235, b.

Edinburgh,
26th September 1637.

[Sederunt as recorded above.]

Decreta,
April 1638.
February 1639.
P. 397.

Complaint by
Thomas
Dunbar of
Boighoill
against Robert
Arbuthnot and
Elspet Vaus
for illegal
warding.

Complaint by Thomas Dunbar of Boighoill, as follows:—Since the last day that their Lordships ordained him to be liberated he has been arrested at the instance of Robert Arbuthnot for £80 (which he is not due), and at the instance of Elspet Vaus for 100 merks (which was long since payed to Adam Urquhart, her husband). The pursuer compeirand, but neither of the persons named as defenders, the Lords ordain the provost and bailies of Edinburgh to liberate the pursuer in so far as he is warded at their instance.

Supplication
by Thomas
Tulloch of
Tannacheis,
who has been
long detained
in Edinburgh
in connection
with the
charge of
forgery against
William
Forsythe, that
he may be
allowed to
return home.

Supplication by Thomas Tulloch of Tannacheis, as follows:—"He hes beene verie heavilie troubled this long tyme bygane upon occasion of the action of improbation of the false chartour made by Williame Forsythe, and he hes beene at sindrie dyets heir and oftin examined; and now last, upon the 24 of August last, he wes examined before his Majesteis Justice and hes depouned all that can be speired at him, whereby his innocence doeth cleerelie appeare. And whereas he hath beene at verie great charges upon this occasion, and in his absence the Water of Findorne hes overflowed a great part of his lands to his heavie prejudice," he craves their Lordships' permission to return home. The Lords grant permission as desired upon the supplicant finding caution in £1000 to compear before them upon the first Council day of November. P. 398.

Similar
supplication in
the same
connection by
Arthur Forbes
of Erlesmilne.

Supplication by Arthur Forbes of Erlesmilne, as follows:—He was cited before their Lordships and examined in the action of improbation against the Chantor of Murray, upon which matter he has remained in Edinburgh for over sixteen weeks and given all the information he can. "And whereas he hes ane great labouring at home quhilk throw his absence is neglected, besyde the care and charge of nyne motherlesse childrein," he

craves their Lordships' permission to go home. The Lords grant him liberty to return to his own country for doing his lawful affairs, notwithstanding of any act of restraint to the contrary, he first finding caution in their Lordships' books in £1000 to compear before them on 15th November next and answer to anything to be laid to his charge in the aforesaid matter.

Supplication by Francis Stewart, eldest lawful son of the deceased Francis, sometime Earl of Bothwell; as follows:—By the decreet arbitral pronounced by his Majesty between him and the deceased Walter, Earl of Buccleuche, "there is decerned to perteane to him the lands within Lothiane perteaning to his umquhill father, viz., the lands of Crichtoun, Hals, Morhame, Trapren and others. And, seing that during the not ending of the said decreet the maills and dewteis lyes still in the tennents hands yeerlie, the crops 1635, 1636 and 1637, to the hazard of the losing thair of, and seing it will be for the supplicants profite and for the weale of the tennents that the saids dewteis be uplifted for thame," he craves their Lordships to grant a commission to uplift the same and to dispone thereupon at his pleasure to Patrick Wod, merchant burgess of Edinburgh. The Lords grant warrant as craved, the said Patrick Wod being present and binding himself and his heirs to be accountable for his intromissions to the party who may be found to have best right thereto.

"The quhilk day Robert Scot of Quhitslaid, William Scot of Tinnes and Francis Scot of wer adjoynned to the justices of peace within the shirefdome of Selkirk."

Edinburgh,
27th September 1637.

Justices of
peace for the
shire of
Selkirk.

Sederunt:—Ut supra.

Edinburgh,
28th September 1637.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Sir James Carmichell of that ilke, Tresaurer Deput, and produced before the saids Lords ane report under the hands of Johne Erle of Perth, Johne Erle of Wigtoun, and under his awne hand of the commission grantit to thame for visitation of the forrest of Glenalmond, togidder with thair opinions thereanent, quhereof the tennor followes:—We, Johne Erle of Perth, Johne Earle of Wigton, Sir James Carmichell of that ilke, knight baronnet, Tresaurer Deput:—Forsamekle as there is ane commission direct frome his Majesteis Secreit Counsell to us for surveying his Majesteis forrest in Glenalmond and for making the merches there with the neighbouring gentlemen, as the said commission of the date the day of at mair lenth beirs, thairfoir we heirby testifie and declare that after we have considerit the bounds of the said forrest and merches and meiths thair of, and finding some differ of merches to be betuix Patrik Erle of Tullibardin, heretable keeper of the forrest, and Sir James Campbell of Lawers of his lands of Stronabellie lying on the east side of a part of the said forrest, we did make and sett doun meiths and merches betuix the said Sir James his saids lands

Report by the
Glenalmond
Forest Com-
mission anent
the dispute
between Sir
James Camp-
bell of
Lawers and
the Earl of
Tullibardine,
hereditary
keeper of the
said forest.

See ante, p. 529.

Secreta,
April 1635.
February 1639.
p. 398.

Justices of
peace, 1612-
639.
Vol. 73, a.

Acts, May
636-Novem-
ber 1639.
Vol. 235, b.

and the lands of the said forrest as is conteanit in ane writt and decreit thair of alreadie givin in be us, and did ordaine the samine to remaine as ane constant merche in all time comming. As likeways finding that the said Sir James Campbell of Lawers his lands of Stronabellie and Achnafreis, quhilks properlie and heretablie belongs to him as lying in the midds of the said forrest, ane part of the lands of the said forrest being on the east side and ane part thair of on the west and north side of the said Sir James his lands lying as said is, and lykeways finding that ane great part of the said Sir James his lands is arable ground possest be a number of tennents and is estimat to be foure myle of bounds or thereby, in regard quhair of in our judgements we did find it altogidder unlikelie, that his Majestie might have conveniencie of ane forrest there for keeping of reid deir there without the saids lands of Stronabellie wer adjoynned thereto. For remeid quhair of we thought it expedient that ane excambioun sould be agreed upon betuix the said Erle of Tullibardin, keeper of the said forrest, of the lands of the said forrest quhilks lyes on the west and north side of the said Sir James Campbell his saids lands and als mekle, according to the worth of the saids lands, of the forrest lying on the west and north side of the said Sir James his lands sould be givin to the said Sir James heretablie aff the east side of his lands lying contigue to the said forrest, to the effect that the haille lands properlie belonging to the forrest might ly haille and inteir togidder; to the whiche we declare that the said Erle of Tullibardin and Sir James Campbell did agree, and for that effect ane submission wes accorded on betuix thame and subscryved and delivered to us, the said Johne, Earle of Perth, oversman, as the said submission in it selfe at mair lenth beirs. Lykeas we declare that there wer certane greevances givin in to us be the said Sir James of the heavie and great prejudices he sould susteane if the said excambion sould not take effect and withall protested that he could not agree to the merchies sett down be us unlesse the said excambion wer perfytted, the consideration quhair of and answers thereto we thought expedient to refer to his Majesteis Secreit Counsell. All whiche premisses we testifie to be of truthe, be thir presents subscryved with our hands at Edinburgh and Stirline, the twentie twa and xxvij dayes of September, the yeere of God j^mvj^exxxvij yeeres. *Subscibitur*, Perth, Wigtoun, Ja. Carmichael. Quhilks being read, heard and considerit be the saids Lords and they weill advised therewith, the Lords of Secreit Counsell hes ordained the same to be insert and registrat in the bookes of Privie Counsell, therein to remaine *ad futuram rei memoriam*." Acta, May 1636-November 1639. Fol. 235, b.

Edinburgh,
17th October
1637.

Sederunt:—Traquaire; Wigton; Lauderdaill; Angus; Bishop of Edinburgh; Bishop of Gallouay; Master of Elphinston; Clerk Register; Justice General. Fol. 236, b.

Proclamation,
in accordance
with his

" Forsamekle as it hes pleased the King's Majestie upon diverse good respects and considerations to give warrant and direction to the Lords of

Acts, May
1636-Novem-
ber 1639.
Fol. 236, b.

his Majesteis Privie Counsell for dissolving the meeting of this Counsell day in so far as concernes the maters of the church, and that everie one that hath come to attend this bussines repaire to thair owne dwellings except suche persons as sall make knowne to the saids Lords of Counsell just caus of stay for thair particular affaires, thairfoir the saids Lords, according to his Majesteis speciall warrant and direction sent unto thame, hes dissolved and be the tennor heirof dissolves the meiting of this Counsell day in so far as concernes the bussines abone writtin, and ordains a maissers of Counsell to pas to the mercat croce of Edinburgh and make publication heirof, and to command everie one that hath come heir to attend this bussines to repaire home to thair owne dwellings within twentie foure houres after the publication heirof except suche persons as sall make knowne to the saids Lords just caus of thair stay for thair particular affaires in maner foresaid, under the pane of rebellion and putting of thame to the horne, with certification to thame that failleis that they sall be denounced rebels and put to the horne and all thair movable goods escheit to his Majesteis use."

" Forsamekle as it hes pleased the King's Majestie upon diverse great and good considerations knowne to his Majestie to remove his Counsell and sessioun frome the citie of Edinburgh to the burgh of Dundie, and whereas it is inconvenient at this time to remove it so far, his Majestie is graciouslie pleased that this nixt session sall be haldin at the burgh of Linlithgow, and the nixt after the ordinarie vacance at the burgh of Dundie, and there to remaine during his Majesteis pleasure; and thairfoir the said Lords, according to his Majesteis speciall direction, ordains maissers or officers of armes to pas and make intimation heirof to all his Majesteis good subjects be opin proclamation at all places neidfull wherthrow nane pretend ignorance thairof, but may prepare thameselfes to attend at Linlithgow and Dundie accordingle."

" Forsamekle as the King's Majestie is crediblie informed that there is a certane booke entituled 'Ane dispute aganis the English popish ceremonieis, obtruded upon the Kirk of Scotland,' whilk hath beene sent from abroad and disperst in this kingdome purposelie to alienat the hearts and affections of the subjects frome thair due obedience and alledgeance, and thairfoir it hes pleased his Majestie to give order and direction to his Counsell, that diligent inquirie and searche be made for the said booke; and for this effect the saids Lords ordains letters to be direct to make intimation and publication to all his Majesteis subjects that suche of thame as hes anie of the saids bookes that they bring in the same to the Lords of his Majesteis Privie Counsell betuix the date of this proclamation and the day of , and the saids bookes being brought in that the same be publictlye brunt; certifeing all his Majesteis subjects if anie of these bookes sall be found or knowne to have beene with anie of thame after the time foresaid, that they sall incurre the like censure and punishment as the author may be found to deserve for anie thing conteanit in the said booke. Followes the warrants of the

Majesty's command, that so far as concerns the matters of the Church the meeting of Council is this day dissolved, and that all persons who have come to Edinburgh anent the said business at once withdraw, under penalty of horning.

Proclamation that the next session of the Council will be held at Linlithgow, and the session following at Dundee.

Proclamation against a foreign book, entituled "Ane Dispute aganis the English Popish Ceremonies," and three missives from his Majesty, granting warrant for the said proclamation, for the withdrawal from Edinburgh of all petitioners against the Service-book, and for the removal of the Council to Linlithgow and thereafter to Dundee.

Fol. 237, a.

three acts abonewrittin :—CHARLES R.—Right reverend father in God, ^{Acta, May 1636. November 1637. Fol. 237, a.} and right trustie and weilbelovit cousines and counsellers, and right trustie and weilbelovit and trustie and weilbelovit counsellers, we greit yow weill. We have frome your letter and the petitions that yow sent us therewith, whiche we thinke not fitt to answer at this time, but will doe it when we sall thinke fitt. And becaus we ar not resolved for the present when to doe it, we command yow to dissolve the meiting of this Counsell day in so far as doeth concerne this bussines, and by proclamation to command everie one that comes to attend this bussines to repair to thair owne dwellings, under pane of horning, except suche persons as sall make knowne unto yow just caus of stay for thair particular affaires. And it is our farther pleasure yow take speciall care and use your best endeavoures to find out and punish the stirrers up of the late tumults in Edinburgh and Glasco; and so we bid yow heartilie farewell. From our honnour of Hampton Court, this 9th of October, 1637. CHARLES R.—Right reverend father in God, and right trustie and weilbelovit cousines and counsellers, and right trustie and weilbelovit and trustie and weilbelovit counsellers, we greit yow weill. We have resolved upon good considerations knowne to us to remove our Counsell and Sessioun from our citie of Edinburgh unto our burgh of Dundie; and becaus it is inconvenient at this time to remove it so far, it is our pleasure that this nixt session be held at Linlithgow, and the nixt after your ordinarie vacance at Dundie, and there to remaine during our pleasure. Wherefore we command yow by proclamation to intimat the same to all our loving subjects that they may prepare thameselffes accordingle; and so we bid yow heartilie farewell. From our honnour of Hampton Court, this 9th of October, 1637. CHARLES R.—Right reverend father in God, ^{Fol. 237, b.} right trustie and weilbelovit cousines and counsellers, right trustie and trustie and weilbelovit counsellers, we greit yow weill. Being crediblie informed that the booke entituled ‘A dispute aganis the English popish ceremoneis, obtruded upon the Kirk of Scotland,’ hath beene frome abroad sent and disperst in that our kingdome, it is our pleasure that yow caus diligent searche be made for that booke, if anie can be found as yitt undispersed, and thereafter that by proclamation or otherwayes, as yow sall thinke most convenient to this purpose, intimation be made to our subjects that suche of thame as have that booke bring in the same to yow betuix the date of our proclamation and suche time as yow sall thinke fitt to prescribe, whiche we will yow to caus burne publictlie; with certification if anie of these bookes sall be found or knowne to have beene with anie of our subjects after the time so limited by yow they sall incurre the like punishment as the author doth or may be found to deserve for any thing conteanit in the said booke. We bid yow farewell. From our honnor of Hampton Court, the 9 of October, 1637.

Edinburgh,
17th October
1637.

Warrant to
Nicolas Briot

“Forsamekle as the Lords of Secreit Counsell ar informed that the ^{Fol. 240, a.} merchants traffiquers who ar addebted in the payment of bulyeon ar ^[Omitted in its proper place in the Register.] heavilie prejudged throw the unprofitable lying of these stockes of

cta, May
136-Novem-
br 1639.
ol. 240, a.

bulyeoun on thair hands be reason that the warrand formerlie grantit to Nicolas Briot for working with the milne and presse is now expired, and the saids Lords, considering how behovefull it will prove to the lieges that in this time of skarsetie of moneyes all ordinarie meanes be speedilie putt in use quhereby the countrie may be furnished with some quantitie of his Majesteis owne coyne at this approcheing terme of Martimes, thairfor the Lords of Secreit Counsell gives and grants full warrant, libertie and licence to the said Nicolas Briot and Johne Falconner, masters of his Majesteis Coynehous, and therewithall ordains and commands thame to proceed with all possible diligence in working with the milne and presse untill the last day of November nixt in so far as may concerne the conversion of the bulyeoun in his Majesteis coyne allanerlie and no further, and that they worke and print the said bulyeoun in threttie shilling peeces, twelffe shilling peeces, halfe merks, fourtie pennie peeces, and twentie pennie peeces, according to the proportion and division of weight exprest in the contracts past with the late maisters of the Cunyehous, provyding alwayes and with expresse command to the maister cunyeares presentlie in office, that they receive and deliver backe the bulyeoun in maner and conforme to the prescript of the late proclamation published in that behalfe, that is to say, that the partie debtor or others in his name who sall give in the bulyeoun make faith that the same is brought frome beyond sea and not bought within the kingdome, and is the proper returne of these commoditeis for whiche the bulyeoun is due, whiche bulyeoun being thus orderlie received that the saids maister cunyeares deliver backe the same in his Majesteis coyne to the partie imbringer to the effect the same may be disperst in the countrie for the use of the lieges and interteaning of commerce; commanding heirby the generall of the Cunyehous, maisters and others officers of the same, everie one in thair owne station and charge, carefullie to attend upon the working of the said bulyeoun and to doe therein what to thair offices respective apperteanneth, as they will answer upon the neglect of thair duetie at thair highest charge and perrell."

and John
Falconer,
masters of the
Mint, to coin a
specified
amount of
bullion.

Fol. 240, b.

[Sederunt as reported above.]

Edinburgh,
17th October
1637.

Decreta,
April 1635-
February 1639.
P. 399.

Complaint by Francis Stuart, eldest lawful son of the deceased Francis, Earl of Bothwell, as follows:—At his instance Francis, Earl of Buccleuche, and his tutors for their interest have been summoned to compear before their Lordships this day to hear and see, according to his Majesty's direction, certain persons received and examined as witnesses for proving that the said deceased Earl of Bothwell was at the time of his forfeiture and before in possession of certain lands and tithes in the lordship of Liddisdail, "whereunto the late Erle of Buccleuche renounced all rights he could pretend to the same be vertew of the said late Erle his forefaltour or the persewer his inhabilitie, and

Complaint by
Francis Stuart,
eldest lawful
son of the
deceased
Francis, Earl
of Bothwell,
against
Francis, Earl
of Buccleuch,
a minor, anent
the lordship
of Liddesdale.

did cleith himselfe with his others rights flowing frome other authors." Decreta April 1635. February 1639 P. 390.
 The pursuer compearing personally and the defender by Sir William Scot of Harden, Laurence Scot of Clerkington, and Mr William Scot, one of the ordinary clerks of session, his tutors, the latter represented that this matter was of very near concern to their pupil and his heritage and that to this their Lordships could not be competent judges, and craved that on this account and the young nobleman's nonage they would remit the matter to the Lords of Session. This declinature and also his Majesty's letter "which is the warrant of the summons commanding the said witnesses in regard they ar of great age to be examined" having been heard and considered, the Lords, notwithstanding the foresaid declinature, "for cbedience to his Majesteis command and in regard of the infirmitie and age of some of the witnesses, ordains the haill witnesses summoned to be examined and thair depositions to be kept *in retentis* be the clerk, subscriv'd and sealed be the Lords examiners, to be made furthcummand in the ordinar judgement when ever they sall be callit for;" all which their Lordships declare shall be without prejudice to the lawful objections of the defenders both against the pursuer's title and the persons and depositions of the witnesses, P. 400. which are hereby reserved to be proponed by the defenders in the ordinary judgment. Whereupon the defenders passed from their compearance.

Letter from
 his Majesty in
 favour of the
 claims of
 Francis Stuart
 against the
 Earl of
 Buccleuch.

"The quhilk day Johne, Erle of Traquair, Lord High Treasurer of this kingdome, produced and exhibite before the Lords of Privie Counsell the missive letter underwrittin signed be the Kings Majestie and direct to the said Lord Treasurer, of the quhilk the tennor followes:—
 CHARLES R.—Right trustie and right weilbelovit cousine and counsellor, we greit yow weill. Whereas it hes been alwayes our royall intention from the beginning (according to our decree and explanations to that purpose) that Francis Stuart sould have a thrid of all and whatsoever of the erldome of Bothwell, whair of the late Erle of Buccleuch's father acquired either right or possession by the forefaltour of the said Francis, his father, and, to the effect the same might be more punctuallie observed, we did expresslie decerne that whatsoever things belonging to that estat whiche wer renunced, omitted or unvalued sould apperteane to the said Francis, thereby out of our just and princelie disposition giving to the parties interested a tymelie præmonition to proceed in a faire and straight way, conforme to our royall intention, according to whiche and our pleasure signified to yow by our late letters touching this purpose we will yow to proceed without further explanation frome us or delay whatsoever. But if the Erle of Buccleuch's tutors will continue refractarie, require our Advocat in our name to goe on with all diligence according to our direction signified to him heeranent, and for advising the readiest way to possesse the said Francis of the whole estat in Lothiane and recovering the bygane maills, dueteis and prices thair of since our decree, he performing what hath beene ordered by us

Decreta,
April 1635-
February 1639.
P. 400.

and expressed in our saids letters, and for evicting in a legall maner frome the Erle of Buccleuche the rights of suche things as hes not beene valued and whiche his grandfather did injoy be vertue of the forefaltour, and how the said Francis may be possessed thair of, he always freing the arrestments and securing the Erle anent his creditors conforme to our former orders heereanent; and that yow lykewayes signifie our pleasure tuicheing this purpose to the Lords of our Privie Counsell and Session as yow sall find occasion to require, that they accordinglie may proceed in justice in so far as is proper to thame. And whereas the said Francis hes beene ane humble suter to us that for the proving his fathers possessioun of suche things as ar acclaimed be him, in regard the witnesses ar of great age, a commission for that purpose might be granted him by our Counsell for examining thame, we will yow to signifie to the said Lords of our Counsell that the same be grantit to him for the witnesses examination to any suche person or persons they sall thinke fitt, for whiche these presents sall be thair warrant, unlesse they find sufficient reason to the contrare, whair of we require yow to advertise us. So willing yow to caus registrat these presents in the bookes of Counsell, we bid yow farewell. Frome our Court at Oatlands, the 10 of September, 1637. Quhilk missive being read, heard and considerit be the saids Lords, they ordaine the same to be insert and registrat in the bookes of Privie Counsell, therein to remaine *ad futuram rei memoriam*."

P. 401.

Sederunts,
January 1635-
November
1643.
Fol. 56, b.

"The quhilk day the clerk of Counsell, according to his Majesteis Edinburgh, 17th October 1637. command, exhibite three letters frome his Majestie to the Counsell whiche the Lords, after reasoning, thought fitting to open, that upon knowledge of his Majesteis will they might proceed to the performance thair of till the Chancellers heircomming according to the exigence of the bussines; lykeas the Treasurer tooke the Counsellis promeis for secrecie in the interim."

"A missive to the Chancellor concerning his Majesteis pleasure with a copie of the acts and proclamations foresaids and of the Counsellis letter to his Majestie."

"A missive to the Bishop of Glasgow and provest and balleis thair for trying the authors of the tumultuous wrong done aganis Mr William Annand."

Acta, May
1636-Novem-
ber 1639.
Fol. 237, b.

Sederunt :—Traquair; Wigton; Bishop of Edinburgh; Bishop of Holyrood House, 13th October 1637.
Gallouay; Master of Elphinston; Clerk Register; Justice General.

"The Lords continewes and superseids the execution of the proclama- Delay of
tion charging all his Majesteis subjects to repaire home till the morne at proclamation.
nyne houres in the morning."

"Forsamekle as a number of the Lords of his Majesteis Privie Counsell, as lykewayes the toun counsell of Edinburgh, being this day conveyned in thair severall judicatoris for his Majesteis speciall affaires and service, Proclamation
forbidding
convocation of
the lieges in
Edinburgh in

consequence
of the mobbing
of the Council.

they wer most rudelie interrupted in the course of thair proceedings by a tumultuous gathering of the promiscuous and vulgar multitude, by whome his Majesteis Counsell and servants in ane opin way wer shamefullie envioured, whiche being a mater verie disgracefull to his Majesteis auctoritie and lawfull gouvernement and whiche in the consequence thair of may produce dangerous effects if the like be not prevented in time comming, thairfor the Lords of Secreit Counsell, according to the dewtie of thair place and charge incumbent unto thame, ordains a maisser of Counsell to pas to the mercat croce of Edinburgh and there be opin proclamation to discharge all publict gatherings and convocations of his Majesteis subjects within the citie of Edinburgh and upon the streits thair of, as likewise all privat meittings tending to factioun and tumult, and in his Majesteis name and auctoritie to command and charge all his Majesteis lieges and inhabitants within the said citie to conteane thameselves in peace and quyetnes, and for that effect to keepe thair houses except when thair lawfull bussines doeth otherwayes recall thame, under all highest pane and charge that by rigour of law can be inflicted upon the contraveenners of the premises in maner abone exprest."

Acta, May
1636-Novem-
ber 1639.
Fol. 237, b.

Fol. 238, a.

Holyrood
House, 19th
October 1637.

"*Sederunt ut die prædicto*, except the Clerk Register."

Sederunts,
January 1635-
November
1643.

Edinburgh,
19th October
1637.

Warrant to
Nicolas Briot
and John
Falconer,
masters of the
Mint, to coin
a certain
quantity of
gold brought
rom Guinea.

" Forsamekle as the Lords of Secreit Counsell, understanding that there is a certane quantitie of gold brought within this kingdome be the adventurers of Guinee, whereanent his Majestie hes signified his gracious pleasure that for furnishing of this his Majesteis native and ancient kingdome with his Majesteis owne proper coyne that the same sall be wrought heir and pas his Majesteis ymes, thairfor the Lords of Secreit Counsell ordains and commands and therewithall gives full warrand, commission and power to Nicolas Briot and Johne Falconner, maisters of his Majesteis Cunyiehous, to prepare thameselves with all convenient diligence and to proceed to the working and printing of the foresaid quantitie of gold quhilk sall be brought in unto thame in maner and in the speces and according to the proportion of fynenesse and weight and division of weight conforme to the act of Counsell of the date at Edinburgh, the 15 day of Aprile, 1625, and preceeding contracts past betuix his Majestie and the late maister cunyeas thereanent of before; commanding heirby the generall of the Coynehous and others members and officers of the same to attend the said service and be ayding and assisting thereto everie one in thair owne place and statioun, according to the dewtie of thair offices respective, as they will answer on the contrare at thair highest charge and perrell."

Fol. 57, a.
Acta, May
1636-Novem-
ber 1639.
Fol. 240, b.

Edinburgh,
4th November
1637.

[No record of Sederunt.]

Fol. 283, a.¹

Caution for
the Masters of
the Mint.

" The whilk day in presence of the Lords of Secreit Counsell compeired personallie Sir Thomas Hope of Craighall, knight baronnet, Advocat to our soverane lord, as procurator for Nicolas Briot, Frencheman, and

[¹This Act
omitted in
its proper
place.]

Acta, May
1638-Novem-
ber 1639.
Fol. 283, a.

Johne Falcouner, maisters of his Majesteis Cunyiehous, and thair cautioners aftermentiouned, and gave in the band following, desyring the same to be insert and registrat in the bookes of Secreit Counsell in maner and to the effect therein conteanned, quhilk desire the saids Lords finding reasonable they have ordained and ordains the said band to be insert and registrat in the said bookes to the effect foresaid, of the quhilk band the tennor followes:—Be it kend till all men be thir present letters, We, Nicolas Briot, Frencheman, and Johne Falcouner, sone to Sir Alexander Falcouner of Halkerton, knight, maisters of his Majesteis Cunyiehous, as principalls, and with us, David, Earle of Southesk, James Lord Carnegie, George, Lord Foster, Sir Alexander Carnegie of Bonymoone, Sir Alexander Falcouner, elder of Halkerton, and Sir Alexander Falcouner, fear thairof, as cautioners and souerteis for the saids Nicolas Briot and Johne Falconer, to be bound and obleist, lykeas we be the tenor heiroyf bind and obleis us and our airs conjunctlie and severallie that the saids Nicolas Briot and Johne Falconer sall faithfullie and trewlie exerce the office of maisters of his Majesteis Cunyiehous and sall loyallie performe the dewteis incumbent to thair charge als weill in what may concerne his Majesteis interesse as the good of the lieges, and in speciall that they sall make thankefull payment to the merchants imbringers of the bulyeon and forrane coyne be exchange of the stockes givin in to thame be the saids merchants in his Majesteis coyne in maner and at the time accustomed and sett down by the orders of the Cunyiehous, the saids merchants alwayes calling for and persewing the saids maisters cunyeas and us thair cautioners for payment to thame of what sall be dew and unpaid within sax moneths after the terme of payment, otherwayes all action competent to the merchants in so far as concernes us the saids cautioners to be frome thencefurth excluded and void, and that the saids maisters of the Coynehous sall not doe be thameselffes nor anie of thair inputting nor suffer anie officers within the Coynehous independent of thame to committ anie wrong to thair knowledge ather in the fynenesse of his Majesteis coyne or in the weight thairof, but that they sall doe thair exact diligence to inquire the fault and exhibite the parteis delinquents to thair tryell and punishment; and generallie that they sall behave thameselves uprightlie and diligentlie in the execution of thair office, according to the articles and overtures to be prescryved and sett down be the Earle of Traquair, his Majesteis Treasurer, to thame for the right regulating of the Mynt, under suche censure and fyne as his Majestie, with advice of his Counsell in thair discretion, sall be pleased to inflict, in caise of the said Nicolas Briot and Johne Falcouner thair default and not performance of thair dewteis in maner abonewrittin; as lykewayes under the pane of payment of the haille soumes of money whiche the saids Nicolas Briot or Johne Falconer sall happin to receave frome the merchants imbringers of the same, and quhairoyf they sall not make a dew repayment in his Majesteis coyne as aforesaid. Lykeas we the

Fol. 283, b.

said Nicolas Briot and Johnne Falcouner bind and obleis us, our heirs and executors, to freith and releve our cautioners respective abone-writtin of all pane, trouble, danger or inconvenient that they may incurre be becomming cautioners for us in the premises; and for the mair securitie we ar content and consents thir presents be insert and registrat in the bookes of Privie Counsell and Exchecker that execution may pas thereupon in forme as effeirs, and for registrating heirof constituts Sir Thomas Hope of Craighall, knight baronnet, Advocat to our soverane lord, etc., our procurators conjunctlie and severallie. In witnes quhairof we have subscribed thir presents with our hands, written be Mr Johnne Callendar, servitour to James Prymrois, clerk of his Majesteis Privie Counsell, at Edinburgh and Kynnaird, the 4 of August and 26 of October j^mvi^c threttie sevin yeeres, before thir witnesses, Sir Alexander Strauchane of Thorntoun, Johnne Veitche, appearand of Dawick, Mr William Burnet, Robert Veitche and Johnne Rawsone, servants to the said Erle of Traquair, Mr James Durhame, one of the clerkes of Exchecker, and David Bellie, servant to Sir Johnne Carnegie of Ethie. *Acta, May 1636. November 1639. Fol. 283, b.*

Subscribitur, N. Briot, John Falconer, Southesk, Carnegie, Sir Alex^r Falconer of Halcarton, S. J. Carnegie of Balnamone, A. Falconer, fear of Halcarton, cautioner; S. A. Strachan, witnes, M. Wil Burnet, witnes, Robert Veitche, witnes, M. J. Durhame, witnes, Da. Bellie, witnes, J. Rawson, witnes."

Linlithgow,
14th November
1637.

Sederunt.—Traquair; Winton; Perth; Wigton; Lauderdaill;
Bishop of Brechin; Master of Elphinston; Justice General;
Deputy Treasurer; Justice Clerk; Blakhall.

Commission to
the Lord High
Treasurer
anent the con-
course of
persons to
Edinburgh,
and the
holding of
meetings
which may
lead to breach
of the peace.

" Forsamekle as the Lords of Secreit Counsell ar certanelie informed of ane numerous convocation of all degrees and rankes of persons at this time assembled within the citie of Edinburgh, quhairof becaus the event and issue may with reason be suspected, not that the saids Lords doe anie wayes misdoubt the peaceable cariage and loyall affection of the better sort, but out of a just caus of feare that these meitings in the example thair of may breed in the hearts of the worser disposed and discontented people some prejudiciall impression whiche afterwards, by the boyling humour of the disorderlie multitude, may brake furth in act to the disturbance of the publict peace, as by the late tumultuous insurrection within the citie of Edinburgh hes beene cleerelie evidenced; and the saids Lords, being carefull in the deutie of thair place to secure the peace, and to provide for and prevent all occasions that may disturbe the same or furnishe anie just ground of offence to his Majestie to the impeachment of his royall auctoritie, thairfoir the Lords of Secreit Counsell hes recommendit and be the tennor heirof recommends to the care, wisdom and discretion of Johnne, Earle of Traquaire, Lord High Treasurer of this kingdome, and to suche others of the Counsell as sall happin to be present with him, to use thair best instance, diligence and

Fol. 241, a.

Acta, May
1636-Novem-
ber 1639.
Fol. 241, a.

credit for stopping of anie disorderlie meittings and preventing all occasion of trouble that may ensue thereupon; and for this effect with power to the said Lord Tresaurer be himselfe or with the concurrence of suche others of the Counsell as sall happin to be present, as said is, to meit, deale and travell with some privie persons of the nobilitie, gentrie and cheefe of the ministrie by all faire meanes for inducing of thame to forbear all publict meittings and conventicles, and that the numerous gathering of people frome all parts of the countrie may dissolve and retire in a peaceable way to thair owne dwellings, except ane just caus of thair stay be notified in the contrare, and in caise of thair refusall (quhilk the saids Lords in a genuine confidence of thair dewtifull behaviour will never apprehend), and that they will contumaciouslie keepe publict meetings in contempt and to the disgrace of his Majesteis government and breache of the lawes frequentlie established concerning that purpose, the saids Lords gives full power and commission to the said Lord Tresaurer be himselfe, and to others as aforesaid, to direct a maissier of Counsell to the saids nobilitie, gentrie and ministers, and to the place or places where they sall happin to conveene, and to charge thame in his Majesteis name and auctoritie to rise, dissolve thair meetings, and returne everie one to his owne home in a peaceable and quyet maner as they will testifie thair humble obedience to his Majestie and would eshew his just displeasure that thereupon may follow."

Fol. 241, b.

Sederunt:—Chancellor; Treasurer; Privy Seal; Perth; Wigton; Linlithgow, Kingorne; Lauderdaill; Southesk; Dumfreis; Lorne; Naper; 7th December 1637.
Clerk Register; Justice General; Deputy Treasurer; Advocate; Justice Clerk.

"The whilk day in presence of the Counsell compeired personallie Robert, Earle of Roxburgh, Lord Privie Seale, and produced and exhibite before the saids Lords the missive letter underwrittin, signed be the King's Majestie and direct to the Lords of Privie Counsell, of the quhilk the tennor followes:—CHARLES R.—Right reverend father in God, and right trustie and weilbelovit counsellors, right trustie and weilbelovit cousins and counsellors, and trustie and weilbelovit counsellors, we greit yow weill. In regard of severall things whiche may at this time occurre concerning our service, wherein it may be expedient to have the concurrence of a greater number of the Counsell then doeth usuallie attend, and that none who ar of our Privie Counsell and ar within that kingdome may be exeemed frome thair attendance, it is our pleasure that yow direct letters to everie one of thame to attend duellie all Counsell meetings for the better effectuating of our present service, under the pane of our displeasure [and] losing of thair places, and that yow admitt of no excuse if thair healths may permitt; for doing quhair of these sall be unto yow a sufficient warrant. From our Court at Whitehall, the 15 of November, 1637. Quhilk being read, heard and considerit be the saids Lords and they advised therewith, the Lords of

Letter from his Majesty enjoining that every member of Council, not incapacitated by ill-health, attend its meetings, and an order issued that all councillors assemble at Dalkeith on the 16th of January next.

Secretit Counsell ordains letters to be writtin to the whole counsellors absent to be at Dalkeith upon the 16 of Januar nixt and thereafter to attend the meetings of Counsell conforme to his Majesteis letter." Acta, May 1636-November 1639. Fol. 241, b.

Letter from his Majesty requiring the Council to receive the instructions he has entrusted to the Earl of Roxburgh. Also, an order of Council that its next meeting be held at Stirling on the first Tuesday of February next.

"The whilk day in presence of the Lords of Secretit Counsell compeired personallie Robert, Earle of Roxburgh, Lord Privie Seale, and produced before the saids Lords the missive letter underwrittin, signed be the King's Majestie and direct to the saids Lords, of the quhilk the tennor follows:—CHARLES R.—Most reverend father in God, and right trustie and weilbelovit counsellor, right trustie and weilbelovit cousins and counsellors, and trustie and weilbelovit counsellors, we greit yow weill. Whereas there ar manie things at this time considerable for our service in that kingdome, whiche we cannot at large expresse by writ to yow, we have takin the occasion of our right trusty and weilbelovit cousine and counsellor, the Earle of Roxburgh, his repairing thither, that by him we may acquaint yow with our mynde in so far as we have yitt conceaved fitting upon that whiche we have already heard frome yow, and it is our pleasure that in all things that he sall communicat frome us to yow either by word or writt concerning the present estat of that kingdome, yow give trust unto him, and we expect that in everie thing whiche yow or anie of yow have found or sall find expedient for the vindicating our honnor and quyetting of the present disorders within that kingdome yow will all give that free advice and joynt concurrence whiche we ar confident to receive from our faithfull counsellors, whair of we will be verie sensible as of acceptable service done unto us; and so we bid yow farewell. From our Court at Whitehall, the 15 day of November, 1637. After reading of which letter in hearing of the saids Lords, the said Lord Privie Seale declared that his Majestie wes pleased to remitt to the Counsell the appointing of the most convenient place for sattling the judicatoreis of the Counsell and Session, the same being established in anie toun outwith the burgh of Edinburgh and Leith; quhereupon, the mater being putt to the voices of the table, the saids Lords agreed that the Session sall sitt in Stirline, and the first day of thair sitting to be upon the first Tuisday of Februar nixt; and accordinglie the saids Lords gives warrant to his Majesteis Tresaurer for preparing of the castell of Stirline in a comelie and fitting way for accommodation of the Counsell and Session."

Declaration of his Majesty anent the Service-booke.

"Forsamekle as the King's most sacred Majestie, having seene the petitions presentit to the Lords of his Privie Counsell and by thame sent up to his Majestie concerning the service booke, determined to have takin the same to his royall consideration and to have givin his gracious answer thereanent with all conveniencie, lykeas his Majestie by his letter to the Counsell of the date the 9 of October last did signifie his gracious resolution to the effect foresaid; but since that time his Majestie finding far contrare to his expectation that suche disorderlie, tumultuous and barbarous insolenceis hes beene committed within the city of Edinburgh upon the 18 of October last, to the great contempt of

Acta, May
1636-Novem-
ber 1639.
Fol. 242, a.

his Majesteis royall auctoritie by abusing his Majesteis counsellors and officers of estat and others bearing charge and auctoritie under his Majestie within the said citie, his Majestie, in a just resentment of that foule indignitie, wherein his Majesteis honnour did so much suffer, hee beene moved to delay the signification of his Majesteis foresaid gracious intention in giving to his good subjects suche satisfactorie answers to thair petitions as could have beene in equitie expected frome so just and religious a prince. But yitt his Majestie, being unwilling that his Majesteis loyall and faithfull subjects sall be possest with unnecessary and groundles doubts and feares, his Majestie is pleased out of his goodnes to declare, lykeas his Majestie by these presents declares that, as he abhorres all superstitions of poprie, so he will ever be most carefull that nothing be allowed within his Majesteis dominions but that whiche sall tend to the advancement of the true religion as it is presently profest within this his most ancient kingdome of Scotland, and that nothing is nor wes intended to be done therein aganis the laudable lawes of this his Majesteis native kingdome; and ordains proclamation to be made heirof at the mercat croces of the heid burrowes of this kingdome."

Fol. 242, b.

"Forsamekle as it hes pleased the King's Majestie upon considerable respects to remove frome Edinburgh the judicatoreis of the Counsell and Sessioun and to remitt to his Counsell the appointment of the place where the same may be most commodiouslie established, and the Lords considering the great prejudices arising upon the discontinuance of the Sessioun and not administration of justice to his Majesteis lieges, and being desyrous to remove these evils by a tymous satling of that judicatorie in some convenient place, thairfoir the Lords of Secreit Counsell, according to the power committed unto thame be his Majestie, after good advice have concluded and ordained that the judicatoreis of the Counsell and Sessioun sall be translated frome Linlithgow and established in the burgh of Stirline, as the more proper place for accommodation of his Majesteis subjects resorting thereto, and that the first day of sitting of the Lords of Session at Stirline sall be upon the first Tuisday of Februar nixt and sall frome thence furth continew during his Majesteis pleasure; and thairfoir ordains a maisser of Counsell to pas to the mercat croce of Edinburgh, Stirline, Linlithgow and others places neidfull and make publicatioun of the premises, quhereby his Majesteis subjects whome this mater does concerne may prepare thame-selves accordingle."

Judicatories of
the Council
and Session to
be removed
from Linlith-
gow to Stirling
—there to
remain during
his Majesty's
pleasure.

"The Lords of Secreit Counsell, according to the reference and power committed be his Majestie to thame, after good advice and deliberation, hes thought meit and expedient, concluded and ordained that the meetings of the Counsell sall be heirafter kept in his Majesteis hous of Dalkeith, and that they sall conveene weekelie, everie Tuisday and Thursday, and sall sitt frome ten of the clocke in the forenoone till twa in the afternoone, and that the Tuisday sall be employed and sett apart

Order that the
Council meet
at Dalkeith
till the first
Tuesday of
February next,
and thereafter
remove to
Stirling.

for handling the publict bussines of the estat and the Thursday to be appointed for hearing the complaints of parteis greeved, and that the first dyet and meeting of the Counsell sall be upon Tuisday nixt and sall continew weekelie thereafter in maner abone prescribed till the first Tuisday of Februar nixt, at quhilk time the Lords by warrant and auctoritie foresaid hes ordained and ordains the judicatoreis both of the Counsell and of the Session to be translated to the burgh of Stirline, there to remaine during his Majesteis pleasure. And whereas the estat of affaires and condition of the present times requires the concurrence of a greater number of the Counsell then doeth usuallie attend, and that it is his Majesteis pleasure that nane be exeemed frome thair attendance, thairfoir, and to the intent all his Majesteis subjects whome the bussines does concerne may be tymouslie certified thair of, the Lords of Secreit Counsell ordains one or other of thair maissers to pas to the mercat croce of Edinburgh and others places neidfull and there to make publication be opin proclamation of the removall of the judicatorie of the Counsell, as lykewayes of the Exchequer frome Linlithgow to the Palace of Dalkeith and of the dyets and times of meiting indicted for that effect, and in speciall to warne and in his Majesteis name to command all and sindrie counsellors to attend duellie all Counsell meetings, all excuses sett aside, for suche speciall service as his Majestie hes recom-mendit to the Counsell."

Acta, May
1636-Novem-
ber 1639.
Fol. 242, b.

Fol. 243, a.

Charge to Mr
James Gordon,
keeper of his
Majesty's
signet, anent
copper coin.

"The quhilk day the Lords of Secreit Counsell required M^r James Gordoun, keeper of his Majesteis signet, who wes personallie present, to surceasse all farther working of copper coyne till Tuisday nixt and at that time to exhibite the warrants concerning that bussines."

Linlithgow,
7th December
1637.

[Sederunt as recorded above.]

Decreta,
April 1635-
February 1639
P. 401.

Supplication
by Adam
Turnbull,
merchant
burgess of
Edinburgh,
that he may
be freed from
ward, as his
creditors have
refused him
maintenance.

Supplication by Adam Turnbull, merchant burgess of Edinburgh, as follows:—He is in ward in the tolbooth of Edinburgh at the instance of William Dick of Braid, John Fleming, and the widow of Thomas Inglis, merchant burgess of Edinburgh, for certain debts, and has petitioned their Lordships that his creditors be cited before them and ordained either to liberate him or provide for his maintenance. Accordingly, on last, their Lordships ordained each of them to pay 5s. Scots for his maintenance, and this by his procurator on 6th December instant he demanded from them, being £26 5s. Scots since 23rd August last, protesting that if they refused payment he ought to be put to liberty. He craves that the Lords would ordain the provost and bailies of Edinburgh to put him to liberty. The Lords ordain this to be done, because the supplicant has constituted the said William Dick, John Fleming and the heirs of Thomas Inglis, and John Slowane, merchant burgess of Edinburgh, and Michael Scot, servitor to the Earl of Buccleuche, his assignees, *cum dispositione libera* in and to all lands, bonds, sums of money, goods and gear, which he presently has or may acquire in satis-

Decreta, April 1635-February 1639. P. 401. faction of his said debts in terms of his assignation "of the 9th of December instant."

Sederunts, January 1636-November 1643. Fol. 57, b.

Sederunt :—Chancellor ; Treasurer ; Privy Seal ; Wintoun ; Perth ; Dalkeith, Kingorne ; Wigtoun ; Lauderdaill ; Dumfreis ; Southesk ; Lord Angus ; Lord Lorne ; Naper ; Clerk Register ; Justice General ; Deputy Treasurer ; Advocate ; Justice Clerk.

"A missive to his Majestie anent the Counsellis proceedings and peaceable disposition of the lieges."

Justices of Peace, 1612-1639. Fol. 73, a.

"The quhilk day M^r David Bannatyne, person of Kincardin, M^r John Cheyne, person of Kinkel, Hector Abercrombie of Fetterneir, and James Buchane of Auchmacoy were adjoynd to the justices of peace within the shirefdome of Aberdene."

Sederunts, January 1636-November 1643. Fol. 57, b.

Sederunt :—Chancellor ; Treasurer ; Privy Seal ; Wintoun ; Perth ; Kingorne ; Wigtoun ; Lauderdaill ; Dumfreis ; Southesk ; Lord Angus ; Lord Lorne ; Lord Naper ; Clerk Register ; Justice General ; Deputy Treasurer ; Advocate.

"A letter frome his Majestie in favors of the Erle of Roxburgh giving him power to appoint deputs to write to the Privie Seale. The Lords ordains M^r Adame Hepburne and M^r Patrik Hamilton, writters and keepers of the Registers of the Privie Seale, to be warned to appeare before the Counsell the morne to heare his Majesteis pleasure signified to thame."

Acta, May 1636-November 1639. Fol. 243, a.

Sederunt :—Treasurer ; Privy Seal ; Wintoun ; Perth ; Wigtoun ; Lauderdaill ; Lord Angus ; Lord Naper ; Clerk Register ; Justice General ; Deputy Treasurer ; Justice Clerk.

"The whilk day the Lords of Secreit Counsell, according to ane warrant and direction in writt, signed be the King's Majestie and this day presented unto thame, receaved and admitted Neill, bishop of the Yles, to be one of the ordinar number of the Lords of his Majesteis Privie Counsell of this kingdome and to bruike and injoy all honnors, titles, digniteis and prerogatives proper and dew to the said place. Lykeas the said bishop, being personallie present and acknowledging with all humble and dewtifull respect his Majesteis gracious favour showin unto him in preferring him to this high place of honnour and dignitie, he, with all submissive reverence on his knees, his hands lying upon the halie evangell, made and gave the oath of alledgeance and of a privie counsellor. Followes his Majesteis missive for warrant of the act abonewrittin :—CHARLES R.—Right reverend father in God, right trustie and weilbelovit cousins and counsellors, right trustie and trustie and belovit counsellors, we greit yow weill. We being crediblie informed of

Fol. 243, b.

the sufficiencie and affection to our service of the reverend father in God, ^{Acta, May 1636-November 1639.} the Bishop of the Isles, and for his better encouragement and enabling ^{Fol. 243, b.} thereunto heerafter, being willing to promote him to be one of our Privie Counsell of that kingdome, it is our pleasure that, having administered unto him the oathes accustomed in the like causes, yow admitt him upon our said Privie Counsell, accepting him as one of your owne number therein, for whiche these presents sall be your warrant. We bid yow farewell. From our mannor of Greenwich, 7 June, 1637."

The Earle of Airth granted liberty to leave the bounds to which he had been confined. See vol. v., Sec. Ser., p. 141.

"The Lords of Secreit Counsell, according to ane warrant, signed be the King's Majestie and this day exhibite unto thame, enlarges the Earle of Airth frome the bounds of his confynement and gives him full libertie to repaire in all parts of the countrie notwithstanding of his former restraint, whairfof and of all acts made for that purpose and panes therein conteanit the saids Lords freiths and releeves him. Followes his Majesteis missive for warrant of the act abonewritten:—CHARLES R.—Right reverend father in God, and right trustie and weilbelovit counsellor, right trustie and weilbelovit cousins and counsellors, and trustie and weilbelovit counsellors, we greit yow weill. Whereas we wer formerlie pleased out of our princelie judgement, upon just considerations moving us at that time to confyne the Earle of Airth according to the order givin for that purpose, we ar now pleased out of our gracious favour to enlarge him, and it is our pleasure that by act of Counsell or anie other legall way requisite yow free him frome the said confynement; for doing quhairfof these sall be unto yow a sufficient warrant. From our Court at Whitehall, the last day of November, 1637."

Order anent a superscription for the new gold coins.

"Forsamekle as by ane former act and ordinance of the date the 19 of October last it is ordained that the gold brought within this kingdome be the adventurers of Guiny sould be wrought in this kingdome and pas his Majesteis yrnas heir conforme to his Majesteis gracious will and pleasure signified thereanent, and warrant and direction wes givin to Nicolas Briot and Johne Falcouner, maisters of his Majesteis Coynehous, ^{Fol. 244,} to prepare thaimselfes and to proceed to the working and printing of the said gold in maner and in the speces and according to the proportion of fynnesse of weight and division of weight specifeit in the act of Counsell of the date at Edinburgh, the 15 day of Aprile, 1625 yeeres; nevertheles the Lords of Privie Counsell, upon speciall considerations tending to his Majesteis honnour, hes thought meit and expedient, concluded and ordained that the circumscription upon the one side of the greater peeces that sall be wrought and printed of the said gold sall be in the words and termes following; to witt, HIS PRÆSUM UT PROSIM, and in the circumscription of the lesser peeces UNITA TUEMUR; and thairfoir ordains the maisters of his Majesteis Coynehous and others officers there to proceed to the working of the said gold with the circumscription foresaid upon the one side of the saids peeces quhilks sall be printed, and pas his Majesteis yrnas, as they will be answerable upon the duetie of thair offices, quhereanent the extract of this act sall be to thame ane warrant."

Acta, May
1636-Novem-
ber 1639.
Fol. 244, a.

"Forsamekle as the warrant formerlie grantit to Nicolas Briot and Warrant to the Masters of the Mint for the coining of a certain amount of bullion.
Johne Falcouner, maisters of his Majesteis Coynehous, for striking of the bulyeoun in his Majesteis proper coyne by the milne and presse is now expired, and the saids Lords, considering how necessar it is that in this time of skarsetie of money all diligence be used for furnishing of the countrie with his Majesteis owne proper coyne, thairfoir the saids Lords ordains and commands the saids maisters of his Majesteis Coynehous, and therewithall gives full power and warrant unto thame to proceed to the working by the milne and presse of the haill bulyeoun dew and payable be the merchants imbringers thairof before the first day of November last in the particular speeces and according to the prescript and provisions conteanit in the former warrants direct for that purpose."

"The whilk day in presence of the Lords of Secreit Counsell com- Commission appointed to consider his Majesty's patent appointing General Patrick Ruthven general muster-master of the kingdom.
peired personallie Generall Patrik Ruthven and produced a patent under his Majesteis hand, making the said generall mustor maister generall of this kingdome and yles thairof. Quhilk patent being read, heard and considerit be the saids Lords and they weill advised therewith, the Lords of Secreit Counsell nominats and appoints the Lord High Tresaurer of this kingdome, the Lord Privie Seale, the Erles of Wintoun, Perth, Lauderdaill and Southesk, Lord Naper, Justice Generall, the Advocat and Justice Clerk, or anie three of the nobilitie, with the Advocat, the Lords Tresaurer or Privie Seale being one, unto whome the saids Lords gives full power, warrant and commissioun to appoint thair owne times of meiting, and to consider of the said signature and of the good and evill thairof and what may be the extent and consequence of the same, and to report thair proceedings therein to the saids Lords upon the ellevint day of Januar nixt."

"The Lords of Secreit Counsell discharges Mr James Gordoun, keeper of the signet, who wes personallie present, of all working of copper coyne whill the nynt of Januar and whill he receave new order, quhilk he promiseist to doe."

[Sederunt as recorded above.]

Complaint by Sir Duncan Campbell of Achinbreck, younger, Colin Campbell, his servant, and John Laing, messenger in Leith, as follows:—
John Allane, flesher in Leith, is due to the complainer £195 in terms of his bond, and Sir Duncan, after waiting long for payment and seeing no hope thereof, was forced to register the bond, raise letters of horning thereupon, and cause charge the said John for payment. Upon his disobedience he raised letters of horning and caption, and on December instant the said messenger apprehended him in the town of Leith and was about to convey him to the Cannogait to be warded by the bailies there, when the said John Allane, James Chancellor, officer in Leith, Isobel Donaldsone, his spouse, Michael Russell, flesher there, Alexander Dun, flesher there, Jean Lanrick, his spouse, Margaret Mathie, their

Decreta,
April 1635-
February
1639.
P. 401.

Mr James
Gordon,
keeper of the
Signet, for-
bidden to coin
copper pieces
till 9th
January next,
Dalkeith, 14th
December
1637.

Complaint by
Sir Duncan
Campbell of
Auchinbreck,
younger,
against John
Allan, flesher
in Leith, and
others, for
deforcement.

servant, and Robert Johnestoun, flesher in the Cannogait, with others, their accomplices, armed with dirks, fleshers' braigs and other weapons, "patt violent hands in the messenger, tooke the rebell frome him with the letters of captioun, reft his blassoun aff his breast, threw the messenger and the said Colin Campbell to the ground, drew thair whingers and knyves and threatned to take thair lyves." These persons above-named having been cited, and the pursuers compearing personally, but not the defenders, the Lords ordain the latter to be put to the horn and escheat.

Supplication
by George,
Marquis of
Huntly, anent
the Laird of
Fendraith
and John
Toshach.

Supplication by George, Marquis of Huntly, as follows:—"It is not unknowne to the saids Lords what heaveie trouble, greefe and displeasure the Laird of Fendraith brought upon his umquhile father, who, notwithstanding of that fearefull and horrible fact whiche fell out in his hous, where the said lait Marques lost his sone and one of the speciall gentlemen of his name with some serving gentlemen; yitt suche wes his humble and dewtifull respect to his Majesteis obedience and peace that with verie great patience he susteanned and boore out his greefe, leaving time, the mother of truthe, to produce a full discoverie of that mater. And in this meane time of his long patience the Laird of Fendraith never left aff the vexing and troubling of him with continuall persutes, some times before the saids Lords and some times before the Justice, till in end it pleased God to compleit the said Marquis his course and to call him to his mercie. And the supplicant, having now returned home frome his travells abroad, looking that Fendraith sould have rested satisfied with the wrongs quhairwith he tempted his fathers patience and that he sould have suffered the suppliant to live in peace, seing he had never kythed in action nor counsell aganis him, yett he hes now begun with him in these termes quhair he left with his father, and upon idle and impertinent grounds hes conveenned him both before the saids Lords and Justice, before whome he hopes to cleere his innocence of all the aspersions layed be him upon the supplicant. And, amongs others, he, knowing that Johne Toshoch, his man and servant, is able to make some discoverie in that mater, and fearing if he be suffered to remaine in the north that the darke cloud quhilk hes so long obscured the truthe in this bussines sall dissolve and evanish, he hes raised letters in his awne name aganis Toshoch charging him to compeir before the saids Lords upon the 19 of this instant to answer upon his alledged breaking of ane act that he sould repaire within fourtie myles of the said supplicant or the Erle of Errolls dwellings, of the quhilk act the said supplicant and Erle of Erroll wer both ignorant and innocent and knew nothing thair of nor of the letters raised and charges execute thereupon till now latelie, quhereby the saids Lords may perceave that this is one of Fendraiths devices to frustrat and disappoint the discoverie of this mater, quhilk he preasses be all meanes possible to obscure and cover. And he is able to make it good before the saids Lords that Fendraith hes had intelligence and correspondence with Toshoch be word, writtor message, and that his ladie hes had privat meittings with him to his

Decreta,
April 1635.
February
1639.
P. 401.

P. 402.

P. 403.

Decreta,
April 1635-
February 1639.
P. 403.

knowledge beside his hous long before Toshoché made his addresse to the supplicant. And, whereas there will meekle depend upon the discoverie of this mater quhilk will hardlie be brought to light if the supplicant be not present himselfe to assist the discoverie, and seing the necessitie of his other adoes will not admit his presence heir before the moneth of Marche," he craves that their Lordships will continue "Toshoches dyet till some day in the moneth of Marche nixt." The Lords do so, and appoint 12th March next for Toshoché's compearance, the supplicant being answerable for the said John's exhibition that day and for warning the Laird of Fendracht hereof. And the Lords empower the said Marquis, "for the better exhibition of the said John Toshoché, to tak and apprehend him and keepe and deteane him in firmance till the day foresaid that he be exhibite before the saids Lords."

Complaint by Patrik Wod, merchant burgess of Edinburgh, as follows:—"There being some contraversie betuix the Erle of Buccleuche and his tutors and curators, and Francis Stuart, eldest lawfull son to the late Erle Bothwell, anent the mailles and dewteis of the lordship of Haills, Crichton, Trapren, and Morhame and thair pertinents," their Lordships authorised the complainer to uplift the said duties in the tenants' hands for the years 1635, 1636 and 1637, and took him bound to make the same forthcoming to all parties having interest. The complainer expected dutiful obedience to this ordinance, yet Michael Scot, in name of the said Earl of Buccleuche, and in contempt thereof, "hes verie malapertlie discharged the saids tennents to answer to the said compleanner, threatens thame with all violence if they doe the same, vexes and troubles thame by arrestments and otherwayes does what in him lyes to frustrat and make ineffectuall the said commission." Charge having been given to the said Michael Scot, who compeared personally, the pursuer being represented by Mr Robert Craig, advocate, his procurator, the Lords, after hearing parties, discharge the said Michael Scot from all interference with the duties of the said lands for the years mentioned in the said commission, and from all hindering of the pursuer by himself or his servants in uplifting thereof. And the said Michael promised to assist the pursuer and his servants in the uplifting of these duties in terms of the foresaid commission.

Complaint by Patrick Wood, merchant burgess of Edinburgh, against Michael Scott who, in the name of the Earl of Buccleuch, prevents the complainer from uplifting the duties of certain lands in dispute between the said Earl of Buccleuch and Francis Stuart.

Sederunta,
January 1635-
November
1643.
Fol. 58, a.

"Ane Act anent the letter produced be the Lord Privie Seale anent appointing of deputs in writting to the Privie Seale."

Deputies to the Lord Privy Seal.

"The Lords gives warrant to the Master of the Cunyiehous to worke the bulyeon with the new ingyenes till the bulyeon payable before November last be wrought."

Anent the coining of bullion.

Acta, May
1636-Novem-
ber 1639.
Fol. 244, b.

Sederunt:—Treasurer; Privy Seal; Winton; Wigton; Dumfreis; Dalkeith, 19th December 1637.
Southesk; Lorne; Bishop of the Isles; Naper; Clerk Register;
Justice General; Deputy Treasurer; Advocate; Justice Clerk.

"The Lords of Secreit Counsell having heard the petition givin in be the noblemen, barons, ministers and burrowes, they, upon considerations

Answer to the petition of the nobles, barons,

ministers, and
burghs anent
the Service-
book post-
poned till
Thursday
next.

knowne to thameselves, and seing they have not as yitt receaved nor considerit the former petition givin in be thame, whiche lyes in the clerkes hands, thairfoir the saids Lords hes deferred and continewed the answering of thair petition till Thursday nixt, at whilk time they will receave the petition or will heare the petitioners judicallie upon what farther they have to say."

Acta, May
1636-Novem-
ber 1639.
Fol. 244, b.

Dalkeith, 21st
December
1637.

Sederunt :—Treasurer ; Privy Seal ; Winton ; Wigton ; Southesk ;
Dumfreis ; Lorne ; Naper ; Clerk Register ; Deputy Treasurer ;
Advocate ; Justice Clerk.

The petitioners
anent the
Service-book
informed that
their petitions
will be
submitted to
his Majesty.

"The Lords of Secreit Counsell having read, heard and considerit the twa supplications and petition givin in be the noblemen, barons, ministers and burgesses, and finding the maters therein conteanit to be of that weight and importance that they cannot determine therein till his Majestie be acquainted with the same and his royall pleasure returned thereanent, thairfoir the saids Lords, for answer to the saids twa supplications and petition, declares that they will represent the same to his Majesteis royall consideration, and that without prejudice of the declinator givin in be the saids supplicants, whereupon they sall be heard in time and place convenient, and in the meane time sall receave no prejudice ; quhereupon the saids supplicants asked instruments."

Charge to
certain persons
to appear and
give their
evidence in the
action against
the Chanter of
Moray and his
sons, who are
accused of the
slaughter of
John Dow.

" Forsamekle as George Dumbar, at the ferrie of Kirthell, tennent to Robert Gray of Skibo, Thomas Edie in Milneton of Moynes and Johnne Lammie there, tennents to Johnne Grant of Moynes, Arthure Lyon in , tennent to , James Lammie in , tennent to Johnne Lawson, Johnne and Thomas Finlayes, tennents to Robert Dumbar of Burgie, Alexander Dumbar, servitour to the shireff of Murrey, Bell in Lylland, servitour to David Ros, brother to the Baron of Kilraack, and Williame Hucheon in Tilliduy, servitour to the Laird of Alter, being charged to compeir before his Majesteis Justice at three severall dyets at the instance of Thomas Dumbar of Boghoill and the relict of Johnne Dow, his servant, to have borne witnessing in the criminall persute intentit be thame aganis the Chantour of Murrey and his sone for the slaughter of the said umquhill Johnne Dow, they absented thamselves all the saids three dyets, and compeired not, wherethrow the partie hes beene putt to great charges and the course of justice interrupted, to the contempt of his Majesteis auctoritie without remeid be provydit ; and whereas this criminall dyet is continued till the 27 of Februar nixt, thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the saids witnesses to compeir, and thair maisters respective abonewritten to bring and exhibite thame, before his Majesteis said Justice and his deputs at Edinburgh, the said 27 of Februar nixt, to depone and beir witnessing in suche things as sall be speirit at thame concerning the said slaughter, under the pane of rebellion, etc., with certification, etc."

Fol. 245, a.
[Omitted in
its proper
place in the
Register.]

Fol. 245, b.

Decreta,
April 1635-
February 1639.
P. 405.

[Sederunt as recorded above.]

Dalkeith, 21st
December
1637.

Complaint by Francis Stuart, eldest lawful son of Francis, late Earl of Bothwell, as follows:—There is a decret arbitral pronounced by his Majesty between the Earl of Buccleuche and the complainer, but being of a general nature “his Majestie wes pleased by his severall explanations in presence of the tutors of Francis, now Erle of Buccleuche, and the compleaner, to explane the same and to signifie his pleasure by his severall letters what he would have farther done thereanent.” The supplicant is most willing to obey these. Charge having been given to Francis, now Earl of Buccleuche, Sir William Scot of Harden, Sir John Scot of Scottistarvet, Mr William Scot, and remanent tutors and curators of the said Earl to compear and see and hear themselves ordained to complete a contract between them in terms of his Majesty’s decret and foresaid explanations, and the pursuer compearing personally and the said Sir John Scot, Sir William Scot, and Mr William Scot of Clerkington, and William Scot of Tynneis, tutors of the said Earl, appearing for him, the defenders objected that no process could be granted upon this libel, inasmuch as the Lord Advocate was by the decret arbitral, minutes of extension and his Majesty’s letters thereupon, appointed to prepare the said contract, and had not been cited. Yet to testify their ready and willing obedience to give satisfaction to his Majesty herein they gave in the following declaration:—“Francis, Erle of Buccleuche, and his tutors declares that they are most willing to perfyte and end the contract betuix thame and Francis Stuart and craves that the forme thair of may be drawin up and delivered to thame to the effect that, conforme to his Majesteis pleasure signified in his Hienes letters, the Erle and his tutors may advise thereupon with their counsell at law and advocats, that there be nothing therein prejudiciall to the said Erle and his saids tutors or disagreeable to his Majesteis decret and explanations or to reason and equitie, to be represented, if neid be, to his Majestie or Counsell or to the ordinar judge, viz., the Lords of the Sessioun, conforme to the warrant of his Majesteis last letter, that his Majestie may receive satisfaction of obedience and the Erle and his tutors indemnitie and no prejudice according to his Majesteis gracious pleasure, equitie and justice. Lykeas in testification of the said Erle and his saids tutors their readines to end with the said Francis Stuart, they declare that they wer ever willing to have perfytted the contract with him and to have made the samen declaration (quhilk they now make) before the Lords of Session, before whome they wer already cited and conveyned be the said Francis to ane day in November bygane to this same effect, quhair of they presentlie produce a copie, quhilk may cleerlie evince that upon thair part they ar no wayes refractarie, but be the contrair, alwayes readie to accomlishe the intended agreement, howsoever they be precipitatlie persewed before severall judges in the said Erle his tender minoritie upon ane summar

Complaint by
Francis Stuart,
eldest lawful
son of Francis,
late Earl of
Bothwell,
against the
Earl of
Buccleuch
anent a
contract
between the
two said
parties

citation of 48 houres, his tutors being dwelling dispersedlie 50 myles sindrie and divided by the current of ane arme of the sea, and that in deid of winter and in ane tempestous storme." Upon this declaration they desired an act should be made. Reply thereto was made by the said Francis Stuart that it "was a meir shew without substance in so far as the narrative or first part thair of conteanneth certane reservations and restrictions never by his Majestie intended, as also numbers of expressions totallie contrare and different frome his Majesteis expressions and absolutlie subverting the nature of his Majesteis registrat explanations. Lykeas the last part thair of consists of some alledged vexations they had by citations in severall courts to the whiche the said Francis found himselve by thair high contempt and absolute refusall to give answer to his Majesteis expressed pleasure and recorded explanations unlesse they wer legallie summoned thereunto as by the said Francis his tripling of legalitie might appeare.' In regard therefore to the said declaration, so far as it conformed to his Majesty's pleasure, he accepted thereof, but wherein it differed in any point, he disclaimed the same as totally invalid. The Lords, after advising with consent of parties, continue the matter as it now stands without prejudice to either until 15th June next, when their Lordships appoint both parties to be heard upon the foresaid contract, so that the said auditors may take such course thereupon as they see fit either by settlement or reference to his Majesty, with certification that if either party compear not the Lords will deal with it then for his Majesty's satisfaction and honour according to equity and justice.

Decreta,
April 1635-
February 1632.
P. 408.

Complaint by
Margaret
Chalmers,
widow of Mr
Gavin Nisbet
of Murres,
against
John Gylour
and James
Nisbet in
Craigmillar for
warding her in
her own house
in Little
France and
preventing her
from ploughing
her own land.

Complaint by Margaret Chalmers, widow of Mr Gavin Nisbitt of Murres, as follows :—The said Mr Gavin was tacksman of the lands of Little France and houses thereof belonging to the house of Craigmillar, and had been so for thirty years without interruption, during which he laboured the land by himself and his servants and inhabited the houses. He contracted a lingering disease of which he died in June last, and after putting her affairs in order the complainer, his widow, in the beginning of August, went from her house of Murres to her dwelling-house of Little France, of which she is liferenter, her servants there for the time receiving her and giving her the keys of the said house. "Shortlie thereafter she streiked her pleuche upon the lands of the said rume and tooke instruments thereupon, looking that nane would have troubled this her lawfull possession." But on August, when she was on the fields doing her lawful business, John Gylour and James Nisbitt in Craigmillar and others entered "the said house, manned the same, and violentlie debarred the compleaner frome entering thereto. And upon the morne thereafter, she having of new obtained possession of the saids houses and finding that they could not gett her putt furth, they than inclosed her within her said hous, ramforced and neidnailed the doores thair of, there being no creature within but herselfe, so as she remained there in that estate without coale, candle or anie other provi-

Decreta,
April 1635-
February 1639.
P. 407.

P. 408.

sion or confort quhatsomever as in a prisson be the space of twelffe dayes, wherein they did what they could to have famished her to death, untill by the mediation of freinds they wer moved to opin the doores to her. Quhereupon of new they entered and dispossessed her and keepes the said hous aganis all order of law." Charge having been given to James Nisbitt and John Gylour, and both pursuer and defenders compearing, the Lords, after hearing parties, find that the pursuer "wes keeped closse in a chamber of the hous of Little France be the said John Gylour and that the doores wer neidnailed and nane suffered to have accesse to her to furnishe her meate or drinke or others necessare be the space of ellevin dayes, but suche as wes putt up to her at ane window, notwithstanding of her great age and infirmiteis of her bodie quhilks required attendance and dressing," and for this great insolence the Lords ordain the said John Gylour to repone the pursuer in her house of Little France in as good case as when he first displaced her, and also to enter himself in ward within the tolbooth of Edinburgh until order be further taken with him, and that within 48 hours, upon pain of horning. Further, they ordain him to pay the witnesses, viz., 54s. to every horseman and 40s. to every footman for their expenses.

Complaint by John Gylour, tacksman of Little France, and Janet Winrame, his spouse, as follows:—On September last, when the said John was in the burgh of Edinburgh doing his lawful business, and all his servants in the fields shearing, his wife being alone at home, Margaret Chalmers, widow of Mr Gawin Nisbet of Murrres, and Robert Dobie, her servant, at her command, came to the complainer's dwelling-house "with ledders prepared for the purpose, scalled the utter yett therewith, thereafter scalled ane chamber, brake up the glasse windowes, rave out the stanchers, entered within the chamber and keepe and possesst the same be the space of fyftene dayes, taking in thair meate and drinke with ledders all that time, and abused and spoiled the said chamber at thair pleasure." Both pursuer and defender compearing, the Lords, after hearing parties and their witnesses, assoilzie the defender.

This day there compeared before the Lords Sir James Bruce of Powfoulls, knight, James Bruce, his oy, and Alexander Bruce in Halls of Airth, on the one part, and Colonel William Bruce [sic], on the other part, and submitted the dispute between them "anent ane desk, loft and seate in the kirk of Airth" and the action raised thereupon by the said Colonel Baillie [sic] to the arbitration of Robert Bruce of Blairhall and Thomas Bruce, provost of Stirline, as chosen by the first parties, and William Livingstone of Westquarter and Michael Elphinstoun of Querrell, as chosen by the said Colonel Baillie, with George Bruce of Carnock, as oversman in case of variance. The Lords accordingly empower these judges to deal with the case by calling parties before them, and to give forth their judgment before 31st January next; and both parties agree to abide faithfully by their said judgment; and severally to cause these friends meet and accept and deal with this reference with all diligence.

Counter-complaint by John Gylour, tacksman in Little France, and his spouse against Margaret Chalmers.

Anent a dispute between Sir James Bruce of Powfoulls, on the one part, and Colonel William Baillie, on the other, touching a desk, loft, and seat in the kirk of Airth.

MISCELLANEOUS PRIVY COUNCIL PAPERS.

A.D. 1635-1637.

PRIVY COUNCIL PAPERS.

Miscellaneous
Papers.

1. Original Submission and Decreet Arbitral between Violet Dawling Leith, 9th-12th May and 4th July 1635. and others, and David Logan in name of the poor and Hospital of Leith, described *ante*, p. 82; the Submission bearing date at Leith, 9th, 11th and 12th May, and the Decreet Arbitral 4th July, 1635. [Signatures.] On the back there is the clause of registration, dated at Edinburgh, 6th July, 1635, signed by Mr David Prymrois and Mr Samuel Gray as procurators for the parties. Submission of parties anent the Hospital of Leith.

2. "CHARLES R.—Right reverend father in God, and right trusty and wellbeloved cosen and counsellour, and right trusty and wellbeloved cosens and counsellours, and right trusty and trusty and wellbeloved counsellours, wee greete yow well. Wee are informed by petition from Peter Fox and Richard Seaman that in December last a bark of theirs, seeking the port of Limrick in Ireland, was by tempest of wether driven upon Looes, one of our west islands, where, having cast anker and seeking to be refreshed and furnished att their owne charge with victuals and other necessaryes, wer, as they affirme, most barbarously used att land and sea, and under colowr of contract and sale, robd of their said bark and goods to the value of 1000 lib. sterling and upwards; which, being as in it selfe unchristian, so in the example most pernitiows, wee have thought fitt to recommend their complaint to your consideration, willing and requyring yow, after due tryall had therof, to see some speedy cows taken by such ovr officers as by the lawes it belongeth to, both for the petitioners redress and the exemplary punishment off the offenders; wherein, not dowbting of your cair, we bidd yow farewell. Given att ovr mannor of Grenwich, this 19 of June, 1635. By yowr Majesties command. (Signed) Ja. Gallouay. Addressed on the back to the Lord Archbishop of S^t Andrews, Chancellor, and remanent noblemen and others of the Privy Council." 19th June 1635. Letter from his Majesty anent the complaint of Peter Fox and Richard Seaman, whose ship had been plundered by the inhabitants of Lewis, on which it had been cast ashore.

3. Extract of Act and Commission of the Council for dealing with the proposed erection of a lighthouse upon the Isle of May, printed *ante*, p. 59. Signed by M. G. Prymerose. 21st July 1635. Lighthouse on the Isle of May.

4. "At Edinburghe, the twentye seivint day of July, the yeir of God, Edinburgh, Dysart, Anstruther Easter, and St. Andrews, 27th July-18th September 1635. j^mvic threttie fyve yeiris.
The quhilk day anent the commissione direct be the Lords of his Majesties Privie Counsell to Johne, Earle of Mar, Johne, Earle of 2 M

Report of the
commission
appointed to
enquire into
the necessity
for lights on
the Isle of
May.

Roths, George, Earle of Wigtoun, David, Earle of Southesk, Johne, Earle of Wemys, Johne, Lord Lyndesay, David, Lord Balcarres, Sir Alexander Gybsone of Durye, knycht, Mr Alexander Gibsone, fier of Durye, and Sir George Hammiltoun of Blaikburne, knycht, committing full power to thame, or anie four of thame, with suche of the justiciaris of his Majesties peace as they sall pleas to haive with thame, to call befor thame suche merchantis, maisteris and awneris of schippis quha ar best skillit and experimentit on aither syd of Forthe anent the necessitie or expediencie of erecting of ane licht or beakin on the Ile of May, and, gif the samyn nicht haive prevenit the many losses and daungeris of his Majesties subjectis and wthir strangeris thair lyffis, schippis and guidis adventering to enter in Firthe of Forthe within the nicht in tymes bygaine, and gif the samyne licht mey prevein the lyke daunger and loss in tyme cumming, and to tak thair oathes and depositiones therupoun in presence of the bailies of the burgh quhair they sall be examinert in caice they be pleasit to assist the said tryell.

For obedience to the quhilk commissione compeirit personallie within the tolbuthe of the said burgh of Edinburgh the said Johne, Earle of Mar, George, Earle of Wintoun, David, Earle of Southesk, Mr Alexander Gybsone, fier of Durye, with Sir Johne Carnegie of Ethy, Sir Hary Wood of Bonitoun, knycht, and Robert Forbes of Ryres, justiciaris of his Majesties peace, and in presence of Alexander Dennistoun, ane of the bailies of the said burgh of Edinburgh, quha, eftir the nominatione and admitting of David Andersone, shireff clerk of Fyff, to be clerk to the said commissione, quha, bieng present and acceptand the said office, maid faithe for dew administratione thairin, and thereftir causit call upone the persones eftirnamit, quhilkis wer lafullie summond to compeir befor the saidis commissioneris this day, hour and plaice; they ar to say, David Lougoun, skipper in Leithe, Florence Mairtyne thair, Archebald Maistertoun thair, Gilbert Weddell thair, Andro Hutchisone thair, Alexander Baines thair, Johne Lukop thair, John Broun thair, George Scot thair, James Halyburtoun thair, Thomas Lyndesay thair, Olypher Tailziour thair, Thomas Dormound thair, James Lukop thair, Thomas Heriot thair, Alexander Home thair, and Thomas Wilsone thair, all schipperis, maisteris and awneris of schippis and sailleris within the said towne of Leithe; and siclyk James Dawling in Queinsferrye, Eduard Littell thair, George Punton thair, James Lourye thair, Samuell Wilsone thair, Robert Hill thair, and Robert Dawling thair, all sailleris, maisteris and awneris of schippis within the towne of Queinsferrye; off the quhilks compeirit befor the saids commissioneris the persones eftirnamit, viz. :—

The said David Lougoun bieng ressavit, sworne and examinert, deponis that he knawis many schippis hes bein lost quhilkis nicht haive beine saife thir many yeiris bygaine gif thair had bein a licht on the Ile of Maij, and the said licht wald prevein the lyk loss and daunger in tyme cumming.

Miscellaneous
Papers.

Miscellaneous
Papers.

Johne Lukop, skipper in Leithe, ressavit, sworne and examinat, deponis that ane licht erectit on May is very necesser for the saifetye of schippis entering in the nicht within the Firth of Forthe, and that syndrie schippis hes bein lost quhilkis nicht haive bein saife, in caice thair had bein a licht erectit on May in tyme bygain.

Johne Broun, skipper in Leithe, ressavit, sworne and examinat, deponis he thinkis it very expedient that thair be ane licht erectit on the Isle of May, and that it nicht preveinit the losses that schipis hes sustenit in tyme bygain.

James Halyburtoun, skipper in Leithe, ressavit, sworne and examinat, deponis he thinkis it no necesser to haive a licht on May.

Alexander Broun, skipper, ressavit, sworne and examinat, deponis he thinkis it expedient that thair wer ane licht erectit on May for saifety of schipis entering within the Firth within silence of nicht.

George Scot, skipper thair, ressavit, sworne and examinat, deponis he thinkis it very neidfull and expedient to haive a licht erectit on May for prevening the many losses that schippis hes sustenit in tyme bygain.

Williame Smeitoun, skipper thair, ressavit, sworne and examinat, deponis he thinkis it no necesser to haive a licht on May.

Florence Mairtyne, skipper in Leithe, ressavit, sworne and examinat, deponis he thinkis it very necesser to haive ane licht erectit on the Ile of May.

Thomas Lyndesay, skipper in Leithe, ressavit, sworne and examinat, deponis that it is very necesser to haive a licht on the Ile of May, and declairit that this same yeir in winter he had be his awine experience sic daunger and haizard that he durst not enter in the Firth within the nicht for want of a licht on May, and was forced to bear north with great daunger, quhairas if he had sein a licht on May he nicht saifelye had enterit within the Firth, and declairis thair hes bein above sex hundrethe thousand pund worth of schippis and guidis lost be reasone of the want of the said licht on May in tyme bygain.

Thomas Heriot, skipper in Queinsferry, ressavit, sworne and examinat, deponis he thinkis it no necesser to haive a licht on May.

Alexander Riddoche, skipper in Leithe, ressavit, sworne and examinat, deponis he thinkis it necesser thair wer ane licht on May, provyding thair wer also ane licht on the Skairheidis and ane wther on Inchekeathe.

Williame Riddoche, skipper in Leithe, ressavit, sworne and examinat, deponis he thinkis it no necesser to haive a licht on May.

Alexander Maistertoun, skipper in Leithe, took to advys with his depositione.

The saids commissioneris thought expedient to call in befor tham certaine merchantis of the said burgh of Edinburgh to heir thair declaratione anent the necessitie of the said licht on May, and for that effect having callit in befor thame William Dik, merchant burges of Edinburgh, David Junkin, Alexander Broun and Patrik Wood, merchant

burgesses of the said burgh, quhilkis all declairit eftir wtheris that they knew not be thair awine experience gif it wes neidfull to haive the said licht on May or not, bot referrit the tryell thair of to skipperis and sailleris. (Signed) D. Andersone, *clericus vicecomitatus de Fyffe ac dicti processus scriba.*" Miscellaneous Papers.

28th August
1635.

Report of an
enquiry held
at Dysart by
the same
commission.

"At the burge of Dysert, the twenty aucht day of August, the yeir of God j^mvi^e and threttie fyve yeiris.

The quhilk day the commissioneris eftirnamit, they ar to say, Johne, Earle of Rothies, Johne, Earle of Wemys, Johne, Lord Lyndesay, Mr Alexander Gybsone, fier of Durye, and Sir George Hammiltoun of Blaikburne, knycht, with Robert Forbus [*sic*] of Ryres, and Johne Beatoun, fier of Balfour, justiciaris of his Majesties peace, quha bieng convenit and met this day within the tolbuthe of the said burgh of Dysert for obedience to the commissione grantit to thame be the Lordis of his Heichnes Privye Counsall direct to the effect and for the cause following, and in presence of Alexander and David Symsones, bailies of the said burgh of Dysert, quha causit call upone the personis eftirnamit, skipperis, maisteris and awneris of schippis, quhilkis wer lawfullie summond be the saidis commissioneris precept to compeir this day, hour and plaice, viz. :—

James Sibbald, skipper in Leavin, ressavit, sworne and examinat, deponis as followis, that a sufficient licht weill intertenyit in the nicht tyme wpone the Ile of May nicht haive bein a mein to haive preservit many schippis that hes perischit on Inscheaip, on the Car, Fyffisness, and wtheris plaices thir dyvers yeiris bygaine, and nicht preven the lyk loss in tyme cumming, and that it is verye necesser thair be ane licht on the said Ile. And bieng inquyrit how far a licht will be sein on the said Ile in the nicht—that on a hicht in a dark nicht without snaw or mist it will be sein sextein mylis or thairby.

Symeon Luklaw, skipper in Largow, maister and awner of ane schip, bieng ressavit, sworne and examinat, deponis that a great number of schippis that hes perischit on Incheap, on the Car and Fyffisness nicht haive bein preservit be ane licht on the Ile of May thir many yeiris bygaine, and that some schipis hes perischit that could not bein saiffit be the said licht, and that a licht bieng maid so wpon the said Ile that it be decernit by wthir lichtis will be verye necesser for prevening the lyk daunger in tyme cumming, and a licht erectit on the said Ile will be sein a kenning af the said Ile, viz., fourtein mylls.

Johne Cowtreay, skipper in Largow, maister off ane schip, ressavit, sworne and examinat, deponis that a licht on the Ile of May nicht be a mein to direct a schip by the daungeris of Incheap, Car and Fyffisness, May and wthir daungeris, bot not in a great tempest of snaw, and a necesser mien to saiff schipis in tyme cumming fra the lyk daungeris.

George Scot, skipper in Dysert, ressavit, sworne and examinat, deponis as followis, quha bieng poisit that if a licht on the Ile of May

Miscellaneous
Papers.

nicht haive saiffit any schippis that hes perischit thir twenty yeiris wpon the daungeris of Incheap, Car, Fyffisness, ansueris that it is moir nor he can tell. And bieng poisit if the said licht may be a mein to saiff schippis fra the saids daungeris in tynecumming, ansueris that it nicht very weill doe it. And bieng poisit how far a licht will be sein aff the said Ile—that in a dark nicht twentye myllis, and in a stormy nicht four myllis, and in a snawye nicht not at all.

Thomas Bikkertoun, skipper in Dysert, ressavit, sworne and examinat, deponis as followis:—That a licht on May nicht haive saiffit some schippis that hes perischit on the Car, Incheap, Fyffisness, thir yeiris bygaine. And bieng poisit that if a licht on the said Ile nicht saiffe schippis fra the saids daungeris in tynecumming, ansueris that out faiyris hae non, bot it wer very necesser to haive ane licht on the said Ile if it wer als cheap as the lichtis in Ingland.

Thomas Ritchartsone, skipper in Dysert, ressavit, sworne and examinat, deponis as followis:—Bieng poisit that if a licht on May nicht haive saiffit any schippis that hes perischit on the daungeris of Incheap, Car and Fyffisness in tynepast, ansueris that it is hard to him to tell, bot declairis that he thinkis it necesser to haive a licht on the said Ile if it wer not chairgeabill.

Alexander Symsonsone, merchant in Dysert, ressavit, sworne and examinat, deponis as followis, that he can not tell if a licht on May nicht haive saiffit any schippis that hes perischit in tyme bygaine in respect he wes not within thame, and if it nicht in tynecumming, deponis *ignorat*, sieng he is not a skiper.

David Symsonsone, merchant in Dysert, ressavit, sworne and examinat, deponis he knawis not if that the said lycht on May nicht haive saiffit schippis fra the loss at any tyme bygaine, bot thinkis it very necesser that thair be a licht on the said Ile if it be not chairgeabill and very burdingsome.

Capitane Andro Watsonsone in Bruntlyland ressavit, sworne and examinat, deponis that he knawis not if a licht on May nicht haive preservit any schippis that hes perischit on the Car, Incheap and Fyffisness in bygaine tymes and that becaus he was [not] within the saidis schippis, and declairis that so far as he knawis he wnderstandis not if it can doe any good in tynecumming.

Archebald Angus, skipper in Bruntlyland, ressavit, sworne and examinat, deponis that he knawis not if a licht on May nicht haive saiffit any schippis that hes perischit in tyme bygaine, and so far as he wnderstandis that a licht on the said Ile is not convenient.

George Gairne, merchant in Bruntlyland, ressavit, sworne and examinat, deponis that according to his informatione he knawis not if any schippis hes perischit throw want of a licht on May in tyme past, and in the meantym thiukis it not alwayis necesser, bot only for the bottis in the costayd, and for schippis that ar waiting ou to goe in to thair awine harbories in the costayd, and that he knawis nothing bot be informatione.

Ritchart Ross, merchant in Bruntyland, ressavit, sworne and examinat, deponis that he knawis nothing if any schipis hes perischit throw want of the said licht on May in tyme bygaine, and thinkis it not necesser in tyme cumming. Miscellaneous
Papers.

James Lochair, skipper in Kinghorne, ressavit, sworne and examinat, deponis that he knawis not if any schippis hes gottin wrong for want of the said licht in tyme past, and thinkis it not necesser in tyme cumming.

Mairtyne Lochair, skipper thair, ressavit, sworne and examinat, deponis conforme to the said James Lochair his brother *in omnibus*.

Henrye Schankis, skipper thair, ressavit, sworne and examinat, deponis conformis to the saidis James and Mairtyne Lochairis *in omnibus*.

And siclyk compeirit Johne Williamsone, ane of the bailyies of the burgh of Kerkaldye, with a great multituid of the burgesses of the said burgh of Kerkaldye and desyrit tham to be examinat as witnesses in the said maiter, and John Cunynghame, fier of Barnes, alledgit that they could not be ressavit as witnesses in respect they compeir as pairties to object in the contrair and nawayis as witnesses, naither wer they or any of thame summound to this day, be reassone the said John Cunynghame came to the said Johne Williamsone, bailye, and schew to him the said commissione, and requyrit of him ane list and roll of such skillit maisteris and awneris of schippis within thair said burgh as wes maist meit to be examinat, and to depone in the said caus as he had done with wthir burrowis that he had summound, and that the said John Williamsone, bailye, had altogithir refusit to giff the said list and roll, as authentik instrumentis taikin be the said John Cunynghame wpon the said John Williamsone his refusall productit propoirtis; and desyrit that the Lordis of Privye Counsall sould cognosce wpon his diligence in the said maiter, quhilk alledgence the saidis commissioneris referrit to be considerit be the saidis Lordis of Privye Counsall. D. Andersone, *clericus vicecomitatus de Fyffe ac dicti processus scriba.*"

Report by
the same
commission
from
Anstruther
Easter.

" At Anstruther Eistir, the elleivint day of September, the yeir of God j^mvi^o and threttye fyve yeiris.

The quhilk day anent the commissione direct be the Lordis of his Majesties Privie Counsall to Johne, Earle of Mar, Johne, Earle of Rothes, Johne, Earle of Wemys, David, Earle of Southesk, Johne, Lord Lyndesay, David, Lord Balcarres, Sir Alexander Gybsone of Durye, knycht, or M^r Alexander Gybsone, fier of Durye, his sone, Sir George Hammiltoun of Blaikburne, knycht, and Sir Johne Hammiltoun of Pres-toun, knycht, commissioneris appointit befor the Lordis of his Majesties Privie Counsall, committing full power to thame or any four of thame, with such of the justiciaris of his Majesties peace as they sall pleas with thame, to call befor thame suche merchantis, maisteris and awneris of schippis quha ar best skillit and experimentit on aither syd of Forthe to tak tryell anent the necessitye of erecting of ane licht or beken on the

miscellaneous
opera.

Ile of May for prevening of many losses and daungeris that his Majesties subjectis, thair schippis and guidis hes sustenit in tyme bygaine throw want of the said licht, and to tak thair oathes and depositionis therwpoun in presence of the bailyes of the burgh quhair they sall be examinat: For obedience to the quhilk commissione compeirit within the tol-buithe of the said burgh of Anstruther Eister David, Earle of Southesk, David, Lord Balcarres, and M^r Alexander Gybsone, fier of Durye, with Sir Johne Scot of Scottistervet, knyght, and Johne Beathoun, fier of Balfour, justiciaris of his Majesties peace, with Robert Alexander, bailye of the said burgh of Anstruther Eister.

And compeirit Johne Cunynghame, fier of Burnis [*sic.*], quha productit befor the saidis commissioneris preceptis dewlye execut to this day, quharby he had causit summond a great number of merchantis, maisteris, and awneris of shippis, skipperis and sailleris within the burghis of Carraill, Kilrynnie, Anstruther Eister, Anstruther Westir, and Pittinweyme, according to the listis and rollis giffin to him be the bailyes of the saidis burghis respective of the names of the persones quha wer best skillit and experimentit to declair and depone anent the necessitie of the erecting of ane licht upon the said Ile of May; quhilkis persones bieng summond, as said is, compeirand within the said burgh of Anstruther Eister readdy to be examinat and to depone upone thair oathes in the said maiter, the saidis commissioneris, finding thamselffis not to be ane competent number prescryvit be the said commissione to proceid upone the said tryell and examinatione of the saidis persones, refuist to proceid to the ressaiving of the saidis persones thair depositiones. Quharupoun a great number of the saidis persones compeirand befor the saidis commissioneris declairit that they wer presentlye bound to thair good voadges furth of this realme and thair schippis readdy to mak saill, quharby they nicht not attend any wthir day or dyet for giffing thair compeirance befor the saidis commissioneris to the effect foirsaid; and therfoir maist humly peti[ti]ones the saidis commissioneris to admitt and ressaive thair declarationes and depositiones in the said maiter, quhilk they sould caus presentlye draw wp and subscrivye the samyne with thair awine handis, testefieng the treuthe anent the necessitie of the erecting of ane licht upone the said Ile of May, siclyk as if they had bein examinat upone thair great oathis to depone thairwpoun befor the saidis commissioneris thamselffis. And eftir a certaine spaice the saidis persones, maisteris and awneris of schippis bieng a pairt be thamselffis, and haiving causit draw wp thair saidis declarationes and depositiones, and haiving subscrivrit the samyne with thair handis, compeirit againe befor the saidis commissioneris and presentit to thame thair saidis declarationes and depositiones subscrivrit with thair handis, testefieng that they had done the samyne trewlye wpone the declaratione of thair awine consciences, and therfoir maist humlye requystit the saidis commissioneris to present the samyne to the Lordis of his Heichnes Privie Counsall for thair exoneratione and freithing of thame fra farder

trubill in the said maiter; quhilkis declarationes and depositiones the saidis commissioneris ressavit aff thair handis for that effect. (Signed) ^{Miscellaneous Papers.}
D. Andersone, *clericus vicecomitatus de Fyffe ac dicti processus scriba.*"

Report by the
same commis-
sion from St.
Andrews.

" At Sancte Androis, the auchtein day of September, the yeir of
God j^mvi^c and threttye fyve yeiris.

The quhilk day the commissioneris eftirnamit, they ar to say, Johne, Earle of Rothes, Johne, Lord Lyndesay, David, Lord Balcarres, and M^r Alexander Gybsone, fier of Durye, with Robert Forbus of Ryres and David Pitcairne of that ilk, justiciaris of his Majesties peace, quha bieng met and convenit this day within the tolbuthe of the said citie of Sanctandrois for obedience to the commissione direct to thame be the Lordis of his Heichnes Privie Counsall for taiking tryell anent the necessitie of erecting ane licht or beaken on the Ile of May, in maner following, and in presence of Johne Leaper, proveist of the said citie of Sanctandrois, George Nairne, James Sword, James Tailyour and William Geddy, bailies of the said citie, quha causit call befor thame the persones eftirnamit, merchantis, maisteris and awneris of schippis and skipperis of schippis within the burgh of Dundy and Sanctandrois, quhilkis wer lauffullie summond be the saidis commissioneris precept, conforme to ane list and roll giffin be the proveist and bailies of the saidis burghis, to the said Johne Cunynghame, fier of Barnis, of suche merchantis, maisteris and awneris of schippis and skipperis of schippis within thair saids burghis presentlie at home of best experience and skill to declare anent the necessitie of erecting of a licht on the Ile of May, to compeir this day, hour and place: they ar to say, Johne Leaper, Robert Tailyour, James Robertsons, younger, Symeon Greig, James Watsons, Johne Steivinsons, James Lenton, James Allane, James Tailyour, Williame Geddy, elder, Williame Geddy, younger, Robert Diksone, all merchantis, maisteris, awneris and skipperis of schippis within the said citie of Sanctandrois, and siclyk James Fleschour, Gilbert Wentoun, Alexander Coppun, Alexander Bower, Captane Walter Rankin, George Lochmalony, merchantis, awneris, and skipperis within the said burgh of Dundye, off the quhilkis compeirit personallie the persones eftirnamit, viz. :—

Johne Leaper, proveist of Sanctandrois, merchant and awner of a pairt of a schipp, ressavit, sworne and examinat, deponis that be his awne experience he hes no great skill in that maiter, bot as he wnderstandis of sailleris and skipperis declairis that they affirme that it is necesser to haive a licht or beaken on the Ile of May, incaice it could be had upon easie chairges.

Robert Tailyour, merchant and awner of ane schipp, ressavit, sworne and examinat, deponis he thinkis it expedient thair be a licht ou the Ile of May, provyding the burrowis haive a voit of the modifikatione of the chairges.

James Watsons, merchant and awner of ane schipp, ressavit, sworne and examinat, deponis that a licht on May nicht haive preservit

Miscellaneous
Papers.

schippis that hes lossit in tyme bygaine, and that it is necesser thair be ane licht on the said Ile for saiffing the lyk losses in tymecumming, incaice the interteinment thair of be on easie chairges and that the burrowis haive a voit thairin.

Johne Steivinsone, merchant and awner of ane schipp, ressavit, sworne and examinat, deponis that a licht on the Ile of May nicht haive done good for preserving of many losses of schippis in tyme bygaine and nicht prevein the lyke in tymecumming.

James Lentroun, merchant and awner of ane schipp, ressavit, sworne and examinat, depones *conformis priori immediate precedenti in omnibus*.

James Tailyour, merchant and awner, ressavit, sworne and examinat, deponis *conformis prioribus immediate precedentibus in omnibus*.

James Robertstone, younger, merchant and awner, ressavit, sworne and examinat, deponis *conformis prioribus in omnibus*.

Williame Geddye, merchant and awner, ressavit, sworne and examinat, deponis *conformis precedentibus in omnibus*.

Williame Geddye, bailyie, merchant and awner, ressavit, sworne and examinat, deponis that he thinkis a licht on the Ile of May nicht haive preservit schippis that hes loissit in tyme bygaine, and mey preserve schippes fra perisching in tymecumming, and it is necesser to haive a licht thairwpoun, provyding it be on easie chairges.

Robert Dikesone, merchant awner and skipper, ressavit, sworne and examinat, deponis *conformis* to the said Williame Geddye, bailyie, *in omnibus*. D. Andersone, *clericus vicecomitatus de Fyffe ac dicti processus scriba*.

23 Septembris, 1635. Producet be David Andersone. [Initialled] J. P."

5. "To the ryght honourabillis the lordis commissioneris appointit July 1635.
be the Lordis of his sacred Majesties most honourabill Privie Counsell Letter from the merchants, masters, and owners of ships residing in Craill recommending the placing of lights on the Isle of May.
for trieing of the expedience of ane light to be erectit upon the eland of May according to his Majesties patent grantit to that effect,—We, the maisteris, awneris and merchandis induelleris in the burcht of Craill undersubscrivand, visseth eternall happines. And in consideratioun that we and everie ane of ws wer commandit to compeir befor your lordships at ane certane day bygaine to haive compeirit and given our solem aeth anent the mater foirsaid, we be thir presents testifie and declair be our great aethes that according to our knowledge it is maist expedient for the well of this kingdome and of the strangeris resorting to this freth and saiftie of menes lywes, schipes and guidis, that thair be ane light appointit to be erectit upon the said eland. In witnes quhair of we haive subscrivit thir presentis with our handis (writtin be George Leslie, servitor to Johne Makesoun, clerk of Craill), at Craill, the day of _____, the yeir of God j^mvi^c and threttie fyve yeiris. (Signed) Andrew Daw; Patrik Hunter; Patrik Millir; Allane Millar; Andro Daw, younger, witnes; T. Wood, witnes. [Initialled] J. P.

12th August 1635. Summons of the Captain of Clanranald at the instance of Richard Seyman in Chichester. 6. Summons at the instance of the King's Advocate and Richard Seyman in Chichester in England against John McDonnald McAllane VicEane of Ilantirum, Captain of the Clan Rannald, and others as narrated *ante*, p. 212; dated at Edinburgh, 12th August, 1635, and signed Ja. Prymrois. The citation of parties is to 22nd March, 1636. On the back there is the signature—Mr Wm. Maxuell. Miscellaneous Papers.

12th August 1635. Summons of the same at the instance of Peter Foxe in Limerick. 7. Execution by James Bruce, messenger, of a summons at the instance of Sir Thomas Hope of Craighall, King's Advocate, and Peter Foxe in the city of Lumbrick, in the kingdom of Ireland, as owner of the ship called the Susanna and goods that were therein, against John Moydertache McDonill V^cAllan V^cEane of Yllantirim, Captain of Clanranald, for his compearance before the Council on 20th March next, and restitution of the said ship and goods. Done at Edinburgh, 12th August, 1635.

28th August 1635. Summons at the instance of Violet Dawline, widow of James Home, skipper in Leith, against Alexander Hay, indweller in Leith, and certain skippers in the said burgh, whom she accuses of craftily drawing her into a submission anent her late husband's intromissions with the funds of the Hospital of Leith. 8. Summons at the instance of Violet Dawline, widow of James Home, skipper in Leith, narrating that Alexander Hay, indweller in Leith, and some of the skippers of Leith had craftily drawn her to enter into a submission with David Logane, skipper in Leith, which submission was prepared by themselves, and by it she, as executrix of her said late husband and taking burden for Thomas Dawline, her brother's son, and all others having commission or trust from her, submitted to the decision of Mr John Elphinstone, indweller in Leith, James Johnestoun there, John Kello, maltman there, John Lookup, skipper there, Alexander Hay and David Robertson, skipper in Leith, or any four of them; and these persons have given forth their sentence, ordaining her to pay over 29,000 merks and to perform a number of other things which she cannot possibly do. They have secured registration of this decret arbitral in the books of Privy Council and intend to raise diligence against her thereupon. She craves suspension thereof, because, first, in the claim made against her in respect of her late husband's intromissions with the Hospital funds, she no way represents her said husband; and if she did, yet she could not be burdened with such debts as the decret puts upon her, in regard the foresaid submission was craftily drawn from her, "being ane illiterat person who can nather read nor write, and being ane woman, subject throw imbecillitie of her sexe to circumvention, and extremelie aged of threescore fourtein yeeres, and so subject by the infirmitie of nature to weakenesse of judgement and timorousnesse." Besides, the submission was drawn from her without previous consultation with her kinsfolk and friends, after she had granted commission and factory to her said brother's son for guiding her whole affairs. Yet he was never consulted herein and altogether mis-known, although at the time he was in Edinburgh. Further, although she might have been moved to agree to a submission by advice of her friends, had this been required, the judges in the decret have proceeded both informally and unjustly, because the submission is blank in the date by

which they were to give sentence, and so the same might have endured for a year, the complainer meanwhile having opportunity to crave inspection of the claims, and given in her defences and counter-claims. But for this they gave her no opportunity, and most abruptly gave forth "thair most partiall sentence be the instigation of the said Alexander Hay, who, having spent the common good upon needlesse persuites, could find no other meane to ingratiate himselfe than by intrapping of the compleanner, ane poore, aged, illiterat woman, in the snare of ane submissioun to himselfe and others whome he hes misled to pronounce this sentence." Further, by a clause in the decret it is provided that the Lords of Privy Council are to be the judges in the event of the complainer having to pay certain damages, and therefore she craves that their sentence as altogether erroneous ought to be reduced "*ad arbitrium boni viri*, to witt, the saids Lords of our Privie Counsell." Again, it will be clear when the parties are heard before their Lordships that her husband discharged his office "uprichtlie *et optima fide*," and that of all bonds which in their behalf he took in his own name he made assignations to them, both bonds and assignations being ready to be delivered upon discharges; and she will find caution to pay whatever after trial is found to be due by her said husband. Summons is therefore issued to the said David Logane, also the judges foresaid, and the skippers, mariners and masters of the said Hospital and others concerned to appear before the Lords on 2nd September next; dated at Edinburgh, 28th August, 1635, and signed JA. PRYMROIS. [On the back] "2 September, 1635. The Earle of Hadintoun and Bishop of Edinburgh personalie. Pairtyes called. Violet Dawling compeired with M^r John Gilmour, hir procurator; defenders absent. The Lords of the committee finde that the defenders hes contemptuously disobeyed the charge gevin to thame for thair appearance, and that in respect of thair absence they cannot proceed to the tryell of the bussynes committed unto thame; and thairfore ordains report to be maid thair of to his Majesties Consaill."

"22 September, 1635. Ordains M^r John Nisbet to give in his ansuers in write and all that he can say agane the reassone of the suspensione the morne at nyne of the cloke in the morning."

"23 September, 1635. M^r John Nisbet produced his ansuers. The Lords hes thocht meate and expedient that before thay proceed to the hearing of the reasons of justification and with expres reservatioun of the same, tryall salbe taken quhair and in whose keeping the kist was, what moneyis, bandis, registrat and inventarit wes within the same and be whome it wes brokin; als when and how it come in the handis of the Hospitall, and if ony hes bene seducet to conceale the treuth; for whiche purpose the Lordis nominats and appoints the Earles of Wintoun, Lauderdaill, and Bishop of Edinburgh, or ony tua of thame, to examine the pairtye and witnesses concerning this mater, and to meete the morne in the Bishopes house at nyne of the cloke in the morning and to report to the Counsaill quhat thay find thairin."

"Witness—William Smetoun, baxter (ad.), Patrik Smetoun, maltman (ad.), John Flint, workman (ad.), Mathew Mitchell, smyth (ad.), Mr John Elphingstoun (deleted), George Hegey, skipper (ad.), Alexander Banes, skipper (ad.), David Robertsons, Gilbert Weddell, Bartilmo Versey, Henry Borthuik."

Miscellaneous
Papers.

Fetteresso,
3rd September
1635.

Letter from
the Sheriff of
Kincardine to
the Council
anent Adam
Young, a
madman who
has been
guilty of
manslaughter.

9. "My werie honourable gud Lords,—Pleas your Lordships ther was one Adame Younge within this shirefdome off Kincardin presented to my deput be the Maister of Forester, his maister, for killing off one Andrew Strodie within the same shirefdome, upone the tuentie thrid day of Agust last bypast. My Lords, it is off weritie, as will be testified be the ministrie of his presbitrie, this mane Adame Younge hes bein thir dyveris yeiris bypast and as yit contineues still distracted off his witts, lykas he wes knoune to be so in the werie tyme off the fact committed; and now sinc his imprisonment is moir extreamlie inraigned, so that I nor my deput can nowayis minister justice upone him, being a mane altogether madd and out of his wittis. Quhairfoir it will please your Lordships to grant ane comissione and warrand for the said Adame his transportation frome one shireff to another till he be brought to Edinburgh, quhair your Lordships may give order after your wyise deliberatione to tak suche course with him in this caise as your Lordships sall think most expedient to apoynt. So I rest, your Lordships' werie affectionat servant, (Signed) Marschall. Fetteresso, 3 September, 1635. [Addressed on back] To my werie honourable gud Lord, my Lord Chancellor, and the rest off the honourable Lordis off his Majesties Privie Counsell."

Anstruther,
11th September
1635.

Depositions by
skippers and
merchants in
Crail,
Kilrenny,
Anstruther
Easter and
Wester, and
Pittenweem,
approving the
erection of
lights on the
Isle of May.

10. "At Anstruther, the elleivint day of September, j^mvi^c threttie fyve yeiris, presentit to the commissioneris. (Signed) D. Andersone.

I, James Daw, skipper in Carrail, declair on my athe and conscience that it is necessar to haif a licht on the Yll of May, and that the said licht myt haif bene a saftie of men, schippis and guidis that hes purishit [*sic*] in tyme bygan and may be a mein to prevene the lyk dangir in tyme cumming. (Signed) James Dawe.

I, Johne Daw, skipper in Carrail, depones on my conscience that it is very necessar that ther be a licht erectit on the Yll of Maij for causes forsaid. (Signed) Johne Dawe.

I, David Bade, skipper in Carrail, declaris on my conscience that I think it very necessar ther be ane licht erectit on the said Yll of May. (Signed) David Bald.

I, Robert Wood, skipper in [C]arrail, declare on my conscience that I think it no way necessar to haf a licht on May. (Signed) Robert Wood.

I, Johne Abay, skipper in Carrail, declaire on my conscience that I think it expedient to haf a licht erectit on May.

I, Thomas Bennet, skyper in Carrail, declair on my conscience that [it] is very necessar to haf a licht on May. (Signed) Thomas Bennet.

Miscellaneous
Papers.

I, James Quhey, skipper in Carrall, declare and depone *conformis priori*. (Signed) J. Q.

I, Arthour Mertounne of Pittow, mercheand in Carrail, depon on my conscience that I think it necessar to haif a licht on May. (Signed) Arthure Myrtonn.

I, William Carmichell, mercheand in Carrall, depon *conformis priori*. (Signed) William Carmichell.

I, Thomas Cunyinghame, mercheand in Carrall, depon *conformis priori*. (Signed) Thomas Cunyinghame.

I, Johne Wood, mercheand and awner of a ship in Carrail, depones that it is necessar, being wil interteneit and upon easy chargess.

We, Johne Abay, Johne Jamesone, William Dawsoun, James Quhyt, and James Duddingstoun, skipperis within the burcht of Carrail. declair and depone that we think it necessar to haif ane licht erectit on the Yll of May, be thir presentis subscrivit with our handis at the pen led be the connotaris publict undireubscrivand.

We, the saidis Johne Wood, Johne Abay, Johne Jamesone, William Dawsoun, James Quhyt, and James Duddingstoun, with our handis at the pen led be the connotaris publict undersubscrivand.
Ita est David Anderson, notarius publicus, in premissis requisitus per dictas personas scribere nescientes.

Ita est Jacobus Airthe, notarius publicus ac connotarius in premissis, requisitus et mandatus dictarum personarum scribere nescientium, testans his meis signo et subscriptione manualibus.

I, Alexander Beathoun, skipper in Kilrynn, depon on my conscience that it is very necessar to haf a licht on the Yle of May. (Signed) Alexander Bettoun.

I, Alexander Alshunder, skipper in Kilrynn, depon *conformis priori*. (Signed) Alex^r Alex^r.

I, Johne Fourd, skipper in Anstruther, declair that a licht well intertenneit and upon easy charges is very necessar on the Yll of May. (Signed) Jhon Fourd.

I, William Gybsone, skipper in Anstruther Eister, depon *conformis priori*. (Signed) William Gibsone.

I, David Burnsyd, skipper in Anstruther Eister, depones *conformis priori*. (Signed) David Burnsyd.

I, Johne Smythe, skipper in Anstruther, depon *conformis priori*. (Signed) Jhone Smyth.

I, Johne Alexander, skipper in Anstruther Eister, depon *conformis priori*. (Signed) Johne Alexander.

I, William Blak, skipper in Anstruther Eister, depon *conformis prioribus*.

I, David Patone, skipper in Anstruther Eister, depones *conformis prioribus*. (Signed) David Paton.

I, Andro Strong, skipper in Anstruther, depones *conformis prioribus*. (Signed) Andro Strang.

I, William Allexander, skipper in Anstruther Easter, depones *conformis prioribus*. (Signed) William Allexander. Miscellaneous
Papers.

I, William Hawson, younger, skipper in Anstruther Eister, depone *conformis prioribus*. (Signed) William Hasson.

I, Thomas Hobbourne, skipper in Anstruther, depone *conformis prioribus*. (Signed) Thomas Houbrone.

I, James Richertson, skipper in Anstruther Eister, depones *conformis prioribus*. (Signed) James Richertson.

I, William Anstruther, skipper in Anstruther Eister, depones *conformis prioribus*. (Signed) William Ansteruther.

I, George Myll, skipper in Anstruther Eister, depones *conformis prioribus*. (Signed) George Mylle.

I, William Blak, skipper in Anstruther Eister, depones on my conscience that I think it necessar, being weill intertenneit and upon easy charges. (Signed) William Bluk.

We, William Darsy, skipper in Anstruther Wester; Johne Thomsone, skipper thair; Thomas Ritchertson, skipper thair; George Alexander, skipper thair; Walter Quheyte; Robert Richertson, mercheand thair; Robert Drummond, skipper thair; Normand Farfoull, declair on our consciences that we think it necessar that thir be a licht erectit on the Yll of May, provyding that such be weill intertenneit and upon easy charges to the awneris of the shippis and gud, and that the burrowis of this realme haif a voit and consent to the modificatione of the charges thair of. (Signed) John Thomson, Normand Fairfullis, George Alexander, Robert Drummond, R. Rytchertson, Willeam Dersy, Thomas Rychardson.

I, Thomas Richertson, younger, skipper in Anstruther Wester, depones *conformis prioribus*. (Signed) Thomas Richardsone, younger.

We, Andro Gardner and David Saythe, skipperis in Anstrother Eister, depones and declairis upon our consciences that we think it necessar to haif a licht erectit on the Yll of May, it being weill intertenneit and upon resonible cherges.

We, the saidis Andro Gardner and David Seathe, with our handis at the pen led be the connotaris undersubscryvand.

Ita est David Andersone, notarius publicus in premissis, per dictos Andream et Davidem scribere nescientes.

Ita est Jacobus Airthe, notarius publicus, ac connotarius in præmissis, requisitus et mandatus dictarum personarum scribere nescientium, testans his meis signo et subscriptione manualibus.

We, Thomas Cuik, skipper in Pittinweyme; William Richertson, skipper thair; James Bynnyng thair; Daniell Strang, skipper thair; George Smyth, skipper thair; Robert Cuik thair, depone and declair on our consciences that we think it necessar to haif a licht erectit on the Yll of May, provyding the same be weill intertenneit and the chargess thair of easy without extorsione, and that the burrowis of this realme haif a voit anent the modificatione of the chargess thair of. (Signed) Thomas Cuik, Williame Richartson, George Smith, Daniel Strang.

We, the saidis Robert Cuik and James Bynnyng, with our handis at the pen led be the connotaris undersubscriyvand at our command.

Ita est David Andersone, notarius publicus, in premissis requisitus per dictos Robertum et Jacobum scribere nescientes.

Ita est Jacobus Airth, notarius publicus ac connotarius, in præmissis requisitus ex mandatis dictarum personarum scribere nescientium, testans his meis signo et subscriptione manualibus.

I, Frederick Cuik, skippar in Pettinweme, declair wpone my conscience that ane light to be erectit on the Ile of May is necessar for saiftie of schipis and men arriveand to this cost, it being weill intertenniet and at ane easie ratt. (Signed) Frederick Cuik.

I, William Watstone, merchand in Pettinwem, wpone my conscience declair that ane light to be erectit on the Ile of May is necessar for the saiftie of schipis and men arriveand to this cost, it being weill intertennit and at ane easie rate. (Signed) Williame Watstone.

I, Piter Thomson, maister in Anstruther Wester, declaires upon my conscience that a light upon May is very necessar, it being wel intertained and at ane easy rate. (Signed) Piter Thomsone.

I, George Kelly, maister in Anstruther Wester, declaires upon my conscience that a light on May weall keiped and on ane easy rate is very necessar. (Signed) George Kelle.

23 Septembris, 1635. Producet be David Andersone. [Initialled] J. P.

I, William Tailyr, skipper in Carraill, declare that I think it no necessar to haif a licht erectit on the Yll of May. (Signed) William Taillyour.

I, William Hunter, skipper in Carraill, depones *conformis priori*. (Signed) W^m Hounter."

11. Notarial Instrument of protest at Leith on 20th September, 1635, by James Drysdall, as procurator of Archibald Blacater of Tulliallan, who having passed to the lodging or dwelling-place in Leith of John, Earl of Carrik, to make search for John Wilsoun, one of the said Archibald's servants and salters of Tulliallan pans, being his feed servant (but who had abandoned his service on 26th April last), found the said Earl absent and his servants out of the said lodging, and the search was futile; wherefore he protests for costs and damage against the said Earl in terms of the Act of Parliament thereanent. Done at the outer gate of the said Earl's lodging in Leith, about 4 p.m.; witnesses, Alexander Cunynghame, sailor in Leith; James Polwart, servitor to the said Archibald; and Alexander Steuart in Tulliallane; David Robesoun being notary.

20th September 1635.
Notarial Instrument of protest at Leith, on 20th September, 1635, by James Drysdale, as procurator of Archibald Blackadder, against John, Earl of Carrick.

12. Copy of Act of Council on receiving the Report anent the light on the Isle of May, printed *ante*, p. 114.

23rd September 1635.
Lights on the Isle of May.

Anstruther,
2nd October
1635.

Report of
evidence by
skippers and
merchants of
Craill,
Anstruther,
and Kirkcaldy
anent a light
on the Isle of
May.

13. " At Anstruther Eister, the secound day of October, the yeir of God j^m vj^c threttye and fyve yeiris, 1635. Miscellaneous
Papers.

The quhilk day anent the commissione direct be the Lordis of his Majesties Privye Counsall to Johne, Earle of Mar, Johne, Earle of Rothes, George, Earle of Wyntoun, David, Earle of Southesk, Johne, Earle of Wemys, Johne, Lord Lyndesay, David, Lord Balcarres, Sir George Hamiltoun of Blaikburne, knycht, Sir Alexander Gibsone of Durye, knycht, or M^r Alexander Gibsone, fier of Durie, his sone, and Sir Johne Hamiltoun of Prestoun, knycht, or any four of thame, with such of his Majesties justices of peace as they sall pleas to call to thame, with power to thame to call befor thame suche maisteris and awneris of schippis and sic as ar best skillit and experimentit anent the necessitie of erecting of ane licht or beken on the Iyll of May, and if the samyne nicht haive preventit the many loissis of his Majesties subjectis and wtheris strangeris adventuring to enter the Firthe of Forthe within the night in tymes bygaine, and if the samyne licht nicht haive preventit [*sic*] the lyke daungeris and loissis in tyme cumming, and to tak thair oathis and depositiones thairwpoun, and to report the samyne to the saidis Lordis of Privye Counsall betuix this and the first Counsall day in November nixt, as the said commissione bearis: And anent ane act grantit be the saidis Lordis of Privie Counsall to the saidis commissioneris abovenamit to the effect abonewrittin, bearand that any thrie of the saidis commissioneris foirsaidis sould be ane sufficient quorum, authorizing tham therby with als ampill power and commissione to proceed in the executione of the said commissione as if the first quorum of four wer present, with provisione that at evrye dyet or meiting of the saidis commissioneris fyve of the number be warnit to conveyne, as the said act lykewayis in the selff bearis. And compeirit Johne Cunyinghame, fier of Barns, quha, in presence of Johne, Lord Lyndesay, David, Lord Balcarres, and M^r Alexander Gibsone, fier of Durye, commissioneris abovenamit, with Robert Forbus of Rires, ane of the justices of his Majesties peace, mett and convenit this day within the tolbuthe of the said burcht of Anstruther Eister be vertew of the said commissione and act above specifeit, quha declairit that he had lafullie requyrit Johne, Earle of Rothes, David, Earle of Southeske, and Sir George Hamiltoun of Blaikburne, knycht, also commissioneris abovenamit, to be present this day and plaice foirsaidis for keiping of this present meiting to the effect underwrittand, and that he had ressavit thair answeris and excuses that thair necessar effairis could not permitt thame to be present the said day and thairby had obeyit the will of the said act; and the saidis Johne Lyndesay, David, Lord Balcarres, and M^r Alexander Gibsone, commissioneris foirsaidis, compeirand within the tolbuthe of the said burcht of Anstruther Eister, the said Johne Cunyinghame producit befor thame certaine preceptis dewlye execut to this day againes the maisteris, merchandis and awneris of schippis within the burghis of Carraill, Kilrynnye, Anstruther Eister, Anstruther Wester, Pettinweyme and

Churchaldye, conforme to the listis and rollis giffin to him be the bailies of the saidis burghis respective of thais quha wer present at home and has best skill and experience in the maiter eftirmentonat, off the quhilkis compeirit the persones respective eftirnamit in presence of Robert, Alexander and Williame Black, bailies of Anstruther Eister; they ar to say:—Robert Alexander in Anstruther Eister, maister and awner of ane schip, ressavit, sworne and examinat, deponis that a licht on the Ile of May nicht haive saiffit and preventit the loss and dammage of many schippis that hes perischit wpone the Car, Fyffisness, Inchecap and wthiris daungerus plaices therby in tyme bygaine and nicht prevein the lyke loss and dammage in tyme cumming, and depones that a licht or beken on the said Iyll of May is verye necesser, if it be weill intertenyit, provyding it be on easye chairges and that the burrowis of this kingdome haive a voit in the modifikatione of the saidis chairges.

Williame Black, bailie of Anstruther Eister, maister and awner of ane schipp, ressavit, sworne and examinat, deponis *conformis* to the said Robert Alexander *in omnibus*.

George Mylne, bailie thair, maister and awner of ane schip, ressavit, sworne and examinat, deponis *conformis prioribus*.

Williame Alexander thair, maister and awner of ane schip, ressavit, sworne and examinat, deponis *conformis prioribus*.

Andro Strang thair, maister and awner of ane schipp, ressavit, sworne and examinat, deponis *conformis prioribus*.

Capitane David Alexander thair, maister and awner of ane schip, ressavit, sworne and examinat, deponis *conformis prioribus*.

Williame Black, younger thair, merchant and skipper, ressavit, sworne and examinat, deponis *conformis prioribus*.

Williame Anstruther thair, merchant and skipper, ressavit, sworne and examinat, deponis *conformis prioribus*.

Thomas Mairtyne thair, maister and awner of ane schipp, ressavit, sworne and examinat, depones *conformis prioribus*.

Johne Peatt thair, maister and awner of ane schipp, ressavit, sworne and examinat, deponis that he thinkis it verye necessar to haive a licht on the Iyl of May and that it nicht [haive saiffit and preventit the loss and dammage of many] schippis that hes perischit in tyme bygaine and mey preserve schippis that mey perische or loss in tymecumming.

James Ritchartsone, maister and awner of ane schipp thair, ressavit, sworne and examinat, deponis *conformis priori immediate precedenti*.

David Seathe thair, skipper, ressavit, sworne and examinat, deponis *conformis priori*.

Patrik Miller, merchant, awner thair, ressavit, sworne and examinat, depones that he thinkis it so necesser to haive a licht on the Iyll of May that it is our long in doing and nicht haive done great good in tyme past and mey doe the lyk in tyme cumming.

William Gybstone, skipper thair, ressavit, sworne and examinat, deponis *conformis prioribus*.

Johne Mairtyne, skipper thair, ressavit, sworne and examinat, *deponis conformis prioribus*. Miscellaneous
Papers.

Johne Daw in Carraill, merchant, awner and maister of ane schipp, ressavit, sworne and examinat, deponis that a licht or beken on the Iyll of May nicht haive preservit many schippis that hes perischit in tyme bygaine and mey doe the lyk in tymecumming and that it is verye necessar to haive a licht thairwpon.

Johne Mackisone, merchant and awner of ane schipp thair, ressavit, sworne and examinat, deponis *conformis priori immediate precedenti*.

Johne Kid, skipper thair, ressavit, sworne and examinat, deponis *conformis prioribus*.

Alexander Beathoun, awner and skipper in Kilrynnye, ressavit, sworne and examinat, deponis that a licht on the said Iyll of May is verye necessar and nicht haive preservit many schippis that hes perischit in tyme bypast and nicht doe the lyke good in tyme cumming, bieng wpon easye chairges.

James Steivinsone, merchant and awner of ane schipp in Pettinweyme, ressavit, sworne and examinat, depones that he thinkis it not necessar to haive a licht on the said Iyll, becaus he thinkis it will not [be] sein thrie myllis aff the said Iyll.

James Airthe, merchant and awner of ane schipp thair, ressavit, sworne and examinat, deponis that he thinkis it very necessar to haive a licht on the said Iyll of May and that it nicht haive preservit schippis that hes perischit throw want thairof in tyme bygaine and may doe the lyk in tyme cumming, weill intertenyit.

Williame Watsone, merchant, awner of ane schipp thair, ressavit, sworne and examinat, deponis that a licht on the said Iyll is verye necessar and that he is weill informit thairof be the best sailleris and skipperis within thair said burecht.

Johne Thomsone, skipper and maister of ane schip in Anstruther Wester, ressavit, sworne and examinat, deponis that a licht on the said Iyll of May is verye necessar and nicht haive preservit many schippis that hes perischit in tyme bypast and mey doe the lyk good in tyme cumming, bieng wpone easye chairges and that the burrowis haive a voit thairin.

Thomas Ritchardsone, elder, in Anstruther Wester, merchant, awner and skipper of ane schipp, ressavit, sworne and examinat, deponis *conformis priori immediate precedenti*.

Normane Fairfull thair, merchant and awner of ane schipp, ressavit, sworne and examinat, deponis *conformis prioribus*.

Robert Drummond thair, merchant and awner of ane schipp, ressavit, sworne and examinat, deponis *conformis prioribus*.

Robert Ritchartsone thair, merchant and awner of ane schipp, ressavit, sworne and examinat, deponis that he thinkis it verye necessar to haive a licht on the said Iyll and *conformis prioribus in ceteris*.

Thomas Ritchartsone, younger, thair, merchant and awner of ane schipp, ressavit, sworne and examinat, deponis *conformis* [*prioribus*].

James Bynning, skipper in Pettinweyme, skipper and maister of ane schipp, ressavit, sworne and examinat, deponis *conformis prioribus*.

Thomas Wood in Carraill, merchant and awner of ane schip, ressavit, sworne and examinat, deponis that a licht on the Iyll of May is very necessar and nicht haive preservit many schippis that hes perischit in tyme past and may doe the lyk in tyme cumming.

Willame Tennent in Churchaldye, merchant and awner of ane schipp, ressavit, sworne and examinat, deponis that he thinkis it not necesser to haive a licht on the said Iyll of May, except only for the bottis in the costeyd, and, bieng inquyrit how far a licht will be sein aff the said Iyll in a dark nicht, answeris about aucht myllis.

Johne Houg thair, maister and skipper, ressavit, sworne and examinat, deponis that a licht on the said Iyll is nawayis necesser.

James Law, younger, skipper thair, ressavit, sworne and examinat, deponis *conformis priori immediate precedenti*.

Johne Coling, skipper thair, ressavit, sworne and examinat, deponis *conformis prioribus*.

Johne Coilyar, skipper thair, ressavit, sworne and examinat, deponis he thinkis it not necesser to haive a licht on May for the sailleris wp the Firth, bot that it mey doe good for the bottis and sailleris of Anstruther and Craill.

James Quhey, skipper thair, ressavit, sworne and examinat, deponis that he thinkis it not fitting to haive a licht on the Iyll of May.

Johne Williamsone, skipper and awner thair, ressavit, sworne and examinat, deponis that he thinkis it nawayis necesser to haive a licht on the said Iyll of May. (Signed) D. Andersone, clerk to the saidis commissioneris, *decimo Novembris*, 1635. Producet be young Durye.

14. "Much respectid frind,—These ar to signifie that I vil may name to be rasid out of these summons quherin it is insertid against my brother, the person of Lesterik, knauing that is mynd is upright in this action. So with my beast desyre for your vielfair I reast, your affectionat frind, M^r William Morton. Frome Lieth, the 5 of November. [Addressed] To his much respectid frind, James Primros, Clarke to his Majestis Privie Councel."

5th November
1635 (?).
Letter from
Mr James
Morton of
Lieth to the
Clerk of
Council.

15. "Wirshipful Sir,—The caus quhy I did wret unto you to delet my name out of the complaint of Lieth against my college, M^r William Vishart, vase in regaird of ane express varrand from my Lord of Sant-andros to doe soe, commanding me not to compire in his contrire anent the said persuit depending befor the Counsel. For my aiun part I visse the poore to be put in ther auin richt; and so I reast, yours to command, M^r William Morton. [Addressed] To my wirshipful and my loving frind, James Primros, Clark to his Majestis Counsel."

November
1635 (?).
From the
same to the
same.

21st November 1635. 16. Letters of charge at the instance of Sir James M^cGill of Cranstoun Riddell, knight baronet, one of the senators of the College of Justice, and collector general of the taxation granted to the said senators in June, 1633, against all persons who have not paid the first, second and third terms thereof, including all prelates, kirkmen, and others and stewards, bailies, chamberlains and officers of his Majesty, for payment thereof, under penalty of horning; dated at Edinburgh, 21st November, 1635, and signed J^a. PRYMOIS. There is noted at the foot that it was produced at Edinburgh on 15th June, 1636, by Alexander Ogilvie, writer, and registered in the books of Council in terms of the Act of Parliament by Mr Alexander Kinneir, Clerk Depute to the Clerk of Register. (Signed) M. A. Kynner; and on the back, "29 August; W. H. denuncit the Leadie Inchaфра at Edinburgh with thrie blastis of ane horne; witnesses, Thomas Yong, messenger, Alexander Graig, wryttar in Edinburgh, and Georg Crawford in Leith."

26th November 1635-17th February 1636. 17. Notes of four executions by James Bruce, messenger, against the Clanranald to compear before the Lords of Privy Council on 22nd March next to make restitution of the ship and goods seized upon by them, and further to be dealt with for their misdeeds:—(1) On 26th November, 1625, against Donald Gorme M^cRanald Buy V^cAllester (there is written over the name James Logie), personally apprehended; witnesses, Hew Sempill, brother german to Robert Sempill of Nobilstoun; John Nairne, servitor to William Sempill, merchant burgess of Londounderrie, and Donald M^cAchine V^cFingone in Coill; (2) on 10th, 11th, 12th and 13th January, 1636, against John Bayne M^cEane V^cKinlay, Donald M^cInnes Roy, John Dow M^cWhirrie, John M^cInnes V^cDuill, John M^cEane Vre V^cEane, Allester M^cGorrie, John M^cEan Dow V^cAllester V^cEane Moydertiche, M^cEane Staliche, John M^cBrian V^cWurrycht, Donald M^cBrian V^cWurrycht, M^cDonill Gorme V^cEane, and Angus M^cRanald V^cAllan Vre, all personally apprehended; witnesses, the said Hew Sempill and Donald M^cAichine V^cFingone; (3) on the same days against Ranald M^cAllane V^cEane, designed Laird of Castelborrow, Angus M^cRanald V^cAllan V^cEane, Royrie M^cRanald V^cAllan V^cEane, his sons, Angus M^cLauchlane V^cInnes, Dougall M^cDonill Roy V^cDonochie Bane, Finnowne M^cEane V^cNeill, Donald Gorme M^cDuphie, Lachlan M^cEane V^cNeill V^cFingone, John M^cInnes V^cDougall M^cDuphie, Donald Gorme M^cInnes V^cAllan, John M^cDonald V^cInnes V^cAllan, John Moydertache M^cDonill V^cAllan V^cEane of Yllantirim, Captain of the Clanranald, Royrie M^cAllan, John M^cAllan, Allane M^cEane Vre V^cDonald Gorme, John M^cEane Vre V^cDonald Gorme, Allester M^cEane V^cDonill Dow V^cNeill, Gillicallum M^cIllereochie, John M^cIllereochie, his son, Donald M^cLauchlane V^cWurrycht, Dougall M^cEane V^cDonochie, Angus M^cEan Gir V^cDuill Roy, John M^cDonill, pyper, James M^cNiolliff, and Donald M^cEane V^cAllester, at their dwelling houses in the isle of . . . , as they could not be apprehended personally, before the above two witnesses;

Notes of four executions against the Clanranald and others to compear before the Council and make restitution of the ship and goods seized by them.

See ante, p. 570

Miscellaneous Papers.

Miscellaneous
Papers.

(4) on 19th January, 1636, against Eowin M^cGuarie, Donald M^cDonald Vre, Eowine Dow M^cLauchlane V^cEowin Vre in Illera and Donald M^cIntyre, all personally apprehended, before the above two witnesses: and (5) On 17th February, 1636, by Alexander M^cPhersone, messenger, at the market cross of Inverness, against the persons named in (3) not personally apprehended, and John M^cInnes Roy, Dougall M^cDuphie, and Allan M^cRanald of Morar; witnesses, Alexander Pattersone, George Cuming, and John Tailyour, merchant burgesses of Inverness. 10th December 1635.

18. Summons at the instance of Alexander Areskine of Pitskurre against Robert Coutts of Auchtersoull, William Coutts, his son, and Alexander Gordoun of Carneborrow, as narrated *ante*, p. 291; dated at Edinburgh, 10th December, 1635, and signed JA. PRYMRIS. Summons at the instance of Alexander Erskine of Pitekerrie against Robert Coutts of Auchtersoull and others. 15th December 1635.

19. Scroll of the two Acts of Council relating to Nether Cramond, printed *ante*, p. 153. Nether Cramond. 17th December 1635.

20. Scroll of the report to the Council anent the erection of lights on the Isle of May, printed *ante*, p. 156; marked at foot "produced in Counsall be the committee." Lights on the Isle of May. 17th December 1635.

21. Note in the handwriting of James Primrose, as follows:—"24 Decembris, 1635, delyverit to Alexander Aikinheade, agent for the Burrowis, an extract of the commissioun of the Counsell anent the lightis; ane act and declaratioun anent the said commissioun; ane act anent the productioun of the reportis; ane informatioun anent the expediencie of the lightis; ane declaratioun of some burrowis anent the lightis; certane depositionis anent the lightis, conteaning foure leavis of paper; declaratioun of Carraill; depositionis conteaning sax leaffis; reporte of the committee anent thair diligence; ane missive frome his Majestie anent the lightis; depositionis conteining three leaffis of paper." Initialled J. P. 24th December 1635. Anent the same.

22. Supplication by Alexander Port[eous], fiar of Glenkirk, as c. 1635. follows:—"Sir David Murray of Stanehoups has without the supplicant's knowledge passed recently in Exchequer a signature of the supplicant's lands of Quhitalaid, but, on his interest therein being shown to the Lords, they have forborne to deliver the deed until the supplicant be first heard to object; and Saturday next is appointed for that purpose. He is, however, disabled from appearing by some civil hornings, and craves a protection to enable him to attend. [On the back—date torn away] . . . " to this day eight dayes at night, MORTON, GLASGOW, WINTOUN." Supplication by Alexander Porteous, fiar of Glenkirk, for protection that he may attend to some legal business concerning his lands of Quhitalaid.

23. Fragment of a supplication by narrating that the warrant for settling of his affairs with the Earl Thursday, a. 1635. A supplication for protection.

10th instant. He has omitted no time nor diligence yet could not get the same fully dispatched, but hopes to accomplish it by the 1st of August. He craves that his protection may be extended to that date. [On the back] Geo. Can . . . , Morton, Glasgow, Wigtoun, Kingorne, Roxburghe, Galloway, Lauderdaill, Dumfreis, Southesk, Traquaire. Miscellaneous Papers.

Undated, c.
1635.

Letter from
Lord Galloway
to the Clerk of
Council anent
some letters.

24. "Richt assurid and loving freind, ye remember the last day ye come doune to me I spake yow concerning a servant of myne, ane Patrik Edgar, wha hes sum letters lying in your hands and wald glaidlie haid them befor my going furthe of this toun, bot, being now upon my jurnay, I have thocht good maist ernstlie to desyr yow to delyver them to this berar or to his brother, Johne Edgar, wha will wayt upon yow whill they be reddie. Thus trusting ye will do as ye sall noch find me unmyndfull to requyt yow whairin I can, I rest, your assurid freind, (Signed) Gallouay. [Addressed on back] To my richt assurid and loving freind, James Prymrois, Clerk of Secreit Counsall, thais."

16th February
1636.

Notes of
execution.

25. Note of execution of summons by James Forrest, messenger, against James Cowper, personally apprehended within the town of Hamiltoun, to compear before the Council on 23rd March next; witnesses, James Robertson, messenger in Hamiltoun, and James Hamiltoun, merchant there.

1st March
1636.

Summons
against
William
Henryson, son
of William
Henryson of
Holland, and
others at the
instance of
Malcolm
Maxwell in
Housbie
and James
Maxwell, his
father.

26. Summons directed to Andro Strang, messenger, at the instance of his Majesty's Advocate, Malcolm Maxwell in Housbie, and James Maxwell, his father, against William Henriessone, lawful son of Robert Hendersone of Holland, Henry Hendersone of Meal, James Colvill of Huip, James Thomsone in Kirbister, Robert Skae in Myrlfeild, William Scott in Eruger, Patrick Fla in Dishis, James Scherar there, and William Ronsay (?) in the complaint narrated *ante*, p. 275; dated 1st March, 1636, and signed JA. PRYMROIS. There is a note of the finding on the margin, and a draft of part of it on the back. On the back also there is a note of execution on 14th July, 1636, by James Neven, messenger, against Henry Hendersone, one of the persons above complained upon, personally apprehended within the burgh of Edinburgh; witnesses, Andrew Ferguson, servitor to Lord Durie, and Alexander Gourlay, cordiner, burgess of Edinburgh.

1st March
1636.

Summons at
the instance of
James
Maxwell of
Marykirk and
his sons
against Mr
Robert
Henderson of

27. Summons at the instance of James Maxwell of Mariekirk and Mathew and Malcolm Hendersone, his sons, against Mr Robert Henderson of Holland and William Monipennie, messenger, to compear before the Lords on 14th July next to see suspension of horning granted to them. Upon a complaint that on 16th March, 1630, the complainers came to the lands of Housbie with forbidden weapons and deforced the said messenger and pursued him for his life while poinding some goods

Miscellaneous
Papers.

at the instance of the said Mr Robert Henderson, the Lords of Council issued letters ordaining the complainers to enter into ward within the tolbooth of Edinburgh and there await their trial, and for their disobedience hereof they were put to the horn. Yet they were never lawfully charged to compear to answer to the aforesaid complaint or they would have done so, and the first intimation they had of the matter was the letters of horning. "The said James Maxwell is a man of great yeeres, past threescore twelve, and subject to divers diseases," and therefore cannot come hither without hazard of his life. But, to testify their willing obedience, he and his two sons have found caution to answer hereto on 14th July next, he in 500 merks and each of his sons in 300 merks, and to pay £20 as their escheat, if found liable therein. John Sheyne of Esselmont is cautioner. The summons is dated at Edinburgh, 1st March, 1636, and signed JA. PRYMRÓIS. At the foot it is noted that on 22nd March, 1636, it was produced at Kirkwall by William Grot, indweller there, and registered in the Sheriff Court books of Orkney and Shetland by John Aitkin, clerk thereof. There is also noted on the margin (part of which is eaten away) the finding of the Lords in the case on . . . ly, 1636. Compeared . . . Maxwell personally for himself and his sons, . . . Hendersone personally. The Lord remit James . . . to the Lord Treasurer . . . of hagbuts, and ordains the said . . . James to pursue Mr Robert Hendersone . . . upon . . . "next and to . . . discharge . . . to the said . . . his teinds quhairupon . . . hes followed." On the back are notes of two relaxations from horning : (1) On 4th March, 1636, by Thomas Euing, messenger, at the market cross of . . . of the said James Maxwell and Malcolm and Matthew, his sons, receiving them to his Majesty's peace by delivery of the wand of peace in their names to David Jonstoun; witnesses, Duncan Ritchie, messenger in Edinburgh, and George Young, servitor to . . . Yester; and (2) on 17th March, 1636, by Andrew Strang, messenger, at the market cross of Kirkwall, in like manner, delivering the wand of peace in their names to Edward Cok, burgess of Kirkwall; witnesses, Thomas Lenton and Mausi Tailyour, bailies of Kirkwall. The above also recorded by John Aitkin at Kirkwall on 22nd March, 1636.

28. "Richt assured frend,—I receaved your letter when his Majestie was going to Newmarket, where I have not beene all this voyage, but I heard that busienesse is concluded there, and, as I heare, so as yow will have no just cause to greeve at it, and I intend yet to do yow favour. Alwise I remitt my self to my Lord Register, to whom I have written at lenth. Continw your former correspondencie for his Majesties service and be assured that I shall still continu your verie assured frend, (Signed) Sterline. London, the 8 of Marche. [Addressed on back] To my very assured freind James Primroise, cleark of his Majesties most honourable Privie Councell of Scotland." A small seal is affixed.

Holland and William Montpennie, messenger, to appear before the Council and see suspension of horning against them.

8th March (?)
1636.
Letter from the Earl of Stirling to the Clerk of Council.

26th-28th
April 1636.
Note of two
executions at
the instance of
Malcolm
Maxwell in
Housbie and
his father
against
William
Henryson,
eldest son of
Mr Robert
Henryson of
Holland.

29. Note of two executions by Andrew Strang, messenger, of summons at the instance of Sir Thomas Hope of Craighall, King's Advocate, and Malcolm Maxwell in Housbie and James Maxwell, his father, (1) on 26th and 27th April, 1636, against William Henrysone, eldest lawful son of Mr Robert Henrysone of Holland, Harie Henrysone of Meall, James Colvill of Huip, James Thomsone in Kirbister, Robert Skae in Mylnfeild, William Scott in Erager, Patrick Fea in Dishis, James Scherar there, William Rousay in Kirbister, all personally apprehended, to compear on 30th June next before the Council and answer to the complaint narrated *ante*, p. 275; witnesses, Olipher Fea in Scrynie in Stronsay, James Vairdis there, John Fea there, William Skothevy and William Henrysone, servitors to the said William Henrysone, and Robert Narne and Robert Rousay, indwellers in Stronsay; and (2) on 28th April, 1636, against James Wairdis in Aith, Robert Rowsay in Mwffiter, Thomas Scott in Huip, John Smyth there, James Brok in Overbie, Thomas Vairdis there, James Brodie in Holland, Nicol Brok in Growbister, and Nicol Chalmer in Eroger, all personally apprehended, as witnesses in the above cause; witnesses, James Davidson and Magnus Ayme, officers, James Scherar, Nicol Chalmer and Oliver Fea, all indwellers within the isle of Stronsay.

Miscellaneous
Papers.

4th May 1636.
Summons at
the instance of
Dame Mary
Erskine,
Countess
Marischal,
against James
Seatoun in
Liddoch of
Skene.

30. Summons at the instance of Dame Marie Erskyne, Countess of Mairshall, against James Seatoun in Liddoch of Skene, as narrated *ante*, p. 278, to compear on 30th June next before the Council. The summons is dated 4th May, 1636, and signed JA. PRYMROIS. On the margin there is a note of hearing, when Mr Robert Petrie appeared for the pursuer, the defender being personally present, and the case was continued till Tuesday. There is also a note of the finding in the case on 5th July.

16th May 1636.
Royal letter
continuing
Mr William
Davidson
sheriff-depute
of Aberdeen.

31. Original of royal letter, dated at Whitehall, 16th May, 1636, for appointing Mr William Davidson sheriff depute of Aberdeen, printed *ante*, p. 273; addressed on the back to the Archbishop of St. Androis, primate and metropolitan of all [Scotland], Chancellor, and the remanent Lords of Privy Council.

c. May 1636. (†)
Supplication
by a late
bailie of
Kirkcaldy.

32. Supplication by . . . , late bailie of Kirkcaldie, as follows:— They have been ordained by a decree of the High . . . before 17 Sept . . . David Bennyt for calling him a false knave. They were informed in the matter by John Hygie in Dysert and others. They should be allowed to improve their allegation, but John Hygie has the false band and he is [out of the country]. They promise to do their diligence in the matter before 1st June next, and meanwhile crave liberty to James Prymrois to extract the decreet . . . until they be again heard.

Miscellaneous
Papers.

33. Summons directed to Thomas Mitchell, messenger, at the instance of Mr James Mowat, son of the deceased John Mowat in Aquhirreis, and others against John Gordon of Tullielt and his eldest son, as narrated *ante*, p. 295, to compear before the Council on 19th July next; dated at Edinburgh, 10th June, 1636, and signed JA. PRYMROIS.

10th June 1636.
Summons at the instance of Mr James Mowat, son of the deceased John Mowat in Aquhirreis against John Gordon of Tullielt and his eldest son.
11th June 1636.
Summons at the instance of Thomas M'Murdie in Chaige and others against Margaret Dempster.

34. Summons directed to George Gordoun, messenger, at the instance of Thomas M'Murdie in Chaige and others against Margaret Dempster, as narrated *ante*, p. 291, that she and her husband compear before the Council on 14th July next, as also to charge John Cootert in Kigeaoch and John Makfaggan there, John Greirsonne at Brigend of Drumfreis and Robert Greir to compear as witnesses. The summons is dated at Edinburgh, 11th June, 1636, and signed JA. PRYMROIS.

35. Fragment of summons at the instance of his Majesty's Advocate and William Sinclair of Saba against Harry Stuart of Grinsay and others, as narrated *ante*, p. 307, to compear before the Council on 28th July next; and also against the following as witnesses, Thomas Bawhanane, sheriff depute of Orkney, William Stewart of Maynes, Patrick M'Dowgall, his servitor, George Smyth, servitor to the said sheriff depute, Patrick Smyth of Braco, Robert Ballendene, servitor to Adam Ballendene, elder of Stamhous, John Cromertie of Ske, Patrick Kincaid, and Henry Aitkine; dated at Edinburgh, 11th June, 1636, and signed JA. PRYMROIS.

11th June 1636.
Summons at the instance of William Sinclair of Saba against Harry Stuart of Grinsay and others.

36. Extract Act of Council ordaining sheriffs and stewards to uplift the annuities of the tithes, printed *ante*, p. 259. Signed by GILB. PRIMEROSSE, Cler. S. Cons.

14th June 1636.
Annuities of the tithes.

37. Extract decret of Council in the action by George Moresone, burress of Aberdeen, against George Gordon, younger of Geicht, as narrated under date 14th July, 1636, *ante*, p. 261; with the further finding noted upon the margin, the half of which is eaten away. The extract is signed JACOBUS PRYMROIS.

14th June 1636.
George Morison, burress of Aberdeen, against George Gordon, younger of Gicht.

38. Summons directed to Alexander Lennox, messenger, at the instance of McCulloche of Arduell in his action against James Maxwell of Knock, narrated *ante*, p. 282, to charge to appear as witnesses in the said cause; dated at Edinburgh, 16th June, 1636, and signed JA. PRYMROIS. On the back there is a note (somewhat mutilated) of names of some witnesses charged, among whom can be read Elizabeth . . . and Margaret Wallace, Alexander McCulloche, and John . . . on . . . July, and Alexander McCulloche on 6th July, to the charging of whom Archibald McCulloche is a witness.

16th June 1636.
Summons at the instance of M'Culloch of Arduell against James Maxwell of Knock.

16th June
1636.

Summons at
the instance of
James
Maxwell of
Knock.

39. Summons directed to Patrick Calbreth, messenger, at the instance of James Maxwell of Knock, against the persons named as witnesses *ante*, p. 585; dated 16th June, 1636, and signed JA. PRYMROIS. There are notes of two diets of hearing on the margin, the dates and other parts of which are torn away; but of which one is the appointment of . . . Murray, the Bishop of Aberdene, and Lord Alexander to examine the witnesses on the morrow at 9 o'clock, and the other giving their Lordships' final decision in the case, as on p. 282, *ante*.

Miscellaneous
Papers.

16th June
1636.

Summons at
the instance of
William and
Alexander
Ritchie and
others,
indwellers in
Queensferry,
against
William
Hamilton and
Robert
Stewart,
burgesses of
Linlithgow, for
a false
accusation of
illegally
vending
tobacco.

40. Summons at the instance of William and Alexander Ritchie, Janet Liddell and Walter Broun, her spouse, indwellers in the Queensferry, against William Hamiltoun and Robert Stewart, burgesses of Linlithgow, by whom they were accused before the Sheriff of Linlithgow of contravening the acts concerning the sale of tobacco, and who, having obtained decree against them in absence, are now putting them to the horn for non-payment of the penalty of 100 merks each. They obtained no lawful warning to compear and answer to such a charge or they would have cleared themselves; and, having found caution to answer, they are seeking suspension of the horning. Parties are summoned to the 14th of July next. The summons is dated 16th June, 1636, and signed JA. PRYMROIS. On the margin there is a note of the hearing of the case, but so much is torn away that the purport cannot be ascertained save that apparently the parties denied on oath having sold any tobacco against the terms of the proclamations. Attached to the summons is a note of execution dated 25th June, 1636, by Patrick Denneistoun, messenger, against Stewart and Hamilton by affixing a copy upon each of their dwelling-houses, witnesses, John Sempel in Eglishmachane, and Andrew Robertsoun son of the deceased . . . , messenger.

17th-18th
June 1636.

Notes of
execution of a
summons at
the instance of
Alexander
Abercromby,
apparent of
Birkinbog,
against Mr
Andrew Logie,
parson of
Logie, and
others.

41. Notes of execution by John Gairdyne, messenger, of a summons at the instance of the King's Advocate and Alexander Abercromby, apparent of Birkinboige, (1) on 17th June, 1636, against Mr Andrew Logie, parson of Rayne, George Leyth of Threefeild (Mr George Leyth, minister at Culsalmond, *deleted*), Mr William Leyth, Alexander Arskyne of Bannes and John Leyth in Kirktown of Oyne, all personally apprehended, to compear before the Council on 7th July next; witnesses, Mr Robert Coutis at the Mylne of Gellane, Mr Robert Udny of Lambing-toune, Robert Mel[vin], late bailie, burges of Aberdene, and Alexander Donkane, post, indweller in the Cannogait; and (2) on 18th June against George Leyth of . . . personally apprehended; witnesses, Alexander Leyth . . . of Coutisvallis and William Lumsden, burges of Aberdene.

20th June
1636.

42. Supplication by James Broune in Wastmairch, tenant to Lady Burghtoun, as follows :—On the 16th of June instant about 10 o'clock

Miscellaneous
papers.

in the forenoon William Aitkine in Kirktoone "violentlie with his complices unbeset and persewit me of my lyff with ane bandit staff of irone in his hand, strak me behind my bak thairwith, fellit and dang me to the grund and went on me with his feit and hands, hes disjoyntit or mittulat my scholder, quilk is uncurable, to the utter wreek of me, my vyff and famalie, being lying continowallie crying nicht and day, and may not suffer my clothis to be tain of me, without any offence or wrong committit be me to him, bot only becaus I wes dryving his scheip of my cornes above the number of thrie hundreth scheip quhom he had, and hes dayle eitting and destroying my gres and cornis many tymes befor," and whereof he could obtain no redress; but Aitken lies in wait with his accomplices to take his life. He craves a summons against him and witnesses. [On the back] "*Apud* Edinburgh, 20 *die mensis Junii*, 1636. *Fiat ut petitur* to the day of July instant. GLASGOW." On the margin is written a note of the hearing of the case on , but a great part of it is eaten away. There is the examination of one witness [name torn away] who knows not whether the defender struck the pursuer with a staff or not. The Lords ordain the defender to be committed to ward until he pay £20 to the pursuer.

Supplication
by James
Brown in
Westmairch,
tenant to Lady
Burghtoun, for
a summons
against
William
Aitken in
Kirkton, whom
he accuses of
assault.

43. Note of execution on 21st and 28th June, 1636, by Thomas Couttis, messenger, of a summons at the instance of Alexander Erskine of Pitscurij, now of Bairnis, against William Couttis of Auchtertoull, now of Cluny, and Alexander Gordoune of Carinborow to compear before the Council on 14th July next, as narrated *ante*, p. 291; witnesses to William Couttis of Cluny's charge, John Forbes in Boige, and Alexander Forbes, his son, there; and to Gordon's charge, Thomas Michelle, servitor to Alexander Erskine of Bairnis, and William Clarke, servant to the said Carinborow.

21st-28th
June 1636.
Note of
execution
against
William
Couttis of
Auchtertoull
and others at
the instance of
Alexander
Erskine of
Pitkerrie.

44. Note of executions by Alexander Lennox, messenger, of a summons at the instance of John M'Culloch of Ardwall on 22nd June, 1636, against George M'Culloch in Knok, Andrew M'Guffok there, Patrick . . . vie there, David M'Brome there, Alexander Maxwell, sometime there, Robert M'Kie there, John Elwand there, Robert Valace at the Mill of . . . meih, Archibald M'Culloch in Carcholloch, and Archibald Heroune in Bror (?), all personally apprehended, to compear before the Council as witnesses on the date given in the summons; witnesses, Alexander Codie, miller at the Mill of Myrtoune, and Alexander Broune there; and by George Gordon, messenger, upon 6th July against Alexander M'Culloche in . . . , Dame Elizabeth Home, spouse of James Maxwell of Knok, and Margaret Wallace, her servant; witnesses, Alexander M'Culloche in Vehaistie (?), post, Alexander Maxwell and Archibald M'Culloche. There is also a note by Alexander Lennox that on 22nd June, 1636, he made intimation to James Maxwell of Knok that he had charged the above-named tenants of his

22nd June-
6th July 1636.
Note of
executions of
summons
against George
M'Culloch in
Knok and
others at the
instance of
John
M'Culloch of
Ardwall.

to compear; witnesses, James McCulloch in Lembberik and Alexander Coddie, miller at the Mill of Myrtoun. Miscellaneous
Papers.

23rd June
1636.

Note of
execution of a
summons
against
Fergus
Lilburne in
Kilnetray and
others at the
instance of
James
Maxwell of
Knock.

45. Note of execution by Patrick Calbrethe, messenger, on 23rd June, 1636, of a summons at the instance of James Maxwell of Knock, against Fergus Lilburne in Kilnetray (ab.), John Amurray there (ab.), Cubbart Herowne in Stalloche (p.), George McKindell there (ad.), George Perkar in Balcraige (ad.), Robert Shellane in Bar (ad.), James McCulloche of Lamberik (ad.), Patrick Agnew of Barmell (p.) and [John McRobert] in Mure, all personally apprehended, to compear before the Council on 7th July next; witnesses, John Gowne of Skeg, George Kinkaid in Chalkaroche, Ninian McKie in Killnetray, William McClumfa in Knock and John Calbreth.

25th June
1636.

Summons in
an action for
suspension of
horning at the
instance of
Thomas Bar in
Levan and
others.

46. Summons in an action for suspension of horning at the instance of Thomas Bar in Levan and others, as narrated *ante*, p. 302. They had not been lawfully charged to compear or they would have done so, and proved that they were simply carrying out a decree of removing obtained by Hew, Lord Sempill, against Robert Widdrow and his family from the lands of Daffmilne and Bellockburne; and they state also that the said Robert Widdrow had subscribed a disposition whereby he renounced the said lands of Daff, Pennyland and Bettockburne in favour of the said Lord Sempill, with the whole crop thereof. And as to the violence alleged they willingly submit the matter to probation and have found caution each in 200 merks to this end. Parties are accordingly cited to the 5th of July. The summons is dated at Edinburgh, 25th June, and signed JA. PRYMROIS. There is a note of the Council's proceedings thereupon on the margin, but nearly all eaten away. At the foot it is stated that these letters of suspension and relaxation were presented at Paislay on 30th June, 1636, by William McClynwhy, messenger, and registered in the sheriff court books of Renfrew by the principal clerk thereof, who subscribes himself J. Sempill.

27th June
1636.

Note of
execution of a
summons
against
Susanna
Hamiltoun and
Robert
Wodrow at the
instance of
Thomas Bar in
Levan and
others.

47. Note of execution by William McClonochie, messenger, on 27th June, 1636, of a summons at the instance of Thomas Bar in Levan, Archibald Hunter in Buttokburne, James Or at Daffmilne, Thomas Cochrane in . . . , James Mudie in Buttokburne and James Hamiltoun in Overtoun, against Susanna Hamiltoun at her dwelling-house, and Robert Widdrow, personally apprehended, to compear before the Council on 5th July next; as also on 30th June the said messenger passed to the market cross of Renfrew, and publicly relaxed the six pursuers above named from the horning of the defenders, and gave the wand in their name to Robert Sempill, wright in Renfrew; witnesses, John Lyoun in Levan, John Forrest in Leicheland and John Porterfeild and Robert Byris, burgesses of Renfrew. This was produced and

miscellaneous registered at Paislay on 30th June, 1636, by the principal clerk of the
per. sheriffdom of Renfrew. (Signed) J. Sempill.

48. Summons at the instance of the provost, bailies and council of 27th June
Aberdene against Robert Smith, their late treasurer, who has purchased 1636.
letters of horning against them to enforce payment of certain sums of the
claimed by him from them, and of which horning they seek suspension; magistrates of
because long before the charge given by him to them to do so, for the instance
credit of their town and the respect due to their said late treasurer, against Robert
they cleared accounts with him, paid him the last penny which he Smith, their
craved and received his discharge. The said Robert is not now at home, late treasurer,
but is engaged "in his lawful trade to the easter seas, and his wife for suspension
findeing thir letters quhilks were raised in Apryle lying beside her she of horning
ignorantlie caused executte the same, not knowing that the compleaners which he has
had endit and perfytted thir compts with her husband." The Lords against them.
meanwhile suspend the horning, Robert Cruikshank, treasurer of Aber-
dene, having become cautioner for their obeying the charge, and parties
are cited to 15th November next. The summons is dated at Edinburgh,
27th June, 1636, and signed JA. PRYMROIS. On the margin there is a
note of hearing, but it is illegible. At the foot there is noted ". . . nij,
1636; Robert Merse, messinger dischargit Alexander Watsoun,
messinger, the horne being at his mouth; witnesses, George Rickard,
Thomas Robertsoun, George Pyper, burgesses of Aberdene, Walter
Douglas and Robert Sleich, officers." On the back is a note of execu-
tion of the summons by George Greir (?), messenger, at the market
cross of Edinburgh; witnesses, James Leslie, messenger, and John
Haistie; and at Leith, witnesses, John Valker and James . . . ,
indwellers there.

49. Summons at the instance of David Areskine of Cardrose against 30th June
James, Earl of Home, as narrated *ante*, p. 277; dated at Edinburgh, 30th 1636.
June, 1636, and signed JA. PRYMROIS. On the margin there is a note Summons at
of the finding in the case; and on the back a note of the execution of the instance of
the summons on 5th July, 1636, by William Wallace, messenger, against David Erskine
James, Earl of Home, personally apprehended in Edinburgh at his of Cardross
dwelling-house in Blackfreir Wynd, to appear before the Council on 6th against James,
July; witnesses, Arthur Barrie, cordiner, and James Dausoun, skinner, Earl of Home.
burgesses of the Cannogait.

50. Copy or scroll of the act of Council upon the protestation made 30th June
by Henry Henderson of Cleat, narrated *ante*, p. 275. 1636.
Protestation of
Henry
Henderson of
Cleat.

51. Execution of summons on . . . July, 1636, by Alexander c. 1st July
Garioche, messenger, at the instance of Robert Smith, late treasurer and 1636.
burgess of Aberdene, against Mr Thomas Gray, one of the magistrates, Execution of
personally apprehended, and against Mr Alexander Jaffray, provost, Mr summons at
Robert Smith, the instance of

late treasurer
of Aberdeen,
against Mr
Thomas Gray,
magistrate,
and others
anent
suspension of
horning.
See ante, p. 589.

Robert Farquhar, and Mr Matthew Lumsden, bailies of Aberdene, at their dwelling places in Aberdene and Rudestoun at the Brig of Dee, to compear before the Council on 28th July instant for the discussion of the suspension of horning; witnesses, Thomas Gray, Hew Andersone, goldsmith, burgess of Aberdene; William Ord, wright there; James Pendriche, messenger; Mr George Innes, notary; Arthur Chalmer, Patrick Dun, son of the deceased Charles Dun in Aberdene, and Thomas Lumsden, son of the said Mr Mathew.

Miscellaneous
Papers.

1st July 1636.
Summons
against the
Steward of
Kirkcudbright
at the instance
of William
Sinclair,
sometime in
Corsawood.

52. Summons directed to John Hutoune, messenger, at the instance of William Sinclair, sometime in Corswoode, against the Steward of Kirkcudbright, in the cause narrated *ante*, p. 299, to compear before the Council on 21st July, 1636; dated at Edinburgh, 1st July, 1636, and signed JA. PRYMROIS. There is a note of hearing on the margin, but it is almost completely eaten away. On the back there is noted a scroll of the finding.

2nd July
1636.
Summons at
the instance of
Alaster Clunes,
weaver in
Kilravock, and
his master
against
Alaster Ross
M'Hutcheon
and others.

53. Summons at the instance of Alaster Clunes, weaver in Kilraok, and Hugh Ros of Kilraok, his master, against Alaster Ros M'Hutcheon in Holme, and against . . . as witnesses to compear before the Council on November next to answer to the complaint narrated *ante*, p. 332; dated at Edinburgh, 2nd July, 1636, and signed JA PRYMROIS. There is a note of the hearing of the case on the margin.

5th July 1636.
David Erskine
of Cardross
versus James,
Earl of Home.

54. Scroll of the finding in the complaint by David Arskyne of Cardross against James, Earl of Home, narrated *ante*, p. 277. It is written upon the back of part of a bond of caution by the Viscount of for John and Patrick Murray in 3000 merks each that they will keep the peace, which bond was written by Archibald Prymerose, lawful son of James Prymerose, Clerk of the Privy Council, on , 1636.

5th July 1636.
Supplication
by Mr William
Row, minister
at Forgan-
denny.

55. Supplication by Mr William Row, minister at Forgundennie, as narrated *ante*, p. 278. [On the back] "*Apud* Edinburgh, 5 July, 1636. *Fiat ut petitur*, Sanctandrowes, I.P.D."

7th July 1636.
Summons at
the instance of
the Master of
Fenton and
John Erskine
of Balgownie
against Sir
George Home
of Manderston.

56. Summons at the instance of the Master of Fenton and John Erskyne of Balgownie against Sir George Home of Manderstoun to compear before the Council on 21st July instant and answer to the complaint narrated *ante*, p. 300; dated at Edinburgh, 7th July, 1636, and signed JA. PRYMROIS. There is a note of hearing on the margin. On the back there is a note of execution of the summons on 13th July, 1636, by John Wardlaw, messenger, against Sir George Home, personally apprehended within the place of Manderstoun; witnesses, John Caddell, servitor to William Robertson, stabular in Edinburgh, and William Currie in Duns.

[Miscellaneous
papers.]

57. "At the raid called Inchgreine in the river of Clyd, the seavint 7th July 1636.
day of Julij, the yeir of God j^mvi^c threttie sax yeires.

The quhilke day in presence of me, notar publicke, and witnesses Refusal of two Dutch ships to pay harbour dues to the burgh of Dumbarton.
underwrittin personallie past William Nobill, thesaurer of the brughe of Dumbartane, to the two schipes, the one called the 'Love of Skeidame' in Holland of the burdene of two hundrethe tunnes or thairby, quhais maister is called Barthlimow Rowle, and the uther called the 'Quhyt Feather' of Amsterdam of the burdene of thre hunderethe tunnes or thairby, quhais maister is called Henrie Gersoune, baithes respective at anker in the raid callit Inchgreine, within the libertie of the said burgh of Dumbartane, and thair be warrand and command of the proveist and baylies of the said burgh the said William Nobill first requyred the steirsman and cumpanie of the said schip called the 'Love of Skeidam,' in absence of the said skipper and maister thair of, to make payment and delyverance to him as thesaurer forsaide of twa assyss wattir bolles of salt, viz.: ane boll befor the mast and ane uther behind the mast as for the assyss dewtie of the saidis schip laidning of salt dew to the said burgh and of fyv s. four pennies money for the pittie custome of ilke tunne of the said laidninge, extending, as said is, and of twintie thre s. four pennies of ankoradge lykwayes dew to the said burgh, quhilke the said steirsman and cumpanie refused alltogether to pay and delyver. And immediatlie thairefter past to the said uther schip called the 'Quhyt Feather' and thair in lyke maner requyred the steirsman and cumpanie thair of, in absence of the said skipper, quha [was] in Glasgow, as they declaired, to make payment and delyverance to him as thesaurer forsaide of the pittie custome of the saidis schip laidning of beanes, viz.: thre s. four pennies for ilke tunne thair of, quhair of the twa pairt furthe of the guides and the thrid pairt for the schip with twintie thre s. four pennies of ankoradge; quhilke the said steirsman and cumpanie refused to pay and delyver; quhair upon the said William Nobill, upon the saidis premisses and refusells, asked instrumentis from me, notar publicke, underwrittin ane or mae. This was doene in the saidis schippes respective, the day abovewrittin about elevin houres or thairby befor noone, in presence of George Hall, ane of the baylies of the said burgh, Alexander Sempill, mariner, Donald McCalpene, tailyour, Patrike Bane, tailyour, induellers in the said brughe, and Jhone Tailyour, younger in Maines of Cardrouse, witnesses to the premisses called and requyred. (Signed) Patricius McCawlay, *notarius publicus, in premissis requisitus, teste manu mea.*"

58. "David McEley, garitor of the castell of Dumbartane, did sie af c. 7th July 1636.
the castell the schallop or bott of Dumbartane cummand ly besyde the castell of Dumbartane quhill the Dutchman came down Clyde frome Depositions anent the conduct of a Dutch ship in the Clyde.
Glasgow, and did sie thame schoote sindrie schottis at thame quhill he fled to ane uther schip, and did sie him brocht captive out of his awin boitt in thair boitt to Dumbartane.

James Lindsay, officer in Dumbartane, was in the boitt foirsaid of Dumbartane, and thairfoir, gif he be not seducit, can declair and testifie the haill lybell and how hie himself wairnit and chairgit the persones compleanid upone under a great penaltie to pas out upone that service at command of Johnne Sempill, proveist. Miscellaneous Papers.

James Buchannane, if he be not seducit, can testifie the lybell in respect he was present and came doun Clyde with the Dutchman in his boitt.

James Sempill, maltman in Dumbartane, was in the boitt of Dumbartane and can testifie as James Lindsay.

Robert Glen, messenger in Dumbartane, if he be not seducit, can testifie the lyke.

Johnne Watsoun and James Crawford did sie frome the top of thair mast how they went furth frome Dumbartane in thair schallope, how they persewid him, schott at him, tuik him captive and brocht him prissoner to Dumbartane.

Robert Allane, merchand in Dumbartane, can testifie that James Lindsay, officer, at command of Johnne Sempill, proveist, commandit thame under ane great penaltie to pas upone that service, and that he did sie the boitt with the men going out, and did sie thame bring the Dutchman captive in the same boitt, and did heir the schottis and the Dutchmanes cok boittis saillis schott throch with muskett schottis in severall places.

Maister James Campbell can depone the lyke as the said Robert Allane.

Patrik Mitchell schott the first schott, George Hae, the baillie, schott the secound, . . . Gilchreist, as is thocht, schott the thrid."

8th July 1636.

Summons at the instance of Thomas Brown and others in Newbigging against Hew Livingstone of Newbigging Mill and his son.

59. Summons directed to Walter Broun, messenger, at the instance of Thomas Broun, David Snaip, John Deanes, John Ker, James Somervell, James Johnnestoun, John Tarvett, John Ritchie, Jeane Howesone, John Somervell, Nicol Girdwod, William Johnnestoun, Martin Watsoun, Mungo Aitkine, John Mure, Mungo Girdwod and Robert Watson in Newbigging, tenants to Mr George Dowglas of Pinzerie of his said lands of Newbigging, and the said Mr George for his interest, against Hew Livingstone of Newbigging Milne, and William Livingstone, his son, to compear before the Council on 19th July next and answer to the following charge:—The said tenants obtained decret before the said Mr George Douglas's bailie of Newbigging against the said Hew Livingstone for restoration of certain pecks of bear he had extorted from them wrongfully, when, to frustrate this, he, with the help of his said son, forged letters of suspension of the said decree and caused James Elder, servitor to William Castelhall, apothecary in Edinburgh, "write the same without the warrand of ane delivered bill or signet letter, and the said Williame Livingstone delivered this copie to the saids tennents and charged thame to compear" before the Lords of Council and Session

iscellaneous
opera.

on 1st June last to hear this suspension discussed, and the complainers, believing the letters genuine, went to Edinburgh, engaged advocates to attend to the case, and, after several diets of hearing, obtained protestation against Livingstoun. The summons is dated at Edinburgh, 8th July, 1636, and signed J.A. PRYMROIS. There are notes of two hearings upon the margin, but it is almost completely eaten away and the notes cannot be made out except at the foot. ["The Lor]ds ordains him to be tane backe to the . . . to remaine there till he crave pardon . . . his maister."

60. Notes of executions on 14th July, 1636, by Walter Broun, messenger, against (1) Hew and William Levingstoun in Newbiging Mylne, both personally apprehended, to appear before the Council on 19th July; witnesses, James Watsoun in Baitlaw, John Crawford in Neubiging Mylne, and James Robisoun in Newbiging; and (2) against Robert Merschell, miller at Neubiging Mylne, James Somirvell of Lon in Neubiging, James Somervell in Hogiscastell, Frances Meinzeis in Neubiging, James Howisoun there, and Robert Grahame there, all personally apprehended, to compear as above as witnesses in the same cause; witnesses, the three persons named in the other, and William Greinscheills of Hogiscastell, Hew Watsone in Carnwathe, and William Johnnestoun, servitor to Mr George Douglas. There is also a note of execution on 8th July, 1636, by John Lausone against James Elder, specially apprehended in Edinburgh; witnesses, John Hog and William Davidsone.

61. Supplication by George Bissett, their Lordships' "puire, distressit and prisonit servitour," as narrated *ante*, p. 290. [On the back] "Apud Edinburgh, 9 Julij, 1636. *Fiat ut petitur*. SANCT ANDROWS." There is a note of the hearing on the margin, and a scroll of the finding written on the back, where there is also a note of execution of summons by Mr William Dowglas, macer, on 14th July against William Dick and John Fairholme, both personally apprehended, and against Margaret Meinzeis at her dwelling-house, to compear the same day before the Council; witnesses, John Dowglas, macer, and John Dowglas, servitor to the said Mr William Dowglas.

62. Depositions of witnesses in the action between James Maxwell of Knok and John McCulloch of Ardwell. "9 July, 1636. In presence of the Bishops of Aberdein and Brechin. Ardwells witnesses.

Robert Wallace in Monreth, of the age of 23 yeeres, married, depons he knowes the parteis and the lands of Mertoun. Depons he knowes that James Maxwell bought frome Alexander McCulloch 20 sheepe. Depons that they wer tane aff the ground and delivered to James Maxwells wife, who sent thame with the depouners sister to be girsed there in Ardwell's

bounds and upon the same rounge quhair they wer pastured befoir, and depons that they ar still upon that ground with the same birne and marke, and that the marke cannot be tane away. Depons he knowes not whairfoir Ardwell deteanned the sheepe frome James Maxwell, bot heares that it wes becaus the said James refused to pay for the girsing. Depons he heard James Maxwell say he would take away the sheepe and Ardwell wer hanged and in despite of all his kin, and that he saw him mint to draw a sword first to Ardwell bot could not gett it drawin, and at last he, getting out his sword, he strake first at Ardwell. Depons that Ardwell, in his awne defence, drew his sword bot strake not. Depons he knowes nothing of the striking of the hird. Depons that the hail sheepe ar marked with a black marke, quhilk is not as yitt tane away, and that the sheepe ar yett rough, unclipped nor the markes removed. Depons that James Maxwells ladie desired the depouner to pay to Alexander Jardane for girsing of the sheepe a nachlane of meale or foure groats quhilk the depouner wes awand to the said ladie and is not as yitt payed.

Alexander Maxwell, sometime in Knock, sworne upon ane bill givin in be Ardwell and demanded if James Maxwell used anie threatning speeches aganis him when he wes going to Leith, depons that at that time he come to him and said he heard that the depouner wes his unfreind and sware that if he preast to wrong him in his depositioun he sould have him hanged and it sould cost him v^c merkes. Depons conformis anent the buying of the sheepe and that, as he beleeves, the number of the sheepe wes about 22 or thereby. Depons anent the sending backe and girsing of the sheepe conformis. Depons when James Maxwells wife bought the sheepe that she marked thame with a marke of blew indigo and brunt thame upon the nose, and depons the sheepe ar yitt upon the ground with this marke upon thame unaltered or tane away. Depons that Ardwell kepted the sheepe for some rests of a bargane betuix James Maxwell and him and for girse maile. Depons he knowes that James Maxwell came to the ground of Mertoun to have tane the sheepe, and desired the depouner to goe with him, quhilk he refused to doe. Depons that there wes some blacke markes putt on upon the sheepe; and knowes nothing anent the striking of the hird bot be report.

Archibald McCulloch in Carhalloch, married, of the age of 50 yeeres, depons he knowes the parteis. Depons he heard the report that James Maxwell bought [some¹] sheepe frome Ardwells tennent. Depons the sheepe are yitt upon the ground [and] that he saw them there within this xx dayes, and that the sheep ar [not] clipped and that he saw the sheepes markes with a burning there. Depons he saw the lambs to the number of sevintene upon the ground with the yewes. Depons that Alexander Jardane is hird to the sheepe and depons that the hail markes ar yitt upon the sheepe. Depons he saw James Ardwell come to the hird and strike him the time libellit with a batt [on], and knowes nothing anent the drawing of the swords.

¹ Torn.

miscellaneous
apers.

Robert Wallace, re-examined, depons that there is nynetyne yewes and a wedder and 17 lambs quhilks ar still upon the ground as yitt, and depons that James Maxwells man tooke ane of the sheepe aud slew the same for his maisters use.

Alexander Maxwell, re-examined, sworne, depons *conformis* anent the lambs.

Robert M^cKie in Knock, married, of the age of 36 yeeres, sworne, depons he knowes the parteis and that James Maxwell bought some sheepe frome Alexander M^cCulloch and that they wer tane to the Knock, and depons they ar now upon the lands of Mertoun with the markes unaltered. Depons he saw James Maxwell crave his sheepe the time libellit, and saw both parteis have drawin swords, bot knowes not who drew the first sword, and heard James say that he sould have the sheepe in despite of Ardwells heart. Depons he saw Margaret Wallace milke the yewes the first day they come frome the Knock to Mertoun and take backe the milke to the Knock, bot knowes not who milked the same thereafter.

Archibald Hering in Bar, unmarried, of 22 yeeres of age, sworne, depons he knowes nothing ather of the buying of the yewes or deliverie of the same, and knowes nothing, bot onelie saw James Maxwell fell the hird with a rung to the ground.

Patrik M^cCowie in the Knock, of 40 yeeres of age, married, sworne, depons he knowes the parteis. Depons he knowes of the buying of the sheepe and that they wer about twentie, and some of thame had lambes, bot knowes not how manie. Depons the sheepe wer once upon the lands of Knock and knowes not how they came to Ardwells ground, and that he knowes that James Maxwell sought the sheepe backe frome Ardwell and he refused, and depons he heard say that Ardwell kepted the same for twa dollers. Knowes nothing of the drawing of the swords or persute of the hird. Grants that James Maxwells ladie desired the depouner goe to Alexander Jardane about Martimes last and looke to these sheepe and the said Alexander sould gett a nachlat of meale; and depons that he said to the said Alexander, if the ladie would not pay this nachlat that the depouner would pay it him selfe.

George M^cCulloch in Knock, 50 yeeres old, married, sworne, depons he knowes the parteis and that James Maxwell coft 22 sheepe frome Alexander M^cCulloch and wer delivered to the said James and putt in the depouners byre of the Knock, and depons that the sheepe for the most part went backe to Mertoun, and suche of thame as wandered to other parts the ladie sent for thame and sent thame to the rest in Mertoun. Knowes nothing of the persute betuix Ardwell and James Maxwell. Depons he saw James Maxwell strike the sheephird with a horse wand, becaus he gave him a froward answer when he demanded him anent the sheepe. Depons that the shephird wes not felde with the stroke nor anie thing the worse, bot satt down of his awne accord upon the gronnd. (Signed) Ad. Aberdene; Val. Brechinen.

9th July, 1636.

9th July, 1636. James Maxwells witnesses.

Further
depositions
anent the
same action.Miscellaneous
Papers.

George McKinnells, sworne, depons he knowes that James Maxwell bought some sheepe frome Ardwell's tennent. Depons he heard there wes some squable betuix James Maxwell and Ardwell anent the deliverie of the sheepe, bot saw it not. Depons that the lambs wer tane fra the mothers to be spaynned; bot grants that they ar still upon the ground. Depons that the wooll marke wes once aff and putt on againe, bot knowes not be whome. Depons that the yewes wer milked in Ardwell's awne bought be Ardwell's servants. Depons he knowes not who delivered the sheepe to Alexander Jardane, bot knowes that they wer once in the Knock.

Cuthbert Herroun in Stellace, of 40 yeeres, married, sworne, depons he saw James Maxwells lambs amongs Ardwell's lambs in the spayning, and that they wer brought backe to thair awne mothers. Depons he knowes the sheepe have blacke markes and that he saw thame aff, bot knowes not who tooke thame aff. Depons he knowes the yewes milked in Ardwell's bought be Ardwell's selfe be the space of a moneth. Depons he knowes that the yewes wer delivered to Alexander Jardane, Johne McCulloch's hird, bot knowes not be whome. Depons he saw some tar markes upon the heads of James Maxwells lambs, bot knowes not who putt thame on.

Patrik Agnew of Barmaill, of the age of 30 yeeres, married, sworne, depons he heard that Ardwell tooke aff the markes, milked the yewes and tarred the lambs, bot knowes nothing himselfe.

James McCulloch in Lambuck, of 50 yeeres, married, sworne, depons he knowes of the buying and deliverie of the sheepe and thinkes they came backe again. Depons that he heard of Ardwell's awne servants that he tooke aff the wooll markes, milked the yewes and tarred the lambs, and that he knowes this also be his awne servants who saw the markes tane aff the haill sheepe.

George Parker in Balcraig, sworne, conformis anent the buying and deliverie of the yewes and knowes not how they came backe. Depons he heard be Ardwell's awne servants that Ardwell used James Maxwells sheepe as his awne sheepe and tarred the lambs. Depons he knowes nothing of the girsing of the sheepe. Depons that they ar all white. Depons he knowes nothing of the putting on nor taking aff of the marke.

Robert Thallen in Bar, married, of the age of 27 yeeres, sworne, depons he knowes the parteis and that he knowes of the buying of the sheepe and deliverie of the same to the ladie and that they came backe to Mertoun, but knowes not how. Knowes nothing of the markes, bot heares the report that Ardwell used thame as his awne sheepe.

Johne McRobert in Moure, sworne, depons he knowes the parteis and the buying of the sheepe and carying of thame to the Knock and that they wer sent backe to Mertoun be the ladie and saw thame upon the ground, and that the number is 18 yewes and a wedder or thairby and 17 lambs. Knowes nothing of the wooll markes, bot saw a servant of

James Maxwells burne thame, and that this marke is upon thame yitt. Depons the yewes and lambs ar still upon the ground as yitt all rough. Depons he saw James Maxwells yewes in Ardwells bought, and saw some tar upon thame, bot knowes not who putt it on. Depons there ar some of the lambs soucking as yitt. Depons James Maxwells ladie sent the depouner to Ardwell with a doller to give to him to send backe her sheepe and that Ardwell refused. He knowes not whairfoir.

Mr George Kincaid, sworne, depons he knowes no forder nor is in his report and that he never refused to goe to try the sheepe and wes never desired be James Maxwell to doe the same. (Signed) Ad. Aberdene, Val. Brechinen.

12 July, 1636. The Lords finds no ground for a criminall persute and thairfoir discharges the criminall dyet, and ordains Ardwell to restore the sheepe and to pay 3 lib. to everie witnes produced in this mater."

63. Summons at the instance of Mr Alexander Eileis of Mortonhall ^{11th July 1636.} and Andrew Yuill, his servant, against Dame Elizabeth Ker, Lady Brouchtoune, and Janet Megget, her tenant in the lands of Milnetoune, ^{Summons at the instance of Mr Alexander Ellis of Mortonhall against Dame Elizabeth Ker, Lady Brouchtoune, who accuses him of stealing a foal.} within the barony of Woodouslie, who allege that the complainer, on 5th or 6th May last, came "to the backe of the Castlclaw, within the said Ladie Brouchtounes bounds, and staw and away tooke be way of theft and stouthreiff furth of the saids lands ane yong gray ambling staig pertean- ing to the said Jonet, quhilk, as they alledge, wes caried to the said M^r Allexander his rounge called the Leips, and there heltered and thairfra brought immediatlie to the lands of Mortonhall, where the same is still keepeed be the said M^r Allexander and his tenent." They have there- upon raised a criminal process against him before the Justice and his deputes, and the case is appointed for trial in the tolbooth of Edinburgh on 21st July instant. But the cause is instituted maliciously and only for the purpose of bringing "his name, credit and reputatioun in question and to lay upon him a foule and ignominious aspersion of theft, quhair of he hopes to prove innocent. And the truthe of this bussines is that, about Quhytsonday bygane a yeere, John Smith, merchand burges of Edinburgh, brother in law to the said M^r Allexander, gave to him ane meir with a fol at her foote, quhilk wes gersed in the Leips all that summer, and at winter the said M^r Allexander brought thame home to his awne rounge of Mortonhall, and about Candlemes the meir dies and the staig pastured with other goods upon the common of the Leips amongs the rest of the bestiall and goods of these who had priviledge in that commontie; and at this tyme the said Ladie Brouchtoune or Jonnet Meggit, her tenent, haveing ane meir and ane fole of that same cullour and quantitie with the compleaners and, thair fole haveing lykewayes died, they challengit the compleaners fol to belong to thame and desired the same to be restored unto thame. And becaus the said M^r Allexander with good reason refused to give to thame his awne fole, offering to prove before thame that the fol wes his awne, yit nothing

would content thame bot the fole." And because they could not by fair means come to their intent they have borrowed the name of the King's Advocate to use him as a pursuer in this case. "It is weele knawin that the compleaners estate and condition is not so weake and difficill as he neids to be a theiff and to supplie his necessities with others mens goods, since it hes pleased God to blesse him with sufficiencie of his awne. And, quhairas ane ignorant assyse is verie dangerous to judge upon the lyves and fortunes of our good subjects who are obedient and answerable to law and justice, it is requisit, for the cleiring and discoverie of the truthe of this mater, that a præcognitioun be tane by the examinatioun of famous persons who knawis the veritie of this mater." Parties are accordingly to be cited to compear before the Council on 19th July instant. The summons is dated at Edinburgh, 11th July, 1636, and signed JA. PRYMOIS. On the margin there is noted the two hearings of the case on 19th and 26th July, as narrated *ante*, pp. 294 and 302; and on the back there is a note of service of the summons on . . . July, 1636, by John Stirling, messenger, upon Lady Brouchtoun and Sir Thomas Hop at their dwelling-houses and also at the market crosses of Edinburgh and the Cannogait; witnesses, John Gellie, messenger, . . . and James Watsons, servitors to the said lady, Hew Lindsay, servitor to the Lord Advocate, and Thomas Aikine, post.

Miscellaneous
Papers.

12th July
1636.

Supplication
by William
Aitken in
Kirkcoun,
tenant to Sir
William
Sinclair of
Pentland, for a
summons
against James
Brown in West
March, whom
he accuses of
assault and of
threatening
his life.

64. Supplication by William Aitkin in Kirkcoun, tenant to Sir William Sinclair of Pentland, against James Broun in West Merche, as follows:—He and James Bellenden, his herd, upon 16th June last, were pasturing their sheep upon Turnehoushill "belanging in propperty to Andro Borthuik, my father in law," when the said James Broun came to his sheep and, before the complainer was aware, "violentlie hundit the said scheip, and with stanes brag thrie or four of thair leggis." Then he "maist cruellie unbeset the said James Bellenden, my servand, chaisseed him with staines, and had not failed to have tane his lyffe wer not he throw speid of fute foir ran him quhair I wes lying sleiping besyde my gudis." When the complainer thereupon went to free the boy from his violence and protect his sheep, Broun "with minassing wordis avowit to ding out all my harnes and cam violentlie upoun me for that effect, quhilk I than resisting, he gave me many bauch and blae straikes with his neiffis, I being ane waik boy and he ane strong abill man, and till effectuat his purpois upoun me he had his brother Thomas hard by, quha, haveing sein us meittand togidder, he cam quicklie to have tane my lyffe with his said brother, wer nocht be gud providence I escaped out of thair handis and foir ran thame both to the hill." He had done them no wrong, as he was on his father-in-law's ground near the march of the said lands of Kirkcoun, which he presently possesses. They daily oppress him and his lands of Kirkcoun and Turnehoushill, and strike his servants, viz., he struck Bessie Veitche upon the arm upon 13th June last, and she has not since been able to

miscellaneous
papers.

work. He has also vowed to take the complainer's life and lies daily in wait for him. He craves a summons against him. [On the back] "*Apud* Edinburgh, *duodecimo die mensis Julij*, 1636. *Fiat ut petitur* to the fourtein day of Julij instant; (*sic subscribitur*) St Androis" [*sic*]. Also note of service of the summons on 13th July, 1636, by Duncan Ritchie, messenger, upon John Wallace and the foresaid James Broun, both personally apprehended; witnesses, John Abirnethie in Greinlaa, William Lyndsay, post in Edinburgh, and Richard Wilsoune at the back of the Turhouthill.

65. Note of two executions on 13th July, 1636, by George Gordon, 13th July 1636. messenger, of a summons at the instance of Thomas M^cMurdie in Chaige and his wife and children, as narrated *ante*, p. 291: (1) against James Greirson in Beswally, personally apprehended in Edinburgh; witnesses, Alexander Hervie, writer in Edinburgh, and David Russell, servitor to Sir Jerome Lindsay, Commissary of Edinburgh; and (2) against Robert Greir and John M^cFaggane, both personally apprehended in Edinburgh, as witnesses in the above cause; witnesses, James Greir, brother of the said Robert, Mr Robert Heriot, writer, David Johneston, stabler in Edinburgh, and John Innes, writer. On the back there is a scroll of the finding in the case. Notes of two executions at the instance of Thomas M^cMurdie in Chaige.

66. Note of three executions by John Stirling, messenger, of a 13th and 14th July 1636. summons at the instance of Alexander Eleis and Andrew Yule, his servant: (1) On 13th July, 1636, against Dame Elizabeth Ker, Lady Bruchtoun, at her dwelling-house in the Cannogait, and Sir Thomas Houp at his dwelling-house in Edinburgh; witnesses, John Gellie, messenger in Edinburgh, James Waterstoun, servitor to the said Lady, and Hew Lindsay, servitor to the said Sir Thomas; and also against them at the respective market crosses of Edinburgh and the Cannogait; witnesses, the said John Gellie and Thomas Aitken, post in Edinburgh: (2) on 14th July against Janet Megget, personally apprehended in Mylnetoun; witnesses, James Bennet and Thomas Dischingtoun, indwellers in Mortonhall: and (3) on the same day against William Craig in Foulford, William Porteous in Bonaley, Andrew Nicoll, James Job, John Tuiddie, Archibald Davie, Alexander Gray and Hew Broune, all personally apprehended, to compear as witnesses in the cause; witnesses, the said James Bennet and Thomas Dischingtoun. Notes of three executions at the instance of Alexander Ellis and Andrew Yule, his servant, against Dame Elizabeth Ker, Lady Broughton, and others.

67. Supplication by Edward Johnestoun, merchant burgess of Edinburgh, as follows:—Their Lordships, upon consideration of the distresses he had undergone these many years past and of his great age and infirmity, were pleased to protect his person from captions, especially because the debts he underlies were mostly contracted by his wife and not himself. His present protection expires upon instant, and he craves a continuation. [On the back] "*Apud* Edinburgh, 14th July, 1636. Supplication by Edward Johneston, merchant burgess of Edinburgh, for continuance of protection." 14th July 1636.

1636. *Fiat ut petitur* to the 17 of December nixt. Sanctandrowis, *Miscellaneous Papers*.
I.P.D."

14th July
1636.

George
Morison
against
Alexander
Abercrombie.

68. Draft of part of the decret of Council in the action by George Moresone, burgess of Aberdene, against Alexander Abercrombie, elder of Birkenbog, and others, as narated *ante*, p. 290.

19th July
1636.

Supplication
by Gilbert
Johnston of
Pettersmilne

69. Supplication by Gilbert Johnnestoune of Pettersmilne, as narrated *ante*, p. 294. [On the back] "*Apud* Edinburgh, 19th July, 1636. *Fiat ut petitur* to the first of Januar, caution being fund as said is. Sanctandrowis, I.P.D." Also scroll of the Lords' decision.

Supplication
by Menzies of
Weyme.

70. Supplication by Sir Menyees of Weyme, as narrated *ante*, p. 295. [On the back] "*Apud* Edinburgh, 19 July, 1636. *Fiat ut petitur*. Sanctandrowis, I.P.D."

Supplication
by Sir George
Johnston of
Caskieben.

71. Supplication by Sir George Johnnestoun of Caskieben, as narrated *ante*, p. 293. [On the back] "*Apud* Edinburgh, 1636 [*sic*]. *Fiat ut petitur* . . . Sanctandrews, I.P.D." The finding is also noted on the back along with a scroll of the decret.

19th-26th
July 1636.

Mr. Alexander
Ellis of
Mortonhall
against Dame
Elizabeth Ker,

72. Drafts of the decreets by the Lords of Council in the case of Mr Alexander Eileis of Mortonhall against Dame Elizabeth Ker, Lady Broughtoun, as narrated *ante*, pp. 294 and 302.

20th July
1636.

Summons at
the instance of
Mr Alexander
Jaffray
and others
against John
Ogilvie and
others.

73. Summons at the instance of Mr Alexander Jaffray of Kingswallis and others against John Ogilvie of Milntoun and others, as narrated *ante*, p. 314; dated at Edinburgh, 20th July, 1636, and signed JA. PRYMROIS.

21st July
1636.

James Cheyne
of Arnage and
others against
John Leslie of
Pitcaple.

74. Supplication by James Cheyne of Arnage and others against John Leslie of Pitcaple, as narrated *ante*, p. 300. [On the back] "*Apud* Edinburgh, 21 July, 1636. *Fiat ut petitur*. Sanctandrowis, I.P.D." Also a note of the finding.

Robert May in
Easter Both
against
Alexander
Stewart in
Tulliallan.

75. Summons in the action by Robert May in Easter Both against Alexander Stewart in Tulliallan, as narrated *ante*, p. 303; dated at Edinburgh, 21st July, 1636, and signed JA. PRYMROIS.

21st July (?)
1636.

Case of Mr
Gavin Dunbar,
chanter of
Moray.

76. Latter part of a summons in the case of precognition between Mr Gavin Dumbar, chanter of Murray, and his son, and Thomas Dumbar of Bogholl and others, narrated *ante*, p. 336. Citation is made to 8th November, and the criminal diet to 23rd November. The summons is dated at Edinburgh, 21 , 1636, and signed JA. PRYMROIS.

Miscellaneous
papers.

77. Supplication by John Johnestoun for relief at the hands of his creditors, as narrated *ante*, p. 306. It is added in the supplication that he is "but ane pure mane and hes no [mone]y for the present to give my saidis creditouris contentment nor to interteaney myself, my pure wyiff and familie, bot, [gif it] pleiss God to send me throw the occasiounes of goeing and runeing of erandis and bussieness for honest men," he hopes to be able to do so. He has been forced to pawn his clothes for his maintenance. He promises their Lordships the "continuell prayer" of himself and his wife and "pure familie." [On the back] "*Apud Edinburgh . . . Fiat ut petitur. Sanctandrowis.*" Also note of service on 25th July, 1636, by John Oliver, elder, messenger, upon Robert Fleming and John Eistoun, personally apprehended in Edinburgh, and upon the provost and bailies of Edinburgh; witnesses, John Haistie and Thomas Aitkin, posts. There is also a scroll of the finding.

25th July
1636.
Supplication
by John
Johnston for
relief at the
hands of his
creditors.

78. Supplication by William Parke in Wod of Glenluce, as narrated *ante*, p. 302. [On the back] "*Apud Edinburgh, 26 Julij, 1636. The Lords prorogats for a yeere. Sanctandrows, I.P.D.*" Also a draft of the finding.

26th July
1636.
Supplication
by William
Park in Wood
of Glenluce.

79. Summons directed to Robert Gray and George Andersone, messengers, at the instance of James Sowtter in Wester Banchrie upon the following complaint by him:—In October, 1611, he received from William Ogilvie in Littilkenie 300 merks for which he granted his bond, which was registered against him in October, 1625. But having satisfied it in December, 1629, he obtained the said William's discharge. Notwithstanding hereof the said William a long time afterwards raised letters of horning upon this bond and charged him for payment, but by production of his discharge the complainer, on 14th March, 1635, obtained suspension, and yet upon July instant, while he was at St. James's Fair, in the burgh of Forfar, doing his lawful business, the said William, accompanied by Oliver Ogilvie and Ogilvie, his sons, David Wilson, messenger, David Ogilvie in Meikle Kennie, John and Patrick Ogilvie there, Patrick Ogilvie in Cadgerglak and others, armed with swords and other weapons, set upon the complainer and harled him to the tolbooth for the above debt, notwithstanding that he showed to them and to the bailies of Forfar the said suspension and discharge; and as yet they keep him in ward. Order is given for citing the persons named to compear before the Council on 2nd August next; and also to cite the following as witnesses, Patrick Chrichtoun, indweller in Forfar, George Raynie there, Archibald Monteith there, and George Walker there. The summons is dated at Edinburgh, 26th July, 1636, and signed JA. PRYMROIS. Attached to the summons is a slip of paper containing a list of some of the persons named above who are to be cited, and in addition . . . Milne, bailie of Forfar. There are also attached to the summons two papers containing notes of service thereof,

26th July
1636.
Summons at
the instance of
James Sowtter
in Wester
Banchrie
against
William
Ogilvie in
Littilkenie,
whom he
accuses of
warding him
for a debt he
has discharged.

four by Robert Gray and one by George Andersone, viz., by Robert Gray on 28th July, 1636, (1) against [David Ogilvie] in Mekill Kennie, David Ogilvie there, John Ogilvie there, and Patrick Ogilvie there at their dwelling places; witnesses, William Ogilvie, son of the said David Ogilvie, John Gardin in Ku . . . , Oliver Wilsone and Alexander Mur in Balfour: (2) against Oliver Ogilvie and David Vilsone, messenger, both personally apprehended; witnesses, James Andersone in . . . and Archibald Menteyth in Forfar: (3) against Andrew Hunter, provost of Forfar, and John Mylne, one of the bailies, both personally apprehended, for exhibition of the said James Suter; witnesses, Adam Strachane and Patrick Crychtoun, indwellers in Forfar: and (4) on 29th July, 1636, against the whole persons above specified at the market cross of Forfar; and also against Patrick Crichtoun, George Ranie and . . . and George Vallis, indwellers in Forfar, all personally apprehended; witnesses at the market cross, Walter Thom-sone in Drenlay and Robert Ur . . . Spainzie, baker burgess in Dundee; and to the personal charging, David Robertsons, notary, George Andersone, messenger, and Adam Strachane, all burgesses: also (5) on 29th July, 1636, by George Andersone against Patrick Ogilvie in Cadgerglak, at his dwelling-house there; witnesses, Alexander Lam . . . Tarfaquhy and Andrew Esplein in Garbat.

26th July
1636.
Lord Semple
and his
tenants.

80. Scroll of decreet of Council absolving Lord Semple and his tenants of the complaint by Robert Widdrow and his spouse, narrated *ante*, p. 302.

26th July
1636.
Supplication
by John
Stewart of
Drumquhyn
against Sir
William
Forbes of
Cragievar.

81. Supplication by John Stewart of Drumquhyn against Sir William Forbes of Cragievar, as narrated *ante*, p. 308, and against whom he craves a summons. [On the back] "*Apud Edinburgh, vicesimo sexto die mensis Julij*, 1636. *Fiat ut petitur*. Kingorne." Also note of service on the same day by Mr William Dowglas, macer, upon Sir William Forbes of Cragievar to compare before the Lords this day; witnesses, John Dowglas, macer, and John Dowglas, servitor of the said Mr William Dowglas.

27th July
1636.
Summons at
the instance
of James Law,
mariner,
burgess of
Dysart,
against certain
persons.

82. Summons directed to John Tailyeour, messenger, at the instance of James Law, mariner, burgess of Dysart, against certain persons there, as narrated *ante*, p. 314, who are cited to appear before the Lords on 7th September next. The summons is dated at Edinburgh, 27th July, 1636, and signed JA. PRYMROIS.

28th July
1636.
Supplication
by the parish-
ioners of
Denny.

83. Supplication by the parishioners of Denny, as narrated *ante*, p. 305. [On the back] "*Apud Edinburgh*, 28 July, 1636. *Fiat ut petitur* for a yeere. Sanctandrows, I.P.D." Also a note of the finding.

miscellaneous
pers.

84. Supplication by Andrew Hepburn, brother german to Col. Sir John Hepburn and Lieut.-Col. James Hepburne, as narrated *ante* p. 305. [On the back] "*Apud* Edinburgh, 28 *die mensis Julij*, 1636. *Fiat ut petitur in omnibus*. Sanctandrows, I.P.D., Traquaire, Glasgow, Hadinton, Erroll, Mar, Perth, Wigtowne, Kingorne, Roxburgh, . . . [The document is much mutilated.]

28th July
1636.
Supplication
by Andrew
Hepburn,
brother-
german to
Colonel Sir
John Hepburn
and Lieut.-
Col. James
Hepburn.

85. Summons directed to John Hutsone, messenger, at the instance of William Carmichell in Over Abruton, as narrated *ante*, p. 316. Here James Maxwell is designated of Calderwood. The summons is dated at Edinburgh, 28th July, 1636, and signed JA. PRYMROIS.

28th July
1636.
Summons at
the instance of
William
Carmichael in
Over Abruton.

86. Supplication by Alexander . . . and George Neill, messengers, as follows:—On 27th July instant, in terms of letters of caption at the instance of John McCairliche at the kirk of Port, they apprehended John Grhame in Culter for not wairing 500 merks upon land or interest for several years past, paying . . . hundred merks of expenses, and in general not fulfilling the other terms of a contract of marriage. They had the concurrence of Gilbert Williamsone in the apprehension, which was made within the burgh of [Edinburgh], but he was violently and masterfully taken from them perforce by James Drummond of Drum . . . , . . . Corswell of Bonhard, James Steinson, merchant burgess of Edinburgh, James Grhame The like of this has not been "in such a civill republic as Edinburgh is and the supreme seat of justice." These persons threatened the officers both by word and deed to take their lives if they took the rebel (being armed with swords and daggers), "violently throw . . . our armes and crying for your hangingis as now tuiche him. Ther is no . . . his Majesties armes but ar fals knaives." [The document is much torn at one end.] They crave summons against these persons for the following day. [The document is torn off, but on the margin there is written] "28 July, 1636. Persewer personallie, with James Drummond and John Grahame of Rednoch, who obleist [*sic*] to make payment of the money at the sight [of the] Lord Lorne. [Further, the] Lords ordain James Drummond to make payment to George Neill of 2 dollers and the others ane doller and to exhibite the rebell upon Tuisday."

28th July
1636.
Supplication
by two messen-
gers for a
summons
against James
Drummond of
Drumdowny
and others for
forcibly
preventing
them from the
discharge of
their duty.

87. Paper containing three notes of service of summons in the above case on 28th July, 1636, (1) by James Leslie, messenger, against James Steinson, merchant, personally apprehended; witnesses, David Panter of Fryok and Andrew Darling, writer in Edinburgh: (2) by John Gellie, messenger, against James Drummond of Drumdowny and James Grahame, both personally apprehended in Edinburgh; witnesses, John Leirmount, writer; Alexander Murray, servitor to Mr William Naper, advocate, and John McCoull, flesher: and (3) by the said John Gellie against Thomas Mowat, messenger in Edinburgh, Thomas Ker,

28th July
1636.
Notes of
service of
summons in
the above case.

burgess there, and John Johnstoune, indweller there, all personally apprehended in Edinburgh as witnesses in the case; witnesses, William Mowat, messenger, and John Haistie, post there. [On the back are the following depositions]:—

“Thomas Mowat, sworne, depons he saw James Drummound threaten the messinger with a stoupe and call him and the other messinger false knaves and threaten thame if they dar take the rebell for thair hinging.”

“Thomas Ker, sworne, depons *conformis*, and that he saw James Drummound take the messinger and throw his arme about and threaten the messinger if he did not lett the rebell goe.”

“Johne Johnestoun, sworne, depons *conformis primo testi addendo* that James Drummound came back after the rebell wes gone and threatned the messinger and minted to his sword and ane stoupe.”

28th July
1636.

Supplication
by William
Keith of
Logyruiſ
against Sir
William Keith
of Ludquhairn
for illegally
freeing from
ward John
Keith of
Pettie, who
had been
warded at the
supplicant's
instance.

88. Supplication by William Keethe of Logyruiſ and Bessie Stirline, his spouse, as follows:—John Keethe of Pettie was put to the horn at their instance for non-payment of certain sums of money, and, having raised caption thereon, they caused apprehend and ward him in the tolbooth of Edinburgh on July instant; but he had only been a few hours in ward when Sir William Keethe of Ludquharne and Nathaniel Keethe, his uncle, earnestly dealt with some of the complainer's friends, ignoring the complainers themselves, for the rebel's release, promising to re-enter the rebel in ward on Tuesday last before night under the penalty of forfeiting the benefit of the protection granted by his Majesty to them so far as regards the complainers. But they have not and do not intend to re-enter the said John. They therefore crave that Sir William and Nathaniel Keethe may be ordained to compare before their Lordships and produce the said John this afternoon so that he may be replaced in ward, or that their Lordships would enforce the stipulation regarding their protection. [On the back] “xxviiij *Julij*, 1636. *Fiat summonitio ut petitur*. Jo. B. of Moray.” Also note of service by Mr William Dowglas, macer, against Sir William and Nathaniel Keethe, both personally apprehended; witnesses, John Dowglas, his servitor, and John Dowglas, macer. There has been a note of hearing on the margin, but it is now torn away.

29th July
1636.

Supplication
for protection
by Cuthbert
Hamilton of
Cander.

89. Supplication by Cudbert Hamiltoun of Cander and Agnes Maxwell, his spouse, as follows:—For relief of the debt which he underlies he has raised action before the Lords of Session against certain of his creditors in which he hopes “to gett a happie outgait.” But all matters are continued till next session, and he then expects to be able to satisfy all his creditors. But such is their rigour that they will neither wait nor suffer him to attend his process, and he therefore craves their Lordships' protection. [On the back] “ . . . Edinburgh, 29th July, 1636. *Fiat ut petitur* to the first day of February. Sanctandrows.”

cellaneous
vers.

90. Supplication by William Stewart, Kintyre pursuivant, and Andrew Lytiljohnne, Unicorn pursuivant, as follows:—They have been provided to these places and have sundry duties to perform in his Majesty's service which require their coats of arms. These coats were given by the Lord Treasurer at his Majesty's last being in Scotland to those who held these offices before them; but Elizabeth Smythe, widow of John Richie, last Kintyre pursuivant, and Mr James Wast, brother german of the deceased George Wast, Unicorn pursuivant, refuse to deliver the two coats unless they are compelled. They therefore crave summons against them. [On the back] "*Apud* Edinburgh, 29th July, 1636. *Fiat ut petitur*. Sanctandrows." Also note of service on 2nd August, 1636, by Mr William Dowglas, macer, against Mr James Wast and Elizabeth Smyth, both personally apprehended, to compear before the Council the same day and bring the coats with them; witnesses, John Dowglas, his servitor, and John Howie, merchant in Edinburgh. A note of the hearing has been written upon the margin, but is almost all destroyed; at the end it reads "[contin]atioun for this effect and reserves actioun to the said Elizabeth upon the Lyons Lords ordains the Lyons clerk to extract to her."

29th July 1636.
Supplication by William Stewart, Kintyre Pursuivant, and Andrew Littlejohn, Unicorn Pursuivant, for a summons against Elizabeth Smith, widow of John Ritchie, late Kintyre Pursuivant, and Mr James Wast, brother-german of George Wast, late Unicorn Pursuivant.

91. Note of two executions on 30th July, 1636, by James Merschell, messenger, of summons at the instance of the King's Advocate and William Ison in Wik against (1) John Groit, personally apprehended in Leith; witnesses, George Smyth, mariner in Leith, and James Dowle in Wik; and (2) William Caldell in Thurso, Andrew Dennune in Mey, James Dowle in Wik, John Mursone there, and George Abernethie in Edinburgh, all personally apprehended; witnesses, George Smyth and William Schethan, mariners in Leith.

30th July 1636.
Notes of two executions at the instance of William Ison in Wick.

92. Summons directed to John Tailyeour, messenger, at the instance of Jeane Dook, spouse to John Wickitschaw, as narrated *ante*, p. 318, against the said John Wickitschaw to compear before the Council on 7th September next; and also against the following persons as witnesses:—David Bosowall, fiar of Balmuto; Charles Ventrus, his servant; James Lidingtoun in Abbotshall; David Bennett, notary public in Kircaldie; John Rowll, schoolmaster in Edinburgh; Robert Murray, servitor to the said David Bosowall of Balmuto; Livingstoun, sometime of Dunypace; and Robert Johnestoun, his servant. The summons is dated at Edinburgh, 1st August, 1636, and signed JA. PRYMROIS. On the back are two executions of the summons by . . . (1) on 3rd September, 1636, against John Walkinschaw, personally apprehended; witnesses, Alexander M^cBrek, notary in Edinburgh, . . . in Stirling, and Thomas Bishop, merchant in Edinburgh; and (2) on 5th September by James Leslie against John Livingstoun and . . . at their dwelling-house in the Cannogait

1st August 1636.
Summons at the instance of Jeane Dook, spouse to John Wickitschaw, against the said John.

. . . and in Sklaitters Close in Edinburgh; witnesses, Hew Lauder, messenger in Edinburgh, and . . . [much torn].

Miscellaneous
Papers.

1st August
1636.

Summons at
the instance of
Mr William
Penman,
parson and
minister at
Morebattle,
against
Isabel Ker,
relict of Mr
Thomas Moir,
late parson of
Morebattle,
for causing a
desk in the
kirk of More-
battle to be
destroyed.

93. Summons at the instance of Mr William Penman, parson and minister at Marbottle, as follows:—"At his lait entrie to the ministrie at the said kirk he, finding the same not weill commoded with seates and desks for the ease of the parochiners in hearing of sermon, used his best meanes and travellis with the session of the said kirk and thereafter with the brethrein of the presbyterie in these bounds, by whois advice and determination there was particular seates appointed for the gentlemen and others parochiners of the said kirk, and amongis the rest there was ane seate provided to Issobel Ker, relict of umquhill Mr Thomas Moir, lait parson of Morbottle, and to Mr William and John Moirs, his sonnes and thair familie, with thair awin consent and good lyking, and the place quhilk formerlie perteanned to the said umquhill Mr Thomas was allotted unto the said compleanner and his familie. And yitt notwithstanding, the said Issobell Ker, not contented heerewith, was desirous still to sitt in the place allotted to the compleanner, who, being unwilling to be heard with her, yeelded to her desire, and for that effect with mutuall consent the compleanner caused erect ane desk with twa pewes quhair of the said Issobel sould haif the choise. Bot how soone the same was erected the saids Mr William and John Moirs, her sonnes, at her command and direction, came upon the 25 day of Junij last, being Sunday, about eight houres in the morning at the ringing of the first bell and entered within the kirk and, without respect to the Lords day and ordinance of the session and presbyterie and to the mutuall agreement foresaid, with axes and others instruments they not onelie brake and removed the compleanners desk foresaid, bot also hewed and brake the steppes of the pulpit, so as the compleanner could hardlie have entrie to the same to preache; and thereafter the said Issobell sent ane chaire with ane cusheoun to the kirk, whilk she placed where the compleanners desk stook and satt there all the time of the preaching, quhilk is ane verie great offence and deserves exemplarie punishment." Charge is accordingly given for citing the said Isobell and her two sons before the Council on 7th September next. The summons is dated at Edinburgh, 1st August, 1636, and signed JA. PRYMROIS.

2nd August
1636.

Summons at
the instance of
Donald
Farquharson
of Monaltrie
against Sir
Thomas Hope
of Craighall,
King's
Advocate.

94. Summons at the instance of Donald Farquharson of Monaltrie against Sir Thomas Hope of Craighall, King's Advocate, in the action of suspension, narrated *ante*, p. 333. It is dated at Edinburgh, 2nd August, and signed M. G. PRYMROIS. At the foot is a note of production by Mr James Farquharson of Quhythous, W.S. at Edinburgh, on 10th August, 1636, and registration in the Books of Council by Mr Alexander Kynneir, clerk depute to the Clerk of Register. On the margin is a note of the hearing, but it is nearly all torn away. On the back is a note of the relaxation of Donald Farquharson by J. Gordoune,

miscellaneous
'apers.

messenger, at the market cross of Edinburgh, Mr James Cockburne, writer in Edinburgh, receiving the wand of peace in his name; witnesses, William Henrysone and James Leslie, messengers]. This is also registered. There is also a note of the decret in the case.

95. *Sederunt* :—Chancellor; Treasurer; Glasgow; Privy Seal; Hamiltoun; Erroll; Mar; Mortoun; Wintoun; Perth; Kingorne; Roxburgh; Annerdail; Lauderdail; Lorne; Bishops of Edinburgh, Moray, Ross, Brechin; Clerk Register; Advocate.

3rd August
1636.

"The Lordis, having considerit the depositions of the witness and merite of the caus, finds that the arbiters hes proceedit fairlie and equitablie without fraud, sordiditie or circumventioun and thairfore sustenis the decret notwithstanding the reasons of the suspensions and ordains the letters to be put to further executioun for payment of the sowme of tuentie sevin thousand merkis, 2^o merkis and annuelrent at the terme of Martymes thane nixt, deducing thair of the sowmes contenit in the bandis, quhair of James Home maid assignatioun to the Hospitall, Violet renunceng her lyfrent thair of in favoris of the hospitall. And becaus the renewed bandis, viz., whiche wer formerlie in the name of James Home allanerlie and assigned be him to the Hospitall long before his decease, and whiche without his knowledge wer interverted quhen he wes upoun deade bed and the saidis bandis renewed and conceaved in favouris of him and his saidis spouse, thairfore the Lordis declaris that the assignatiouns formerlie maid be James Home sall comprehend and be extendit to the renewed bandis. And als decernis the said Violet to renunce all right and title that sho hes to the same in favouris of the Hospitall and to warrand the same frome hir awne proper fact and deid; whilk being duellie performed be hir, the Lordis ordains the same to be allowit in the sowme *pro tanto* and the rest of the bandis produced to be delyvered up.

Decree of
Council anent
the claims of
parties
interested in
St. Leonard's
Hospital.

Continews the extraction of the decret till the nixt Counsaill day.

The quhilk day Thomas Dawling, upoun occasioun of some undewtiful and disrespective speeches utterit be him aganis the Earle of Traquair, Lord Heigh Thesaurer, in the presence and hearing of his Majesties Counsell, wes committed to waird and ordand to remayne thairin till the nixt Counsaill day that the Counsaill sall give ourdour for his further punishment according to the merite of the fault."

96. Another scroll or draft of the foregoing decret relating to the Hospital of Leith.

3rd August
1636.
The same.

97. Note of execution on 6th August, 1636, by Robert Boyll, messenger, of a summons at the instance of Mr William Penman, parson and minister at the kirk of Morbatill, against [Isobel] Ker and John Moir, her son, both personally apprehended; and against Mr William Moir, also her son, at his dwelling place in Morbatill and at

6th August
1636.
Note of
execution of a
summons at
the instance
of Mr William
Penman,

parson and minister at Morebattle, against Isabel Ker and John Moir.

the market cross of Jedburgh; witnesses, "James- Grahame, skull maister at Morbatill," George Davisounne there, William Smyth, burgess of Jedburgh, and Archibald Gilpatrick, town officer.

Miscellaneous Papers.

9th August 1636.

Summons at the instance of Joseph Miller, advocate, against John Blackadder of Tulliallan.

98. Summons directed to John Broune, messenger, at the instance of Joseph Miller, advocate, against John Blacader of Tulliallan and others, as narrated *ante*, p. 314; dated at Edinburgh, 9th August, 1636, and signed JA. PRYMROIS.

9th August 1636.

Note of execution against David Boswall, fiar of Balmuto, and others.

99. Note of execution on 9th August, 1636, by John Tailyeour, messenger, against David Boswall, fiar of Balmuto, Charles Wentrous, his . . . , Idingtoun in Abbottshall, and David Bennet notary in Kirkaldy, all personally apprehended, as witnesses, evidently in the case of Jean Dooke against John Walkinshaw, her husband, narrated *ante*, p. 605; witnesses, Robert Murray, servitor to the said David Boswall, and John Dick there. Also note of finding in the case narrated also as above.

12th August 1636.

Extract act of the burgh court of Jedburgh declaring that the bailies of the said burgh have fined William Henderson, burgess of the said burgh, for driving cattle into England contrary to law.

100. Extract act of the burgh court of Jedburgh under the subscription of John Penman, clerk thereof, narrating that at Jedburgh, 12th August, 1636, before John Rutherford Nether, William Alliesounne, Nicol Broun and John Rutherford of Tounhead, bailies of the burgh of Jedburgh, sitting in judgment there compeared William Hendersone, called Harrell-suord, burgess of the said burgh, who, being accused for riding into England during the past week in contravention of the acts of the Privy Council, his Majesty's letters and the regulations made by the provost and bailies of the said burgh, thereby incurring the penalty of £100 Scots, besides punishment in person by the said provost and bailies, and any other fine the Lords of Council should inflict, confessed that he did ride into England and drove his hogs thither, and also that he disobeyed the order of the said William Aliesone, one of the bailies, to go to ward. They therefore fine him £100, with eight days' imprisonment, for his riding into England, besides the fine to be inflicted by the Lords of Privy Council; and for his disobedience they fine him other £10.

13th August 1636.

Letter from Hendrie Ghretasone, skipper, complaining of harsh and illegal treatment by the magistrates of Dumbarton.

101. Part of a letter, a small portion on one side being torn away. "In Dumbartane, 13 Agust, 1636, . . . Arnot, wissing all health. I thank your worship for all the [ki]ndnes done to me, and I am sorie I did not speik with yow [bef]oir your worships pairting from heir. I belived that the Scottes had [be]ne gude people; bot I haif fund utherwayes; not blamming [you]r worship nor reckning your worship thairin. I was cuming from [Gl]asgow with my bott, so come thair ane bott out rowing with [an]e grit number af men with muskettes and suordes and [c]lame richt upone my bott and tuik me prissoner in ane maner that I haif not sene the lyke; ane guid pairtie burgesses and the bailie was himself in companie, so that I haif had grit truble. They schott four

collaneous
vera.

holles through my sail. I was in perill of my lyff and escaped narrowlie; and as I came on land they demanded of me presentlie custome of coilles and beines. I ansueired thame I had not so muche money by me. The baillie commandit me to prissone. So came thair ane man and lent me so muche money that I went not to prissone. Bot they keiped me twa or thrie dayes and attendit me well till they wer payit. The lyke of this doing will do wholl Scotland no gude that ane stranger sould be so trublit. So restes and wiss your worship and bedfellow and children from the bottome of my heart all guid, being sorie that I haid this to wrytt to yowr worship. Your worships servand, Hendrie Ghretsone, skipper."

102. Summons at the instance of George Oswald, writer, and others, 15th August 1636. Counter-summons at the instance of George Oswald, writer, and others against John [Rutherford] called Nether, and others, as narrated in the counter-case *ante*, p. 340; [but here the case is stated from the other side. The document, however, is badly mutilated]. It is stated that the persons complained upon "haiveand consavet ane deid[lie hatrent and mallice and ewill will againes the said umquhile Jonet Hendersoune, laitlie upoun . . . the nynt day of August instant, pat violent handis in her persone upone the . . . our said brughe of Jed-brughe foiranent the merchant buithe dur pertein[ng to . . .] Skougall, merchand burgess thair, and violentlie, schoe being our peiceabill su[b]ject . . .] and persewit hir with thair handis and feit, scho being grit with child fu . . . twentie four oulkis gane and the bairne quick in hir bellie, harlet and d . . . barbarous and crewall maner fra tha said buith dur to ane filthie h . . . geoun, callit Hewis hoill, and eftir they with thair handis and feit had sch . . . inhumanelie best and dung the said umquhile Jonet Hendersoune in the heid . . . and sydis and in diverse pairtis of hir bodie, causing the quick chyld in hir . . . loupe and stond thairin, thay thaireftir with great furie and violence . . . with hir heid dounwardis in the said deip hoill or dungeoun all de . . . taidis filth and myre standing in the said hoill and coverit the samyne upoun hir . . . maist barbarouslie detenit be the personis foirsaidis be the space of tua nychtis and . . . togidder in great miserie, and be occasioun of the saidis crewall straikis and scha . . . usit and done to hir, schoe taking hir paines of hir birth upoun hir and m . . . lamentable cryis within the said dungeoun, was thair-upoun brocht furth thairof . . . hir freindis to hir awin house, quhair schoe upoun the Fryday thaireftir, being the . . . August instant, deceissit of the saidis crewall and deidlie straikis gevin to . . . foirsaidis with the chyld than in hir bellie, and sua was crewallie murdered . . . alsweill schoe hir self as the said infant in hir bellie be the saidis personis . . . ane of thame ar airt and pairt of the said barbarous, crewall and detestabill murthour . . . said Jonet Hendersone and of the young infant in hir bellie." The

persons complained upon are accordingly to be charged to find caution within six days for compearing before the Justice and his deputies upon . . . November next to stand their trial for the above crime. The summons is dated at Edinburgh, 15th August, 1636, and is signed Jo. Bannatyne. Miscellaneous Paper.

18th August
1636.

Summons at
the instance of
Alexander,
Master of
Elphinstone,
against
Archibald
Blackadder.

103. Summons at the instance of Alexander, Master of Elphinstone, against Archibald Blacader, as narrated *ante*, p. 329, dated at Edinburgh, 18th [August], 1636, and signed JA. PRYMROIS. At the foot is noted "Vpone the xxj of August, 1636, to witness" . . . Attached to the summons is a paper containing three notes of executions by John Kempt, messenger: (1) On 21st October, 1636, against Archibald [Blacader], personally apprehended; witnesses, Lweis Bad, and Thomas Heigein, farrier at the docks of Airth: (2) on the same day against . . . in Kingcardine, as a witness in the case; witnesses, Lweis Baid, writer in Edinburgh, and . . . : and (3) on 25th October, 1636, against John Boyd in Airth, William Coustoun, farrier at the ferry . . . and . . . Drysdail in Alloway, all personally apprehended, and John . . . at his dwelling-house, as witnesses in the above case; witnesses, George Kempt, the messenger's son, John Hodg in . . . and Alexander Cowy. There is also a scroll of the finding.

20th August
1636.

Summons at
the instance of
Sir James
Nicolson of
Cockburns-
path against
Archibald
Brown in
Berriehill for
threats of
assault.

104. Summons at the instance of Sir James Nicolsone of Colbrandspeth, one of the justices of peace within the sheriffdom of Berwick, narrating that on the 16th instant while he was about some of his affairs in the dwelling-house of John Arnot, postmaster, Archibald Broune in Berriehill came there and purposely to draw him forth "uttered a number of rayling and disgracefull speeches aganis him; and findeing that the compleaners patience could not be tempted with his shameles and unmannerlie rayling, he then drew his suord, bragging and boasting and makeing provocatioun to the compleaner to come doune if he durst for his hanging, calling him a false knave and uttering manie contumelious speeches aganis him, quhilk the compleaner, for the reverence quhilk he caries to our lawis, patientlie packit up and seemed not to take hold of thame." Afterwards, on the 18th instant, he came to the complainer's own dwelling-house of Colbrandspeth and sought for him in the fields thereabout. Having got notice that the complainer had ridden to his meadow of Colbrandspeth, he went thither and came "to the workmen who were workeing in the medow, told thame that he wes seekeing thair maister, and if he could find him, he sould doe that with his suord quhilk he offerit to have done the day præceeding. And with this effront the compleaner lykewayes patientlie comported, knowing that the Lords of our Privie Counsell, out of thair honorable regard to justice, will take sic order heirin as may be a terror to others insolent and undescreit persons to oversie thame selves in maters of this kynde

Miscellaneous
Papers.

heirafter." Charge is accordingly given for citing the said Archibald Broune before the Council on . . . The summons is dated at Edinburgh, 20th August, 1636, and is signed JA. PRYMROIS.

105. Note of execution on 22nd August, 1636, by William Norie, messenger, of a summons at the instance of Alexander Jaffrey of Kingswales, provost of Aberdein, and Robert Cruikschank, younger, and Alexander Burnet, burgesses thereof, against John Ogilvie of Myltoun, personally apprehended, to compear before the Council on 7th September next in the cause narrated *ante*, p. 314; witnesses, Mr William Livingstoun, notary in Kythe, and James Trowpe, also notary and messenger there.

22nd August
1636.

Note of
execution of a
summons
against John
Ogilvy of
Myltoun at
the instance of
Alexander
Jaffray of
Kingswales,
provost of
Aberdeen, and
others.

106. Note of execution on 23rd August, 1636, by John Richartson, messenger, of a summons at the instance of Sir James Nicolson of Coldbrandispeth against Archibald Broune, personally apprehended; witnesses, Robert Cockburne of Butterden and James Broune of Craigburne (?).

23rd August
1636.

Note of
execution
against Archi-
bald Brown at
the instance of
Sir James
Nicolson of
Cockburns-
path.

107. Note of execution by John Broune, messenger, on 24th August, 1636, of letters of caption at the instance of Joseph Millar, advocate, against Sir John Blacader of Tulliallane, Archibald Blacader, his . . . and Alexander Bruce of Powknaiff, all personally apprehended; witnesses, David Wricht in . . . , George Rankeine, servitor to the messenger, and James Drysedail in Tulliallane.

24th August
1636.

Note of
execution of
letters of
caption against
Sir John
Blackadder of
Tulliallan and
others at the
instance of
Joseph Millar,
advocate.

108. Summons at the instance of Alexander Porteous and William Mowat, messengers in Edinburgh, and George Thomesone, mealmaker in Potterraw, against Robert Newtown, indweller in Crichtoun, and . . . chamberlain to the Earl of Buccleuche, to compear before the Council on 7th September next and answer to the following charge. The said Robert Newtown, being at the horn for debt to the foresaid George, and caption being taken out against him, the execution thereof was committed to the said two messengers, who, on 13th August last, went to the town of Crichtoun and found the rebel in bed in his own house. For securing him they commanded the chamberlain of the Earl of Buccleuche there, as the only man of power in the place, to commit the rebel to ward. But this he not only proudly refused, either for the King's letters or any messengers of arms, but also went through the town and gathered the inhabitants, both men and women, to the number of a hundred, who, armed with staves, "speitts" and other weapons, came tumultuously to the said rebel's house, and, entering the same, "patt violent hands in the said Alexander Porteous, messenger, disgracefullie buffeted and strake him, thrust him to the doore and than defyed him for his hanging to take the rebell, threatning to putt ane sword in him if he came [near to] the said rebell." And thus he was deforced. The

25th August
1636.

Summons at
the instance of
Alexander
Porteous,
messenger,
and others
against Robert
Newtown,
indweller in
Crichton,
and the
chamberlain
of the Duke of
Buccleuch.

summons is dated at Edinburgh, 25th August, 1636, and signed JA. ^{Miscellaneous Papers.}
PRYMROIS. On the back there is note of execution as in No. 113 *infra*.

25th August
1636.

Notarial
instrument
with reference
to John Cock-
burn, provost
of Haddington.

109. Notarial instrument narrating that at Hadingtoun, on 25th August, 1636, Alexander Thomson, messenger, and one of the ordinary sheriff officers of Haddington, produced from the sheriff principal in presence of John Cockburne, provost of Hadingtoun, a commission granted by the Lords of the Privy Council to the said sheriff and provost for holding a justice court and trying Thomas Henrie, who has been apprehended for theft and is imprisoned within the tolbooth of Hadingtoun. The said Alexander Thomsone therefore desired the said provost to sit and administer justice in the case, "quhilk he than acceptit be putting the same in his pockit, declairing thairby that upoun Thursday nixt he wald sitt and ministrat justice thairintill if lyfe and healthe permittit." This was done in presence of John Tait, Harie Cockburne, elder, burgess of Hadingtoun, and Henrie Moffat, servitor to the said John Cockburne, upon the balk of the said John's acre of land in Hirmanflatt about 9 o'clock in the morning. Attested by James Thomsone, notary.

25th August
1636.

Summons at
the instance of
John Machan
in Muirhouse
against
Captain
Beatoun for
assault.

110. Summons at the instance of the King's Advocate and John Machan in Murhous against Cap[tain] . . . Beatoun to compear before the Council on . . . and answer to the charge of having, on 14th August instant, come, armed with a sword and baton and girt with a pair of pistols, to John Machan's dwelling-house for the purpose of taking his life, and, not finding him, having gone to the fields where the said John was putting his cattle in their folds, and meeting him on the way home, having struck him with the baton and then shot both pistolets at him, which by God's providence he escaped. Thereupon Captain Beatoun told him that though he missed him now he would be sure of him next time. The summons is dated at Edinburgh, 25th August, 1636, and signed JA. PRYMROIS.

26th August
1636.

Summons at
the instance of
the master of
*The White
Father of
Amsterdam.*

111. Summons at the instance of the King's Advocate, the master of the ship called the *Quhyte Father of Amsterdam*, and others, against their assailants, as narrated *ante*, p. 313; dated at Edinburgh, 26th August, 1636, and signed JA. PRYMROIS.

27th August
1636.

Note of
execution
of a summons
against John
Weir in
Gooseknowes
at the instance
of William
Carmichael.

112. Note of execution on 27th August, 1636, by John Hutson, messenger, of a summons at the instance of William Carmichell, against John Weir in Gousknowes, to compear before the Council on 7th September next [see *ante*, p. 316]. The said William was personally apprehended; witnesses, John Carmichell, son natural of the deceased Sir Heugh Carmichell of Wistoun, knight, Thomas Makquhat and Thomas Wolche, indwellers in Gousknowes. There is also a note of the finding.

Miscellaneous
Papers.

113. Note of two executions on 28th August, 1636, by Thomas Mowat, messenger, of a summons at the instance of Alexander Porteous and William Mowat, messengers in Edinburgh, and George [Th]omsone, mealmaker in Potterraw, against Michael Scot, chamberlain to the Earl of Buckleuch, at his dwelling-house in Crichtoun, where for many years he has had his actual residence in the dwelling-house of George Wilsoun there; witnesses, David Wricht, indweller in Cokpen, and John Johnstoun, indweller in Edinburgh; and against on the following day at the market cross of Edinburgh, charging him to compear before the Council on 7th September next; witnesses, the said John Johnstoun and John Hert, messenger; also (2) on 28th August, against Robert Craford, John Johnstoun, William Caldwell, Patrick Keene, James Schaw and John Hardie, as witnesses, all personally apprehended; witnesses, William Lindsay and John Johnstoun, indwellers in Edinburgh. [On the back there is a note of the evidence of several of the witnesses, but part is torn away.]

"Robert Craford, sworne, depons he wes at the taking of the rebel . . . and depons that he heard him say that he caired not for the king . . . raised the toun who all patt hands in the messengers and threat . . .

Johne Johnstoun, sworne, depons he heard Michael say . . . king and his laws a fart and anent the convocatioun . . .

William Caldwell, sworne, depons *conformis* anent the . . .

Patrik Keene, sworne, depons he saw the comp . . . and take the rebell; depons he heard the said . . . threaten to putt a sword in the messenger . . . *Probatur.*"

114. Summons at the instance of Mr James Burnet, minister at Jedburgh, and Andrew Kirkcoun of the Toure, for his interest, narrating that the said Andrew granted a tack of his mansion house, called the Towre, "within the yett of the same with the hail chambers, stables and others easements thair of," to the said Mr James, and put him, at least John Rutherford of Hunthill, in his name, in possession "be deliverie of the key of the great hous," as the said tack and an instrument of possession show. The said Mr James took the house "for the better accommodating himselfe to attend his charge at the kirk of Jedburgh," but Murray, spouse of John, Bishop of Caithnes, accompanied by Harie Wauchop, Thomas Miller, and others of the lieges to the number of , furnished with "pickes, gavelocks, great trees and forehammers and with diverse sorts of armour," at the instigation of the said bishop, came, on 29th August instant, "in a verie unseemlie and lawlesse maner to the said hous of the Tour and there in high and proud contempt of law and justice brake up the doore of the said towre, intruded thameselfes in the possessioun thair of and intrometted with the said Andrew his chartour kist, wherein his hail writts, evidents and others securities wer for the time, togidder with his trunckes, coffers,

28th August
1636.
Note of two
executions at
the instance of
Alexander
Porteous and
William
Mowat,
messengers in
Edinburgh,
against
Michael Scot,
chamberlain to
the Earl of
Buckleuch,
and others.
See ante, p. 611.

30th August
1636.
Summons at
the instance of
Mr James
Burnet,
minister at
Jedburgh, and
Andrew Kirk-
coun of the
Towre,
against the
spouse of
John, Bishop
of Caithnes,
for breaking
into a house
occupied by
the said James
and occupying
the same.

insicht and pleinshing being within the said hous, and as yitt keepes and deteanes the same. And, when as the said M^r James came to putt his plenishing in the hous, the said Murrey upbraided her [*sic*] with manie disgracefull and reproachefull speeches, saying that in despite of him and all his kin he sould not live at Jedburgh nor in that hous. And she hes fortified the said hous with victuall, powlder and leade, and intends, as appeares, to keepe the same as ane hous of warre and to debarre and seclude the said M^r James therefra." Charge is therefore given to summon the said persons to compear before the Council on and also as witnesses. The summons is dated at Edinburgh, 30th August, 1636, and signed JA. PRYMROIS.

August
1636.
Note of
execution of a
summons
against
William
Oswald and
others within
the burgh of
Jedburgh.

115. Note of execution on August, 1636, by Andrew Graden, messenger, of a summons against . . . Oswald, William Oswald, and Janet Strudgeoune, and the remanent kin and friends of . . . also . . . bailie, John Rutherford, notary, William Jerdane and Archibald Kirkpatrick, officers, . . . within the burgh of Jedburgh, to appear and find caution for compearing before the Justice and his deputes on 10th November next; witnesses, Nicol Broune, bailie; James Thomsoune, flesher; William Tait, saddler; . . . in Hedden; Andrew Davidsoune, merchant; and George Newtoun, all indwellers in Jedburgh.

29th August
and 1st
September
1636.
Note of
execution of
summons by
James Law,
mariner,
against
William
Simpson and
others.

116. Note of execution by John Tailyour, messenger, on 29th August and 1st September, 1636, of summons by James Law, mar[iner . . .], against . . . Crystison, William Symson, Alexander Symson, Marion Brown, widow of James Symson, Christian Mathison, . . . M^cKie, Margaret Richardson, spouse to David Pedie, Margaret Smyth there, Margaret Din, spouse to Thomas . . . , and their husbands for their interest, and George Lundy, clerk of Dysert, all personally apprehended, to compear before the Council on 7th September instant in the cause narrated *ante*, p. 314; witnesses, David . . . , James Robertsone in Dysart and Andrew Hutton, town officer there. At the foot " . . . Broun, sworne denyes all intromissioun . . . Margaret Smyth." On the back is a draft of the finding by the Lords.

29th August
to 6th Septem-
ber 1636.
Notes of
execution of
summons at
the instance of
the master of
*The White
Fether of
Amsterdam*
against various
parties in
Dumbarton.

117. Notes of executions of summons in the case of the Lord Advocate and the master of the ship called the *Quhyte Fether of Amsterdam* and others against the provost and inhabitants of Dumbartane, as narrated *ante*, p. 313, by James Mudy, messenger: (1) On 30th August, 1636, against Lachlan Pallmer, burgess of Dumbartane, personally apprehended within the burgh of Glasgow; witnesses, Walter Dowglass and John Simsowne, burgesses of Glasgow: (2) on 1st September, 1636, against Robert Watsoun, merchant burgess of Dumbartane, Patrick Makeane, cordiner there, William Nobill, treasurer of the said burgh, and John Gilkrist there, all personally apprehended, to each of

iscellaneous
apers.

whom he delivered a copy of the summons "except John Gilkrist, quha fled out of my hands, being personally with me upon the Hey Streit, [quha] wald nocht ressave the same bot ran with heid speid frome me to his bot; quhilk copie I returnit with and delyverit the samyne to his wyff within his dwelling hous"; also against George Hall and Walter Watsowne, bailies of Dumbartane, William Colquhowne there, Patrick Michell there, Patriek Baquhanan there, John Michell, sailor there, and Humphrey Colquhowne, all at their dwelling-houses, to all of which he got entry, and after declaring the cause of his coming thither he left and affixed a copy of the summons upon the most patent door of each house; and thereafter he passed immediately to the market cross of the said burgh and charged these seven persons last named; witnesses, Thomas Pirrie, indweller in Glasgow, and Patrick Jonstowne, son of Archibald Jonstowne in Kilpatrick: (3) on 29th August, 1636, against David Maclay, "garitour in the castell of Dumbartane," personally apprehended within the burgh of Glasgow; witnesses, John Hamiltoun, one of the ordinary officers of Glasgow, and John Mudy, son of the messenger: (4) on 1st September, 1636, against Robert Allane, merchant burgess of Dumbartane, Robert Glen, messenger there, James Sempill, maltman there, James Lyndsay, one of the ordinary officers of that burgh, and Alexander Watsowne in Greinock, all personally apprehended within the town of Dumbartane; witnesses, the said Thomas Pirrie and John Jonstowne: (5) on 3rd September, 1636, against John Watsowne, son of Andrew Watsowne in Holl, and James Baquhanan, servitor to John Maxwell, skinner, burgess of Glasgow, both personally apprehended, to each of whom he delivered a copy of the summons, but the said John Watsowne "ruf his copie in the middis of the . . . without regaird or feir of his Hienes auctoritie in grit contempt; witnesses, the said Thomas Pirre, Robert Allane. merchant burgess of Dumbartane, William Rid, weaver, and John Cullane in Glasgow: (6) on 2nd September, 1636, against James Crawford, sailor in Greinock, son of the deceased James Crawford of Flatertowne, at his house in Greinock, where he left a copy of the summons; and thereafter he passed to Dumbartane to the dwelling-house of James Watsowne, called Golding Hodock, who is one of the masters with whom the said James sails, and left another copy, as he could not find the said James; and then he passed to the market cross of Renfrew, and cited him there; witnesses, at the dwelling-house in Greinock, "Thomas Pirrie and the said James Crawford"; at James Watsowne's house, Robert Allane there and Thomas Pirrie, indweller in Glasgow; and at the said market cross, Thomas Pirrie, David Corsby, servitor to John Findi, burgess there, and Ninian Robisowne, indweller there: and (7) on 6th September, 1636, by Hew Lauder, messenger, against Mr James Campbell, [servitour to] the Laird of Ardkinglas, personally apprehended, to be a witness in the case; witnesses, John Niccoll, elder, and John Niccoll, younger, writers in . . .

1st September
1636.

Notes of three
executions at
the instance of
Mr James
Burnet,
minister at
Jedburgh, and
Andrew Kirk-
toun of the
Tour, against
Isabel Murray,
spouse of
John, Bishop
of Caithness,
and others.

118. Notes of three executions on 1st September, 1636, by William Rutherfurd, messenger, of a summons at the instance of Mr James Burnet, minister at Jedburgh, and Andrew Kirktoun of the Tour, against Isobel Murray, spouse to John, Bishop of Caithnes, and Harry Wauchope and Millar, servants to John, Bishop of Caithnes, all personally apprehended within the dwelling place of the said bishop, to compear before the Council at Edinburgh on 7th September instant; witnesses, Thomas Kirktoun, lawful son of Alexander Kirktoun, late provost of Jedburgh, Mr John Scot, indweller there, William Broune, wright, burgess there, and George Oswald, writer in Jedburgh; (2) against Andrew Rutherfurd of Hundaley, Adam Ainslie, William . . . oune, maltman, James Haswell, chirurgion, burgess of Jedburgh, George Bell, smith, Robert Stevinsoune, Andro Rutherfurd, . . . mes Wright, lorimers, burgesses there, and George Oswald, writer, all personally apprehended, to compear as witnesses in the cause; witnesses, Mr Harie Elliot, schoolmaster at Jedburgh, . . . Broun, wright, Thomas Broun, lorimer, and Robert Langland, servant to the goodman of Bur; and (3) against John, Bishop of Caithnes, at his dwelling-house; witnesses, the foresaid Thomas Kirktoun, Mr John Scot, William Broun, and George Oswald; and thereafter at the market cross of Jedburgh; witnesses, the said George Oswald, Charles Clerk in Lawder and several others.

Miscellaneous
Papers.

1st September
1636.

Summons at
the instance of
Mr William
Cockburn of
Vogrie, as
factor for
John Logan of
Humbie,
against Mr
Robert Lawson
of Kirkland.

119. Summons at the instance of Mr William Cockburne of Vogrie, as commissioner and factor for John Lawson of Humbie, who is presently out of the country, narrating that the said John Lawsoun, being desirous that his living should be applied for the relief of his debts, authorised the complainer to uplift the rents of his lands and teinds of Humbie, Wansodie, Hartsak and Gilkerstoun, with the mill and mill lands thereof, also his lands in Over Keith, Duddingstoun and Fickett, with the whole parts and pendicles thereof, and his lands within the Old Provest's Close of the burgh of Edinburgh, by his factory, dated 13th March last, which was duly registered and published at all places needful. Further, the said John before his departure wrote missive letters to his servants in the place of Humbie, ordaining them to deliver the whole plenishing within the same and the keys thereof to the complainer's wife, who accordingly received the same; but as the servants who dwelt in the office houses within the outer gate could not be removed till the term, she permitted them to remain till then. But, as soon as Mr Robert Lawsoun of Kirkland learned about the factory, he, grudging thereat, resolved to make it null and void; and to this end he first took possession of the said office houses of the place of Humbie and placed therein James Rysse in Mussilburgh and Thomas Idington, with five or six others, and possessed himself also of the key of the outer [gate], and ever since he has debarred the complainer from the place whereof his wife received the keys and from the use of the

**Miscellaneous
papers.**

victuals therein, which are now spoiled. He has also been forced to maintain the necessary servants about the house at great expense. Moreover, the persons living in the office house kill numbers of sheep, veal and other beasts belonging to the complainer as factor, and cut and destroy the woods, while the said Mr Robert himself has cut the corns, and meddled with the wool and other things, whereby the complainer must pay the minister's stipend. The said Mr Robert thus makes the complainer's factory void and null, and appropriating the gentleman's estate, misspends and wastes it. Charge is therefore given to summon the persons above complained upon to compear before the Council on . . . The summons is dated at Edinburgh, 1st September, 1636, and signed JA. PRYMROIS.

120. Note of execution by William Heich, messenger, on Sep- c. 1st Septem-
tember, 1636, against Captain Alexander Bethune, first at his . . . ber 1636.
Miln of Muirhous, where he left a copy of the summons, and then execution
instantly meeting him, he informed him that he had done so. He is to against
appear before the Council on 7th September instant; witnesses, Mr Captain
James . . . Muirhous, and Andrew Cruschank there. Alexander
Bethune.

121. Note of execution by John Richartsone, messenger, on 2nd 2nd September
September, 1636, of a summons at the instance of Sir James Nicolson 1636.
of Colbrandispeth against Mr Patrick Hamiltoun, minister at Innerweik, Note of
John Arnot, younger [of] Colbrandispeth, William Quhytheid there, James execution of a
Quhytheid elder there, William Rouchheid there, Robert Gray there, summons at
David Quhytheid, younger there, James Haitlie there, Robert Pennangs the instance of
in Colbrandispeth Tower, Robert Ellem there, John Bell . . . Sir James
all personally apprehended, to appear as witnesses before the Council; Nicolson of
witnesses, William Craw in West Restoun, Robert Sibbet and Alexander Cockburnspath
Logane, servants to the said Sir James, and others. against Mr
Patrick
Hamilton,
minister at
Innerwick, and
others to
appear as
witnesses.

122. Notes of executions of a summons at the instance of Mr 2nd and 3rd
William Cockburne of Vogrie by Robert Pentland, messenger: (1) On September
2nd September, 1636, against John Crilis, wright in Randerstoun, 1636.
Alexander Wood in Humbie, Andrew Greive, herd there, Thomas Notes of
[I]dington there, also John Kyll, servitor to John Lawsone of Humbie, execution of a
all personally apprehended, and against Mr Robert Lawsone of Kirkland summons at
at his dwelling place [the messenger was informed that he lay that night the instance of
at the place of Humbie], to compear before the Council; witnesses, Mr Mr William
John Cockburne, minister at Humbie, Richard and John Skirving, and Cockburn of
Alexander Pentland, son of the messenger: (2) on 3rd September, 1636, Vogrie
against James Ryssie, personally apprehended; witnesses, the foresaid against John
John Kyll and Alexander Pentland: and (3) on 3rd September, 1636, Crilis, wright
by Thomas Allane, messenger, against the said Mr Robert Lawsone at in Randers-
the market cross of Edinburgh, and again on the 4th at the dwelling- toun and
house of Sir George Cockburne of Ormistoun, where he was informed he others.

had his actual residence; witnesses, James Grahame and James Bissat (?), Miscellaneous
Papers.
messenger in Edinburgh.

2nd September 1636. 123. Summons directed to James Hamyltoun, messenger, at the instance of Sir John Auchinmowtie of Gosfurd, sheriff principal of Hadintoun, narrating that one Thomas Hendrie was committed to prison in the tolbooth of Hadintoun for theft, and upon his confession the Lords of Council granted commission to the said sheriff and his deputies, and to the provost and bailies of Hadintoun, or any three of them, the said sheriff and provost being two, to put the thief to the knowledge of an assise. Accordingly the sheriff caused present the commission to the provost and also caused an assise to be summoned, which he intimated to the provost; and this day the sheriff, assise and pursuer all attending to proceed and the provost being in the town, yet he, though often desired to go on in the service, very proudly refused and absented himself, so that the commission became void and the diet deserted. Now, since that time the party who should have sworn the indictment is dead. However, the sheriff, charitably viewing the matter to be an oversight rather than a wilful contempt, sent George Pringle, his depute, on August last to the provost and desired him to appoint whatever day he pleased for the trial of the said thief, and he would keep it, but the said provost disdainfully refused to keep any diet with the said sheriff. Charge is therefore given to summon the provost to compare before the Lords of Council on . . . The summons is dated at Edinburgh, 2nd September, 1636, and signed JA. PRYMROIS.

4th September 1636. 124. Note of execution by James Hamyltoun, messenger, on 4th September, 1636, of a summons at the instance of Sir John Auchinmowtie, principal sheriff of Hadingtoun, against John Cockburne, provost of Hadingtoun, personally apprehended; witnesses, John Strauchane and Rychard Gotherie, two of the town officers of Hadingtoun.

5th September 1636. 125. Summons (much mutilated) at the instance of James . . . and . . . Nevin, messenger there, narrating that on 3rd . . . they had been executing letters of poynding at the instance of . . . "Achesoune, merchant burges of Edinburgh, to his dwelling house . . . chandler, with some plaitts, baissines and other plenishing for paym[ent] . . .] or ever he was awar Jeane Halyburtoun, relict of umquhill . . . So . . . Margaret Johnnestoun, spous to Alexander Johnnestoun, violer . . . to the number of . . . upon the said messenger, reft the goods frome him, strake, hurt and . . . of his bodie, rugged the haire out of his beard, pulled the . . . perforce over the stance." Charge is given for citing these persons before the Council on 17th November next, and also William Hendrie, writer in Edinburgh, William Fraser, burges there, and William

ellaneous . . . officer of the said burgh, as witnesses. The summons is dated
at Edinburgh, 5th September, 1636, and signed JA. PRYMROIS.

126. Notes of execution of a summons (1) by John Thomsone, messenger, at the market cross of the burgh of Hadingtoun, against Mr Robert Lawsoun; witnesses, Robert Smythe, merchant, and George Barnes, skinner, burges of Hadingtoun; and (2) by Thomas Allane, messenger, on 6th September, 1636, against Alexander Wode in Humbie. Thomas Bruntoun there, Andrew Greve, herd there, John Wilsoun in Edinburgh, and John Kyle, all personally apprehended; witnesses, William Lindesay and John Broun, indwellers in Edinburgh.

5th-6th
September
1636.
Notes of
execution of
a summons
against Mr
Robert Lawson
and others at
the market
cross of
Haddington.

127. Supplication by Walter Rollock, merchant burges of Edinburgh, as follows:—He has been for the past fourteen days warded in the tolbooth of Edinburgh at the instance of William Dick of Braid and John Monro, his servant, for a debt of £80, and he is like to starve, having nothing whereupon to support himself and his family. If he were liberated, he might take some course for satisfying the debt, and he therefore craves that his incarcerators be summoned to this end. [On the back] "*Apud Edinburgh, sexto Septembris, 1636. Fiat ut petitur.* S. Thomas Hope." Also note of execution on 7th September, 1636, by John Douglas, macer, against William Dick and John Monroe, at their dwelling-houses, to compear before the Council on at 9 o'clock in the forenoon; witnesses, John Douglas in Santlenards.

6th September
1636.
Supplication
by Walter
Rollock,
merchant
burgess of
Edinburgh,
that he may
be freed from
ward that he
may satisfy
his creditors.

128. Supplication by John Ireland, barber in the Cannogait, and John Mabie, his servant, as follows:—They have been for the past five or six years and still are most [troubled] by the barbers of Edinburgh on every occasion when they are employed by any gentleman in the exercise of their vocation. About five years ago the said John dressed the Laird of Bla . . . and "having sent home my baissine, linnen cloathes, brusche, pinsers and . . . with one of Sir Harie Bruce his servants, Androw Broun, one of the . . . upon the Hie Streit and tooke the baissine and uther furniture foresaid . . . the same. And now latelie upon the last of August bygane . . . servant, after he had dressed M^r Harie Fowllis, advocat, and . . . balls frome M^r James Scot, being comming down the Hie Streit . . . persons underwritin [prentises and servants to the barbouris following¹], John Pringill, deacone, George Kirkhope, his servand, David Pringill, Hector McCley and Alexander Wilsone, his . . . [at the instigation of thair saids masters¹], fiercelie entered upon my said servant, patt violent hands . . . buffeted and strake him with thair falded neiffes upon his head and face, drew thair . . . strake out diverse strokes at him therewith, rave all his cloathes, tooke all the washing . . . with ane baissine, twa linnen clothes, with some pinsers,

6th September
1636.
Supplication
by John
Ireland,
barber in the
Canongate,
for a summons
against certain
barbers of the
burgh of
Edinburgh,
who have
violently
interfered with
him in the
transaction of
his business.

¹ Deleted.

rasours, sheares and other dressing . . . , quhilk they yitt keepe and deteane, and had not failed to have slaine my said servant if some . . . had not gathered for his releefe, of whome some wer wounded to the effusion of thair blood." He craves that these persons may be summoned to bring his dressing instruments with them and to be punished for their insolence, committed so near to their Lordships' residence. [On the back] "*Apud* Edinburgh, *sexto Septembris*, 1636. *Fiat ut petitur*. Traquaire." Also note of execution on that day by John Douglas, macer, against the said John Pringall, deacon of the barbers, and George Kirkupe, his servant, both personally; David Pringall, barber, at his dwelling-house, and Hector Makklene and Alexander Wilsone, his servants, personally apprehended, to compear before the Council on Wednesday next, the 7th instant, at 9 o'clock in the forenoon; witness, John Douglas in Santlenards. Miscellaneous Papers.

6th September
1636.

Supplication
by Mr
William
Oliphant of
Kirkhill,
advocate, that
he may be
freed from
ward to
arrange his
affairs and
satisfy his
creditors.

129. Supplication by Mr William Oliphant of Kirkhill, one of the advocates before the Lords of Council and Session, as follows:—Their Lordships know that he has burdened his lands with the sum of £50,000 for the payment of debts and cautionries, and his creditors have claimed more than is due, concerning which he has actions before the session. He has also given security for payment of what is due to the heirs and executors of the deceased Sir Alexander Hay of Frosterseate, viz., to Alexander Hay, his son and heir, and Helen, Anna and Elizabeth Hay, his sisters, for the right which they have against the Earl of Merschell's lands of Middilasches, in terms of the contract between their said late father and the supplicant, the condition of which they have not fulfilled and can not fulfil, so that he is not bound to fulfil his to them. Yet, though they know that he is to sell his lands at Whitsunday, 1637, if he is unable to pay his debts before then, when they also would receive payment of any claim they have in terms of their inhibition against him, and though he has no aim but to secure the best value he can for his lands, "and to virk ane coill for lying down quhair of tuentie thowsand . . . lderis gois farther for thair elding symmer and wynter fyve mylis, quhilkis deidis vill rander me moir abill for thair satisfioun at Witson[day]", 1637, yet the ignorance of these persons is so great and the malice of others so keen, who wish to secure his lands within their value, that they will have him detained in ward and so rendered unable to clear himself, to his "outter vrack and rewing." He therefore craves that these persons may be summoned to see him liberated upon the terms of caution abovenoted and in terms of their Lordships' ordinance upon the said Alexander Hay's supplication. [On the back] "*Apud* Edinburgh, 6 *Septembris*, 1636. *Fiat summonitio ut petitur* to the day of . . . Da. Edenb." Also note of execution on the same day by John Gellie, messenger, against the said Alexander, Helen, Anna and Elizabeth Hay, lawful children of the deceased Sir Alexander Hay of Fosterseat, at their dwelling places in Edinburgh, viz., at Mr Robert

miscellaneous
pers.

Lermounth and Mr Archibald Johnestoun, advocates, their dwelling-houses, where they make their residence for the time, and also against them and their tutors and curators at the market cross of Edinburgh on the same day ; witnesses, John Henrie in Kirimure and Robert Leslie, indweller in Edinburgh.

130. Supplication by Nans Haddock, as follows :—She is a prisoner within the tolbooth of Edinburgh, and has lain there over a year, at the instance of Bessie McKie, widow, in Edinburgh, Bessie Ballintyne, her daughter, widow there, David Dalrymple, wright, burgess of Edinburgh, and Janet Robertstone, his spouse, to whom she served as taverner under them, for £18, which it is alleged she owes to the said Bessie McKie and her said daughter, and a dollar alleged due by her to the said “ Andro ” and his spouse for drink sold by her under them. She declares she gave all she had to her said mistress for satisfying several desperate debts, but, not content therewith, they keep her in prison thus for such a fearful time for so small a debt which she cannot pay, “ being ane puire serving woman, of puire kyn and borne out of this countrie of Lowthiane.” She is daily in fear of perishing from starvation, and had long since lost her life if the servants in the tolbooth had not taken pity upon her. She obtained a decree of *cessio bonorum* against them on last, but has ever since been a starving prisoner. They should either maintain her or liberate her. She craves they may be summoned. On the back there is a note of execution of summons by Hew Lauder, messenger, on 6th September, 1636, against Bessie Bellenden, Bessie McKie, her daughter [*sic*], Andro Dalrimpill and Janet Robertson, all personally apprehended, to compare before the Council on ; witnesses, James Leslie, messenger, and Alexander Mekill in Edinburgh.

c. 6th September 1636.

Supplication by Nans Haddock that she may be freed from ward in the Tolbooth of Edinburgh, where she has lain for more than a year, unsupported by her creditors.

131. Extract of Act of Council in the action by James Law in Dysert against certain persons there, as narrated *ante*, p. 314 ; signed JACOBUS PRYMROIS. But it is scored and interlined as if it were only a draft.

7th September 1636.

James Law in Dysert.

132. Supplication by George [Leslie of that Ilk] referring to the proceedings of their Lordships on 31st July last respecting Sir Alexander Gordon of Cluny and others, and craving their protection also until the last day of November, because, if they do not then pay, he will be “ brocht in ane wonderfull hard straitt ” thereby. [On the back] “ *Apud* Edinburgh, 7th *Septembris*, 1636. *Fiat protectio* till the last Counsell day of November nixt. Sanctandrows, I.P.D.”

7th September 1636.

Supplication by George Leslie of that Ilk for protection.

133. Supplication by the gentlemen and other inhabitants and parishioners of the parish of Dennie, as narrated *ante*, p. 318. [On the back] “ *Apud* Edinburgh, 8 *Septembris*, 1636,” with copy of the finding of the Lords, signed Sanctandrows, I.P.D.

8th September 1636.

Supplication from the parish of Denny.

- 8th September 1636. David Aikinhead, provost of Edinburgh, against John Gordon of Innermarkie. 134. Supplication by David Aikinheid, provost of Edinburgh, against John Gordoun of Innermarkie, as narrated *ante*, p. 319. [On the back] "*Apud* Edinburgh, octavo Septembris, 1636. *Fiat ut petitur*. Sanctandrows, I.P.D." ; and scroll of finding. Miscellaneous Papers
- 8th September 1636. Peter Anderson, keeper of the Chapel Royal, against Patrick Meldrum of Iden. 135. Supplication by Peter Andersone, keeper of his Majesty's Chapel Royal, against Patrick Meldrum of Iden, as narrated *ante*, p. 320. [On the back] "*Apud* Edinburgh, 8^o Septembris, 1636. *Fiat ut petitur*. Sanctandrows, I.P.D." Also scroll of the finding thereupon.
- 8th September 1636. Caution by James, son of the deceased Mr John Dawline, advocate, that Thomas Dawline, his brother, will keep the peace with Alexander Hay, indweller in Leith, and with the skippers and mariners in the said burgh. 136. Draft of an act of caution by James, son of the deceased Mr John Dauline, advocate, that Thomas Dauline, his brother, will keep the peace with Alexander Hay, indweller in Leith, and with the skippers and mariners in Leith, under the penalty of 3000 merks. On the other side of the paper is the scroll of an Act of Council, dated at Edinburgh, 13th December, 1636, printed *ante*, p. 351, but containing the reasons of the act, not there given, viz., that his Majesty, "out of his pious and princelie regard of the weele of the hospitall of Leith, quhilk apperteaneth to the skippers and mariners, hes recomendit to the Lords of his Majesties Privie Counsell to enforme thameselfes anent the estate of the said hospitall and to prescrive and sett down some goode ordoure towcheing the government thair of and of the rentis and revenewis of the same in tyme comeing," but that the necessity of other weighty affairs will not permit the whole Council to attend the business.
- Edinburgh, 8th September 1636. Decreet anent the Hospital of Leith. 137. "At Edinburgh, the aucht day of September, j^mvj^oxxxvj yeeres. Forsamekle as the Lords of Secreit Counsell, be thair decreit and sentence of the dait the thrid day of August last bypast, susteanned the decreit arbitrall givin and pronounced be Mr Johne Elphinstoun in Leith, Alexander Hay, resident there, James Johnnestoun, maltman there, Johne Lookup, skipper there, and David Robertstone, skipper thair, as judges, arbiters and amicable compositors commounlie, mutuallie, neutrallie and indifferentlie nominat, elected and chosin be vertew of the submission made and subscryved betuix Violet Dawline, relict of umquhill James Home, skipper in Leith, for her selfe and as she is designed and nominat in the said submission and takand the burdein in and upon her for the persons particularlie and severallie therein conteanit, on the ane part, and David Logane, skipper in Leith, for him selfe and in name and behalfe of the persons and in maner as he is designed in the said submission, on the other part, anent the hail maters, contraverseis, questions, actions, clames and others particularlie and generallie mentiouned in the said submission, as the same submission, bearing dait the nynt, ellevis and twelffe dayes of May, 1635, and registrat in the bookes of Privie Counsell upon the thrid day of August the yeere foresaid beirs; lykeas the saids Lords by thair decreit foresaid ordained the said decreit arbitrall and letters raised thereupon to be putt to forder execution aganis

Miscellaneous
Papers.

the said Violet Dawline and Thomas Dawline, her brother, sone and cautioner for her, for payment to the hospitall of Leith of the soume of twentie sevin thowsand twa hundreth merkes, with the annuelrent thair of, for the causes mentiouned in thair said decreit as the same at Leith beirs; and now the saids Lords, upon diverse considerable grounds importing the weale of the said hospitall, having takin thair said decreit to thair consideration and conceaving that diverse questions and doubts may result and be moved thereupon quhilks will hald the said hospitall in a needlesse processe and plea and by time will exhaust a great part of the moneyes decerned in thair favors be the said decreit arbitrall, and the saids Lords, being carefull of the weale of the said hospitall, and that they sall not be drawin to needlesse processe and unnecessar expenses in law bot that the moneyes now to be decerned in thair favors sall be weill secured unto thame by sufficient and responsall cautioners who sall undertake the tymous and thankfull payment of the saids soumes now to be decerned, the saids Lords for this effect hes modified and retrinched and be the tennor of this present act modifeis and retrinches the said soume of twentie sevin thowsand twa hundreth merkes and annuelrents thair of to the soume of xx^m merkes, quhilk soume of xx^m merkes the saids Lords decerns and ordains the said Violet Dawline and Thomas Dawline, her cautioner, thankfullie to content, pay and deliver to the maisters of the said hospitall of Leith in name and behalfe of the hospitall and poore thair of preceislie at the feast and terme of Martimes nixt come but forder delay or continuatioun; and the saids Lords declares that the saids maisters of the hospitall sall be obleist to imploy the soume foresaid of xx^m merkes and annuelrent on good and weill haldin bands be the sight and advice of the Bishop of Edinburgh and his successors and of the ministers of Leith present and thair successors. And for the better assurance of the tymous and thankfull payment of this soume of xx^m merkes to the said hospitall preceislie at the feast and terme of Martimes foresaid, compeired personallie the saids Violet and Thomas Dawlines and James Dawline, brother to the said Thomas, as principallis, and Gilbert Neilsons of Craigcaffie, M^r Johne Gilmore, advocat, as cautioneris and souerteis of the saids Violet, Thomas and James Dawlines, and band and obleist thame and thair airs and executouris, conjunctlie and severallie, to make good, thankfull and tymous payment of the said soume of xx^m merkes to the saids maisteris of the hospitall of Leith in name and behalfe and to the use of the said hospitall, haill and togidder, in one soume preceislie at the said feast and terme of Martimes nixt but forder delay; and the saids Violet, Thomas and James Dawlines, being personallie present, as said is, obleist thame and thair airs to warrand, releeve and skaithlesse keepe the saids Gilbert Neilsons and M^r Johne Gilmore, thair airs and executouris, of thair said cautionerie, and of all pane, skaith, danger and expenses that they or anie of thame sall happin to susteane therethrow. Lykeas the saids Violet and Thomas Dawlines obleist thame and thair

airs to warrand, relevee and skaithlesse keepe the said James Dawline and his airs and executouris of his said cautionerie, and of all pane, skaith and danger that he or they may incurre therethrow. And the saids Lords declares that if the saids Thomas and Violet Dawlines sall failie in payment of the said soume of xx^m merkes preceislie at the said feast and terme of Martimes nixtocome that than and in that caise they sall not onelie be lyable to the payment of the said haille soume of xxvij^m^{ij}^c merkes, bot also of the haille annuelrent thair of, ay and quhill the same be reallie payed¹; quhilk soume of twentie thowsand merkes, being trewlie and tymouslie payed at the said feast and terme of Martimes nixt, the saids Lords declares that the saids Thomas and Violet Dawlines sall be free, exonered and releved. Lykeas the saids Lords, in caise of thankfull payment of the said soume, as said is, exoners, freeths and releeves the saids Violet and Thomas Dawlines of all actions, criminall and civil, that may be moved, intentit or persewed aganis thame or either of thame for thair intromission with the moneyes belonging to the said hospitall and of all that may follow and result thereupon, and declares thame lykewayes to be free, exonered and releved of all actions that may be moved, intentit or persewed aganis thame by the airs and executouris of the said umquhille James Home for thair said intromission or anie other thinge depending thereupon and quhairby processe may be moved aganis thame. And siclyke the saids Lords finds and declares that the saids Violet and Thomas Dawlines hes and sall have good right to quhatsomever bands and obligatiouns made to the said umquhill James Home conceaved in his owne name or in his name to the behove of the said hospitall of Leith; and siclyke finds and declares that the band of a thowsand merkes grantit be Sir Johne Seaton of S^t Germans to David Robertstone, skipper in Leith, with the haille soumes of money found in the coffer quhairin the writts of the said hospitall wer kepted after the deceasse of the said umquhill James Home, lykewayes pertains to the saidis Thomas and Violet Dawline and that they have the undoubted right to the same, and that notwithstanding of quhatsomever assignatiouns or declaratiouns made be the said umquhill James Home to or in favors of the said hospitall concerning the saids bands and soumes of money or anie part thair of; and for thair forder securitie, ordains the said hospitall of Leith to assigne, transferre and dispon all right title quhilk they may have or pretend to the saids bands and soumes of money therein conteanit in favors of the saids Violet and Thomas Dawlines with warrandice frome thair awne deids allanerlie, and als decerns the said hospitall to discharge the saids Thomas and Violet Dawlines of the band and ticket made be the said umquhill James Home and found within the hospitall kist after his deceasse, quhairby he grantit him to have borrowed frome the said hospitall of Leith the soume of ane thowsand merkes. And siclyke the saids Lords decerns the said Thomas Dawline to find caution and souertie actit in the bookes of Secretit

Miscellaneous
Papers

¹ Against this sentence there is written in the margin "This is absurd."

miscellaneous
papers.

Counsell for keeping his Majesteis peace with Alexander Hay in Leith and the skippers in Leith, under the pane of iij^m merkes. Lykeas the said James Dawline, compeirand personallie before the saids Lords, actit and obleist him and his airs as cautioner and souertie for the said Thomas, his brother, to the effect foresaid, under the said pane of iij^m merkes, and the said Thomas obleist him and his airs to releve his said brother; and the saids Lords ordains his Majesteis Advocat to extend this decreit for the weale of both parteis and to provide for thair securitie in what they ar to performe to others.

Thomas and Violet Dawlines clames ane assignatioun to be made to thame of ane band of j^m merkes addebted be Sir Johne Seaton of St Germans and his cautioneris, and deliverie of vj^c merkes found in the kist.

As alsua they clame assignatiouns to be made to thame of all bands belonging to the hospitall conceaved in whatsoever persons."

138. Another but less full scroll of the immediately preceding
decreet of this date in the Leith Hospital case.

8th September
1636.

Decreet anent
the same.

139. Paper of jottings of the principal contents of the foresaid
decreet anent the Hospital of Leith.

8th September
1636.

Anent the
same.

140. *Curia Justiciaria supremi domini nostri regis tenta in pretorio burgi de Hadingtoun per honorabiles et prudentes viros, Dominum Joannem Auchmouttie de Gosfurde, militem, vicecomitem principalem vicecomitatus de Edinburgh infra constabulariam de Hadingtoun, Joannem Cokburne, prefectum burgi de Hadingtoun, Magistrum Joannem Oliphant et Georgium Pringill, vicecomites deputatos dictæ constabulariæ, justiciarios dicti supremi domini nostri regis in hac parte specialiter constitutos virtute commissionis dicti supremi domini nostri regis ad effectum subscriptum, 24 die mensis Septembris anno Domini 1636. Curia affirmata.*

24th September
1636.

"The quhilk day, after the production and reiding of our soverane lordis letteris of commission gevin under his Hienes caschet signet and subscriyveit be the Archbischope of Sanctandrois, High Chancellour of Scotland, the Archbischope of Glasgaw, the Erle of Hadingtoun, the Erle of Marre, the Erle of Wintoun, the Erle of Anandaill and the Erle of Dumfreis of the dait at Edinburgh, the twenty and ane day of July, and of our soverane lordis reigne the twelft yeir, 1636, makand and constitutand the shireff of Hadingtoun and his deputis and the provest and baillies of Hadingtoun, or any thrie of them, the shireff and provest being alwayis tua, our soverane lordis justices in that pairt to the effect underwrittin, giveand, granteand and committand to them our soverane lordis full power and commission, expresse bidding and charge, court or courtis of justitiary at quhatsumevir place and upon quhatsumevir dayis lawfull and convenient to set, begin, affixe, affirme, hold and continew; suittis to mak be callit, absentis to amerchiat, unlawis, amerchiamendis

Report of the
trial of Thomas
Henry in
Eaglescairn
for sheep-
stealing by the
Justiciary
Court held at
Haddington.

and escheittis of the saidis courtis to ask, lift and raise, and for the same, if neid beis, to poynd and distrenzie, and in the same courtis Thomas Henry in Eglischcarno, a comoun and notorious theif, to call, be dittay to accuse and him to the knowledge of ane assise to put, and as he sall be found culpable or innocent of the saidis crymes to cause justice be ministrat upon him conforme to the lawis of this realme; assyses neidfull for this effect, ilk persone under the paine of fourty poundis, to summond, wairne, choose and cause be sworne; clerkis, servantis, dempstaris and all uther officiaris and members of court neidfull to mak, creat, substitute and ordaine, for quhom the saidis justices sall be halden to answer; and generallie all and sundrie uther thingis to doe, use and exerce quhilkis to the execution of the said commission is requisit and necessar; firme and stable halding, etc. The saidis justices be vertew thairof maide, creat and ordanit Mr George Gray, toun clerk of Hadingtoun, thair clerk; Jhone Tait, thair officiar; and William Sinclair, thair dempster, ay and quhill they be dischargit; quha being personallie present and acceptand the said offices in and upon them, gave thair aithis *pro fidei administratione*.

The samein day the said Thomas Henry in Eglischcarno being of befor tane, apprehendit and deliverit to the saidis justices, wairdit, deteanit and keipit in sure waird and firmance within the tolbuith of the said burgh for certane thiftis, stowthis and resettis of thift alledgit committed be him, enterit in pannell [within] the bose window of the said tolbuith to be accusit for the saidis crymes and to abyde the tryall of ane assise thairanent conforme to the tenour of the said commissioun; [and], being enquiryt if he had or desired to have any to speik for him, answerit nane. [And] thairfor the saidis justices pat him to the tryall of ane assise, and the names of the persones assisouris after nameit being callit and red to him, and he inquiryt if he had anything to say against any of them quhy they aucht not to pas upon his assise, affirmed he wald set nor declyne nane of them, they being to his knowledge all honest men.

ASSISE:—George Hud in Saltoun; Jhone Hud in Waderlie; James Diksone in Carfra; James James in Crauchemyln; William Greive in Mylneknow; James Achesone in Skarhill; William Quhytlaw in Nungait beside Hadingtoun; Robert Dawny thair; Jhone Davisone thair; James Patersone thair; Robert Simsone thair; Duncane Nory thair; Alexander Todrig thair; Jhone Spottiswood thair; Patrik Keringtoun thair: *jurati et admissi*.

The samein day compeirit personallie in judgement Jhone Wilkie, procurator fiscall to our soverane lord for his Hienes enteres, and produceit the indittay following:—

Thomas Henry, ye ar indyttit and accusit for the thifteous steilling and away taking under clude of night fra umquhill William Turnour in Seggiehauch upon the 12 day of July last or thairby out of the lair, quhair the said William his scheip did ly, ane of the best and fattest of

the said umquhill William his toope scheip, in taikin quhairof the samen was fund, at leist the flesch thairof, be the said umquhill William within your house quhair ye dwelt at Eglischcarno within ane hole under the eard at the firesyde thairof, quhilk ye have alreddie confest and cannot deny.

Item. Ye ar accusit and indyttit for the thifteous steilling and away taking under clude of night upon the first day of July last bypast or thairby fra William Sandersone in Myresyde out of the lair, quhair the said William his scheip did ly for the tyme, ane of his best toope scheip, in taikin quhairof ye did eat the samen within your said hous with utheris your complices, quhilk ye have alreddie confest and cannot deny.

Item. Ye ar indyttit and accusit for the thifteous steilling and away taking under clude of night fra Andro Yule in Braidwoodsye upon the twenty day of June last bypast or thairby out of the lair, quhair the said Andro his scheip did ly for the tyme, of ane wedder scheip and ane yew scheip, in taiken quhairof the said Andro Yule the tyme of your apprehensioun and bringing to this goale fand the skynnes thairof in your hous forsaid and took home the samen to his awin house, and quhilk ye cannot deny.

Item. Ye ar accusit and indyttit for the thifteous steilling and away taking, at leist of being airt, pairt, red, wit and counsell and out hounding, or at leist of resetting of aucht scheip stollen be yow and ane Mungo Scot, a commoun and notorious theif, out of ane certane place knawin to yow in Hereot Moore or thairabout, in taiken quhairof ye ressavet, as ye alledgit, the samen fra the said Mungo at Aikysyde furde and brocht and drave them to William Wait in Schireffsyde and deliverit them to him to be pasturit till ye sould seik them bak againe and pay to him the sowme of twenty poundis addettit be yow to him; and siklik ye markit them with your awin mark be cutting away thair lugges fra them that ther former markis sould not be knawen, quha war markit of befor at the rute of ther lugges; quhilk ye have alreddie confessit and cannot deny.

Item. Ye ar indyttit and accusit for outfang thift and infang thift and daylie commerce and traffik with commoun and notorious thieves and for daylie and continuall resett of thift, and speciallie of being airt and pairt and resetter of the thiftis committit be the said Mungo Scot thir syndrie yeiris bygane. In taiken quhairof the said Mungo, since ye war apprehendit and wairdit within this waird, did bring to your hous ane broun meare stollen out of Bervik boundis be him, togidder with ane laid of salt and some new slane muttoun for provision of your laidner and his against the approaching winter. In taiken quhairof the said meare, salt and muttoun war deprehendit in your said hous be the said Andro Yule in Braidwoodsye and certane wtheris your neigbouris, the said Mungo having himself hardlie escapit, quhilk ye cannot deny.—Chancellour James Achesone.

The haill assise as in ane voyce be the mouth of James Achesone, chancellour, fyles the said Thomas and findis him guyltie of the steilling

of the said umquhill William Turnour his tupe scheip, and of the said William Sandersone his tupe scheip, and of the reset of the said aucht scheip stollen be Mungo Scot out of Hereot Mure and reset be him and markit in maner forsaid in respect of his awin confessioun thairof, and clenges him of the said Andro Yule his weddir and yew scheip steilling, in respect of his denyall and nathing producit nor farder alledgit for proving thairof, quhairupon all and sundrie the premiss the said Jhone Wilkie, procurator fiscall, askit instrumentis, and the saidis justices be reasoun of ane command gevin to them as they alledgit be the Lordis of his hienes most honourable Privie Counsell to that effect continewit thair sentence and doome against the said Thomas till they acquetit the saidis Lordis with the premiss. *Desuper actum extractum* furth of the shireff court bookis of Hadintoun be me, M^r George Gray, clerk abone-written, witnessing heirto my signe and subscription manuall. M^r George Gray. Edinburgh, *decimo Novembris*, 1636. The Lordis ordains the commissioneris to pronounce doome and sentence aganis the said Thomas Henry, ordaining him to be scourgit throw Hadingtoun and brunt in the cheeke. SANCTANDREWS, I.P.D."

Miscellaneous
Papers.

30th September 1636.

Alterations
in certain
clauses in the
Decreet anent
the Hospital of
Leith.

See ante, p. 622.

141. "Information to James Prymrois.

The claus at the figur of (1) must be conceaved in thir termes:—

And syklyk the saidis Lordis finds and declairs that the saids Violet and Thomas Dawlings hes and sall have guid richt to quhatsumever bands and obligatiouns maid to the said umquhile James Home conceaved in his awin name or in his name to the behuif of the hospitall of Leith and that notwithstanding of quhatsumever assignatiouns and declaratiouns maid be the said umquhile James Home to or in favouris of the said hospitall concerning the saids bands and soumes of money or any pairt thairof; and for thair forder security ordains the said hospitall of Leith to assigne, transfer and dispoone all richt and title quhilk they may have or pretend to the saidis bands and soumes of money thairin contained in favouris of the said Violet and Thomas Dawlings with warrandice from thair awin deids; and als decernis the said hospitall to dischairge the said Thomas and Violet Dawlings of the band and tickett maid be the said umquhile James Home and fund within the hospitall kist after the deceis of the said umquhile James Home, quhairby he granted him to have borrowed from the said hospitall of Leith.

Item. The second claus at the figur of (2) must be delet altogether, together with the claus subsequent beginning at the figur of (3).

Item. In the preceeding claus anent the payment of 20^m merkis, the persouns to quhom must be the maisters of the hospitall, and it must be declared that they sallbe obleist to imploy the samyne upon annuel-rent on good and weill haldin lands be the sicht and advyse of the Bischop of Edinburgh and his successouris and of the ministeris of Leith present and thair successouris. And the Lordis declairs that iff the said Thomas and Violet Dawlings failyie in payment of the said soume of

[Miscellaneous
papers.]

20^m merkis at the feist and terme of Martimes nixtocume that then and in that caice they sall not only be lyable to the payment of the said haill soume of 27^m merkis, but also of the haill annuelrent thairof ay and quhill the samyne be reallie payed."

142. Summons at the instance of James Morrisone, indweller in 1st October 1636.
Campsie, narrating that on he was in the dwelling-house of James Fleeming, notary in Glasgow, and afterwards went home to his own house, when the said James Fleeming sent for him to Glasgow and there challenged him for the theft of a reissel cloak. The complainer, "astonished that his honestie sould thus sha[mefullie] be blotted, gave the keyes of his kists to some nighbours in Glasgow at the desire of the said James Fleeming, who, having went to his hous, oppenned the kists bot found no suche cloake there. When they came backe to deliver the keyes to the compleanner the said James tooke the keyes frome him, caried the compleanner prisouner to his awne hous, being our free liege, kepted him prisouner [for] ane day and ane night, rypped him as ane theefe, tooke all his silver frome him, went to . . . and oppenned his kists, tooke furth thairof ane hundreth punds of money and ane hundreth punds . . . cloath, committed him thereafter to ane vile prison in the tolbuith of Glasgow, where having . . . him be the space of thrie dayes thrie nightis, he tooke him backe to his hous, where he cruellie . . . him with his hands and feit to the effusion of his blood and forced him for his releefe to give . . . for payment of threttie punds for this cloake whilk he himselfe wore about him twa yeirs . . . And now latelie upon the . . . day of August last he caused committ the simple man to . . . the tolbuith of Glasgow and deteanned him there at his pleasure." Charge is therefore given to cite the said James Fleeming before the Council on 8th [November], and also to cite Duncan Robesone, maltman, burgess of Glasgow, Gilbert Robesone, servitor to Dame Marion Boyll, Lady Hanyng, Robert M^cIldowny in Mukcroft, Robert M^cIldowny, tailor there, and Robert Andersone, now weaver in Edinburgh, as witnesses. The summons is dated at Edinburgh, 1st October, 1636, and signed JA. PRYMROIS.

Attached to the summons is a paper containing notes of executions thereof by William Stirling, messenger: (1) on 25th October, 1636, against James Fleeming, personally apprehended; witnesses, John Bryssoune and Richard Starke, messengers, burgesses [of Glasgow]; and (2) on 26th and 27th October against Duncan and Gilbert Robiesoune and Robert and Robert M^cIldowny, all personally apprehended; witnesses, John Boill, also servitor to Lady Hayning, Duncan Merschell, servitor to Thomas Stewart of Galstoune, Abraham Muir, hammerman in Glasgow, Alexander Smythe in Muck[croft], John Smyth and John Gibboune in Balgrochane.

3rd October
1636.

Summons at
the instance
of Sir John
Leslie of
Wardes
against certain
of the name of
Farquharson.

Miscellaneous
Papers.

143. Summons at the instance of Sir Thomas Hope of Craighall, King's Advocate, and Sir John Leslie of Wardes, against certain Farquharsons, as narrated *ante*, p. 328; dated at Edinburgh, 3rd October, and signed M. G. PRYMROIS. On the margin (which is much torn) there is noted the hearing of the case, and mention of a protestation by David Prymrose, apparently on behalf of the Earl of Mar, and a counter-protest by someone else. The summons is dated at Edinburgh, 3rd October, 1636, and signed M. G. PRYMROSE. On the back of the summons are notes of the findings, and attached to the summons are notes of executions thereof: (1) by John Kilgour, messenger, on 13th October, 1636, at the market cross of Aberdyne against Robert Irwing of Forn . . . depute of Aberdyne, Robert Farquharson of Fingzeahg, Donald Farquharson . . . Manaltrie, Mr James Farquharson, W.S., Alexander For . . . plag of Iqip, Robert Farquharson, brother of Donald Farquharson, Allester . . . Farquharson, brothers of the said Donald, Mr William Meldrum, Tho . . . Farquharson in Drumminnor, John Gordoun of Bleillak, Alexander McFing . . . William Gordon of Knokaskpak and William Gordon, younger of Knokask . . . Adam Barkla and James Hendersone, his man; witnesses, John Kilgour, younger in Ald Aberdyne, James Kilgour there, and Gilbert Breakoff (?), town's officer: (2) by the said John Kilgour on the same day against Robert Irving of Fornat at his dwelling place of Fornat; witnesses, James Kilgour in Ald Aberdyne, Patrick Frost in Fernocht and William Andersone in . . . : (3) by William Simsone, messenger, on 14th and 15th October, 1636, against James Farquharson of Inverey, William Farquharson, his son, Donald Farquharson of . . . Farquharson of Fingzen, Alexander Farquharson, his son, of Dilsakk, Robert Farquharson called "the sojour," . . . Alexander Farquharson, brother to Donald Farquharson in Smydihill of Cromar, James Smyth *alias* . . . Thomas Farquharson of Oirnettis, Thomas Farquharson in Drumminour, Alexander Farquharson, brother of Ja . . . sone of Inverey, John Gordoun of Bleilock, Alexander Forbes of Bredhauche, styled Plaige of Egypt, . . . Barclay at the Miln of Glaiderstoune, James Anderson there, and Lachlan Farquharson in Kild . . . ; witnesses, Paul Rinkein in . . . and . . . Broune, the messenger's servitor: (4) by the same on 15th October, 1636, against William Gordoun of Terperse, James Gor . . . Gordoun in Little Glanderstone, Paul Rankein in Wardes, William Abercrombie at the Mill of Du . . . ersone in Wardes and Thomas Davie there, as witnesses in the cause; witnesses, the said Paul Ranken and William Broune: and (5) on 31st October, 1636, by John Oliver, younger, messenger, against Mr James Farquharson, W.S. within the burgh of Edinburgh; witnesses, . . . Grayhame and Thomas Allane, messengers in Edinburgh.

Miscellaneous
Papers.

144. Report of a commission, dated at Abirdein, 5th October, 1636. . . [the document is much mutilated] held by Mr Alexander Jaffray of Kingiswallis, provost of Abirdein, and Alexander [Seatoune] of Petmedden, judges by commission from the Lords of Privy Council for trial of the cause, before whom compeared Mr [Robert Petrie], writer in Edinburgh, as procurator for Dame Marie Erskine, Countess of Marsch . . . , and presented the said commission obtained in the pursuit at the instance of James Seatoune, burgess of Abirdein, and Sir T[homas Hope] of Craighall, his Majesty's Advocate, against Arbutnot, sometime in Kinmundy, now in . . . , Alexander Forbes in Rogershill, Robert Forbes, s[ometime in] Rogershill, now in . . . , Alexander Thomsone in Coltoun, Robert Hall, younger in Kirk[toun of] Skein, John Keyth, officer, sometime in Athrosk and now in . . . , James Cowper in Kiln . . . , his servant for the time, William Ronaldsone in . . . Quhytesteane, Alexander Norie in . . . , William Keyth in Auchincleche, William Stroquhane in Kirkton of Skein, John . . . there, William Merser in Auchronie, John Hamptoune in Dynnottar, Henry Wallace (?), sometime under-porter thereof, now in . . . , Patrick Forbes in Kintoir and John Keyth there, making mention that the forenamed persons, tenants to the said Dame Marie Erskine, in the month of November, 163 . . . , "wnderstanding that the said James Seatoune wes in sober and quyet maner . . . of Liddoche of Skein, quhair he duellit for the tyme, came with thair complices . . . suordis, quhingeris, hagbuttis and pistolettis, expreslie prohibite to be worne and . . . said James Seatoune his duelling plaice in Liddoche of Skein and barneyeardis thair of . . . for quhat caus or occasioun wknawin to him pat violent handis in his persone, tuik . . . and prissoner, threatnit him with thair wap-pones foirsaidis with present death if he . . . to thair willis and violentlie thaireftir caried him as ane captive frae his . . . hous and plaice of Dynnoter quhairin the said James Seatoune wes violentlie . . . detined be tham as ane captive and prissoner frae aucht houres in the morning . . . rest of that day and night following, *tanquam in privato carcere*, quhill the . . . thaireftir and nowayes wald suffer him to escaipe furth of thair handis quhill he . . . compellit for his libertie to mak and subscriye to thame ane band willinglie . . . within the said hous wpoun tuentie four houres warning wnder the paine of . . . pundis, usurping thairthrow maist treasonable his hienes royall p . . . wpoun thaim in taking of the said James Seatoune captive and prissoner . . . him as ane captive to the plaice of Dynnoter, keiping and deteining him . . . be the spaice foirsaid, he than being his Majesties frie liege and subject and . . . no warrand, powar nor commissioun grantit to thaim for that effect. During . . . of the said James Seatoune his wnlaufull apprehensioun and captivitie the . . . persones maist maliciouslie came to his barneyeard of Lyddoche of Skein quhair . . . James

5th October
1636.
Report of a
commission
appointed to
enquire into
the alleged
seizure of
certain crops
and illegal
warding of
their owners
by dependants
of the Earl
Marischal.

Seatoune his cornes was standing stacket for the tyme and thifteouslie ^{Miscellaneous Papers.}
 . . . full thift and stouthreife caist, stawe and away tuike fyve
 stackes of aittis . . . of bear perteing to the said James Seatoune
 and than being in his possessioun . . . said corneyeard haid and
 transportit the samen with tham in thifteous maner . . . named
 persones abone complenit wpoun and ilk ane of tham ar airt and pairt
 of . . . and particular crymes abone wreittin, for the quhilkis they
 aucht and sould be [puneist] . . . thair persones and guidis con-
 forme to the lawes of this realme to the terrour [and] . . . of
 otheris to comitt the lyk heireftir, as the saidis criminall letters of the
 dait the last . . . j^mvj^c threttie and fyve yeiris at mair lenth
 proportis." The commissioners having appointed Mr John Chalmer,
 notary, their clerk, there compeared before them the said Dame Marie
 Erskine by her procurator, Mr Robert Petrie, and the said James Seaton
 personally, and the following names of witnesses were given in:—
 : . . . , James Tailyour in Blackhillis, Thomas Johne, . . . ,
 John Cuschnie there, Robert Cassie in Liddoch, John . . . some-
 time there, Duncan Galloway in Mylnbowie, James . . . Dune
 there, Robert Straquhane in Easter Carnie, James . . . in
 Myln . . . , Paul and William Fowllares in Lachintillie, William
 Mackie in . . . in Leyludge, George Deanis there,
 and Patrick Fowllar in Drumna . . . , of whom compeared only
 the foresaid Mr George Leslie, P . . . , James Tailyour, Thomas
 Johne, Robert Forbes, Alexander Forbes, elder, Alexander . . . ,
 John Cuschine, Robert Cassie, William Straquhane, William Galloway,
 Gilbert Dune, . . . Straquhane, James King, William Fowllar,
 William Mackie, Robert Keyth, G . . . , and Patrick Foullar,
 who all deponed as follows:—

. . . Forbes "deponit that he sawe Alexander Thomsone in
 Cottoune cast sume . . . perteing to the said James Seatoune
 quhilks war standing in his corne yeard of Liddoch . . . sawe
 Thomas Erskin in Skein, sumtyme chamerlane to the Erle of Merschall,
 etc., . . . Keyth, officer in Skein, James Cowper, his servand, with
 certane vtheris of the said Lord . . . tennentis led away the saidis
 cornis, but knawes not quhat quantatie war tak . . . nor
 rememberis not wpoun the tyme that the samen war takin away, and
 that he sawe nane of the saidis tennentis have gunes nor pistolettis
 and that . . . no farder of the bussiness contined in the saidis criminall
 letters. *Causam scientie* . . . sawe the premisses."

"The said Robert Cassie in Liddoch deponit that he sawe Thomas
 Erskine and John Keith, officer of the ground, cum to the said James
 Seatou[n]es . . . of Liddoch accompnet with dyveris of the Lord
 Merschallis tennentis to the . . . standing thair and preassing to
 cast doune the dyck of the said corneyeard the said . . . drew his
 durk and wald have impedit tham but they being moir nor pairty
 . . . durk from him and haid him away with tham over Dee, but

Miscellaneous Papers. knew not quhair they . . . , and farder deponit that the saids James Arbuthnot, sumtyme in Kinmundie . . . in Rogershill and Thomas Erskine compellit the said James Seatoun to goe with tham . . . watter of Dee to the Lord Mershall to the effect the said James might schawe his . . . deforsit thaim and sufferit thaim not to poynd his cornes, quha did ryde peace . . . tham and sicklyk deponit that the said Thomas Erskine directit the said . . . Thomsone to cast the saidis cornes and causit dyveris tenentis of the ground leid the s[amen] . . . to ane vther corneyeard in Liddoch, and that thair wes fyve ruckes of aittis quhilk wes . . . but knowes not quhat number of bollis they wald have extendit to, and in . . . that the said James Seatoun came back wpoun the morne to his awin hous and . . . dayes thaireftir mellit and intromettit with his awin cornes againe, but knew . . . skaith wes done to the saidis cornes betuixt the away tacking of the samen and the said James . . . intromissioun thairwith, or if thair wes any skaith done to tham at all except . . . haid lopin the yeard dyckes and eattin any pairt thair of and that . . . of the saidis cornes with menis handis; and also deponit that the persones that . . . the cornes haid nather gunes nor pistolettis and that the premisses wes done in . . . and threttie yeiris, and declarit he knew no farder of the complent contined in the saidis cri[iminall] . . . *Causam scientie* the deponer wes present in the corneyeard and sawe the premisses."

"The s[aid] . . . Galloway deponit that he sawe thrie rockes of aittis perteing to the said James Seatoun in Alexander Norie his corneyeard in Liddoch, but sawe not the saidis cornes poyndit nor be . . . and that he knew no farder of the said complent." The said Mr George Leslie, James Tailyour, Thomas Johne, Robert Forbes, Alexander Forbes, Alexander Robertsons, John Cuschnie, William Straquhan, Gilbert Dune, Robert Straquhan, James King, William Fowllar, William Mackie, Robert Keyth, George De[anis] and Patrick Fowllar, being all solemnly sworn and examined, deponed that they knew nothing of the business. Thereafter the said Mr Robert Petrie desired the said James Seatoun to appoint another diet for further probation and examining such witnesses as had not compeared, but James Seaton refused, and renounced further probation, because, as he alleged, the Lords of Privy Council had ordained Mr Robert Petrie and John . . . to produce before the said commissioners the said bond granted be the said James during his imprisonment, which was not produced, and therefore the said James declared that unless it was produced he would use no further probation before the said judges; in respect whereof Mr Robert Petrie protested that it should not be lawful for the said James Seaton to use any further probation, and the said James protested to the contrary. (Signed) M. J. Challmer.

7th October
1636.

John Murray,
merchant
burgess of
Edinburgh,
against
William
Alison, bailie
of Jedburgh.

10th October
1636.

Note of
execution
against the
Lord
Advocate.

10th October
1636.

Note of
execution of
summons
against Alaster
Ross.

145. Summons at the instance of John Murray, merchant burgess of Edinburgh, against William Alesone, bailie of Jedburgh, as narrated *ante*, p. 332; dated at Edinburgh, 7th October, 1636, and signed JA. PRYMROIS.

Miscellaneous
Papers.

146. Note of execution by Alexander Duff on 10th October, 1636, against Sir Thomas Hope of Craighall, King's Advocate, at his dwelling place in the burgh of Edinburgh, charging him to compear before the Council; witnesses, Donald Farquharsone . . . Farquharsone of Monaltrie and Ninian Johnstoune, servitor to Mr John Alexander.

147. Note of execution of summons on 10th October, 1636, by John Andersone, messenger, against Alester Ros, personally apprehended, to compear before the Council on 10th November next; witnesses, David Ros of Holm . . . of Bellavraid, and Donald McComas, maltman in Invernes.

26th-27th
October
1636.

Notes of
executions by
Andrew
Graden,
messenger.

148. Notes of executions by Andrew Graden, messenger: (1) On 26th October, 1636, against . . . Oswald, his son, and Janet Strudgeone, his spouse, all personally apprehended, to appear before the Council on 3rd . . . ; witnesses, John . . . officer of the sheriffdom of Roxburgh, and John Wallace, another sheriff officer thereof; and (2) on 27th October, 1636, against Thomas Alliesone, Andrew Penman, Adam Robsone, James . . . Anslie, John Ruthirfurd, James Forrest, Robert Symson and Robert Moscrope, burgesses of Jedburgh, to compear before the Council on 3rd November next; witnesses, . . . John Wallace, sheriff officer, and others.

27th October
1636.

Anent the
transporting of
M^rInstalker from
the Laird of
Grant to
Edinburgh.

149. Scroll of Act of Council relating to the transporting of M^rInstalker from the Laird of Grant to Edinburgh, printed *ante*, p. 327. On the back of the same paper is a scroll of another act for granting commission to the sheriff of Hadinton and his deutes and to the provost and bailies of Hadinton for investigating the theft of a mare.

2... October
1636.

Summons at
the instance of
James Farqu-
harsone in
Inveray
against Sir
John Leslie of
Wardes for
contempt of
horning.

150. Summons at the instance of James Ferquharsone in Inveray, narrating that on 21st June, 1630, Sir [John Leslie] of Wardes was put to the horn at his instance for non-payment of a debt of 10,000 merks, and 3000 merks of expenses, but that he remains proudly at the horn unrelaxed, and ordaining him to be charged to appear before the Council on . . . to hear and see letters of treason issued against him; dated at Edinburgh 2 . . . October, 1636, and signed JA. PRYMROIS. On the back there is a note of execution by James Grahame, messenger, on 31st October, 1636, against the said Sir John Leslie, personally apprehended within his chamber; witnesses, William Mowat, messenger, and John Torrie, [merch]ant in the Cannogait.

miscellaneous
pers.

151. Note of execution on 1st November, 1636, by . . . of a 1st November summons at the instance of John Morrey, against . . . in Jedburgh, personally apprehended, to compear before the Council on 10th November; witnesses, George Veatch and Thomas Meller, tailors.

Note of execution.

1st November 1636.

152. Note of execution on 1st November, 1636, by Andrew Graden, messenger, against John Ollifer, merchant in Jedburgh, and William Jerdan, one of the town officers, to compear as witnesses before the Council; witnesses, . . . Newtown and Thomas Mailler, tailors, and the latter a burgess in Jedburgh.

Note of execution against John Oliver, merchant in Jedburgh, and William Jerdan, one of the town officials.

153. Scroll of the decreet in the case of the precognition at the instance of John Rutherford, one of the bailies of Jedburgh, and others, narrated *ante*, p. 329.

3rd November 1636.

Precognition at the instance of John Rutherford, baillie in Jedburgh.

154. Summons in the action of precognition at the instance of John Rutherford, one of the bailies of Jedburgh, and others, as narrated *ante*, p. . . , against . . . to compear as witnesses before the Council on 17th November; dated at Edinburgh, 3rd November, 1636, and signed JA. PRYMROIS. On the back there is jotted "L. Alexander, L. Binning, B. Brechine, Clerk Register, or ony of the Counsall who salbe present."

Summons in the same action.

155. Another copy of the immediately foregoing summons.

The same.

156. List of names connected with the above case. " . . . merchant and burges of Jedburgh, p.; . . . Hendersone, flescheour, p.; . . . obsoune, skinner, p.; . . . Rutherford, lorymer, p.; . . . Penmane, maltman, p.; . . . es Runsiman, servitor to William Douglas of Bonjedburgh; [Ja]mes Wricht, lorymer, p.; . . . Hendersone, callit Harllswird; Walter Scot, flescheour.

c. 3rd November 1636.

List of names connected with the above case.

157. "The humble and submissive petitione . . . *nondum bimulus* cum George Oswald . . . Strudgeoun his guiddame an . . . quha wes cruellie and barbar[ouslie] murdered be Johnne Rutherford, than baillie in Jedburgh, and his complices in the moneth of August last bypast, to the most honourabill and noble Lordis of his sacred Majesties Privie Counsall.

c. 3rd November 1636.

Petition for the just trial of John Rutherford, baillie in Jedburgh, whom the petitioner accuses of the slaughter of his mother.

Imprimis. Lat it pleis your most honourabill and noble Lordships, fatheris of this [kingdome] under his royall Majesties sacred persone, to consider quhat a maner of . . . quhilk is usit againes me and my ignorant and unskillfull parentis . . . bein accustomit in any tyme heirtofoir againes ane poore orphilline . . . of all help gif it proceed not from your honourabill and noble Lordships, quhairby I, ane . . . poore father and guidame, ar conveyit for precognitione as is pretendit to be de[ducit] befor your honourabill and noble Lordships off the inhumane, barbarous and cruell slauchter of my umquhile mother be ane

michtie pairtie with ane infant in her bellie, quha thinkes be the assistance of his powerfull freindes to subvert my just persute intentit and dependand befor the Lord Justice of this realme, thinking that your Lordships by the number of these people quhome they have gadderit in greit troupis by importunitie of sollicitatione to mak void the power and effect of justice in this land. And I beseik your Lordships to read and conscider my dita, maist trew in it self.

And thairfor it is humblie desyrit of your most honourabill and noble Lordships that I, ane infant, my father and guidame and remanent poore desolat freindes, quhais greivances ar most just, as sall be lauffullie by ane condigne assyse of famous persones be punctuallie verifiet, have the inspectione of the lybell and persute movit againes ws, with the forme quhair of we have not beine acquaintit, that we may have the advyse of learnd and understanding lawyeris how to behave our selfis in this caice that both your most honourabill Lordships may ressave contentment in our proceidingis and we have the accustomed and patent way to requyre and persew for justice and to mak answeir to this new introduceit forme of persute.

Lat it pleis your most honourabill Lordships that in actiones of sik nature quhairin persones ar persewit for slauchter and murther thair can be no exceptione, new or uncouth, for no persute quhilk in effect resolves ane exceptione of denyall movit till the persute befor the ordinar judge be hard quhairin any defences may be lauffullie proponit, and we poore miserable and destitute persones of all help hard in the compitent judgment both to lybell and reply for quhat criminall persute of slauchter and murther can proceid heireftir. Gif it sall be sufferit that the pannell criminall guyltie sall be hard by ane precognitione to purge thamselff or to have the dyett of the justice stoppit that he may not proceid according to ancient lawis and custome of this kingdome, or sall it be formall or lafull to any that is attentit for haynous and exsecrable crymes to purge thamselffis befor they be accusit solemnelie befor the compitent and ordinarie judge, and to purge thamselffis *per conquisitos et emandatos hinc inde sacramentarios non audito actore et persecutore legitimo*, quha sall by ane condigne assyse of famous persones most cleirly prove the cruell and abhominable fact; and we ar certainlie perswadit that your most honourabill Lordships will allwayis further and nawayis impede the ordinar and evir observit forme of the course of justice, and speciallie in sik ane haynous and exsecrable fact and cryme so mercieleslie and cruellie committit, quhilk gif it be not cleirly and trewly verifieit the petitionaris ar content to underly quhatsumevir censure, capitall, pennall or pecuniall it sall pleis your most honourabill and noble Lordships to impose or inflict.

And, finallie, lat not your Lordships in any sort be movit by the earnest and greit sollicitationes maid to your Lordships by ane numerous combinatione of these that hes joynit thamselffis for manteinnance of wrong againes richt, bot remember of old Africanus saying '*Non amo*

scellaneous
P.O.Rs. *nimum diligentes.* Thair is nothing that will try the trueth better then ane lafull proceeding in ane lafull judgment by the accustomed forme of the law of the land evir hitherto observit. It is ane trew saying that the lawyeris sayis, '*Suspectus esse debet judici qui leges justiciarias sub subtili molimine nititur pervadere.*'"

Duplicate of the above petition, but somewhat more mutilated.

158. "Information for George Oswald in the . . . befor the c. 3rd November 1636.
 Lordis of Counsall at the instance . . . his complice quha Information
 murest umquhile Jonnet Hen[derson] . . . to the said anent the
 George and the bairne in hir bellie. alleged
 . . . James Burne, being in waird within the tolbuthe of Janet
 Jedburgh, . . . umquhile Jonnet Hendersone to furnische him bed Henderson in
 claithe, meat and . . . suiretie of payment thair of delyverit to the slaughter of
 hir ane naig to be keipit be hir quhill se[hoe] was payit. Thaireftir he Janet
 desyrit the said naig bak againe, and schoe, refuseing to geive it Henderson in
 without payment and hir claithe delyverit bak againe, [the] said Jedburgh.
 Johnne Rutherfurd, baillie, without any decreit or sentence againes hir,
 accompanied with twa of his officeris, tuik the said naig, and schoe,
 haveing the justice of peace thair warrand for detentioun thair of till
 schoe was payit, usit the meanes to hinder him. In the meantyme, he be
 himself with his officeris dang hir doune in the foull stabill and trampit
 upoun hir with his handis and feit and perforce tuik the said naig away
 fra hir, and schoe following the same up to the croce and alleadgeing
 schoe was reft the said naig, and crying they had no warrand to tak it
 bot that schoe had the justices of peace thair warrand to keip it till
 schoe was payit and that the said Jon Rutherfurd wes than present and
 conjunct justice with them himself, schoe gripit at the said naig to keip
 it till schoe got peyment and hir claithe delyverit. The said Johnne
 Rutherfurd ever againe be himself accompanied with Archibald Kirk-
 patrick and William Jerdone, officeris, cruellie harlit and drew hir be
 hir legis and armes be the space of twa paire of buttis till they cam to
 the theiffis hoill duire, callit Lyellis Hoill, being ane foull, filthie, deip,
 dark dungeoun all defyllit with askes, taides and padowes, and quhair
 the licht of day wes not to be seine and quhair never any honest man or
 woman cam, and thair meaning to thrust hir doune thairintill the said
 umquhile Jonnet making debait and griping at the wallis thair of the
 said Johnne Rutherfurd straike the officeris with ane staff for using
 lenytie in puting hir thairintill, and thaireftir in presence of ane number
 of peopill the haill honest woemen cam greiting to him desyring him for
 Godes caus to be mercifull to hir in respect schoe wes greit with bairne
 and they prayit him to put hir in any uther pairt, and as lykewayes the
 said umquhile Jonnet desyrit the same hir self; quhilk the said Johnne
 Rutherfurd wald not grant, bot wickedlie straike them becaus they
 preswmed to red hir, and with many greit and solemne aithes avowed to
 the God of heavin schoe sould be in the said dungeoun. And swa with

his feit, handis and stalf dang hir, and preising with all his force to ding her doune thairintill and schoe making resistance to keip hir self frie thair of and griping at the wallis of the same, the said Jon Rutherford, baillie, and Jon Rutherford, notar, dang hir with thair feit upoun the sydes and with assistance of the saidis officeris thrust hir doune into the said dungeoun, being fyfteine fadome deip, with hir heid dounmost and all hir clothes about hir heid maist cruellie and detestabillie and keipit hir thairintill fra the Twesday at nicht till the Thursday at nicht thaireftir maist barbarouslie and unmercifullie till schoe tuik chydill on hir and than wald nawayes suffer hir to cum furth thair of quhill Elizabeth Knox, relict of umquhile M^r Andro Kirktoun, minister at Oxnem, went to the said Johne Rutherford, baillie, and reveilled all to him, and shoe not liklie to prevaill of hir suite, schoe cam to the Hoill mouth quhair ane number of woemen wes with hir and perforce caried hir hame lamentabillie travelling in hir birth to the hearing and sicht of many, quha nevir ceised till schoe died on the morne, being Fryday, at twelft houres, be reassond of hir cruell and deidlie straikes and unmercifull useing hir in maner fairsaid. And on the morne eftir shoe deceist, being Satterday, about ten houres, schoe wes delyverit of ane bairne, quhilk bairne wes all dung in in the hindmost pairt of the heid and wes presentit to the mercat croce in the sicht of the haill peopile.—William Elliot."

c. 3rd November 1636.
Interrogatories
anent the
same.

159. "Interrogatouris for George Oswald aganies . . . be himself and sicklyke aganies the witnesses . . . Jon Rutherford, now proveist, and speciallie . . . James Wricht, lorymer, Andro Penmane, Robert . . . and James Robsoun, skinner, and Walter Scott, quha ar witnesses producit be baithe the pairties, and that it wald pleis your Lordship for Godes caus to sequestrat thame everie ane of thame fra utheris untill the tyme that the witnesses producit be the said George Oswald be first examyned to the effect that eftir thair depositionnes everie ane of thame severaillie set apairst fra utheris may be reexamyned upone the interrogatouris following and sik uther necessar poyntis as your Lordships sall think expedient for trying the veritie.

Item. To interrogat at James Wricht, lorymer, quhither or not that Jon Rutherford, baillie, causit him bring ane foir hommer to the stabill and quha straike at the stabill duire, and, quhen they enterit in the stabill, gif he saw not the baillie with his officeris stryke doune the defunct to the ground and reft the naig fra hir violentlie.

Item. Farder to inquire at him gif he cam not with the baillie and officers to the croce with the naig, and that the defunct followed thame till the croce, and griping at the naig that he saw the said Jon Rutherford and the officeris harlle hir and stryke hir to the ground, quhair schoe lay still amangst ane great number of people untill the tyme the said Johne Rutherford straik the officeris for useing lenitye; and gif the said Jon thaireftir straik hir with ane stalf and harllit hir to the

[Miscellaneous papers.] mouthe of the theaffis hoill duire. And to aske gif Jon Ruytherfurd, notar, ane of the defendaris, cam not to the theiffis hoill duire and thair violentlie straike at the defunct with baith handes and feit, and he and the said Jon Rutherford did not maist [maister]fullie and unmercifullie ding hir heid doune foirmost into the duire, quhair schoe thair remained lamentabillie crying till schoe . . . out be the force of woemen hame travelling in hir birth as lybellit; and to inquiryre gif schoe wes not haill and feir that day schoe wes put in prisoune. Quhilkis wordis abonewrittin he [said] he saw in presence of James Anslie, Jon Hendersone and uther honest men.

Item. To inquiryre sicklyk at the said Andro Penmane, James Robsoun, skinner, and Walter Scot, and also at Jon Hendersoune and the remanent witnesses.

Item. To inquiryre at James Runchieman and Andro Rutherford, lorymer, quhither or not they ware lockit within the tolbuthe with the said George Oswald, and in the meantyme, quhen they ware hurlling hir to the theiffis hoill, they wald not suffer the said George to luik throw the duire becaus the sicht wes so pitifull and that they thamsellfis luikit furth [thairthrough] and saw the baillie and Jon Rutherford with the officeris harll hir, [pull] hir and thrust hir heid doumest in the said doungeoune, quhilk the said James Runchiemane confest to the said George Oswald in his awine hous befor Johne Hendersone, flescheour; and to inquiryre at everie ane of the witnesses quhither schoe wes wholl and feir that day schoe wes put in prisone or not.

Item. To inquiryre at the said James Runchieman and remanent witnesses gif they saw hir not puld furth be the force of woemen upone the Thursday and caried hir hame crying in hir birth without permissioun of any magistrat, and that they knew hir to deceis on the morne thaireftir, being Fryday, and that schoe wes delyverit of ane bairne on the morne thaireftir, being Satterday, at twelf houres, quhilk wes twentie four houres eftir hir death, and quhilk bairne wes sein at the mercat croce all deformit both in the heid and sydes."

160. "Interrogatoris—proveist of Jedburcht and remanent pairties c. 3rd November 1636.
complenit upone quhairupone the witnessis productit may be Anent the same.
examnat.

Imprimis. To interrogat the haill witnessis quhidder or not they war present at the wairding of Jonet Hendersone, and speciallie at the croce of Jedburcht.

Item. To interrogat tham, gif they war present, quhat they saw or knawis anent her misbehavior towardis the proveist, and in speciall gif they did not hier the proveist many tymes earnestlie request Jonet Hendersone to depairt fra the said naige, and gif schoe did want any thing of James Burne, awner of the naige, he sould be her paymaister, and gif schoe did not refuis his offer and held still the said naige.

Item. To interrogat tham gif schoe did not hald the naige despyt-
fullie in contempt of the proveist be the heid and be the crage and gat
the brydel about her armes all the tyme, saying to the proveist with
many desperat aith that schoe sould loss her lyfe befor schoe sinderit
with the naige. Miscellaneous
Papers.

Item. Gif they did not heir the proveist verrie desyrous to have her
past fra the said naige, and that he did awowe many tymes to caus
waird her and did schoir and minase her to pas fra the said naige,
affirmeing to her he sould caus waird her gif schoe did not depairt
thairfra in peace; and gif schoe did not answer the proveist in
these barbarous wordis, saying most despytfullie nethir he nor all the
baillies of Jedburght sould mak her to sinder with the said naige, nethir
wald schoe goe to waird for him, not and he and all the baillies of Jed-
burght war hangit, nethir durst he for his lugis nor for his heart and all
that wald assist him put her in waird, by and attour many uther bar-
barous speeches utterit be her to him and oft repeatit be her.

Item. To interrogat tham quhidder or not the proveist be occasioun
foirsaid of her barbarous and contumelious speeches did command his tua
officeris to tak her to jewell, and gif that the proveist was not frie of
any straikeis givin he him or any uther persone to her.

Item. To interrogat tham gif they have not seine that place quhair
schoe was wairdit ane common wairding place for persones of suche
behaviour, and speciallie towardis the magistratis, and gif that sindrie
hes bene not wairdit thairintill for ane less fault.

Item. To interrogat tham gif the rest of the wairding places war not
full of malefactoris, and speciallie of men, pairtlie for thift and pairtlie
for goeing intill Ingland quair the plague was frequent, contrair to the
Counsallis command.

Item. To interrogat tham, and speciallie Robert Symsons, James
Forrest, Andro Penman, James Robsons and Robert Moscrop, quhidder
or not severall tymes George Oswald and his wyfe did refuis satisfactioun
for the naige being offeir to tham bot be the contrair did work the said
naige daylie efter the offer and ryd the samyne intill Ingland, and that
thairefter did heir the justices of peace give warrand to the magistratis
of Jedburght to tak the said naige fra the said George Oswald and his
wyfe and apply the samyne to the behove of the pure man as awner for
his maintenace, being sterving in waird for necessitie and hunger, and
gif that it was not apprysit."

3rd November
1636.

The Master of
Elphinstone
and a case of
assault.

161. "Maister Elphinstouns witnesses, 3 November, 1636.

John Halyday, sworne, depons he knawis John Wilsone and that he
saw h . . . fied be the Maister Elphinstoune to serve him at Lambnes
last. Depons he . . . es nothing anent his away takeing.

John Boyd in Airth, sworne, depons he knawis John Wilson to have
beene the Maister of Elphinstouns man, and that Archibald Blackader
tooke him away be force and strake him and caried be force to boat.

[miscellaneous
'apers.

William Coustoun depons he saw Archibald Blacader strake Wilsone
 . . . stalve and caried him over the water aganis his will and rugged
 . . . to the boat aganis his will.

Alexander M^cKie, maisson, depons he knawis Wilsone . . .
 straked and rugged him and caried him with him aganis his will . . .

Probatur. Ordains letters to be direct ch . . . him to enter
 his person in warde and . . . the man."

162. Supplication by John Burneside and Rae, as narrated *ante*, 3rd November
 p. 330. [On the back] "*Apud* Edinburgh, 3 *Novembris*, 1636. *Fiat ut* 1636.
pelitur within the shirefdomes of Edinburgh, Hadingtoun, Bervick, Lithq^w, by John Burn-
 and Striviling. Sanctandrows, I.P.D." Also a scroll of the finding. side.

163. "*Apud* Edinburgh, *tertio Novembris*, 1636.

Forsamekle as the Kings Majestie, being trewlie informed that there 3rd November
 hes beene some abuses and disorders in the mannaging of these things 1636.
 belonging to the hospitall of Leith quhilk apperteanneth to mariners, Anent the
 and that latelie the Lords of his Majesteis Privie Counsell hes tane great Hospital of
 care to see what hes beene disordered there reduced againe to the right Leith.
 use, his Majestie for this effect, out of his princelie and pious care of the
 weale of the said hospitall, hes givin order and direction to his said
 Counsell to prescrive and give order how the yeerelie accompts of the
 said hospitall sall be made, that it may appeare that all things ar orderlie
 and piouslie done; thairfoir the saids Lords, according to his Majesteis
 warrand and direction givin unto thame, ordains ane of the maissers of
 Counsell to pas, and in his Majesteis name and auctoritie to command
 and charge the persons following, maisters of the said hospitall; they ar
 to say: as alsua M^r William Wishart, minister at Leith, and one
 of the bailleis of Edinburgh, to compeir personallie before the saids Lords
 upon the 22 of November instant to heare and see suche order tane
 anent the gouvernement of the said hospitall and making of the yeerelie
 accompts thairof as sall be thought expedient, under the pane of rebel-
 lioun; with certificatioun.

22 November, 1636. M^r John Nisbet for the skipperis, the persone of
 Leyth and James Cochrane personalie. Continewit to this day eight day.

The Lordis nominatis the Earlis of Southesk and Wintoun, Lauder-
 daill, the Bishops of Glasgow, Edinburgh, Bishop Murray.

29 *Novembris*. The Lords declairis that the baillies of Edinburgh
 nor no other for the toun of Edinburgh sall haif ony hand in the visita-
 tioun of the hospitall.

On the back there is a note of execution on 21st November, 1636, by Mr
 John Henrysone, macer, against the provost of Edinburgh, Mr William
 Wishart, parson at Leith, George Scot, David Robertsone, David Logane,
 Alexander Banes, John Leuphope and James Halyburtoun, maister of the
 Hospital of Leith, to compear before the Council on 22nd November; wit-
 nesses, Hary Veitche, James Veitche, James Ramsay and William Henrysone.

3rd November
1636.

Names of
actors and
witnesses in
the case of the
riot against
the Laird of
Wardes.

164. "Names of the committeris of the ryoté aganies Wardess.

Miscellaneous
Papers.

- p.* James Ferquharstone of Invery.
p. Robert Ferquharstone of Finzien.
ab. Alexander Ferquharstone, his sone. Invery for him.
p. William Ferquharstone, [sone] to the said James.
ab. Alexander Ferquharsoun, brother to the said James.
p. Donald Ferquharstone of Monaltrie.
p. Maister James Ferquharstone, his brother.
p. Robert Farquharsoun, also his brother. Invery answers for him.*
p. Allester Ferquharstone, also his brother.
ab. Alexander Forbess, callit 'Plague of Egypt.' Invery answer for.
ab. Maister Williame Meldrum.
p. Thomas Ferquharstone, Drimminer.
 Jon Gordoun of Blelacke. Inverye answer for.
 James Ferquharstone, smyth in , answer for.
 Robert Ferquharsoun, callit the 'soger.' } Answer for thair tua.
 Lauchlane Ferquharsoun in Kilduie. }
 James Andersoun, servitor to Adam Barklay.*
 William Gordoun, elder of Knokepike.*
 William, Gordoun, younger thair of.*
p. Robert Irwing of Fornet.*

Witnesses.

- ad.* Jon Gordoun of Glanderstoun.
ad. George Leslie, sone to William Leslie in the mylne of Inche.
ad. William Rinkine in Wardess.
ad. William Anderstoun in Standan Staine.
ad. Thomas Davie in Wardess.
 William Abercrombie in Mylnetoun of Durno.
ad. James Andersoun."

c. 3rd Novem-
ber 1636.

Gunnis.

Gunnis.

165. "The neames of those that . . . ryott in forcibill putting
 in . . . croft.
 M^r Androw Logy, person of Rani.
 Jhone Liethe of Newlands.
 Daniell Meany in Ardoyne.
 Patrik and Robert Meanies, his sonis thair.
 William Andersone thair.
 William Wallace thair.
 Georg Anderson thair.
 Jeamis Scherer thair.
 Patrik Robertsone thair.
 Jeamis Watsone thair.
 Robert Watson thair.
 Henry Beaty thair.

* Lines so marked are scored through.

cellaneous
era.

The neamis of those sumoned for the secund ryot and conuocation
of the liegis and following me fyve mylis to have takin my lyiff.

mis. M^r Androw Logy.
mis. Jhone Liethe of Newlands.
mis. Jhone Liethe of Harthill.
mis. Georg Liethe of Owerhall.
mis. Patrik Lieth of Kirktowne.
mis. Jhon Logy, sone to M^r Androw Logie.
Georg Ogilbe in Kirktowne of Rani.
Alexander Gordon in Lentuische.
Jeamis Gordon thair.
Jhone Lieth in Kirktowne of Oyne.
Jhone Cruikschank thair.
William Chalmer thair.
William Knight in Harthill.
Jhone Alschunder in Hilbrea.

Neamis of the witnessis sumoned for prowng the conuocatione
and following me.

p. Jeamis Monga, mercheant at Inche.
p. Androw Symson, sone to William Symson, messinger.
p. Alexander Erskin of Barnis.

Witnessis for prowng carieng of hagbuts and pistolls.

p. Patrik Lesly in Legitsden.
p. Androw Meany in Old Rani.
p. Patrik Gordon in Muirheadleace.
p. Georg Lesly at Milne of Inche.
p. William Dewisone in Boothis Hauche.
p. Alexander Tamsone in Buquhanstowne.
Alexander Erskin of Barnis."

166. "Information for M^r Andrew Logie, parson of Rayne.

c. 3rd Novem-
ber 1636.

I confesse the cariage of an gunne home to my own house from
Inverurie by Patrik Lesly of Legetsden his house at Michelmesse was
two yeres, which I had then presently received from Andrew Leslye, my
good brother, at his departure to France.

Confession to
the carrying of
prohibited
weapons.

That I caryed an gunne from Aberdene (?) to my own house upon the
Lords day by Kintore about an yeare agoe, having stocked it of new in
the towne, being in company for the time with George Gordon of
Newtown and Patrik Gordon of Glandarstown, whair thinking to have
fetchd my own kirk and previened by time I left the gunne in M^r John
Cheyne his house and preached for him that day.

That during my persecutione by the light horsemen I was forced to
furnish my house with gunnis and to cary be times by my servant for
the safetie of my lyfe. I answeare for John Leith of Harthill, Patrik
Leith of Kirktown, Alexander and James Gordons in Lentowsh. John
Leith of Newlands answears for the rest.

Last, I averre upon my conscience that these nynteen yeres bygone since my comming out of France from the schooles I neather charged nor shot any gunne.

c. 3rd November 1636.

Interrogators anent the carrying of prohibited weapons in the case of the riot against the Laird of Wardes.

167. "Interrogators for Clunies witnesse.

Jeamis Monga, mercheant at Inche, quhither or no he sawe the Lard of Cluny as he went from Ardoyne to Tillifour carieng with him sewin or aucht oxin and tuo horse, and within a werie short speace efter his passing out of William Symsons house agetwartis to Tillifour, iff he saw M^r Androw Logy accompaniett with a number of airmit men follow him at the Spurris the way that he had gone; secundly, quhither or no he had sien Jhon Lieth of Newlandis and Jhone Logy, sone to M^r Andro Logy, cum to the towne of Inche on a markat day in company with M^r Andro and carieng hagbuttis and pistollis.

Androw Simsone only to be interrogat anent the convocation as in Jeamis Monga his first article.

Alexander Erskin of Barnis, quhither or no he saw the convocation quhen they cam by the Milne of Barnis and askit Jhone Lieth of Hart-hill quhither they wer all rydand in such heast, Jhone Liethis ansuer wes, We will not tell yow since yow ar coosen german to the Laird of Cluny; bot eftir sum ceremony he told him they war followand the Laird of Cluny to opose his poynding. Alexander Erskin ansuerit, Giwe ye mynd bot a quyet and civill interuptione ye ar too many in company, bot iff ye mynd a wiolent course, altho ye owertak the Laird of Cluny, ye will be beattin. Quhither or no he had sien Jhon Lieth of Newlandis and Jhone Logy, M^r Androwis sone, cary hagbutis or pistollis.

Patrik Lesly in Legitsden, quhither or no in the yier 1634 he saw M^r Androw Logie cum out of the markat of Michaell fair carieng a hagbut on his horse nek and read in his compane tuo or thre mylia.

Andro Meany in Oldrain, the sam interrogator of Patrik Leslys in Legitsden. Item, Andro Meanis, quhither or no he had dyvers tymys sien Jhon Lieth of Newlandis and Jhone Logy, sone to M^r Androw, carieng hagbutis and pistollis in company of the said M^r Androw and going therwith to the markat of Inche.

Patrik Gordone in Muiriheadleate, quhither or no in winter, 1635, the said Patrik saw M^r Androw Logie wpon the Saboth day cumming out of Aberdien wearing a hagbutt and pistollis about him; secundlie, quhither or no the said Patrik had sien Jhon Lieth of Newlandis cary at the opin markat of Inche a hagbutt wp and downe and knew him to be a daylie shooter with the hagbutt.

William Deawisone in Boothis hauche, quhither or no he hath sien M^r Androw Logy, Jhon Lieth of Newlandis and Jhone Logy, sone to the said M^r Androw, cary hagbuttis and pistollis.

Georg Lesly at the Milne of Inche, quhither or no he had dyvers tymys sien Jhon Lieth of Newlandis and Jhon Logie, sone to M^r Androw

Logy, cary hagbutis and pistollis in company of the said M^r Androw in the opin wickly markat of Inche.

Alexander Tamson in Buquhanstone, quhither or no he had sein M^r Androw Logy, Jhone Lieth of Newlandis and Jhon Logy, sone to M^r Androw Logy, cary hagbutis and pistollis, with the quhich they cam agettwardis to the towne of Ardoyne quhen they hard that the Laird of Cluny wes to hold court thair; and quhither or no he sawe Georg Lieth of Owerhall and Jhon Leith of Harthill cary hagbutis and pistollis.

William Anderson in Ardoyne, Robert Meany, Patrik Robertsons and Jeamis Watsons thair, quhither or no at the command and speciall direksione of M^r Androw Logy and Jhon Leith of Newlandis they wer forcit to lowse ther owin plewis out of ther owin land and bring them to Robert Cattoche, the Laird of Clunyis milwart his croft and ering the sam, and quhither or no Jhon Lieth of Newlandis held one of the plewis him self in the ering of the said crofte.

Alexander Thomsone, quhither or not he saw M^r Andro Logy carie ane hagbut throch Senserthes fair from his awin hous to the mercat and bak againe."

168. "Wardes witnesses.

John Gordon of New Glandestoune, sworne, depons he saw the shireff come to the hous of Wardes to take with 18 in companie, and brake up the yetts and enterit in the hous. Depons he saw no pistollets.

Georg Leslie, sone to William Leslie in the Inche, suorne, depons he wes present at the takeing of the hous of Wardes and that there wes 20 or thairby in companie. Deponis he saw the yetts brokin up with culters.

William Rankeing in Wardes depons he saw the hous of Wardes tane and that 20 wes in compane and that he saw the yetts dung up.

William Maderstoune in Stananstane, suorne, depons *conformis precedenti* anent the breakeing up of the yetts.

Thomas Davie of the Maynes of Wardes, suorne, depons *conformis precedenti* anent the breakeing up of the yetts.

James Andersone at the Mylne of Glanderstoune, suorne, depons *conformis precedenti*.

James Ferquharsons, suorne upon the pistolets, denyis.

Robert Ferquharsons, suorne, denyis pistolls.

William Ferquharsons, suorne, denyis.

Donald Ferquharsons, suorne, denyis.

M^r James Ferquharsons denyis.

Non probatur, assoilyies fra pistolets. Modifies v merks to be payed be the defender to everie witnes. Decernis aganis the parties.

Continewis the advysing of the depositione anent the breaking up of the yetts till the discussing of the suspensioun.

3rd November
1636.

Evidence of
witnesses in
favour of the
Laird of
Wardes.

3rd November
1636.

Laird of
Wardes.

169. Scroll of the finding of the Lords in the case of Sir John Leslie of Wardes against the Farquharsons, as narrated *ante*, p. 328.

4th November
1636.

Supplication
by John
Thorbrand
anent a mare
which he
suspects to
have been
stolen from
him by
George
Rutherford.

170. Supplication by John Thorbrand, indweller in East . . . of Blakbaronie in Twaddell, as follows:—On 20th September last he lost a great black mare . . . forth of the lands of East Lauche, and in seeking her he found her . . . George Rutherford in the Over Plewlands, who was then selling her in the fair of Hadingtoun upon the 29th . . . of September. He claimed the mare, but Rutherford refused to give it up, and after hot words had passed between them, the provost and bailies, for preventing worse, put them both in the tolbooth there and detained them until the supplicant found caution to pursue the said George and Margaret Blaikie, his mother, for the said mare, and the said George found caution to answer to the charge. David Cokburne, burgess of Hadingtoun, became cautioner for the supplicant in the town books of Hadingtoun that he would purchase a commission before 9th November next to the sheriff of Hadingtoun and his deutes or to the provost and bailies of Hadingtoun for trying the said George and his mother for the alleged theft, and William Edyar, burgess of the said burgh, became cautioner for the defenders. The supplicant is most able to prove that the mare belongs to him but not that the said George and his mother stole it, and he therefore craves the granting of a commission whereby he may be able to pursue the defenders either civilly or criminally as he may find good. [On the back] "*Apud Edinburgh, 4 Novembris, 1636. Fiat commissio* for trying of the meare within writtin. Sanctandrows, I.P.D."

Miscellaneous
Papers.

c. 10th November
1636.

Supplication
by George
Rutherford
anent the said
mare.

171. Supplication by George Rutherford, son of the deceased Thomas [as Rutherford, in . . .], as follows:—About Michaelmas last he was in the town of Hadinton at the fair with a black mare intending to sell the same when one, John Forebrand in East Loche, under the Laird of Blackbaronie, challenged the mare as his property, declaring that it had been taken from him eight days previously. Thereupon the provost and bailies of Hadinton bound over the said John to pursue the supplicant before themselves or the sheriff for stealing the mare, and to procure a commission for that purpose before the 9th instant, and the supplicant acted himself to compear that day and underlie his trial. Accordingly the supplicant compeared that day along with twenty "famous gentlemen and honest men," viz., John Ker of Mersintoun, Alexander Home (?) of Cowistone, Richard Edgar of Newtoun, William and Hector Fuir of Cruiklaw, John Edger, younger of Wedderlie, John Home of . . . , Abraham Home of Kennetsideheid, Mr John Home of Foulshotlaw, and "the hail honest men and parochiners of Eckills," where he dwells, with the testimonial also of the minister of Greinlaw, his neighbour, to prove that the supplicant's deceased father bought the mare in question five years ago from James Twedie in Fasethill at St. Boswell's fair in Tiviotdail, and they had had her ever since. She has "foalled twa foales" to him which he offered to exhibit; and has been used by them for ploughing and carrying of loads to markets and else-

cellaneous
ers.

where. But, as the commission to the provost and bailies was only to receive probation from the said John Forebrand, they refused to receive that offered by the supplicant. He has ever lived as an honest man untainted with the least suspicion of so foul a crime, and by the witnesses foresaid he offers to prove the facts he has stated under the penalty of losing the mare and paying besides 1000 merks; and for this he is prepared to find caution. He therefore craves their Lordships' warrant for charging these persons and other witnesses to appear before their Lordships or before Sir John Home of Blacader or James Cokburne of Ryslaw, and for charging the said John Forebrand also to compear and hear their evidence. [On the back] "*Apud* Edinburgh . . . The Lords, in regarde of the tryell tane before the provest and bailleis of Hadinton at the instance of Johne Forebrand, discharges him of his act made before thame, and the saids Lords remits to the Lord Treasurer, the Erle of Southesk and Lord Alexander to try to whome the meare belongs to the effect it may be restored to the owner."

172. Scroll of the Act of Council anent the pest at Preston and Prestonpanns, printed *ante*, p. 330.

8th November
1636.

The plague at
Preston.

173. A fuller scroll of the same Act of Council.

8th November
1636.

The same.

174. Letters of charge to messengers to proclaim the Council's ordinance relating to the pest at Prestoun and Prestonpanns, as printed *ante*, p. 330; dated at Edinburgh, 8th November, 1636, and signed JA. PRYMROIS.

8th November
1636.

The same.

175. Note of execution by Andrew Graden, messenger, on 8th November, 1636, of a summons at the instance of George Oswald, writer in Jedburgh, and others (as in the case narrated *ante*, p. 340), against Robert Turnbull, merchant, John Hendersone, flesher, James Robsoun, skinner, William Hendersoun, flesher, Andrew Rutherford, lorimer, Andrew Penman, burgess of Jedburgh, James Runchieman, servitor to William Douglas of Bonjedburghe, James Wricht, lorimer, William Hendersoun called Harllswird, and Walter Scot, flesher burgess of Jedburgh, all personally apprehended, to compear before the Council at Edinburgh on 17th November instant as witnesses in the above cause; witnesses, George Newtoun, tailor, Thomas Allane, notary, Archibald Ruthirfurd, also notary, and Thomas Broune, indwellers in Jedburgh.

8th November
1636.

Note of
execution of
summons to
compear as
witnesses in
the above case.

176. Note of execution by Andrew Graden, messenger, on 9th November, 1636, against Thomas Allisone, Walter Scot, James Robsone, Adam Robsone, Andrew Penman, James Wricht, James Symson, John Mader and Robert Moscrope, all burgesses of Jedburgh, personally apprehended, to compear before the Council on 17th November as witnesses in the forementioned cause; witnesses, John Wallace, sheriff officer of Roxburgh, and William Ballantyne in . . .

9th November
1636.

The same.

— and 10th
November
1636.

Supplication
by Sir John
Leslie of
Wardes that
he may be
repossessed of
his castle,
which has
been seized
by the
Farquharsons.

177. Supplication by Sir [John Leslie of Wardes], as follows:— Miscellaneous
Papers.
Under a suspension as yet undiscussed “ the Farquharsones had violentlie brokin . . . castell of Wardes then in my possessioun, enterit therin and as yit keipis the same by a number . . . barbaruse Hielandmen, making havok of all the plenishing therin, burneing and destroying bedis and . . . and neapry, melling with my chairtour kist and evidents, braking and abusing my gunnis and uther armour . . . ,” and their Lordships on 3rd instant have continued the case until the suspension is discussed, though meanwhile he sustains damage in his property in the castle. He therefore craves that their Lordships would ordain the sheriff of Aberdeine or his deputes to repossess him in his said house upon his finding sufficient surety to the Farquharsones if the suspension should be discussed in their favour; and that meanwhile he might have liberty to transfer his charter chest, weapons, armour and other plenishing to another house. [On the back] “ (Torn) . . . *Fiat ut petitur* a[nent the] deliverie of the chartour . . . Sanctandrowis, I.P.D. *Apud Edinburgh, decimo Novembris, 1636.* *Fiat ut petitur* anent the delyverie of the supplicants armour and quhat els is moveable within the house. Sanctandrows, I.P.D. M. G. Prymerose.”

10th Novem-
ber 1636.

Thomas Henry
and certain
gipsies.

178. Scroll of two decreets of Council relating to the scourgeing of Thomas Henrie, and the gipsies taken by Sir Arthur Douglas of Whittinghame, printed *ante*, p. 333.

10th Novem-
ber 1636].

Donald
Farquharson
of Monaltie.

179. Fragment of extract of decret by the Lords of Council in the case of suspension by Donald Farquhersone of Monaltrie against Sir Thomas Hope, King's Advocate, narrated *ante*, p. 333.

c. 10th Novem-
ber 1636.

Supplication
by the sheriff-
principal of
Haddington
anent certain
gipsies

180. Supplication by . . . [Auch]mowtie of Gosfuird, knight, sheriff-principal of Haddington, narrating that within the past month Sir Arthur Dowglas of Quhitingame had brought to him certain “ vaiging egyptianes quhair of four men and boyes and . . . women with bairnes at thair . . . and on thair bakes.” He had placed them within the tolbooth of Haddingtoun and craves their Lordships' directions as to what he shall do with them. The Lords' deliverance is noted on the back and signed Sanctandrews, I.P.D. It is narrated *ante*, p. 333.

10th Novem-
ber 1636.

Supplication
against Mr
Robert Lear-
month,
advocate, who
is accused of
violently
holding
possession of a
house which
does not
belong to him.

181. Supplication by . . . (document very badly mutilated) . . . against Mr Robert Lermont, to the following effect:—Mr Robert Lermont was tenant of the supplicant's house, and he warned him to remove therefrom, and in an action before the town of Edinburgh obtained decree against him to remove from the back half at Whitsunday last and from “ both back and foir within aucht dayes efter the dait of the sentence, quhilk wes upoun the tuentie sevint” . . . and to pay a half term's rent. Mr Robert Leirmonth delayed obedience till the session had risen and he then removed his plenishing from the back land, but still kept some books and papers in the front chambers.

Miscellaneous
Papers.

In his absence, however, the supplicant obtained possession of the keys from some of Mr Robert's people and thereupon let his whole lodging, both back and fore. But "the said M^r Robert Leirmonth, upon the tent of this instant, wnder cloud and silence of night, accompanied with M^r Johne Leirmonth, his sonn, and James Pattone, servitour to Thomas Browne . . . snyth, enterit within my lodging and violentlie hes broken up thrie doores and violentlie . . . broken and spoilit the locks, bandis and yron barris therof, and swa violentlie enterit . . . hous and hes possesset himselffe therein," to the supplicant's heavy damage, of which he can obtain no redress without their Lordships' interposition. He therefore craves warrant to James Prymros, Clerk of Council, for raising letters against Mr Robert Leirmonth, whose "fault is ane dowbill fault sieing he is ane professour of lawes and sould schew [ane ex]ample to wthers." [On the back] "*Apud* Edinburgh, *decimo* [*Novembris*], 1636. *Fiat summonitio ut petitur* to . . . day of November instant, and to su[m]ound . . .] if neid beis" Also note of execution by Mr John Henrysone on 14th and 15th November against Mr Robert Leirmonth, advocate, Mr John Leirmonth, his son, William Dumb . . . , and James Patoun, servitor to Thomas Broun, locksmith, all personally apprehended, to compear before the Council on 15th November; witnesses, Robert Creichtoun, Alexander Maxwell, . . . Guthrie and William Maxwell.

182. Supplication by John Gordon of Parke, as follows:—He has come to this burgh in obedience to a summons at the instance of the Laird of Frendracht to compear before the Council on 15th instant for his alleged intercommuning with the light horsemen; but as he is heavily troubled for some debts of the Laird of Rothiemay, he craves their Lordships' protection for the occasion. [On the back] "*[Apud]* Edinburgh, . . . *Novembris*, 1636. *Fiat ut petitur* to the first day of December nixt. Sanctandrows, I.P.D."

c. 15th Novem-
ber 1636.
Supplication
by John
Gordon of
Parke for
protection that
he may answer
to a summons
to appear
before the
Council.

183. Note of execution by John Oliver, younger, messenger, on 15th November, 1636, against Jean Halyburtonne, personally apprehended within the burgh of Edinburgh, and also against William Hendrie and William Fraser, to appear before the Council; witnesses, James Leslie and Hew Lauder, messengers, and . . . Haistie, indweller in Edinburgh. On the back there are the depositions of these persons—the former much destroyed. " . . . and bason out of the messinger and a plait and some other geir, and that some other weomen kuist the messinger over the stair.

15th Novem-
ber 1636.
Note of
execution
against Jean
Haliburton
and others.

William Fraser, sworne, depons *conformis*, *addendo* that he saw the said Jeane with some other weomen take the blasoun aff the messenger's breast.

184. Scroll of the Act of Council in favour of John, Lord Balmerinoch, printed *ante*, p. 334.

15th Novem-
ber 1636.
John, Lord
Balmerino.

15th November 1636.

James, Lord Johnston.

16th November 1636.

Examination of Donald Farquharson of Monaltrie and others anent intercommuning with rebels in the North.

185. Scroll of the Act of Council in favour of James, Lord Johnestoun, printed *ante*, p. 337; under date 17th November, 1636. Miscellaneous Papers.

186. "16 *Novembris*, 1636. In presence of the Lord Alexander, Naper and Justice Clerk.

Donnald Ferquharson of Monaltrie, sworne, and demanded if he hes used and exerced the office of baillerie under the Marques of Huntlie, depons that since the deceasse of the Marques he hes haldin courts at the direction and desire of the Ladie Marques for uplifting of her rents and dewteis, and deponis that to his knowledge the light horsemen does not haunt within 20 myles to the bounds of his baillerie. Anent the intercommuning with the brokin men, depons upon oath that he hes nather intercommouned with thame nor supplued thame in anie sort.

Adame Gordoun, burges of Aberdein, sworne, denies upon oath intercommuning or suppleing in anie sort the light horsemen since thair rebellion.

Donnald Ferquharson, reexamined, depons that Allane Ferquharson and Alexander Gordoun, sone to Adame Gordoun, conteanit in the letters come now and than in the bounds where he is callit baillie upon starts, bot not to his knowledge, and that he hes seene Allane Ferquharson in the Erle of Mars bounds since the charges used aganis him bot hes not intercommouned with thame. Depons lykewayes that he sent to the said Allane and desired him to doe service aganis the light horsemen, and that it would be a meanes to procure his peace, and in speciall he desired thame to take Patrik and James Gordouns, twa of the saids rebels.

22 *Novembris*, 1636. Assoilyees Adame Gordoun. Continewes the advysement of Donald Ferquharsones oathe till the Lordis find the prooffe of his diligence aganis the light horsemen."

17th November 1636.

James, Lord Johnston.

187. Another scroll of the immediately preceding act in favour of James, Lord Johnestoun, but shortened somewhat, and signed by Sanctandrows, Traquaire, Galloway, Glasgow, Dumfreis, Angus and Napier.

c. 17th November 1636.

Supplication by Arthur, Lord Forbes, and others anent the production of certain writs requisite to the clearing of several actions which the supplicants have depending before the Session.

188. Supplication by Arthur, Lord Forbes, and . . . as follows: —They have several actions before the session, both as pursuers and defenders, the clearing of which will greatly depend upon the production of certain writs which are for the present sequestrated in the hands of their Lordships' clerk in a trunk of which William Dick and Mr John Dick, his son, have the key, and they crave that these persons may be summoned for delivering to them of such writs upon the obligation of the supplicants to return them. [The deliverance noted on the back is torn away, but there is] note of execution on 17th November, 1636, by Mr John Henrysone, macer, against James Prymrose and William and Mr John Dick to compear this day before the Council in this matter; witnesses, Archibald Prymrose, Mr John Calendar, Thomas Charteris,

Miscellaneous
Papers.

Robert Aitkine and others. On the margin is a note of hearing on 22nd November, when the pursuers compeared by G. Stewart and Mr John Dick, personally, and the case was continued till Thursday.

189. General letters of charge at the instance of Sir James McGill of Cranstoun Riddell, senator of the college of Justice and collector-general of the taxation, granted to the said senators in June, 1633, requiring all persons who are liable for payment of any of the four terms payment thereof to make payment within twenty days, under pain of horning; dated at Edinburgh, 17th November, 1636, and signed JA. PRYMOIS. The date has been altered to 23rd April, 1642.

17th November 1636.
Anent the taxation.

190. Scroll of the Act of Council relating to Allan Cameroun of Lochyell and others, printed *ante*, p. 337.

17th November 1636.
Allan Cameron of Lochiel.

191. Supplication by Walter Robertsons in Kinrossie, as follows:—He is charged at the instance of his Majesty's Treasurer for payment of certain sums which are alleged to be due to him and not given up in inventory for the purpose of the taxation; but most wrongfully, for he was never lawfully summoned or he would have compeared and given his oath. He craves that their Lordships would "repon" him to his oath, and seeing he is a poor man without means to remain in town that they would give order for taking his oath this afternoon. [On the back] "*Apud* Edinburgh, xvij *Novembris*, 1636. The Lordis reponis the supplicant within writtin to gif his aith in the mater within mentionat, notwithstanding of the sentence and decreit obtenit aganis him. RO. SPOTSWOODE, I.P.D."

18th November 1636.
Supplication by Mr Walter Robertson in Kinrossie to be allowed to take his oath anent his taxation.

192. Copy of Act of Council receiving James Peirsone, fiar of Bal-mudes, as sheriff-depute of Forfar, printed *ante*, p. 343.

24th November 1636.
Sheriff-depute of Forfar.

193. Supplication by Violet and Thomas Dawline, and Gilbert Neilson of Craigcaffie, and Mr John Gilmor, advocate, their cautioners, as follows:—In humble obedience to their Lordships' decret they have been very anxious and carefull, as they still are, to provide and make payment of the money therein appointed, but their party, "seemeing to be verie careles of that bussines, hes not so muche as offered to ws ane assignatioun to these bonds quhilks wes decerned to ws, so that the delay of not keeping the præcise day of payment wes not in ws bot in thame." They crave that the Lords would cause delivery to be made to them of these assignations, bonds and dispositions, and appoint a term for payment. [On the back] "*Apud* Edinburgh, 29 November, 1636. Ordains the pairtye to be wairnit. Sanctandrows, I.P.D." Also note of execution by Mr John Henrysone, macer, on 26th November, 1636, against David Robertsons, David Logane, Alexander Hay, Alexander Banes and John Dicksone, personally, and against George Scot, Florence Mairteine,

24th November 1636.
Supplication by Violet and Thomas Dawline and Gilbert Neilson of Craigcaffie anent the decret of the Council relating to the Hospital of Leith.

George Haiggie and James Halyburtoun at their dwelling places, for their compearing before the Council on 29th November; witnesses, James Veitch and Hary Veitch, indwellers in Leith. Miscellaneous
Papers.

28th November 1636.

Supplication by the poor of the Hospital and town of Leith anent the Hospital of Leith.

194. Supplication by the poor of the Hospital and town of Leith, as follows:—They understand that their Lordships have appointed to-morrow, the 29th inst., for settlement of matters respecting the said hospital, both in the points recommended by his Majesty, and in those in dispute with Thomas and Violet Dawline. Some persons have been cited, and there is a great necessity that Mr William Morton, minister at Leith, and Mr Andrew Fairfull, minister at the north side of the Bridge of Leith, “who ar verie judicious and understanding men and weill affected to the hospitall and poore,” should also be summoned to give their counsell and advice in the matter. They crave accordingly. [On the back] “*Apud Edinburgh, 28 Novembris, 1636. Fiat ut petitur. Traquaire.*” Also note of execution by James Grahame, messenger, on 29th November, 1636, against Mr William Morton and Mr Andrew Fairfull to compear before the Council as above; witnesses, James Johnstone and Thomas Wricht, indwellers in Leith.

29th November 1636.

Tenants of the Countess Marischal against James Seaton.

195. Copy of decret of the Council in the action by the Countess of Mairshell's tenants against James Seatoun, as printed *ante*, p. 344

29th November 1636.

Appointment of a committee of Council to examine the affairs of the Hospital of Leith.

196. “*Apud Edinburgh, penultimo Novembris, 1636.*

Forsamekle as the Kingis Majestie, oute of his princelie and pious regaird of the weele of the hospitall of Leethe whilk apperteyneth to the skipperis and marinaris, hes recommendit to the Lordis of Previe Counsell to informe thame selfis quhat hes beene disordourit in the said hospitall and to caus the same be reducet agane to the right use; and wtheras the necessitie of otheris his Majesties weghtie affairis will not permitt the whole Counsell to attend this bussynes, thairfoir the saidis Lordis hes nominat and oppointit Patrik, Archiebishop of Glasgow, George, Earle of Wintoun, Johnne, Earle of Lauderdaill, David, Earle of Southesk, David, Bishop of Edinburgh, Johnne, Bishop of Murray, to conveene and meete when and whair thay sall think goode, and to call befor thame the persone of Restalrig and M^r Williame Mortoun, ministeris at Leethe, and M^r Andro Fairfoull, minister at the north kirk of Leethe, and suche skipperis and otheris as in tyme bigane hes had the charge of the said hospitall, and to call for production of the first fundatioun of the said hospitall to the intent it may be knoune quhat rentis and revennewis hes bene mortified thairto, alsweele at the beginning as sensyne, and to nominat ane competent number of personis to be the counsell of the said hospitall, of whome the said persone of Leethe to be one, and to prescryve and sett down actis, reulis and ordinanceis how the said hospitall salbe governit and the reulis thair of mannaged in tyme comeing, and to do and performe everie other thing

Miscellaneous
Papers.

whiche to the weele of the said hospitall apperteyneth and to consider the decreits gevin and pronounced be the Lordis of Secreit Counsell in favours of the said hospitall aganis Violet and Thomas Dawlingis and to heir the pairtyis thairupoun."

197. Summons at the instance of James Muirheid, apparent of 8rd December 1636. Lauchope, narrating that James Clelland of that ilk was put to the horn at the instance of Bartilmo Robertoun of Greenheid for non-payment of certain sums of money, to which the said James Muirhead has now right by assignation, who, finding nothing but shifts and delays, was forced "sore against his heart" to raise letters of caption against Clelland. In virtue of these William Stirline, messenger in Glasgow, apprehended the said James, but the complainer being loath to commit him to ward for fear of arrestments and other inconveniences, at the earnest entreaties of the said James, brought him to Lachop, where he was courteously entertained "with all freindlie respects." But, finding no hope of either payment or other satisfaction, the said William Stirline brought him quietly to Glasgow to place him in ward, when William Neilson, bailie of Glasgow, earnestly intreated to have the keeping of him for that night. This was granted, and the said messenger and Alexander Andersone, servant to the complainer's father, remained in the bailie's house with the rebel so as to ward him on the morrow. But meanwhile the said bailie, assisted by his wife and servants, "patt violent hands in the said messinger and Alexander Andersone, shott thame out of his doores, tooke the rebell aff thair hands and so fred him, uttering manie threatning speeches aganis the messinger, shoring to take his life." And, when the messenger showed the letters of caption to the said bailie and his wife and endeavoured to make open doors, "the said baillie maisterfullie withstood and resisted thame. And upon the morne the provost and remanent bailleis, taking offence at the compleanner becaus he presoomed to take a rebell out of the bailleis hous, they thairfoir, accompanied with M^r John Huchesone, thair clerk, sent for the compleanner, and after some speeches past betuix thame they, for this onelie caus of taking the rebell out of the bailleis hous, caried the compleanner to prison and held him therein at certane space till he wes forced to find caution to thame to be answerable at all occasions." Charge is therefore to be given to the said William Neilson and his spouse and to the provost and bailies of Glasgow and their said clerk to compear before the Council on ; with this proviso that if these letters are wrongfully raised against the said provost and bailies, the complainer shall be liable to fine and punishment. The summons is dated at Edinburgh, 3rd December, 1636, and signed JA. PRYMOIS. On the back is noted that on 8th December, 1636, William Nilson and Marion Lichtbody and James Boill were cited; witnesses, James Gerner and Robert Fleming.

9th December 1636. 198. "9 *Decembris*, 1636. In presence of the Archbishop of Glasgow; Southesk; Bishops [of] Edinburgh, Murrey and Brechin. *Miscellaneous Papers.*
The Hospital of Leith. M^r Johne Nisbit and Alexander Hay being heard anent the com-

mission toward the government of the hospitall of Leith, the Lords continewes the mater till Tuisday nixt."

13th December 1636. 199. "*Apud* Edinburgh, 13 *Decembris*, 1636.

Appointment of a committee of the Council to enquire into the annual accounts of the Hospital of Leith. Forsameikle as the Kings Majestie, being informed that there hes beene some abuses and disorders in the manageing of these things belonging to the hospitall of Leith which apperteaneth to the mariners, and that the Lords of his Majesties Privie Counsell have taken great care to sie what hath beene dissordered there reduced againe to the right use, his Majestie for this effect, out of his princelie and pious care of the weele of the said hospitall, hes recommendit to the saids Lords to give order how the yeerlie accompts of the said hospitall sall be made that it may appeare all things are orderlie and piouslie done; and quhairas the necessitie of others his Majesties weightie affaires will not permit the haill Counsell to attend this bussines, thairfore the saids Lords hes nominat and appointed and be the tenor heirof nominats and appoynts John, Earle of Traquaire, Lord Heich Thesaurer of this kingdome; Thomas, Lord Binning; William, Lord Alexander; David, Bishop of Edinburgh; Sir John Hay, Clerk of Register; Sir John Hamiltoun of Orbestoun, Justice Clerke, or anie thrie of thame, the Lord Thesaurer being one, to conveene and meit when and quhair they sall appoynt, and to enforme thameselves (after heiring of the mariners) anent the trew estat of the hospitall and to prescrive some good reules and orders how yeerlie accompts sall be made of the rent of the said hospitall and to consider the decreits concerning the hospitall and to cleere the differences, if anie be thairin, and to sie the moneyes decerned putt to ane profitable use for the weele of the hospitall and otheris conforme to the decreitis gevin thairanent; as lykwayes to heere the toune of Edinburgh and reasons to be proponed be thame for cleiring thair interesse to be auditors of the saids compts and to decerne thairin and to report thair proceedings to the saids Lords to the intent they may give thair approbatioun and allowance thairunto. *Extractum, etc.*"

13th December 1636. 200. Supplication by John, Lord Kilpont, as narrated *ante*, p. 351; with the finding noted upon the back, and signed Sanctandrows, I.P.D.
Supplication by John, Lord Kilpont.

13th December 1636. 201. Scroll of Act of Council appointing a committee about the Hospital of Leith, printed *ante*, p. 351.
Hospital of Leith.

13th December 1636. 202. Another scroll of the immediately foregoing draft Act of Council, with slightly different wording.
The same.

Miscellaneous
Papers.

203. Draft of Act of Council declaring Prestoun and Prestounpanns free from the pest, printed *ante*, p. 353; and noting that a similar act is passed in favour of Mussilburgh.

20th December
1636.
Preston
declared free
of the plague.

204. Supplication by Ranald M^cDonnald of Kepache, as follows:— He has come to this burgh in obedience to their Lordships' act to underlie their pleasure, but his remaining here will not only be expensive to him, but also "procure distemperaunce and sickenes to my person." He therefore craves that they will dispose of his case and "dismissee and suffer me to goe home to my awne countrie," freeing him and his cautioners of their liability for his present compearance. [On the back] "Edinburgh, 22nd December, 1636. The Lords frees the supplicants former cautioners of thair cautionrie, he first findeing new caution for keeping the peace. Sanctandrows, I.P.D." There is also a scroll of the finding mentioning that Mungo Campbell, fiar of Lawers, and John Campbell of Ardchattan were the cautioners who were relieved.

22nd Decem-
ber 1636.
Supplication
by Ranald
M^cDonald of
Kepach that
his case may
be disposed of
and that he
may be allowed
to return
home.

205. "This is the inventar of sic moneys and bandis dew to the hospitall and poore off Leith in Thomas Dalling possessions and his compteis quhilk wes tryed be the tryell of the Lordis be ane committey and contained in the inventar of the hospitall and quhairwnto they ar kist with the hospitall bandis and assignationes off moneys, ix^m merkis Their restis 3 yeires annualrent thairof fra Mertimes 1634 to Witson-day 1637, *inde* 2^m7^c merkis

4th February
1637.
Inventory of
money and
bonds due to
the Hospital of
Leith by
Thomas
Dawling and
others.

Moneys
conceilled.

1. lyabill, wiz. :—thair wes taken away be the Dallings owt of the hospitall kist with the hospitall bandis and assignationes off moneys, ix^m merkis Their restis 3 yeires annualrent thairof fra Mertimes 1634 to Witson-day 1637, *inde* 2^m7^c merkis
Suma xj^m7^c merkis

Bandis
conceilled.

2. *Item*, thair restis the moneys of bandis conceilled and not prodooeed dew to the hospitall, wiz. :—Bernard Lindsay in Leith, 2^m merkis
James Gib in Dumfermling, j^m merkis
Jhon Fleming, 5^c merkis
Barbara Logane and the goodman of Coiteild, 2^m merkis
Lard Elphingstone, 1^m merkis
Shireff Orknay, 5^c merkis
be Nicoll Moncreiff and James Liddell conjunct, 2^m merkis
Robert Dikson, 6^c merkis
Inde off principall, ix^mvj^c merkis
Thair restis annualrentis thairof to the hospitall sinc Witsonday 1630 to Witsonday 1637, *inde* ix^m merkis
Suma. xvij^mvj^c merkis

This is cleir resting and prowen be the inwentar subscribit be Thomas Dalling in James Prymrois handis.

Bandis
prodooeed.

3. Earll Cassillis, 2^m merkis
Jhone Rae, 2^c merkis
Jhon Burnet of Barnes, 5^c merks
Helene Acheson, mother to Thomas Dalling, 6^c merkis
M^r James Law, 3^c merkis

Gilbert Lawder,	5 ^c merkis	Miscellaneous Papers
Thomas Dormond,	j ^c merkis	
David Cokburne,	5 ^c merkis	
Richard Acheson,	1 ^c libs	
Dame Barbra Cranston,	5 ^c merkis	
Lord Alexander,	j ^m merkis	
James Hay of Towr Landis,	4 ^c merkis	
Jhon Duff,	2 ^c xl merkis	
Jhon Hamilton, pottingar,	vj ^c merkis	
Androw Lowthiane,	vj ^c merkis	
Capittayne Patrik Hay,	xv ^c merkis	
M ^r Patrik Mawer,	vj ^c merkis	
Jhon Forman,	lvj merkis	
Jhon Lewingston,	2 ^c merkis	
of principallis,	x ^m vj ^c merkis	
Thair restis annualrentis thairof fra Witsonday 1630 to Witsonday 1637, <i>inde</i>	vij ^m 4 ^c merkis	
<i>Suma</i>	xvij ^m merkis	

Thir bandis the Dallings abstracted the assignationes pertaining to the hospitall and hes not prodooed the same at all, thinking to get theis declaired to perteane to James Hooome be the tryell, quhilk wes not, bot be the tryell declaired to pertene to the hospitall. Lykas be the Lordis sentenc of approbatione as the hospitall ewidentis the Dallings ar crawling assignationes thairof fra the hospitall as the ewidentis declaired to pertene to the hospitall and wes most cleir both be the inwentars of the hospitall and James Hooome awin inwentar, and that James Hooome hed litill or no estait and quhat he hed wes exhausted, and manye other proofes.

Bandis prodooed.	4. Thomas Ker of Ancrum,	j ^m merkis
	Robert Mestertone,	2 ^m merkis
	M ^r William Chalmers,	j ^m merkis
	Nicoll Moncreiff,	j ^m merkis
	Archibald Drummond,	5 ^c merkis
	Georg Heggen,	5 ^c merkis
	Earll Abercorne,	2 ^m merkis
	Lard Elphingston,	j ^m merkis
	M ^r James Gordon,	4 ^c merkis
	James Liddell,	5 ^c merkis
	<i>Inde</i> of principallis,	x ^m merkis
	Thair restis annualrentis thairof fra Witsonday 1630 to Witsonday 1637,	vij ^m merkis
	<i>Suma</i> of principall and annuellis,	xvij ^m merkis

Thir last bandis perteines also to the hospitall, and the Dallings hes prodooed the assignationes thairof to the hospitall as thair proper ewidentis.

miscellaneous
apers.

5. Both the inwentar of bandis as saidis extendis to in principall sowmes xx^mvj^c merkis, and the annualrentis sinc James Hooome last dischairg fra the hospitall in anno 1630 of both the saidis inventars to Witsonday 1637 cumes to 14^m4^c merkis.

Suma of
bandis in
principall and
annualrentis.

6. And the annualrentis off the said inwentars fra Mertimes 1634 that James Hooome deid to Witsonday 1637 cumes to vj^m merkis quhilk at least, but all questione, with the saidis bandis decernit to pertain to the hospitall and the hospitall to assing the same to the Dawlings most be the hospitall estait, quhilk exceidis the xx^m merkis retrinched to xvij^m be allowing of 3^m merkis, quhairfoir they wer newer conwened for and still excepted and publeist be the hospitall to the Lordis in all the tryell and decreitis.

Annualrentis
sinec 1634 of
the bandis.

7. Suma of all the hospitall forsaid charg quhairunto the Dallings ar be law and tryell and be decreitis ar lyabill to the hospitall and poor dois cum to fowrscoir thowsand merkis and abowe. 8. And so cumes fair of and fre off all ciwill and criminall proces for xxi^m libs and can not in conscienc and be no law be so freid for xx^m merkis, yea for 17^m merkis as is intendit."

Suma totalis
off moneys
and bandis
and annual-
rentis.
Conclusion.

206. "4 February, 1637. This day Thomas Dawling and Gilbert Neilson mett befor my Lord Advocat, on the ane pairt, Alexander Hay, James Halyburtoun, Johne Luikup, and David Robertsone, skipperes in Leith, for the hospitall thair, on the uther pairt, at the command of the Lordis of Secreit Counsall.

4th February
1637.
The Hospital
of Leith, as
represented by
certain
skippers in
Leith, against
Thomas Daw-
ling and
Gilbert
Neilson.

1. Thomas Dawling adheres and craves the benefeite of the late decreit of retrinchment, extending to xx^m merkis, with the benefeit of ane new retrinchment be your Lordships later sentence to be pronuncit, viz., be deducing to him *pro tanto* the j^m merkis band in David Robertsounes name left in the kist restand be Sir Johne Seatoun at the hospitall, and ane tiket of j^m merkis restand be James Hooome to the hospitall left in the kist, and v^c merkis quhilk wes left in the kist with thrie yeires annuelrentes thair of resting, surmounting in all ij^m merkis, and so wald only pay xvj or xvii^m merkis for xx^m libs.

2. Thomas Dawling craves ane generall dischairge fra the skipperes of all actiounes, civill and criminall, for the said sowme of xvi^m merkis, and ane decreit of exoneration against the aires and executors of umquhill James Hooome for all actiounes competent to thame against him for the estait of the said James Hooome, defrauding thame and the hospitall of the remainder of the said estait.

3. Thomas Dawling craves assignatioun to the hail bandis and assignatiounes producit, annuelrentes and principallis restand pertain to the hospitall for payment of the xvi^m merkis, at least willing butt to delyver sa many bandis to the hospitall as will extend to xvii^m merkis, allowing the fairsaid ij^m merkis conteyned in the first article, and so compleitis the xx^m merkis.

4. The hospitall adheres to the first decreit arbitrall contra the Dawlingis extending in principall and annuelrentes to xx^m libs and x^m merkis

of failzies thairin conteyned and to the Secreit Counsellis decreit of ^{Miscellaneous Papers.} registratioun interponit thairto and decreit in *foro contradictorio* efter discussing of the suspensioun obteyned thairupon for xx^m libs of principall annuells, becaus the said decreit wes most justlye decernit be the arbitratouris and thairefter be the saidis Lordis, quha pronuncit the same upone the 3 of August, 1636, be ane most frequent number all in ane voice efter most mature deliberatioun and consideratioun of the depositiounes of the pairties and many famous witnesses and merites of the caus, and efter reiding and considering of the ressones of suspensioun and decreit arbitrall, decernit the said xx^m libs and fand the arbitratouris in the said decreit had proceidit and decernit fairlie, equitablye without fraud, sordiditie or circumventioun, as the extract be the Clerk of Counsall in my Lord Advocates handis proves.

5. The said decreit arbitrall of xx^m libs. was most just for the caus foirsaidis, becaus being suspendit allanerlye in sua far as concernit x^m merkis of failzies and the criminall actioun quhilk was ane sufficient ease to the Dawlingis then thocht be the whole Counsall table in ane voice.

6. The said decreit was, as said is, solemnlye pronuncit judiciallye and be extracting thairof stayed to the nixt Counsall day only upone this pretext the said Thomas Dawling sould then produce the registers of the hospitall abstracted be him to qualifie the estait of the hospitall was not so much as was decernit, extending to xx^m libs, quhilk buikis as yit were niver producit be him, albeit the said alledgance was proponit for him, and thairfoire the first thrie severall decreites sould stand good to the poore in *totum* and not to be retrinched at all.

7. Quhairas thairefter the Lordis hes retrinched the said decreit of xx^m libs to xx^m merkis the hospitall conceaves the Lordis could not in justice doe the same, becaus first the tyme of retrinchment the hospitall and poore were nather ceited nor called thairto; *secundo*, the Lordis were only judges *ex consensu* to decyde legallie, quhilk they did, as said is, and were not judges at all be submissioun at no tyme; *tertio*, the pretext of the Lordis retrinchment was to the weill of the said hospitall, quhilk it is not, viz. :—to diminische the thrid of thair estait fra xx^m libs to xx^m merkis.

8. Becaus the hospitall was in *tuto* and weill secuired be getting bak thair awin bandis, assignatiounes and wreittes producit be the Dawlingis *pro tanto*, and the Dawlingis were and ar most responsall for the remainder, with the quhilk suirtie allanerlye the hospitall was and is content as yit, and quhilk was decernit and intendit be the Lordis of Secreit Counsellis decreit of xx^m libs, as the extract of the decreit of xx^m libs in my Lord Advocates handis proves.

9. And for the ease pretendit be the retrinchment to the hospitall, the skipperes were and ar content to undergoe any disease, gif any were, quhairof thair could be now litle; the said decreit of xx^m libs being most cleir and suire.

10. For the cautiouneris offerit and acted as ane farder suirtie to the hospitall and a pretext of retrinchment the same was neidles, Violet and

Miscellaneous
Papers.

Thomas Dawlingis being most responsall be thame selffes, and farder be bandis and assignatiouneis producit perteaning to the hospitall in principall and annuelrentes quhilk justlye restis as yit be the aires, executouris and intronettouris of James Hooome and the debitouris does surmount xx^m libs decernit.

11. Farder, quhairas Thomas Dawling adheares to the last decreit of xx^m merkis, he cannot enjoy the benefeit thair of becaus be the said allegit decreit he was obleist to pay the saidis moneyes preceislye at Martimes, 1636, to the hospitall or ellis pay the sowme of xx^m libs conteyned in the Lordis first decreit, quhilk, be his awin supplicatioun to the Counsall extant, was not reddie about the last of November, and craving farder prorogatioun of payment then, and so is lyabill the xx^m libs.

12. The Dawlingis cannot enjoy the benefeit of retrinchment becaus the bandis and assignatiounis producit with sex yeires annuelrentes thair of restand to the hospitall sence the last dischairge granted to James Hooome, viz. in *anno* 1630, will surmount far xxxvi^m merkis; and the saidis bandis and assignatiouneis producit and perteaning to the hospitall of principall with the annuelrentes sence Martimes, 1634, that James Hooome died, to Witsunday, 1637, will neir extend to xx^m libs which out of all contraversie is and must be the estait of the hospitall, as the inventar heirwith producit beares and proven, mentioned in Thomas Dawlingis awin inventar also extant in James Prymrois handis, and is lykwayes proven be the tryell.

13. Farder, becaus be all your Lordships sentence of tryell and of retrinchment your Lordships hes found the hail bandis and assignatiouneis, as said is, producit to apperteane to the hospitall, and ordaines the hospitall to mak assignatioun thair of to the Dawlinges with the annuelrentes thair of, quhilk were injustice to declair the saidis evidentes to belang to the hospitall and to ordaine the hospitall to assigne thame to the Dawlingis thair wrongeres far within the just availl.

14. As also be the said sentence ordainit the hospitall to dischairge thame of all actiounes, civill and criminall, quhairby they ar not only prejudgit of the said gritt sowmes of principall and annuellis conteaned in the saidis bandis cheiflye resting sence the deceas of James Hooome, far surmounting the xx^m merkis decernit, but also of ix^m merkis and annuelrentes thair of the thrie yeires past, proven be the tryell to have bein in the hospitall kist abstrackit be thame with the bandis producit laitlye befor James Hoomes death, and of vii^m libs worth of bandis conteyned in the inventar producit and in the Dawlingis inventar extant in proces quhilk ar cancelled be thame and not producit at all by the saidis bandis producit, extending in annuellis and principallis sence James Hoomes death to Witsunday, 1637, to xx^m libs. by the said vii^m libs. of bandis concealed and ix^m merkis thrie yeires annuelrent thair of abstracted.

15. Farder, quhairas Thomas Dawling now craves not only the benefeit of the decreit of retrinchment extending to xx^m merkis, butt also ane new retrinchment of the said lait decreit of xx^m merkis, viz. :—be allowing j^m merkis in Sir Johne Seatounes handis and giving ane dischairge of ane tikat left in the kist of j^m merkis adebted be James Hooome to the poore and allowing v^c merks quhilk Thomas left in the kist as the remainder of ix^m merkis with the annuelrentes of the saidis sowmes thir thrie yeires, extending to iij^m merkis, quhairby of that quhilk justlye belangis to the hospitall be the tryell and of wreittes productit, viz. :—ix^m merkis and thrie yeires annuelrent thair of and be the bandis and annuelrentes sence James Hoomes death to Witsonday nixt, extending to neir xx^m libs., in all surmounting far xx^m merkis, Thomas intendis to pay the hospitall with xvi or xvii^m merkis, and to gett your Lordships approbatioun thairto and he to injoy the rest and to be frie of all civill and criminall actioun thairfoire competent to ws or James Hoomes aires or executouris in defraud of baith, and so his demand is most unjust, now socht to be allowed chieflye becaus the said iij^m merkis was reservit in the decreit arbitrall to the hospitall and in all your Lordships decreittes and was ever maid manifest to your Lordship and not conceilled be the skipperes both in all the tryell and befor all your Lordships sentences.

16. Farder, the hospitall supplicatis, craves and expectes your Lordship in justeice sould ordeane Thomas Dawling that he may be decernit to pay the xx^m libs conteyned in the first thrie decreittes and withall to pay all the just debursmentes and expenses of pley the hospitall hes given out and spent upone seiking repetitioun thair of, becaus he and his complices ar and were the takeres, haveres, conceallereis, intervertereis of the hospitall estait as appeired be the submissioun, sentences of arbitratouris and Lords of Counsall thairupon, confessiounes, reproductionis of bandis, assignatiounes, interversiounes and the hail tryell, and becaus it is sufficient the honest men in Leith hes bein vexed with the thrie yeires gritt toyll thairanent and spent lairg pairt of thair awin moneyes quhilk they nather can nor will giwe up in the said accompt; and thair is ressoun that Thomas be so decernit as *origo mali* rather then the hospitall estait impaired not only be the retrinchment of xx^m libs. to xvii^m merkis and of the xvii^m merkis, the just expensis to be taken off as debt now lying upone the hospitall, quhilk compt we ar content sall be allowed or disallowed in hail or in pairt be my Lord Thesaurer and the Bischop of Edinburgh or any ane of thame.

17. Farder, the hospitall craves Thomas Dawling and his complices may be decernit to redelyver to the hospitall all the comptis, dischairges, inventores and utheres wreittes of and concerning the hospitall and estait thair of quhilk he and they had or hes upone thair greit aith, cheiflye all conteyned in the inventar subscribit be him lying in James Prymrois handis, to be keiped as the hospitall evidentes to quhome they did and does properlye pertain and were lying in the hospitall kist,

18. The skipperes and masteris of the hospitall hes wowed to God, albeit the hospitall sould perisch, they will niver bleck paper with Thomas Dawling, cheiflye be granting any dischairges or assignatiounes to him, becaus the same will impoirt his suirtie or benefeite and as they conceawe præjudice to the poore. Butt only lett the Lordis be thair sentence exoner him gif they please.

19. The skipperes ar content that George Heggein gett his band of iij^m merkis resting to him be the Earle of Linlithgow left in the kist be him. and assigned for James Hoomes releiff, quha was cautioner for George Heggein to the hospitall for v^c merkis and adheares to George Heggeines band as principall, being most responsall *pro tanto*, and dischairges James Hooome of his cautionerie, quhilk band is now in the handis of Thomas Dawling.

20. Thomas Dawling and the hospitall aggries that the hospitall sall gett bak thair bandis and decreit of the Lordis thairupone as thair evidentes *pro tanto*, and he and Wyolet to be bund for the remainder that sall be decernit, and the hospitall quyittes Wyolet and Thomas Dawlingis cautioneris as neidles, becaus the principallis, viz., Thomas Dawling and Wyolet Dawling ar responsall, and the debtouris conteyned in the bandis *pro tanto* lykwayes, quhilk they ar to ressave, and becaus the debtoures to the skipperes knowledge ar most willing to pay the moneyes to the hospitall, being conscious the samyen is the hospitallis estait and not to pay the samyen to Thomas Dawling.

21. The hospitall and Thomas differes upone the quantitie of the principall sowmes conteyned in the saidis decreittes and defalcationeis thair of and annuelrentes thair of thir sex yeires past, cheiflye fra Martimes, 1634, that Thomas Hooome died, to Witsunday, 1637, quhilk belangis and restis butt questioun to the poore, extending abowe xx^m libs., and referres thame to the Lordis heiranent after reading the hospitallis ressounes and inventar heirwith produced perteaning to the hospitall surmounting xx^m libs., quhilk they humblie beg at your Lordships' handis to doe.

22. The skipperes, as maisters of the hospitall, only founderes, main-
teaneres, giveres be thame and thair calling allanerlye of the haill edifeice and patrimonye of the said hospitall, mainteanes that quhat moneyes or bandis is to be given for implement of the said decreit most only be given to thame and to na utheres, becaus, as said is, and without whose aid and charitie of the said calling in tyme comming, gif they sall abstract the samyen, the present meanes wald quicklye be exhausted, and will only be preserved be thair future charitie, lyk as the decreit arbitrall, quhilk is the only title and richt of the said hospitall and poore, the implement quhairof is only dew and decernit to the said masteris and skipperes conforme to the said decreit. And gif any will pretend entreis or chairge in the said estait by the saidis skipperes, they sall haif ansueir in ressounne upone ratificatioun, quhilk sall annull thair demand. Lykas the pretendit intruderis and usurperes upone the gouvernement and estait of the said hospitall upone thair complaint againes the

skipperes, the decisioun quhairof is referrit be ane committye of the Counsell to be decernit, of quhilk number my Lord Thesaurer is principall and *sine quo non*, and till then that thair entreis be decydit the implement of the said decreit ressaving and mannagging of the said estait most only be the skipperes, quhilk cannot exclude utheres entreis gif they obtaine sentence, lykas the most that is craved be the intruderis is only to heir comptis and not to ressave nor mannagge the estait.

Lastlye, thair is decreit in *foro contradictorio* obteyned be the skipperes againes Edinburgh heiranent extant, laitlye decernit be your Lordships, notwithstanding of his Majesties letter procured in thair favoures."

c. 4th February 1637.

Supplication of the Master Skipperes Hospital and poor of Leith to the Lord Advocate.

207. "The Maisteris Schippers Hospitall and poor of Leith thair most hoomble supplicatione to my Lord Advocat.

1. To reid thair reassones contra the Dallings and deuiludis giwen to his lordship.

2. To reid and consider thair inwitor of the hospitall bandis and moneys quhairwnto the Dallings ar lyabill.

3. To consider the extract of the decreit of xx^m libs in his lordis handis.

4. In owr names to intreat thatt both the Inwentar and reassones may be red judicially and answered, or elis to requiest the Lord Thesaurer for the poor to be present and appoynt ane committy to heir and determene.

This far the poor expectis fra your lordship as your lordship tenderis thair standing, withowt quhich be done thir just caus sall pereise.

For it is impossibill be his naiked report it can be maid so cleir to the Coonsell as be thir paperis.

And according to thair poor dewty they sall ewer pray to God in heawin to be your lordships most plentfull rewarder." Dated on back, 4th February, 1637.

c. 4th February 1637.

List of skipperes names, together with certain bands.

208. "The list of the skipperes neames that I desyre to be insert in the decreit withe the bandis and nane uther bandis bot thir under writin.

David Logan, David Robertoun, Alexander Baines, George Hegin, Archibald Maistertoun, Florie Mairin, James Haliebruntoun, John Schankis, John Glace, John Lichtoun, Alexander Riddoche, Thomas Lundie, Androw Hutschoun, Harie Greg, James Blyth, George Scot, Thomas Wilsoun, Androw Mitchall, John Broun, John Luikupe, skipperes in the northe syd. Followis the bandis quhilk ar exhibit in your awin handis:—

Item, in the first, ane band maid be the Erill of Ebercorin, 2000 merkis
Item, ane band be Thomas Ker of Ancrum, . . . 1000 merkis
Item, ane band be Robert Maistertoun, merchant in Edinburgh, . . . 2000 merkis

Item, ane band be Maister Willeam Schalmeres, . . . 1000 merkis

Item, ane band be George Hegin in David Loganes neame, 500 merkis

Item, ane band be Maister James Gordane, . . . 400 merkis

Miscellaneous
Papers.

Item, ane band be Archibald Drummond of Giblistoun, . 500 merkis
Item, ane band maid be Sir Jone Setoune of Sanctgermines in David
Robertsounes neame, quhilk is exhibit in to thair kist that standis
in the laiche Counsal hous, containing . . . 1000 merkis

Follouis the bandis quhilk ar in my awin hand :—

Item, ane band be the Erill of Cassillis, . . . 2000 merkis
Item, ane band be my Lord Alexander, . . . 1000 merkis
Item, ane band be Dame Barbra Cranstoune, Lady Touche, 500 merkis
Item, ane band be James Hay of Tourlandis, . . . 400 merkis
Item, ane band be Gawin Hamiltoun of Raploche, . . . 600 merkis
Item, ane band be Sir Johne Grame of Braco, . . . 500 merkis
Item, ane band be Androw Louthane, merchant, . . . 600 merkis
Item, ane band be M^r Patrik Mawer, clerk of Leith, . . . 600 merkis
Item, ane band be Captin Parrik Hay and his cautioner, . 1000 pundis
Item, ane band be Gilbert Lauder of Quhislaid, . . . 500 merkis
Item, ane band be Helene Achisoune, . . . 600 merkis
Item, ane band be Johne Rae, travellour in Leith, . . . 200 merkis

Withe the sax hundereth markis of money that was in to thair kist."

209. "Inventar of the bandis produced be Thomas Dawline.

c. 4th Febru-
ary 1637.

1. Ane band registrat the 2 of December, 1633, and made and sub-
seryved the 28 of July, 1627, be Johne Livingstoun, merchant burges
of Edinburgh, and M^r William Livingstoun, portioner of Saltoun, to James
Home, skipper in Leith, as tutor and curator to Jennet and Violet
Dawlines, of the soume of ij^c merkes, with 40 merkes of expenses ;
witnesses in the band, Hew M^cGill, indweller in Edinburgh, Andro
Nimmo, writter of the band, and Johne Davidsone, his servant.

Inventory of
bands pro-
duced by
Thomas
Dawline re
the Hospital of
Leith.

2. Ane ticket of three pundis sterline grantit be Williame Fursman of
Loudoun to James Home the 16 of Marche, 1619.

3. Ane band of ane thowsand pundis made and subscryved at Leith the
6 and 7th dayes of September and November, 1634, be Captane Patrik
Hay, principall, and Alexander Hay and George Abircrombie, indwellers
in Leith, his cautioneris, to James Home, skipper in Leith ; witnesses,
in the ban Johne Kello, James Johnnestoun and Androw Burne, writter
thairof.

4. Ane band of 600 merkes made and subscryved at Leith the 9th of
December, 1634, be M^r Patrik Mawer, toun clerk of Leith, to James
Home and Violet Dawline, his spous ; witnesses, Androw Burne, writter
thairof, and Robert Mawer, brother to the said Patrik.

5. Ane band of 600 merkes made and subscryvit be Andro Lothiane,
merchant in Edinburgh, as principall, and Patrik Forbes as cautioneris,
at Edinburgh the tenth day of December, 1634, to the said James
Home and his said spous ; witnesses, Andro Nimmo, writter, Daniel
Ker and Walter Finlason, his servants.

6. Ane band of v^c merkes maid and subscryvit be Sir Johne Grahame of
Brako, principall, Sir Johne Stirline of Carden, Duncane Campbell, fear

of Achinbreck, and Johne Grahame of Urquhill, his curators, at Edinburgh the 8 of Marche, 1633, to the said James Home and his said spous; witnesses, William Stirline of Achyle, Andro Nimmo and Daniel Ker, his servant. Miscellaneous
Papers.

7. Ane band of 600 merkes made be Gawin Hamiltoun of Raploch and Johne Hamiltoun, apothecar at Edinburgh, the 6 of December, 1633, to the said James Home and his said spous; witnesses, Doctor Robert Hamiltoun, Johne Hamiltoun in Udstoun and Daniel Ker, servitour to Andro Nimmo, writter thair of.

8. Ane band of 400 merkes made and subscrivit be James Hay of Tourlands and Alexander Maxwell of Knockdolwur, at Edinburgh, the 22 of December, 1632, to the said James Home and his said spous. Witnesses, Andro Nimmo and Daniel Ker and Robert Dalgleish, messenger.,

9. Ane band of aucht score pundis made and subscrivit be Johne Duff skipper in Leith, at Leith the 27 day of September, 1630, to the said Violet Dawline. Witnesses, David Robertsons, notar; Androw Burne, writter; Robert Glasfurd, writter of the band, and Patrik Glasfurd, clerk of Leith.

10. Ane band of j^m merks made and subscrivit be William, Maister of Stirline, principall, Antony Alexander and M^r James Gordoun, as cautioneris for him, at the Cannogait, the 29 day of August, 1632, Williame Crawford, goldsmith, Alexander Keith, servitor to M^r James Gordoun and Johne Davidsoun, writter of the band. This band made be the said James.

11. Ane band made be Issobell Duncce, servitrix to James Home, to the said James and his spous of the soume of three score pundis subscrivied be Robert Glasfurd, notar, in name of the said Issobell at Leith the 23 day of October, 1631. Witnesses, Patrik Glasfurd, clerk in Leith, and Edward Cochrane in the Water of Leith.

12. Ane band of the soume of 525 merkes made and subscrivied be Dame Barbara Cranstoun, Ladie Towche, as principall, Alexander Seatoun of Kilcreuche, Alexander Cranstoun of Morestoun and James Seatoun, uncle to the Laird of Touche, as cautioneris to the said James Home and his said spous, at Edinburgh, the xv day of January, 1630. Witnesses, Patrik Seatoun, souldiour, Johne Burne, servitour to the said M^r Alexander Seatoun, and M^r Patrik Maxwell, servitour to Androw Nimmo, writter of the band.

13. Ane band of j^c merkes made and subscrivit be Thomas Drummound, mariner in Leith, as principall, Alexander Crichtoun, merchant in Edinburgh, and Johne Brand, skipper in Leith, as cautioneris, at Leith, the first of August, 1628, to James Home, skipper in Leith. Witnesses, Johne Schanks and Robert Flos, skippers in Leith, and Androw Burne, writter of the band.

14. Ane band of j^c lb. made and subscrivit be Richard Acheson in Prestonpanns, as principall, Sir Archibald Acheson, secretar, and Johne Acheson, generall of the coynehous, as cautioneris, at Edinburgh, the 23

Miscellaneous
Papers.

of September, 1629, to James Home as curator to Violet Dawline, eldest daughter to Robert Dawline. Witnesses, M^r Patrik Maxwell, writter of the band, Robert Dalgleish, messenger, Robert Hayre, sone to Alexander Hayre, writter, Johne Heriot, sone to Alexander Heriot, burges of Edinburgh, and James Acheson, merchant.

15. Ane band of 514 merks 6s. 8d. made be David Cokburne, skipper in Leith, to James Home, at Leith, the 29 of May, 1628. Witnesses, Androw Irwing, writter of the band and Androw Burne, writter in Leith.

16. Ane band of v^c merkes made be Gilbert Lawder of Qubitsled, as principall, and Robert Lawder of that ilk, as cautioneris for him, to James Home, skipper in Leith, at Edinburgh, the 25 day of November, 1628. Witnesses, Andro Nimmo, writter, Johne Davidsoun and M^r Patrik Maxwell, his servants.

17. Ane band of 300 merks made be M^r James Law of Bogges, as principall, and M^r Robert Narne and Rannald Murrey, as cautioneris, to James Home, one of the tutors and curators to Violet and Jonnet Dawlins, at Edinburgh, the penult day of July, 1627. Witnesses, M^r Patrik Collace, servitour to M^r Robert Narne, Johne Narne, servitour to M^r Johne Paip, Johne Davidsoun, servitour to Androw Nimmo, Robert Dalgleish, messenger.

18. A band of v^c merkes made be Johne Burnet of Barns, as principall, and M^r Robert Burnet, as cautioner for him, to James Home, as tutor to Violet and Jonnet Dawlins, at Edinburgh, the 18 day of May, 1627. Witnesses, Johne Scot of Hundilshop, James Fairlie, merchant in Edinburgh, George Deans, notar, and Johne Davidson, writter of the band.

19. Ane band of ij^c merkes made be Johne Rae, jaylour in Leith, as principall, and James Rae, merchant in Edinburgh, as cautioner, to James Home, skipper in Leith, at Edinburgh, the 23 of Junij, 1636. Witnesses, Andrew Irwing, writter of the band, and William Rid, servitor to the said James Rae.

20. Ane band of 600 merkes made be Helene Achesone, relict of umquhill M^r Johne Dawline, to James Home and his spous, at Edinburgh, the 4th day of Marche, 1628. Witnesses, Androw Nimmo, writter, and Johne Davidsone, his servant.

21. Ane band of 2000 merkes made be Johne, Erle of Cassillis, as principall, James, Lord Ogilvie, Robert, Lord Boyd, Thomas Kennedie of Ardmillane, Fergus Kennedie of Knockda, John M^cEwene of Grimet, and M^r Johne Chalmers of Sauchrie to James Home and his spous, at Edinburgh, the 29 day of October, 1625. Witnesses, Gilbert Neilsoun, advocat, M^r Johne Dawline, sone to umquhill M^r Johne Dawline, advocat, Alexander Hamiltoun and Fergus Kennedie, servitours to the said Erle of Cassills and Johne M^cIlraith, servitour to Thomas Coutts, writter.

Ane band grantit be Sir Johne Seaton of S^t Germans to David Robertsone, skipper.

James Liddells band to be delete. William Moncreiffs band payed 2 yeers befor James Homes death."

14th February 1637. 210. Original of royal letter dated at Whitehall, 14th February, 1637, respecting Lady Rothiemay, printed *ante*, p. 400; addressed on the back to John, Lord Archbishop of St. Andrews, primate and metropolitan of all Scotland, Chancellor, and remanent Lords and others of the Privy Council. Miscellaneous Papers.
 Royal Letter anent Lady Rothiemay.

16th February 1637. 211. Extract of Act of Council relating to Leith Hospital, printed *ante*, p. 385; dated at Edinburgh, 16th February, 1637, and signed M. G. Prymerose.
 Hospital of Leith.

9th March 1637. 212. Extract of the Act of Council for a levy to strengthen Colonel Hepburne's regiment, printed *ante*, p. 401; dated 9th March, 1637, and signed M. G. Prymerose.
 Colonel Hepburn's regiment.

—March 1637. 213. "For the poor of Leith.

Case of the poor of Leith against the Dawlings.
 1. Item, in the 3 depositiones giwen be the arbiteris extant, now in James Prymrois handis, David Robertson band off on j^m merkis, James Hoome tiket of on j^m merkis and the fywe hundreth merkes left in the kist ar excepted becaus they wer delywerit in Appryll or May with the kist to David Logane with the haill wreit is in the Bishop off Edinburgh inwentar thatt wer foond in the kist oppened in Violet hoose befor.

2. Be the sentenc arbitrall theis 3 articles abonwreittin ar excepted in the gennerall claus anent the exceptione reserwed to Violet for delywery off the hospitall annualrenteis be excepting all the wreit is delywered in the possession off the skipperis, bot so it is athers wer in the possession and delywerit be Violet to the skipperis in Appryll or May befor the decreit arbitrall wes pronounced, quhilk wes in July, 1635, thairefter; as also thairin is reserwed all the wreit is int[r]omettit with be the Dallings as alloted to them fra the xx libs. decernit in the decreit arbitrall.

3. Lyk as the depositiones judiciallye taken prowes the delywery off the kist to haif been in Appryll or May befor the decreit.

4. The Dallings ar decernit be the decreit arbitrall to pay the poor 27^m and 2^c merkis as principal and annualrent ewer quhill it be payed thairefter be the wreit is decernit to be giwen to the poor exceptand as said is and in maner contened in the said decreit.

5. Thair is ane claus in the said decreit following the said exception thatt the said decreit and the delywery off the poor wreit is with the exceptiones sall nocht prejudg the poor off the principal and annual-rentis abowewrittin.

6. Forder they ar decernit to giwe the poor ane generall discharg for all actions and debtis by gone preceidding the decreit arbitrall and so the nocht compense.

7. The question is not now for xx^m merkis bot for xx^m libs contened in the decreit arbitrall and the Lordis decreit in August, 1636, quhair-wnto they will only adheir except the Dallings grant to them the haill bandis with assignationes to them fra the Dallings and annualrentis fra

miscellaneous
pers.

Mertimes, 1634, to Witsunday, 1637, thairefter, and the Lordis decreit decerning the same to pertain to the poor, becaus James Hooome was only intrusted, hed no estait except thatt quhilk wes exhausted befor his death and the frawd off the Dallings knawen to the Lord of heawin and the Coonsell tabill be taking, interwerting, keiping, conceilling of the poor estait and wretis fra Mertimes, 1634, to July, 1635, they wer accoused judiciallye be the poor and then exhibeit. Forder, to cleir the greit estait Thomas Dallings hes gottin, we pray your Lordship to cause owr inwitor off the hospitall estait quhilk the Dallings hes possest be red, quhilk inwitor James Prymrois hes in keiping fra ws."

214. 1. "Sex thousand merkis are decerned to be payed to the poore of the hospitall betuix the pronouncing of this decreit and the 8 of July, 1635, with 1000 lbs. of faillie in case of not payment, togidder with annualrent that shalbe restand after the said terme.

1st April 1637
Decree
against Violet
Dawling in
favour of the
Hospital of
Leith.

2. To pay 2000^m to the skipperis, marineris, and utheris poore of Leith that are not in the hospitall, with 5000^m of penaltie and the profitis from the day of payment at the said terme.

3. Thridlie, decernis Violet Dawling and these for whom shee hes taine burden to deliver to David Logan all tiketis, comptis, compt buikis, print buikis and buikis of navigation, with all wretis and securities that shee or her husband or they for whom shee hes taine burden hes had in the time of James Homis deceis belonging to the hospitall that are not already delivered and in the possession of the arbitrall judges and the said David Logan or any the said skipperis and maisteris of Leith; except the rychtis, bandis and assignatiounis and soumis of monie of gold pertening to the hospitall that are in Violetis possession, becaus they are estimat in the forsaid soumis decerned to be payed be Violet in maner forsaid, unto the which payment at the time appointit this claus and exception sall not be prejudiciall.

4. It is decerned that Violet and hir forsaisd sall deliver to David Logan, the skipperis, etc., sufficient discharges of all comptis, reckoning, debtis, soumis of monie for quhatsoever caus, preceeding the date of this submission concerning the said hospitall, poore thairof and estat, which discharges shee is decernit to warrand; with this provision, that the said generall discharges sall not be extended to any particular debt auchtane to her or her forsaidis not pertening to the hospitall and the commune uses thairof forsaid.

1 Aprilis, 1637. The Lords having considerit the decreit givin be thame betuix the hospitall of Leith and Thomas and Violet Dawlines, with the submission and decreit arbitrall quhilk wes the ground thairof, and having looked unto the minuts of processe and considerit the extent of thair said decreit, they find that the said Violet Dawline and her cautioner is thereby declared lyable to the payment of xx^m merks with 8^c merks of annuelrent for the same till the terme of Witsunday nixt, and that for releiffe thairof they sall have right to the hospitall bands

and assignatiouns producit be the said Violet and to James Home his proper bands, in so far as may concerne the releefe of xx^m merks; as alsua that the skippers sall discharge unto thame the ticket of j^m merks grantit be James Home to the said hospitall; and finds and declares that the band of j^m merks grantit be Sir Johne Seatoun with the soume of v^c merkes found in the kist ar nowayes included in the said decreit nor to be allowed for payment of the same, but that they belong to the hospitall in regarde they wer ever in the possession of the hospitall, and that Violet Dawline had never no medling therewith. And the Lords declare that they will not heare the parteis anie forder in this mater, and the saidis Lords ordains his Majesteis advocat to draw up the decreit conforme to this ordinance." Miscellaneous Papers.

1st April
1637.

Decreet of
Council in the
case of the
Dawlings
versus the
Hospital of
Leith.

215. "At Edinburgh, the first of Apryle, 1637.

Forsameikle as the Lords of Secreit Counsall, haveing at great lenth upon the 3 day August, 1636 yeeres, red, hard and considerit the submission and decreit arbitrall with the letters of suspension raised be Violet Dauline, relict of umquhile James Home, skipper in Leith, for herselfe and as she is designed in the said submission and decreit arbitrall and letters of suspension obtaned be her aganis Alexander Hay, now indueller in Leith, and aganis the remnant judges mentioned in the said submission, decreit and letters of suspension, and aganis the skippers thair hospitall and poore of the sea calling in Leith, quhilks letters of suspension are of the date the 28 of August, 1635, for suspending of the said submission and decreit arbitrall given and pronounced be the said Alexander Hay, M^r John Elphinstoune, James Johnstoun, John Luikup, and David Robertsons, now all induellers in Leith, as judges, arbitrators, commonlie, mutualie, neutralie and indifferentlie nominat, elected and chosin betuix the said Violet Dawline for herselfe and as she is designed and nominat in the said submission, on the ane part, and David Logane, skipper in Leith, for himselfe and as he is designed in the said submission, on the other part, quhilks is of the date at Leith the 9, xi and 12 dayes of May, 1635, and the decreit arbitrall following and insert in and upon the backe of the said submission is of the date at Leith, the 4 of July, the yeere of God forsaid; and the saids Lords, haveing upon the said thrid day of August the yeere forsaid and diverse tymes of before hard and considerit at great lenth both the saids parties with thair advocats, to wit, M^r John Nisbet, advocat, for the part of the saids judges, skippers, hospitall and poore, and Gilbert Neilsone and M^r John Gilmure, advocats, for the said Violet Dauline and Thomas Dauline, her cautioner, in the said submission upon the reasons conteaned thairin and what both the saids parties and their procurators could alledge for the advantage of the said caus, and haveing lykwayes red, hard and considerit the acts of caution subscryved and made be the said Thomas Dawline in the said caus as cautioner for the said Violet, the first thairof is upon the said

miscellaneous
papers.

28 of August, 1635, and the other upon the 8 of September, 1636, and haveing lykeweyes red, hard and considerit the depositions of the parties and judges, arbiters and diverse witness producit in the caus, and haveing considerit the hail merits thairof, they, after mature advyce and deliberatioun, fund, decernit and declarit that the arbiters mentioned in the said submission and decreit arbitrall had proceedit fairlie and equitablie without fraud, sordiditie or circumvention, and thairfore susteaned the said decreit arbitrall, notwithstanding of the reasons of the said suspension, and ordanit the saids letters and decreit quhairupon the same proceedit to be putt to farder execution for payment of the soume of 27^m and 2^c merkis of principall and annualrents thairof at the feast and terme of Martimes nixt after the prouonceing of the said decreit, deduceing thairof the soumes conteaned in the bands, quhairof the said umquhile James Home made assignatiouns to the hospitall, the said Violet renunceing her lyfrent thairof in favors of the said hospitall. And becaus the renewit bands underwritten, viz.... quhilks were formerlie conceaved in name of the said James Home allanerlie and assignit be him to the hospitall lang before his deseasse, and quhilks without his knowledge were interverted when he wes on his deadbed, and the saids bands renewed and conceaved in favors of him and his said spous, thairfore the saids Lords declarit that the assignatiouns formerlie made be the said James Home sall comprehend and be extendit to the renewit bands, and als decernis the said Violet to renunce all right or title that she hes to the same in favors of the hospitall and to warrand the same froine her awne proper fact and deid, quhilk being dewlie performed be her the Lords ordanit the same to be allowed in the soume forsaid *pro tanto*, and the rest of the bands producit to be delyverit up to her as the said decreit of the date forsaid beires. Quhilk decreit the saids Lords, upon verie good and considerable grounds importing the weele of the said hospitall and poore thairof and for frieing and releiveing thame of the trouble, charges and expenses quhilk they most underly, if this mater come to ane legall heiring, and abode a long and uncertane processe and dispute in law, they be ane posterioir decreit of the 8 of September last modified the said soume of 27^m and 2^c merks and annuels thairof to the soume of 20^m merks to have beene payit preciselie at the feast and terme of Martimes thair-after but funder delay; and for the more sure payment thairof at the said term of Martimes compeirit personalie before the saids Lords upon the said 8 of September forsaid Gilbert Neilsone and M^r John Gilmour, advocats, and James Dauline, brother to the said Thomas, and actit and obleist thame and thair aires conjunctlie and severallie as cautioners for the saids Violet and Thomas Daulines for payment of the said soume of 20^m merks to the behove of the said hospitall and poore præciselie at the said feast and terme of Martimes last. And now the saids Lords, haveing this present first day of Apryle instant tane thair said decreit of modificatioun of the date the 8 of September forsaid with the minuts

of the processe and the submission and decreit arbitrall quhilk wes the ground thair of to thair consideratioun, and the saids Lords being weele advysit thairwith and with the hail course and progresse of this caus, they have now for thair finall sentence fund, decernit and declarit as followis ; to wit—The saids Lords finds and declars that the said Violet Dauline and her said cautioner be the said decreit of modificatioun are declarit to be lyable to the said hospitall in the said soume of xx^m merks as principallis and viij^c merks as ane termes anuel thair of fra Martimes last to the feast and terme of Quhytsonday nixt, quhilk soume the saids Lords decerns and ordains thame to pay præciselie at Quhytsonday nixt, and in caise of failzie of thankfull payment thair of to make payment to the said hospitall of the soume of for penaltie ; and the saids Lords declars that the said soume to be payed to the said hospitall and skippers to be by and attour the soume of fyve hundreth merks fund in the chartour kist and intrometted with be thame and als by and attour the soume of j^m merks awand by Sir John Seaton of S^t German's to David Robertsons, to the quhilk band the saids Lord finds and declaris that the said hospitall and skippers hes the onelie undoubted right, and to the hail bygane annual-rents thair of. And the saids Lords suspends *simpliciter* the saids letters and decreit quhair upon the same proceedit for quhatsomever other farder soumes conteaned in the said decreit and letters or for doing and performeing of anie claus, heid or article conteaned in the said decreit, and declaris the said Violet Dauline and her said cautioner and the aires and executors of the said umquhile James Home to be fred, liberat and exonerit of the said decreit and of all action, civill or criminall, competent or quhilk may be competent to the saids skippers or maisters or poore of the hospitall aganis the said Violet or Thomas Dawlines for medling and intrometting with quhatsomever bands, soumes, securities or others quhatsomever perteaning to the saids skippers or hospitall or either of thame except allanerlie, in so farre as may concerne the payment be the saids Violet and Thomas Daulines to the saids skippers and hospitall of the said soume of xx^m merks of principall and viij^c merks for annualrent thair of fra the said terme of Martimes, 1636, to the said terme of Quhitsunday nixt, 1637. And for the mair sure payment and satisfaction to thame of the said soume of tuentie thousand merks and viij^c merks of annualrent the saids Lords decerns and ordains the bands made to the said umquhile James Home be the persons particularlie following quhair of the said umquhile James Home made and subscryved assignatiouns to the said hospitall and skippers and conteaned in the inventar productit, to be given up to thame togidder with so manie of the other bands made to the said umquhile James Home as the saids skippers, mariners and hospitall sall make choise of to compleit the full payment and satisfaction to thame of the said soume of xx^m merks as principall and 8^c merks of annualrent. And finds and declaris that the right to the saids bands and soumes thairin contenit, als weele these to quhilk they have assignatiouns as these quhair of the said skippers, mariners and hospitall sall

Miscellaneous
Papers. make choise of in maner forsaid perteanes to thame as thair awne proper bands and soumes of money, and they have and sall have the full and absolute right to the principall soumes conteaned thairin and to the haill byrunne annualrents thair of, to be alwayes compted and allowed in payment and satisfaction of the said soume of xx^m merks and viij^c merks of annualrent, and the saids Lords declars that they will give action to the saids skippers, mariners and hospitall aganis the persons addebtid in payment of the saids soumes formarlíe before thameselves for compelling thame to make payment to the saids skippers, mariners and hospitall of the forsaid soumes conteaned in the saids bands and of the byrunne annualrents thair of, in respect the saids soumes are dedica[t] to ane pious use, the care quhair of doth properlie belong to the Lords of his Majestie's Privie Counsell, of the quhilks bands producit be the said Thomas Dauline before the saids Lords this note following conteans the number, dates, tenor and substance and termes of payment of the same, they are to say, etc.

And the saids Lords finds and declaris the saids Violet and Thomas Dauline to be fred, exonerit and releived of so muche of the said principall soume of xx^m merks and 8^c merks for ane termes annualrent thair of as the soume principall and byrunes conteaned in the saids bands assigned be the said umquhile James Home before his deceasse or conteaned in the saids other bands to be chosin and accepted be [the] saids skippers, mariners and hospitall sall extend to, and that thir presents sall serve for ane sufficient liberatioun to thame for that effect; and if the soumes conteaned in the saids bands sall not compleit the soume of xx^m merks as principall and 8^c merks for ane termes annualrent, the saids Lords decernis the said Violet and Thomes Daulines thair aires and executours conjunctlie and severallie to make good and thankfull payment thair of at the terme of Quhytsonday nixt, and in caise of failzie the soume of for expenses, and that to the saids skippers, mariners and hospitall upon thair discharge to be subscryved be for himselfe and in name of the remnant skippers and hospitall, quhilk the saids Lords declaris sall be ane sufficient exoneratioun to the saids Violet and Thomas Dawlines. And siclyke the saids Lords finds and declaris that the saids Violet and Thomas Daulines hes and sall have good and undoubted right in and to the saids remnant bands and soumes of money, principall and annualrent thairin conteaned, and that of all yeeres bygane restand, awand and in tyme comeing, excepting thairfra the said band made be the said Sir John Seaton to the said David Robertstone, skipper, conteanning the soume forsaid of j^m merks and of penaltie, quhilks with the haill annualrents thair of bygane and to come, the saids Lords finds and declaris to perteane to the said hospitall and skippers by and attour the said soume of xx^m merks and 8^c merks decerned to be payed to thame, as said is, and decerns the said David Robertstone to make assignatioun to thame of the said band. Lykeas the saids Lords finds and declaris that the saids Violet and Thomas Dawlines hes als good right to the saids remnant bands (excepted before excepted) as if the same were

specialie assigned to thame be the saids hospitall and skippers And als ^{Miscellaneous Papers.} the saids Lords ordans siclyke the processe to be granted to the saids Violet and Thomas Dawlines as if thair proper names had beene insert in the saids bands. And siclyke the saids Lords decerns the saids Violet and Thomas Dawlines to be free of the payment of ane thousand merks mentioned and conteaned in a ticket subscriyved be the said umquhile James Home and fund in the said chartour kist, quhairby the said umquhile James granted him to have borrowed of the hospitall moneyes the soume of j^m merks, and decerns the said ticket to be delyverit to thame to the effect the same may be cancelled and destroyed. And the saids Lords decerns the bands and writts abonewritten conteaned in the said inventar to be delyverit up be the Clerk of Counsell to either of the saids parties according to thair decreit abone specifeit, viz.:—to the saids skippers, mariners and poore of the hospitall the bands assignit to thame be the said umquhile James Home with the assignatiouns thair of, togidder with suche bands as they sall make choise of in payment of the said soume of xx^m merks and termes annualrent thair of in haill or in part, togidder with the said band of j^m merks made be the said Sir John Seatounne to the said David Robertstone; and to the saids Violet and Thomas Dawlines the hail remnant writs conteaned in the forsaid inventar exhibit before the saids Lords. Attour forsameikle as there was fund in the said kist ane band made be the Earle of Litghgow and his cautioners to George Hegin in with ane assignation made be the said George Hegin to umquhile James Home, and that it is shawin and verified to the saids Lords be ane backband made be the said umquhile James Home to Georg Hegin that the said assignatioun wes onlie made to the said James Home for his releiff of a band of v^o merks made be the said George Hegin as principall and the said umquhile James Home as cautioner for him to the saids skippers and hospitall, thairfore the saids Lords declaris that if the saids skippers accepts the said George Hegin his band of the said soume of v^o merks and byrunnes thair of restand awand unpayit in part of payment of thair saids soumes that the said band of 3^m merks and assignatioun thair of sall be given up to the said George Hegin, he secureing the saids skippers and hospitall in the said soume of v^o and annualrent thair of truelie restand awand and giveing backe the said backband made to him be the said James Home to be cancellit and destroyit. And finds and declaris the aires and executors of the said umquhile James Home to be fred and exonered of thair said cautionerie for the said George Hegin of the said soume and byrunns thair of. And last the saids Lords finds and decerns Gilbert Neilsone of Craigcaffie and M^r John Gilmur, advocats, and James Dauline, brother to the said Thomas, to be fred and exonered of thair act of cautionerie quhairby they became bund and obleist for the said Violet and Thomas Dawlines in payment to the said skippers and hospitall of the said soume of xx^m merks and annualrent thair of, in respect they ar ordanit to be secured in payment of the saids soumes be

the bands ordanit to perteane to thame and to be chosin be thame in maner forsaid and be band to be given to thame of the remnant thairof be the saids Violet and Thomas Daulines in maner above specifeit."

216. Another scroll of this immediately preceding proposed Act of Council in the Leith Hospital case. 1st April 1637.
Hospital of
Leith.

217. A less complete scroll of the immediately preceding proposed Act of Council. 1st April 1637.
The same.

218. Another draft of part of this same proposed Act of Council. 1st April 1637.
The same.

219. " 13th June, 1637. At Edinburgh, the first day of Apryle, the yeere of God j^mvj^e and 37 yeeres, anent the action and sumonds of suspension raised at the instance of Violet Dauline, relict of umquhile James Home, skipper in Leith, aganis David Logane, skipper in Leith, in whose favor the decreit arbitrall, gevin and pronounced betuix hir and the said David Logane was given and pronuncit to the alledgit prejudice of the said Violet Dauline, and aganis M^r John Elphinstoune, indueller in Leith, Alexander Hay, resident thair, James Jonstoune, maltman thair, John Luickup, skipper thair, and David Robertstone, skipper thair, judges, arbiters, pronuncers of the said sentence and decreit, and siclyke aganis the skippers and mariners within Leith for thameselfes and as maisters of the hospitall of Leith, appoynted for the poore and indigent persons of thair calling for bringing and produceing with thame of the submission and decreit arbitrall following thairupon, with the letters of horning, if anie be, raised upon the said submission, to have beene seene and considerit be the Lords of Privie Counsell and to have hard and seene the said Violet Dauline reponed to her defences and answers aganis the said decreit and letters, at the least to have hard thame discharged and suspendit *simpliciter* for the reasons and causes specifeit and conteaned in the saids letters of suspension; to wit, becaus the said decreit arbitrall tends altogidder to the said compleaner her enorme hurt and lesion, etc., as at more lenthe is conteaned in the saids letters of suspension, [1]¹ executiounne and indorsatione thairof; quhilk being callit upon the day of and the said Violet Daulin and Thomas Dauline, her brother sone, for whome she taks burden be the said submission and decreit arbitrall following thairupon, and who is actit as cautioner for her the tyme of the raising of the said suspension, compeirand personalie with Gilbert Neilsone of Craigaffie and M^r John Gilmor, advocat, their procurators, [and the said Thomas Dauline, being personalie present as cautioner forsaid, declared that he wes content and consented that the sentence to follow heirupon and to be given be the saids Lords sould be given aganis him or worke in his favors, as the saids Lords sould decerne in the said caus, siclyke as if the same suspension

¹ Throughout the document figures are inserted by some reviser evidently for emendations.

had beene raised in his name¹]. and the said David Logane, M^r Johne Elphinstoune, Alexander Hay, James Jonstoun, John Luikup and David Robertstone, arbiters forsaid, and the skippers [2] and mariners following, viz. :—James Halybrunton and Thomas Wilsone, skippers on the north syde of Leith, Archibald Maistertoun, George Hegin, Johne Lichtoune and Archibald Baines, skippers on the south syde of Leith, for thame-selves [3] and in name of the haill remnant skippers, mariners, saillers, maisters and poore decayed people of the seafairing trade in Leith compeirand [4] be M^r Johne Nisbet, advocat, their procurator, who productit the said decreit arbitrall given and pronunced aganis the said Violet Dauline with the submission quhairupon the same proceedit, both registrat in the books of Privie Counsell upon the thrid day of August, 1635, [A] ²togidder with ane decreit of Secret Counsell of the date the said 3 of August 1635 years given aganis the saids Violet and Thomas Daulines compeirand [sic], quhairby the saids Lords hes assoilzied *simpliciter* the said David Logane and Alexander Hay, tua of the saids defenders, frome ane complaint moved be the saids Violet and Thomas Daulines aganis thame upon alledgit thratening and feare offered to the said Violet in makeing of the submission, quhairupon the said decreit arbitrall proceedit [5] and opponed the said [6] decreit arbitrall and decreit *absolvitor* to the saids reasons of suspension; [7] and the saids Lords, haveing ordainit both the saids parties, for the further tryell and examinatioun of the said bussines before anie furdre proceeding thairin, to produce the haill bands, assignations and others writts quhatsomever being in thair hands concerning the moneyes and estate perteaning to the said James Home or the said hospitall and poore of Leith, skippers and mariners, the said Thomas for obedience of the saids Lords ordinance productit the bands, assignatiouns and others writs afterfollowing, viz. :—[8]

And thé saids Lords, haveing in thair full pressence and audience at diverse tymes hard both the saids parties with their advocats upon the said suspension and reasons thairin contenit, and als for thair farder informatioun having red, hard and considerit the depositions of the parties and arbiters and of diverse witnesses productit be either of thame and examined be the saids Lords and suche of their nomber appoynted to that effect, togidder with the haill writts, reasons and arguments alledgit be either of thame, togidder [9] with diverse supplicatiouns and reasons given in writ be the saids skippers, [10] mariners and hospitall, in respect quhairof they contendit that the haill soumes mentioned in the said decreit arbitrall sould be decernit in thair favors, and that the same sould not be retrinched nather in principall, annualrent nor expenses, togidder with the saids persewers their answers made thairunto, quhilks being at great lenth hard and considerit be the saids Lords, they after mature advyce and deliberatioun, by thair decreit and sentence of the date the thrid day of August, 1636,

¹ This passage enclosed as if for deletion.

² See addition at end of document.

miscellaneous
pers.

decerned and declared, lykeas be thir presents they decerne and declare that the arbiters mentioned, in the said submission and decreit arbitrall following thairupon, hes proceedit fairlie and equitablie, without fraud, blame, sordiditie or circumvention, and thairfore hes susteained and susteanes the said decreit arbitrall, notwithstanding of the haille reasons of the said suspension, as ane good, formall, lafull sentence; [11] and yit nottheles the saids Lords, considering that diverse pleyes, questions and contraversies may aryse anent the quantitie of the soumes perteaning to the puire, hospitall and [12] skippers in respect of the obscuritie of the compts, papers and others instructions product be the saids [13] parties, togidder with the pregnant prejudice quhilk the skippers, poore and hospitall may susteane be attendance on law upon the tryell and cleireing of the saids contraversies quhilks in short time might eat up exhaust and consume the meanes and estate perteaning to the saids [skippers, mariners, poore and]¹ hospitall be the charges and expenses to be susteained in the discussing thair of, thairfore the saids Lords, tendring the weele of the saids skippers, mariners, poore and hospitall and to releive thame of the saids charges and expenses, hes [14] of certane knowledge decerned betuix the saids parties in maner following, viz.:— the saids Lords hes fund and finds the said decreit arbitrall and letters raised thairupon to be orderlie proceedit and to be putt to farder executioun and that ay and whill the said David Logane, partie submitter, and in whose favors the decreit arbitrall is given, be compleitlie satisfied and payed of the soumes of money underwritten in name and to the behove mentionet in the said decreit; to wit, of the soume of xx^m merks of principall soume to be payed preciselie at the feast of Quhytsonday nixtocome with the soume of 8^c merks as for the annual-rent thair of fra the feast of Martimes last bypast till the said terme of Quhytsonday, to the quhilk soumes the saids Lords, by ane act of the date the aught day of September, 1636, hes retrinched and retrinches the soumes conteaned in the said decreit arbitrall [15] [notwithstanding of the haille reasons, objections, supplicatiouns and arguments made be the said skippers, mariners and hospitall in the contrare, quhilks the saids Lords repelled],² and the saids Lords declares that in the said soume of xx^m and viij^c merks decerned, as said is, sall nowayes be comprehendit the soume of 5^c merks fund in the kist perteaning to the said umquhile James Home and intrometted with be the saids skippers and mariners after his deceasse; [16] and siclyke finds and declares that the saids skippers and hospitall hes good right to the band of ane thousand merks auchtand be the said Sir John Seaton to the said David Robert-sone and fund in the said kist, as said is, after the deceasse of the said James Home, togidder with the haille annualrents thair of restand awand, in respect the said David Robert-sone his name wes borrowit to the behove of the said hospitall, quhilk the said David Robert-sone, being

¹ Marked as for deletion, and also generally where these terms occur in the sequel. ² Marked as for deletion.

personalie present, granted and confest, [17] and that by and attour the said soume of xx^m and viij^c merks decerned to be payed to the saids [David Logane]¹ skippers, mariners and hospitall in maner forsaid; and for sure payment and full satisfaction of the said soume of xx^m merks as principall and viij^c merks of annualrent to the saids hospitall and skippers, the saids Lords decerns and ordans the bands and obligatiouns and assignations particularlie afterspecifeit conteanning the principall soumes following, and quhairof the annualrents are awand and dew respective at the feast of Quhytsonday nixtcome, to perteane to thame and to be given up and delyvered to the said David Logane for and to the behove [18] of the saids hospitall, skippers and mariners, viz.:— Quhilks bands and assignations particularlie abonewritten [19] with the principall soumes and annualrents thair of the saids Lords decerns and ordans the said David Logane [20] and the saids skippers and mariners for thameselfes and in name of the said hospitall and remnant skippers [B]² of Leith to accept in contentatioun and satisfaction of the said soume of xx^m merks of principall and the 8^c merks of annualrent, and that in so far as the saids principall soumes and annualrents forsaid will extend to; quhilks soumes be just compt extends to the soume of usuall money of this kingdome, sua that thair will rest to compleit the said soume of xx^m and 8^c merks the soume of , for payment quhair of the saids Lords decerns and ordans the saids Violet and Thomas Daulines to exhibit and produce to the Clerk of Counsell ane band and obligatioun made be ane sufficient responsall and answerable person for payment of the said soume to the said David Logane in name and to the behove of the said hospitall, skippers, mariners and poore at the feast of Quhytsonday nixtcome, and in caise of failzie the soume of for expenses. Lykeas the said Thomas Dauline for obedience of the said ordinance exhibit ane band and obligatioun made be , advocat, to the said David Logane in name and to the behove forsaid of the said soume of , payable at the said feast of Quhytsonday nixtcome; quhilk band being exhibit, the saids Lords hes decernit and decerns to be accepted be the said David Logane [21] and the skippers, mariners, puire and hospitall in compleit payment and satisfaction of the said soume of xx^m and viij^c merks decerned to be payed to thame in maner forsaid, provyding alwayes that the saids Violet and Thomas Daulines [22] warrand the saids bands fra thair awne proper fact and deid and fra the fact and deid of the said umquhile James Home and that the saids principall soumes conteaned in the saids bands, togidder with the particular annualrents thair of given up, as said is, are restand of the forsaid termes bygane, and as dew and payable at the said terme of Quhytsonday nixt are trewlie restand and awand, unpaid and unassigned or discharged in haill or in part, excepting alwayes fra the said warrandice quhatsomever assignations made be the said umquhile James Home to and in favors of the said hospitall, skippers, poore or mariners or to

¹ These words inserted,

² See addition at end of document.

scellaneous
pers.

the saids David Logane, David Robertstone, or anie other of the saids skippers to the behove of the said hospitall and to the saids skippers, mariners or poore in common, fra the quhilks assignatiouns the saids Lords finds that the saids Violet and Thomas Daulines sall no wayes be obleist to warrand the bands and soumes abonespecifeit. Lykeas the saids Lords declars that the said David Logane and the saids skippers, mariners, poore nor hospitall sall have no right to anie byrunne annualrents of the bands and soumes abonespecifeit decerned to be given up to thame, as said is, bot allanerlie to the saids annualrents of the particular termes particularlie abonexpressit, comptit in the said soume, for the quhilk the same are decerned to be accepted, as said is. And the saids Lords finds and declars that the said David Logane [23] to the behove of the said hospitall, skippers, poore and mariners hes and sall have good and undoubted right in and to the saidis bands ordanit to be delyverit to him, as said is, and in and to the forsaidis principall soumes tharin contenit and in and to the forsaidis byrunne annualrents particularlie abonexpressit, as said is, and in and to the haill penalties and expenses conteaned in the saids bands, and in and to the annualrents of the saids principall soumes of all yeeres and termes after the said feast of Quhytsonday nixt, so long as the saids principall soumes sall remaine unpaid, and that in siclyke and in the same maner as if the name of the said David Logane or the names of the saids skippers and mariners or others representing thame and the hospitall and poore were *per expressum* exprest thairin. Lykeas the saids Lords declars that they will give spedey actioun and executioun to the said [24] David Logane to the behove of the saids skippers, mariners, poore and hospitall sumarlie before thameselfes aganis the persons principall and cautioners conteaned in the saids bands adjudgit to thame be this present decretit and als aganis the said Mr John Gilmor, partie obliged in the band presentlie exhibit be the said Thomas Dauline, and aganis thair aires and executors, for payment of the forsaidis principall soumes, annualrents and penalties conteaned and dew be the saids bands, as said is; and that in respect the saids soumes are dedicat to ane pious use, the care quhairof doth properlie belong to the saids Lords of Privie Counsell. And siclyke the saids Lords, according to the tenor of the said decretit arbitrall, and for fulfilling of that claus thairof anent the generall acquittance and discharge decernit to be given be the said Violet Dauline for her selfe, and for those for whome she taks burden, be the said submissione to and in favors of the said David Logane [25] [and the saids skippers, mariners, poore and hospitall in maner conteaned in the said decretit decerns and declaris the said David Logane] [26] and the saids skippers, mariners, poore and hospital to be free, exonerit and dischargit of all compts, recknings, debursements, debts and all others things, actions, questions, pleyes, contraversies and maters quhatsoever, alsweele named as not named, quhilks may be clamed or persewed aganis thame be the saids Violet and Thomas Dawlins thair aires and

executors or be the aires and executors of the said umquhile James Home for quhatsoever caus, deid or occasion preceeding the date of the said submission quhairupon the said decreit arbitrall proceedit, and finds and declares that the claus abonewritten sall be als valid and effectuell to the said David Logane and [27] to the saids skippers and hospitall for thair liberatioun, as if ane generall acquittance and discharge were given, subscriyved and delyvered be the saids Violet and Thomas Daulines for thameselfes and in name of these for whome the said Violet is ordaned to give ane generall discharge according to the tenor of the said decreit arbitrall; [28] and in respect thair of [29] the saids Lords decerns the saids Violet and Thomas Daulines to be free of all action and executioun competent be vertew of the said decreit aganis thame for giveing and subscriyveing of the said generall discharge, provyding alwayes that they be bund and obleist to warrand, lykeas the saids Lords decerns and ordans thame and thair aires, conjunctlie and severallie, to warrand the said David Logane [30], skippers, mariners and hospitall to be free and saife of all actions, questions, claimes, contraversies, quhilks may be persewed aganis thame and quhair of the said Violet is decerned to give up the said generall discharge be the said decreit arbitrall and that siclyke and in the same maner and in als ample forme as if the same discharge mentioned in the said decreit arbitrall had beene subscriyved and delyvered to the said David Logane, [31] skippers, mariners and hospitall forsaid [c]. And siclyke the saids Lords suspends the said decreit arbitrall and letters of horning raised or to be raised thairupon for payment of the said David Logane, [32] skippers, mariners, poore and hospitall for quhatsoever other soumes conteanit in the said decreit arbitrall, principall, annualrents and penalties, except allanerlie the soume of xx^m viij^e merks, or for doing, performing and fulfilling of anie other heid, claus or article conteaned in the said decreit arbitrall, except in so farre as they are ordanit and decernit be the saids Lords to do and performe in maner abonespecifeit, and declaris the saids Violet and Thomas Daulines [33] thair aires and executors and all others for whome the said Violet taks burden be the said submission and all cautioners fund be the saids Violet and Thomas Daulines or actit for thame at anie tyme preceeding the date of this present decreit [34] and als the aires and executors of the said umquhile James Home to be freed, liberat and exonered of the said decreit arbitrall and hail clauses, articles and conditions thairin contenit, except in so farre as is decerned, as said is, and als all action, civill or criminall, competent or quhilk may be competent to the said David Logane, skippers, mariners, poore or hospitall aganis the saids Violet and Thomas Daulines or Andro Nemo, writer, for ony alledgit melling and intro-metting with quhatsoever kists, coffers, bands, contracts, securities or other quhatsoever perteaning to the saids skippers, mariners, poore or hospitall or anie of thame and of all soumes of money alledgit intronettit with or upliftit be the said umquhile James Home or be the saids Violet

miscellaneous
papers.

and Thomas Dawlines perteaneing to the saids skippers and hospitall; and speciallie but prejudice of ane ticket of ane thousand merks subscryved be the said umquhile James and fund in the kist after his deceasse, quhairby he granted him to have uplifted off the hospitall moneyes the soume of j^m merks, quhilk ticket the saids Lords ordans to be given up to the saids Violet and Thomas Dawlines to be cancellit and destroyit; and declars that thir presents sall be ane sufficient exoneratioun and discharge to the saids Violet and Thomas Dawlines and thair forsaid, and to the said Andro Nemo and to the aires and executors of the said umquhile James Home at the hands of the saids skippers and all others haveing enteresse thairanent. Attour the saids Lords decerns and ordans the haill remnant bands abonewritten and assignationes exhibit before thame, except the forsaid particular bands decernit, adjudgit and declarit to perteane to Dawid Logane, the saids skippers, mariners and hospitall in maner forsaid, to be delyvered up to the saids Violet and Thomas Daulines, viz. :—etc. [35].

[And finds and declaris that the saids Violet and Thomas Daulines, thair aires and executors, hes and sall have good and undoubted right in and to the forsaid particular bands, haill soumes principall and penaltie thairin conteaned, togidder with the haill annualrents of [36] quhatsomever yeeres and termes restand awand yeerlie in tyme comeing to be disposed on be thame to thair awne proper use, and to be used, uplifted and applied to thair awne use and that ay and whill the saids Violet and Thomas Daulines be payed and satisfied of the said soume of
 conteaned in the band made be thame and the said M^r John Gilmor, thair cautioner, and of the haill annualrents thair of fra the terme of Quhytsonday, 1637, ay and whill they be fullie satisfied of the said soume, of the quhilks bands the inventar follows, etc., without ane claime, right, title or claime of right to be asked or pretendit thairto be the saids David Logane or be the saids skippers, mariners or hospitall or anie of thame notwithstanding quhatsomever assignatioun, band, promise or securitie quhatsomever alledgit made to thame be the said umquhile James Home or be the said Violet Dauline, quhair of the saids Lords decerns thame to be free in all tyme comeing; and decerns the saids David Logane and the saids skippers, hospitall, poore and mariners forsaid to warrand the saids Violet and Thomas Daulines and thair forsaid thairanent]¹ and als the saids Lords finds and declars that the saids Violet and Thomas Daulines and thair forsaid sall have action and processe before thamselves aganis the persons principall and cautioners conteaned in the saids bands, thair aires and executors, for payment of the saids soumes conteaned in the saids bands in respect the same are declared to perteane to thame, be the saids Lords decreit and sentence, notwithstanding quhatsomever claime or pretence quhilk the saids skippers, mariners and hospitall and others forsaid may have thairto, and sua is in effect ane part of the executioun of the Lords sentence

¹ Marked to be deleted.

given in maner forsaid. [And the saids Lords declares that the saids Violet and Thomas Daulines being payed and satisfied of the said soume conteaned in the said band made be thame and the said M^r John Gilmor, thair cautioner, that the haill remnant soumes conteaned in the saids bands sall perteane [D] to the aires and executors of the said umquhile James Home, as accords of the law],¹ with this provision alwayes, lykeas the saids Lords wills, ordans and declares that, if thair be not fund als muche good responsall bands as will pay the said soume to thame that what is deficient in the saids bands of the said soume that the saids Violet and Thomas Daulines sall have good right to uplift the said rest furth of the first and reddiest of the moveable goods, geir, airship perteaning to the said umquhile James Home, quhilk the saids Lords of certane knowledge ordans to be subject and lyable to the payment thair of. And, further, the saids Lords finds and declares that albeit the said umquhile James Home wes bund as cautioner in the forsaid band made be the said George Hegin to the behove of the said hospitall, skippers and mariners, conteaning the saids soumes of v^c merks, quhilk is ane of the bands adjudgit to thame in maner forsaid, yit the saids Violet and Thomas Daulines and the aires and executors of the said umquhile James Home sall be altogidder free and exonerit of the said cautionerie, and that the said David Logane, mariners, skippers, poore and hospitall sall have onelie execution upon the said band aganis the said George Hegin to be cancellit and destroyed, provyding alwayes that one assignatioun made be the said George Hegin to the said umquhile James Home anent ane band of iij^m merks made to the said Georg Hegin be the Earle of Lithgow and his cautioners quhilks wes made be the said Georg Hegin to the said umquhile James Home for releiffe of his cautionerie, be delyverit to the said George Hegin, and in respect the saids Violet and Thomas Daulines and the aires and executors of the said umquhile James Home are declared to be free of the said cautionerie, thairfore the saids Lords finds that in justice the said assignatioun could be cancelled and destroyed; lykeas conforme to the said ordinance the said assignatioun wes given up to the said George Hegin to be cancelled and destroyed. [37] And als the saids Lords ordans that the backband made and subscryved be the said umquhile James Home to the said George Hegin, quhairby he granted that the forsaid assignatioun wes onelie made to him for his releiffe of the cautionerie abonespecifeit, be given up to the saids Violet and Thomas Daulines to be cancellit and destroyed. And finallie the saids Lords, considering that the cair of the gouvernement and administratioun of the estat of the said hospitall of Leith and rents and soumes perteaning thairto is incumbent to thame, and that his sacred Majestie hes beene pleased by letter to recommend the same to their special care, lykeas they appoynted ane comittee of thair awne nomber to consider thair of, thairfore the saids Lords hes remitted and remits the setting doune of the order and reule of the gouvernement of

Miscellaneous
Papers

¹ Marked to be deleted.

the said hospitall and of the rent and estate thair of to the said comitte, and declars that upon the report to be made be the said committee to the saids Lords they will give furthe thair determination thairanent [38]

In the 2 pag of the scroll at the letter [A] before the word 'togidder' to insert thir words 'quhairin the saids judges mycht have bene mistakin anent the quantitie be them decernit.'

Item, at [B] in the 3 page to delet the words 'parochin of the south syde,' and to insert thir words 'in name of the skippers, mariners, poore and hospitall of Leith.'

Item, at [C] in the 5 page to insert 'that the foirsaid clauses of discharge and warrandice thair of abonespecifeit sall import no action nor warrandice aganis the said Thomas nor Vyolet Daulings for anie clame or controversie to be moved aganis the said David Logane, mariners, skippers, hospitall bot in so farr as it sall be found that the said Thomas or Vyolet Daulings sall have rycht to the saids clames or contraversies frae the airs and executoris of James Home or that the samine be moved to the behoove of the said Thomas or Vyolet directlie or indirectlie."

220. Fragment of original of royal letter, dated at St. James's, 13th May, 1637, in favour of the goldsmiths of Edinburgh, printed *ante*, p. 501; addressed on the back to John, Lord Archbishop of St. Andrews, Chancellor, and the remanent members of the Privy Council. 13th May 1637.
Royal letter in favour of the goldsmiths of Edinburgh.

221. Copy of the Act of Council respecting the pest in the Middle-shires, printed *ante*, p. 429; dated at Edinburgh, 13th May, 1637, and signed by Sanctandrows, Cancell^r; Glasgow, and Binning. 13th May 1637.
The plague in the Middle Shires.

222. Original of Royal letter, dated at Denmark House, 17th May, 1637, and printed *ante*, p. 456, relating to the King's intentions as communicated to the Earl of Traquair. 17th May 1637.
Royal letter anent the King's intentions communicated to the Earl of Traquair.

223. Scroll of the Act of Council relating to the ordinances by the commissioners anent the pest on the Borders (omitting the acts and ordinances themselves), dated 1st June, 1637, printed *ante*, p. 442. 1st June 1637.
The plague on the Borders.

224. Copy of the Acts and Ordinances above referred to and printed *ante*, p. 442; with the following preamble immediately after the heading:—"The quhilk day, eftir the reading of the commissione inquiry wes maid be the commissioneris and wtheris convenit be thair lordships for that effect quhat wes the maist probable way by quhilk this infectione came to Neisbet Myln, quhair it did first burst furth; and order is sett down that the readiest course may be taikine for tryell of suche circumstances as may mak the treuth best apeare, and upone knowledge thair of that the Erle of Loutheane may give order to some under him for preventing all farder danger that may ensew upon this tryell that

1st June 1637.
Anent the plague which has appeared at Neisbet Mill.

is to be taikine. *Item.* Order wes gevin for sending for the maist expert cleangeris that could be fund that all ordinar meanes might be the better performitt to thease wissittit with the seiknes, and for preventioun of farder infectioun. And for this effect letters wer directit be the commissioneris." [Then follow the articles.] At the end is an attestation signed be Alexander Don, notary, clerk to the commissioners, that the document is a true copy of the Articles.

Miscellaneous
Papers.

3rd June 1637.

Anent the
plague on the
Borders.

225. Scroll of the Act of Council granting commission to Robert, Earl of Roxburgh, and others to see the ordinances of the Council anent the pest on the Borders carried out, printed *ante*, p. 431. And also scroll of another Act, narrating that "at the pleasure of God some parts upon the Borders of this kingdome beside the toun of Jedburgh ar visite with the contagious sickenes of the pest quhairof some ar dead and others infected with the said contagioun, not onelie natives of this kingdome but also Englishmen, who at all occasions (come out of the English Borders where the said contagioun rages) ar stragling athort the countrie," so that the whole population are in danger. The Lords therefore ordain the magistrates of Edinburgh, Jedburgh, Selkirk, Kelso, Dunce, Caldstreame, Hawick, Melros, Lawder, Hadintoun, and all other burghs and towns on the Middle March, as all noblemen and persons of quality, justices of peace and all his Majesty's officers within their respective jurisdictions, to exercise the utmost vigilance that no person coming from the infected districts be harboured within their bounds, but that they be sequestrated for observation and trial.

6th June
1637.

Supplication
by the
Hospital and
poor of Leith.

226. Supplication by the Hospital and poor of Leith, viz., David Logane, David Robertsons, John Luikup, and James Halyburtoun, skippers there and masters of the said hospital, as follows:—For three years past, with great toil and daily expense to them and several other honest men there, they have most carefully and painfully pursued the wrongs and abuses of their hospital and poor, for restoring the hospital and estate of the poor, and they must still be at considerable expense in prosecuting the plea, or it cannot proceed. For this they have employed their own means and others' money, and also borrowed money in the name of the hospital and poor for this end. Further, they have delayed to extract the decree lately pronounced by their Lordships until their Lordships should be pleased to grant to them their expenses of plea in the said cause as the same may be audited by a committee of their Lordships, and these they crave may be ordered to be paid to them by Violet and Thomas Daling for the following reasons:—(1) "Because they war and ar the poores wrongeris and abuseris be taking, interverting, keiping, conceilling the poores rychtis and estaittis and thairefter crossing the poore be law fra November, 1634, that James Home died to this day. Nixt, because they wer and ar the begining, caus and author

of all the pley and of the thrie yeiris indurance thairrof, and of all the expenses spent be ws or the poore, and what estait recowerit is be ane gryt legall contest and not voluntarlie quhilk in conscience they war bund to doe. Forder, becaus be the decret arbitrall and act of cautoun in the suspensioun thairrof they war decernit and obleist thairbye to pay all the expenses of pley quhilk sould be spent thairin, as the particular claus thairanent in the decret arbitrall extant at moir lenth bearis. Forder, becaus of the benefeit of the ease and liberatione they have gottin be your Lordships decret of retrinchement in thair favouris converting the 20^m lib. decernit be your Lordships befor to the poore and payable at Mertimes, 1636, to 20^m 8^c merkis payable at Witsunday, 1637. Forder, becaus be your Lordships said decret they ar liberat of all civill and criminall actione competent to the poore against thame for the superplus of the poores estait they keip and the cryme for taking thairrof. Forder, becaus be your Lordships said decret they gett deliverit up to thame fra the Clerkis of Counsell sua many bandis and assignationes conceavit in the name of James Home and the poore as will amount to 10^m lib. by and attour utheris bandis conceillit with the 9^m merkis pertaining to the poore they tuik out of the Hospitall kist. Forder, becaus it was maid evident and cleir to the Lordis of the Committee that umquhile James Homes estait was neir exhaustit be himself befor his deathe, and that his name was borrowit to the poores bandis. Forder, becaus in all judicatories of this kingdome reasonabill expenses of pley, and in forraine judicatories full expenses of pley ar allowit and decernit and so cheiflie sould be in ane persuit of this kynd quhair the wrong is so gryt and the cryme odious, and quhair be all law, conscience, rychtis and reassones fairsaidis they ar lyable and obleist. And giff (as God forbid) that your Lordships will not decerne againes the saidis Violet and Thomas Dalingis as is creavit, we beseik your Lordships to decerne and allott certane annuellrentis bygane and to come of the said 20^m merkis decernit to the poore to pay the chairgis and expenses of pley to us; bot rather that your Lordships will proceid and decerne against the Dalingis, quhilk is most just, quhairby the poore be no moir prejudgit nor they ar alreddie; and withall, your Lordships will consider the gryt toyll we and utheris hes sustenit and lost thir thrie yeiris past, and that it is against all law, reasone and conscience that we, wha ar few privat meane men, sould suffer in our particular estaittis, and the poore also in thairis, and sic ane gryt ease, saiftie and benefeit accressing to the saidis Violet and Thomas Dalins, wrongeris of the poore, as is grantit; and with all for cognoscing the said compt of our expenses we beseik (giff it be your Lordships will) to intreat and nominat the Earle of Traquair, Heiche Lord Thesaurar of Scotland, and the Bischop of Edinburgh to that effect, or ane of thair Lordships incaise baith cannot attend, in respect they ar best acquaintit in the said caus fra the begining." [On the back] "*Apud* Edinburgh, 6 Junij, 1637. The Lords remits the petitioun within written to the

consideratioun of the Comittee appoynted for ordering the estate of the Hospitall of Leith. Sanctandrows, I.P.D.”

Miscellaneous
Papers.

6th June 1637. 227. Scroll of beginning of Act of Council for registering the King's letter authorising a further coinage of copper, dated 6th June, 1637, and printed *ante*, p. 432.
The copper coinage.

6th June 1637. 228. Extract of the Act of Council, dated 6th June, 1637, containing his Majesty's letter for a further coinage of copper, printed *ante*, p. 432. The same. The extract is stated to be made by James Prymrois, but is not signed.

8th June 1637. 229. Scroll of three Acts of Council, dated 8th June, 1637, regarding (1) Lauder Fair, printed *ante*, p. 437; and (2) the girnelling of victual, storing of victual, Lord Pitsligo, printed *ante*, p. 438; and (3) Lord Pitsligo and his tutor, printed *ante*, p. 440.

8th June 1637. 230. Scroll of the Act of Council, dated 8th June, 1637, for charging the bailies of Selkirk, printed *ante*, p. 439. It is subscribed by Traquaire, Lauderdaill, Dumfreis, Hamilton, W. Elphinston and J. Hay.

8th June 1637. 231. Scroll of the Act of Council, dated 8th June, 1637, regarding the license to be granted to Lord Reay, printed *ante*, p. 440.
Lord Reay.

13th June 1637. 232. Scroll of the Act of Council, dated 13th June, 1637, admitting Robert, Earl of Roxburgh as Lord Privy Seal, printed *ante*, p. 445.
Robert, Earl of Roxburgh, Lord Privy Seal.

13th June 1637. 233. Copy of the Act of Council, dated 13th June, 1637, relating to Alexander Cochrane in Glasgow, and ordaining the apprehension of Hew Campbell in Mauchline, printed *ante*, p. 446. It is subscribed by Traquaire.
Alexander Cochrane and Hew Campbell.

13th June 1637. 234. Extract of the same Act of Council subscribed by Jacobus Prymrois.
The same.

13th June 1637. 235. Copy of the Act of Council, dated 13th June, 1637, for making proclamation for preserving the game in Glenalmond, printed *ante*, p. 447; subscribed by Sanctandrows, Traquaire, Roxburghe, Huntlye, Kingorne, Hadinton, Dumfreis, and Da. Edenb.
Game in Glenalmond.

15th June 1637. 236. Scroll of Act of Council, dated 15th June 1637, admitting Sir Archibald Stewart of Blakhall as a member of Council, printed *ante*, p. 449.
Sir Archibald Stewart of Blakhall admitted member of Council.

15th June 1637. 237. Scroll of the Act of Council, dated 15th June, 1637, anent the protection to be granted to Sir Alexander Gordoun of Cluny, printed *ante*, p. 450.
Sir Alexander Gordoun of Cluny.

Miscellaneous
Papers.

238. Scroll of an extract of the Act of Council, dated, 17th June, 17th June 1637, discharging the holding of Moffat fair, printed *ante*, p. 454; ^{1637.} Prohibition of extracted by Prymrois; and also of the other Act giving powers Moffat Fair. in the same matter to James Johnestoun of Corheid, also printed there.

239. Copy of the Act of Council, dated 17th June, 1637, relating to 17th June the plague in the Middle Shires, printed *ante*, p. 455, and subscribed by ^{1637.} Sanctandrows, Traquaire, Glasgow, Wintoun, Hadinton, Kingorne, ^{The plague in the Middle Shires.} Dumfreis, and Napier.

240. "*Apud Machlene decimo nono die mensis Junij anno domini* 19th June *millesimo sexcentesimo tricesimo septimo.* The quhilk day in presens of ^{1637.} me notar publict and witnesses underwrittin compeirit Thomas Broun, ^{Anent Hew Campbell in Mauchline, accused of clipping coin.} burges of Glasgow, and past to the personal presens of M^r Andro Dalrympill, ane of the bailleis of the toun of Machlene, and requyrit him to concur and assist the said Thomas in the apprehensioun and taking of Hew Campbell in Machlene for exhibiting and presenting him befor the Lordis of his Majesteis Secret Counsall to be examinat and tryit anent sum clippingis of silvir apprehendit in the possessioun of Alexander Cochrane in Glasgow, conforme to the power and commissioun grantit be the saidis Lordis of Secreit Counsale thairanent of the dait at Edinburgh, the threttene day of Junij instant; to quhome (eftir the production of the said commissioun and reiding thair of) it was answerit be the said M^r Andro Dalrympill and Hew Campbell, chopman (quhome the said Thomas Broun declairit to be the man fra quhome he had ressauid the saidis clippingis of silvir) that the foirsaid commissioun buir onlie to tak and apprehend Hew Campbell in Machlene and not the said Hew Campbell, chopman, quha nevir duelt thairin, in respect quhair of the said M^r Andro Dalrympill, as also Mwngo Campbell, notar for the said Hew Campbell, chapman, protestit and declarit that the said M^r Andro and the said Thomas Broun nor nane of thame culd talk nor apprehend the said Hew Campbell, chopman, becaus the commissioun buir not suche ane man swa designit but onlie Hew Campbell in Machlene and that thair wes na Hew Campbellis for the present stylit in Machlene and that non dwelt thairin bot onlie Hew Campbell, callit Reid Hew, and Hew Campbell, his sone, quha nevir had ony medling in ony suche mater as is abonewrittin. Upoun the quhilkis all and sindrie the premisses the said Thomas Broun, M^r Andro Dalrympill, and the said Hew Campbell, chopman, with the said Mungo Campbell, askit and tuik instrumentis ane or mo in the handis of me, notar publict underwrittin. Thir thingis wer done within the kirkyaird of Machlene betuix four and fyve houris eftir noune or thairby, day, monethe, place and yeir of God abone specifeit, befor thir witnesses, George Campbell, fear of Grenokmanes, Hew Campbell of Natherplace, David Broun, walkar in Newmylnes, and John Broun, officer thair.

Ita est Georgius Campbell, notarius publicus in premissis requisitus.

27 Junij, 1637. Ordans the bailles of Machlaen to be warnit to heere and sie him ordanit to exhibit." Miscellaneous Papers.

20th June
1637.

The Earl of
Traquair's
report.

241. Scroll of the Act of Council dated 20th June, 1637, upon the report by the Earl of Traquaire, printed *ante*, p. 456.

20th June
1637.

Colonel
Alexander
Cunynghame
to levy 400
men.

242. Extract of the Act of Council dated 20th June, 1637, authorising Colonel Alexander Cunynghame to levy 400 men, printed *ante*, p. 458, and signed by Mr G. Prymerose.

20th June
1637.

Colonel Robert
Monro to levy
300 men.

243. Extract of the Act of Council dated 20th June, 1637, authorising Colonel Robert Monro to levy 300 men, printed *ante*, p. 458; and signed by Mr G. Prymerose.

20th June
1637.

Supplication
by Mr.
William
Barclay,
minister at
Falkland, that
he be relieved
of the main-
tenance of
Margaret
Paterson, now
in ward.

244. Supplication by Mr William Barclay, minister at Falkland, narrating that on 3rd April last Margaret Paterson, servitor to Sir James Balfoure, Lyon, was apprehended upon the charge narrated *ante*, p. 459. and that since then this woman has lain upon his hand without trial to his great cost and expense, and craving that their Lordships would give order for her trial and punishment. [On the back] "*Apud* Edinburgh, 20 Junij, 1637. Ordans the baillies of Falkland to be chargit to enter the within named Margaret Paterson in the tolbuith of Edinburgh. Sanct-androws, I.P.D."

22nd June
1637.

James, Lord
Desfurde,
admitted
member of
Council.

245. Scroll of the Act of Council, dated 22nd June, 1637, admitting James, Lord Desfurde, as a member of the Council, printed *ante*, p. 461. On the paper are scrolls of other three Acts which do not appear to be recorded:—

Isabel M'Innes
condemned for
the murder of
her husband.

"Forsamekle as it is understand to the Lords of our Privie Consell that Issobell M'Innes, relict of the umquhile William Barnet in the baronie of Lintrathen, is latelie tane and in waird for the cruell, nnnaturall and barbarous murdering of the said umquhill William Barnet, her spous, by poyson, quhilk she hes confest in judgement, thairfoir necessar it is that justice be ministrat upon her . . . Lord Ogilvie and . . ."

Case of
child-murder.

"Forsamekle as it is understand to the Lords of our Privie Consell that there being latelie a barne procreat betuix Jeane Andersone and Johne Neilsone, servant to a tennant of the Laird of Wauchops, lykeas the said Jeane, immediatelie efter her delyverie of that barne, be the consell and informatioun of the said Johne Neilsone, kuist the barne in a pott, and fearing the discoverie of the barne in that pott, she tooke it out and kuist it in another pott, for the quhilk the said Jeane is apprehended be our shireff of Lanerk and his deput and is presentlie in ward; lykas Johne Fairste in Disese wes latelie tane and apprehended be our said shireff with a fang of a kow and ten sheepe, and he is likewise in waird; as alsua our said shireff hes latelie tane and apprehended

Cases of theft.

Miscellaneous
Papers.

John Jack in Hamiltoun with a fang of 19 hydes stollin be umquhile Johne Ritchie who was execute to the death thairfoir, and who at the time of his death confest that the said Johne Jack wes a ressetter of all his thefts and art and part thairof; and thairfoir necessar it is that justice be ministred upon them conforme to the lawes of our realme. Commissioun to the shireff of Lanerk and his deputtis."

"To mak ane bill to the Lords of Secreit Counsall at the instance of my Lord Fraser, makand mentioun that quhair he obtenit letters be delyverance of the Lordis of Privie Counsell aganis Alexander Fraser of Phillorth, quhairwith he was summoned to compeir the xiiij day of Junij instant, and that for sum deids of contraventioun done be the said Alexander aganis him; lykas the said Lord Fraser summoned witnesss to compeir the said day to prove the said deids of contraventioun, notwithstanding that the dyet wes peremptour, the Lords continewd the said dyet upon the said Alexander his supplicatioun to the xxix day of this instant; and sua the witnesss weired and wald not remain in Edinburgh, being comon yemen men quho haid thair awin effairis at hom. And as the Lords knowis be Act of Parliament thair is non can be summoned to compeir befor the saids Lords duelland be north of the Water of Die bot upon xv dayis warneing. And trew it is that the said Lord Fraser haid not xv frie dayis to summond the saids witnesss betuix the day of the continowatioun and the said xxix day, sua it wer wnprofeittibill for the said Lord Fraser to insist in his said actioun aganis the said Alexander Fraser unles his witnesss wer present for proweing thairof. Thairfoir necessar it is that the said dyet be adjourned and continwed to sik ane tyme as the said Lord Fraser pleas to summond the said Alexander Fraser and the witnesss."

246. Scroll of Act of Council, dated 27th June, 1637, in favour of Sir Robert Innes of Balvenie, printed *ante*, p. 466.

27th June
1637.
Sir Robert
Innes of
Balvenie.

247. Scroll of the Act of Council, dated 27th June, 1637, relating to Alexander Irwing of Lenturk and others, printed *ante*, p. 466; signed by Sanctandrows, I.P.D.

27th June
1637.
Alexander
Irwing of
Lenturk and
others.

248. Order signed by "Sanctandrows, I.P.D.," to the macers of Council to charge Mr Andrew Dalruple, bailie of Machlin, to compear upon Thursday the 29th instant and answer for his refusal to apprehend and commit to ward Hew Campbell, who was challenged for selling some clippings of silver and of his Majesty's coin to Thomas Broune in Glasgow, and to exhibit the said Hew Campbell that day; dated 27th June, 1637. Also note of execution hereof on 29th June, 1637, by John Douglas, macer, against the said Mr Andrew Darumple, personally apprehended. There is also upon the same paper a note of the findiug of the Lords in the case on 29th June and 11th July, 1637, as printed *ante*, pp. 468 and 477.

27th June
1637.
Summons
against Mr
Andrew
Dalrymple,
bailie of
Mauchline, to
answer for his
tailing to
arrest Hew
Campbell.
See *ante*, p. 685.

29th June
1637.

Discharge by
Gilbert
Neilsone of
Craigcaffie to
the Clerk of
Council of a
bond.

249. Discharge by Gilbert Neilsone of Craigcaffie, advocate, to James Prymrois, Clerk of the Secret Council, for a bond for 2793 merks 6s. 8d. which Neilsone had granted to David Logane, skipper in Leith, in name of the skippers, hospital and poor of Leith, and which is to be cancelled and destroyed; which money he has presently paid to James Prymrois; dated at Edinburgh, 29th June, 1637; witnesses, Archibald Primerose, Mr John Callender, servitor to the said James Prymrois, and James Murray, servitor to the said Gilbert Neilsone. Miscellaneous
Papers.

30th June
1637.

Summons by
Dame Rachel
Harrison,
Lady Reay,
against her
husband.

250. Summons in the action by Dame Rachel [Harrison] Lady Reay, against Lord Reay, her husband, with note of the proceedings of Council on 27th July, 1637, and 1st August, 1637, as narrated *ante*, p. 502. The summons is dated at Edinburgh, 30th June, 1637, is directed to Robert Andersone, messenger, and is signed by M. G. Prymerose. At the foot is noted "7th August, 1637. The Ladeis Reayes decreit of the lawfulness of her marriage and the Lord Reay his declaratioun of her honestie delivered to Patrik Lochmalony in her name. (Signed) P. Lochmalony." Attached to the summons is a note of execution thereof on 10th July, 1637, by Robert Andersone, messenger, against Donald, Lord Rae, personally apprehended, to compear before the Council on 27th instant; witnesses, Angus Williamsone, messenger in Dornoch, Paul McPhaill, servitor to Lord Rae, and James Hutcheoun, servant for the time to the messenger.

c. 30th June
1637.

Supplication
by Lord Reay
that the date
fixed for the
trial of the
issue between
him and his
wife may be
postponed.

251. "Richt honourabill my verie singullar good Lordis. I was laitlie chargit be ane warant frome your Lordships tabill to compeir befor your Lordships upone the tuentie sevin off instant to see me decernit to refund to Rachell Vinterzell, *allias* Maistres Herisone, now stylling hirself Ladie Reay, the hoill chargis and expenses that scho hathe bin at for the interteinment of hir and hir sone since the tyme I dyd obtin sentence of nullitie of hir pretendit marriage with me and seperat my self frome hir, as your Lordships salbe pleissit to decerne, and further to mak payment of a yearlie allowance to hir and to hir sone and that my lands salbe lyabill to the same. My Lordis this is a bissines so unexpectit to me that upone a sudane I aine not abill to defend myself without my wrytis, sentences and peperis quhiche wold cleir me frome theis callumneis, and are now in England, and I dout not bot I sall mak cleir that scho nathir is nor cane be my wyff, quhensoewer I sall haiff a heiring befor ony judge salbe apoyntit to me to that effect, and sall schew manifestlie quhow muche that woman hathe wrongit me. Now, my Lordis, I being chargit to apeir upone so gryt a bissnes off so grytt a consequence (being no les nor my lyff and fortouns), I do humbillie begg two thingis off your Lordships. The first is a continewatioun for my personall presence untill the last Counsell day off Nowember, that befor that tyme I may haiff my peperis and instructions frome England. The nixt is that your Lordships wald be

Miscellaneous
Papers.

pleisit to grant me a protectioun for a frie proces and regres boithe for criminall causes and for adulterie in particuller, and also for civeill causes, I being muche trublit be my credeittouris. I dout not, my Lordis, bot it is weill knawin to all estaitis within the corneris off this kingdome (exceping onlie that lidie quho seims by hir carrage to laik no thing) the scarcitie of monyes at this last terme and now muche moir betuix termis, and I do ingenuously confess to your Lordships that . . . in thir pairtis thair cane no . . . so muche may be . . . a man of qualitie frome thir far and remoit pairtis of the kindome to Edinbruche not haiffing thocht wpone it at the terme. Nether is this my case onlie bot mony besydis me, quhiche I do intreit your Lordships to consider. Nathir do I any way declyne the tryell off this bissines befor your Lordships or ony wther judgis quhatsumewer, nor befor the Lordis off Sessiounne, quhois Judicatorie (as I conceive) is the propir seat for modificatioun in this kynd and for trying off richtis and titillis, quhiche most be done (in my simpill opinoun) befor scho cane obtain ony modificatioun. Witnes the case of the Ladie Foullis. I ame now a humbill petitioner to your Lordships for a tyme only to mak my apeirance, quhiche is not refussit upone ony simpill ryott to ony subiect, and I hope your Lordships will be als gracious to me in a mater that concernis my liff and fortouns. Iff scho be found my wyff scho sall haiff adherance conforme to the lawis of this kingdome, q[uh]liche iff scho do refuse, I hope be the lawis of this kingdome I sall nocht be band to intertein hir elis quhair. And I think the practeis daingerous; quhiche, if scho will nocht except scho sall haiff libertie for me to leiff elis quhair acording to hir customit manir. As for hir bygoun mentines, I hope I sall nocht be ordenit to giff hir ony scho not being my wyff, and I haiffing a standing centence aganis hir. As concerning hir chyld scho callis my sone, I ame content and most willing to recave hime and to bred hime at schoullis with the rest of my childrene to my abillatie. Now, my Lordis, as this is a bissines off quentieonce so your Lordships wilbe pleissit to concider off it and to continew the matter untill I be moir abill to enforme your Lordships throchtlie thairin. So humblie taking my leiff and submitting my selff and my fortouns to your Lordships wisdomis, I rest ewer, Your Lordships most humbill . . . and servant. (Signed) H. Reay. [Addressed on back] "To the Richtt honourabill and my werie singular good Lordis, my Lords Chancellor, my Lord Thesurar, my Lord Priwi Seill and the rest off the Lords of his Majesteis honourabill Privie Counsall off Scotland. [Small seal.]

252. Discharge by Thomas Dauline, lawful son of the deceased Mr —June 1637.
John Dauline, advocate, for himself and in name of Violet Dauline, ^{Discharge by} widow of James Home, skipper in Leith, to James Primerose, Clerk ^{Thomas} to the Privy Council, for the following bands and assignations produced by ^{Dawling, son of} him before the Council and ordained by their Lordships to be given up ^{the deceased} to him and the said Violet, viz. :—"Ane band registrat in the books of ^{Mr John'} himself and in ^{Dawling, for} name of Violet ^{himself and in}

Dawling to the
Clerk of
Council for
certain bands
and assigna-
tions.

Session upon the 17 of December, 1633, made be John Livingstoun, merchant burges of Edinburgh, and M^r William Livingstoun, portioner of Wester Saltoun, to James Home, skipper in Leith, ane of the tutors and curators to Violet and Jonet Daulines, lawfull dauchters to umquhile Robert Dauline, and in thair name and behalfe upon the soume of tua hundreth merks payable with the anuel at Martimes, 1627, dated at Edinburgh, the 28 of July, 1627. Ane band made be John Burnet of Barns, as principall, and umquhile M^r Robert Burnet, his brother, as cautioner for him, to the said [James] Home, as tutor or curator to the saids Violet and Jonet Daulines, for the soume of fyve hundreth merks, with the anuel thair of payable at Martimes, 1627, dated the 18 of May, 1627. Ane band made be M^r James Law of Boggs, as principall, and M^r Robert Nairne, advocat, and Ronald Murray, merchant, burges of Edinburgh, as cautioner for him, to the said James Home, as tutor or curator forsaid, upon the soume of three hundreth merks payable at Quhytsonday, 1628, dated the penult of July, 1627. Ane band made be Richard Achesone in Prestounpans to the said James Home, as curator forsaid, upon the soume of ane hundreth pundis payable at Witsonday, 1630, dated at Edinburgh, the 23 of September, 1629. Ane band made be David Cockburne, skipper in Leith, to the said James Home upon the soume of fyve hundreth fourtene merks to be payed at Witsonday, 1629, dated at Leith the 29 of May, 1628. Ane band made be Thomas Dormond, mariner in Leith, to the said James Home upon the soume of ane hundreth merks payable at Martimes, 1628, dated at Leith, the first of August, 1628. Ane band made be John Duff, skipper in Leith, to Violet Dauline, relict of umquhile James Home, upon the soume of eightscore pundis payable with the annualrent upon the xi of November, 1631. Ane band made be Issobell Dunce to the said umquhile James Home and his spous upon the soume of three-score pundis payable at Quhytsonday, 1633, dated at Leith the 29 of October, 1631. Ane band made be Archibald Drumond of Giblestoun to the said James Home and his spous upon the soume of fyve hundreth merks payable with the annualrent at Witsonday, 1635, dated the tent of December, 1634. Ane band made [be] James Liddell, indueller in Leith, to the said James Home upon the soume of fyve hundreth merks, dated the sext of Junij, 1629. Ane band made be Nicol Moncreiff, portioner of Achtermuchtie, to the said James Home upon the soume of ane thousand merks payable with the anuel at Quhytsonday, 1628, dated at Leith the first of October, 1627. Ane band made be Gilbert Lauder of Quhitsled, as principall, and Robert Lawder of that ilk, as cautioner for him, to the said James Home upon the soume of fyve hundreth merks, payable with the annulrent thair of at Witsonday, 1629, dated the 25 of November, 1628. Ane ticket made be M^r Fursman to James Home upon the soume of three pundis sterline payable the first of August, 1619, dated the 16 of Marche, 1619. Ane assignation made be James Home to, etc., in and to the band forsaid made be the

Miscellaneous
Papers.

Miscellaneous
Papers.

said Nicoll Moncreiff to the said James upon the soume of ane thousand merks, dated the sext of August, 1630. Ane assignation made be James Home to the maisters and skippers of the southsyde of Leith of the band forsaid made [be] Archibald Drumond of Gibliestoune, dated at Leith, the 20 of Januar, 1629. Ane assignatioun made be the said James Home to, etc, in name of the maisters, skippers and mariners on the southsyde of Leith to ane band made be Samuel Jonstoune of Elphinstoun and his cautioners upon the soume of ane thousand merks, dated at Leith, the last of August, 1630, and ane ticket of ane thousand merks subscrived be the said umquhile James Home and fund in the hospitall kist after his deceasse quhairby he granted him to have uplifted of the hospitall moneyes the soume of ane thousand merks." The discharge is dated at Edinburgh, June, 1637; witnesses, Archibald Prymrose, lawful son to the said James, Mr John Callendar, servitor to the said James Prymrose, and David Alexander. (Signatures).

253. Scroll of the Act of Council, dated 4th July, 1637, in favour of 4th July 1637.
the Laird of Drum and others, as narrated *ante*, p. 472. On the back there The Laird of
Drum and
others.
is a note of the sederunt of 27th June, 1637, as printed *ante*, p. 466.

254. Copy of the Act of Council, dated 4th July, 1637, discharging 4th July 1637.
the keeping of St. Boswell's Fair, printed *ante*, p. 473. St. Boswell's
Fair.

255. Supplication by Mr Andrew Dalrumpell, servitor to John, Lord 11th July
Lowdown, as follows:—He has lately been burdened with a commission 1637.
for apprehending Hew Campbell, chapman, son of George Campbell, Supplication
portioner of Clewes, who is accused of "some clippings of money." He by Mr Andrew
has done all possible herein. "The day after I gatt the commissioun I Dalrymple,
went immediatlie frome Edinburgh to Lowdown and directed away servitor to
diverse persons to Air and Kilmarnock upon the first of July, being John, Lord
thair mercat day, and upon Monday the thrid to the toun of Irwing, Loudoun,
being the mercat day there, and upon Sunday, the second, to sax severall that he may be
kirks, viz, Lowdown, Gastoun, Kilmarnock, Auchinleck, Cumnock and exonerated
Uchiltrie, where they made diligent searche for the said Hew Campbell, from the
but could not find him. Lykeas upon the said last of Junij I went with commission to
sindrie of my freinds and learned from the nighbours of the said George apprehend
Campbell of Clewes and learned by thame as they informed that aucht Hew Campbell,
dayes before that the said Hew and his eldest brother had gone frome which after
thair fathers hous to Ireland. Quhairupon I went with twa in his best
companie with me toward Portpatrik becaus the winds wer contrarie, efforts, he has
and, having made searche in all the parts be the way for him, we hitherto failed
wer informed that one callit Campbell, having merchant wairs to sell, to do.
had beene upon the first and second dayes of Julij with the minister See *ante*, p. 685.
of the Inche; and thereupon we went and inquired of him anent
the truthe and found the same to be trew, but could not learne
whither he had gone. And immediatlie thereafter forgaddering with

the Clerk of Glenluce, who knew the said Hew, I entered in condition with him and Hew Kennedie, sone to Johne Kennedie, notar in Air, to goe before me to Stranrawer to searche for the said Hew and advertise me, who, having made diligent searche for him there, they gott notice of the hous where he had lyin foure or fyve dayes before, bot could not learne where he had gone. Quhairupon I tooke the said Hew Nisbitt with me to Portpatrik and there with concurrence of the baillie and customer depute searched for the said Hew Campbell, who had beene there the weeke before in the hous of one

Mullikin, but could not find him there; and thairfoir I shew my warrant to the customer deput and baillie and desired thame to apprehend and committ the said Hew if he came there till I sould be adverteist, quhilk they promiseist to doe. Quhereupon, finding that he wes not gone out of the countrie, I went backe to Air and made the like searche for him there but could not find him. And upon all thir diligences I have the testimonialls of the hail touns and gentlemens letters quhom I imployed in this service. And since I have done all things that lyes in my power for obedience of your Lordships commissioun, and that Johne Campbell, elder brother to the said Hew, went away with him and is now returned backe to his fathers and knowes where he is, my humble petition to your Lordships is that I may be fred and exonered of this commissioun and the executioun of the same layed upon the said Johne Campbell." [On the back.] "*Apud Edinburgh, undecimo Julij, 1637.*"

11th July
1637.

Hew Campbell.

256. Scroll of the Act of Council, giving commission to Mr Andrew Dalrumple, bailie of Mauchline, for the apprehension of Hew Campbell, dated 11th July, 1637, and printed *ante*, p. 477.

13th July
1637.

The College of
Aberdeen.

257. Copy of the Act of Council, dated 13th July, 1637, appointing a commission for visitation of the College of Aberdene, printed *ante*, p. 478; signed by Sanctandrows, Cancell^r.

18th July
1637.

Charge to James, Master of Ogilvie, and others, on the one part, and James, Lord Deskford, and others, on the other part, to appear before the Council, as there is a dispute between them which may lead to a breach of the peace,

258. "*Apud Edinburgh, 18 July, 1637.*"

Forsamekle as the Lords of Secreit Counsell ar informed that there is great appearance of trouble and unquyetnes like to fall out betuix James, Master of Ogilvie, James Ogilvie, younger of Newgrange, William Arrat of Dumbarnie, William Fiethie, Guthre, younger of Collestoun, Ogilvie, younger of the Peill, Ogilvie, brother to Ogilvie of Pitnowie, Patrik Ogilvie in Cadgerdrak and Robert Grahame in Guthre, on the ane part, and James, Lord Deskford and Sir Patrik Ogilvie of Inchemartine, on the other part, upon occasion of some mistakings and reports past betuix thame, quhilk hes stirred thame up to ane great animositie and heate, and hardlie can they be sattled but [be] auctoritie and law, thairfoir the saids Lords ordains letters to be direct charging the persons foresaids to compear personallie before the saids Lords upon

Miscellaneous
Papers.

the 27 of July instant to underly suche order tuicheinge the keeping of his Majestei's peace as sall be prescribed unto thame, under the pane of rebelloun, with certificatioun; as alsua charging Sir Johne Ogilvie of Innerquharritie, Henrie Durhame, servitour to James, Lord Ogilvie, Robert Alexander, servitour to the Laird of Innerquharritie, Johne Ogilvie of Inschewin, William Lyon in Brechin, Robert _____, viccar of Brechin, David Norie there, Johne Beattie, his servant, William Ros, servitour to Sir Alexander Abircrombie of Birkinbog, James Rathven, alsua his servant, William Walker, footman to the Master of Ogilvie, _____, footman to young Collestoun, John Mathie, citinar in Brechin, Robert Dempster, baillie of Brechin, _____ Person, elder of Balmadeis, and Mr David Person, clerk of Forfar, to compeir before the saids Lords the day foresaid to beir leill and faithfast witnessing in sa far as they sall be speirit at thame in the saidis mistakings, under the pane of rebelloun with certificatioun, etc."

259. Scroll of Act of Council, dated 24th July, 1637, for proclaiming the sitting of the Council at Holyrood, printed *ante*, p. 484.

24th July
1637.

The Council to
meet at
Holyrood.

260. Scroll of beginning of Act of Council, dated 25th July, 1637, granting a licence to Colonel Steuart, printed *ante*, p. 484.

25th July
1637.

Colonel
Steuart.

261. Scroll of the Act of Council dated 28th July, 1637, in favour of the Lairds of Kilbirnie and Cartisburne, printed *ante*, p. 489.

28th July
1637.

Lairds of
Kilbirnie and
Cartisburn.

262. Copy of the same Act of Council signed by Traquaire.

28th July
1637.

263. Scroll of the Act of Council, dated 1st August 1637, for the proclamation about the herring drave at Dunbar, printed *ante*, p. 490, signed by Traquaire, I.P.D.

The same.

1st August
1637.

The herring
drave at
Dunbar.

264. Scroll of the Act of Council, dated 1st August, 1637, for charging William Elie, bailie of Jedburgh, to go to ward, printed *ante*, p. 491.

1st August
1637.

265. Scroll of the Act of Council, dated 1st August, 1637, appointing the commission to deal with the marches of Glenalmond, printed *ante*, p. 499.

1st August
1637.

The marches
of Glenalmond.

266. Scroll of the Act of Council, dated 1st August, 1637, in reference to Lady Pitaligo, printed *ante*, p. 500.

1st August
1637.

Lady Pitaligo.

267. Supplication by Dame Rachel, Lady Rae, representing that the sum of £300 sterling yearly modified by their Lordships for her support is too meagre, and the sum of £1500 sterling for the past five years does not meet the case, for she protests to their Lordships on her faith and

1st August
1637.

Supplication
by Dame
Rachel, Lady
Reay, for

increase of
aliment.

conscience that the bygone cost of living which she has had to borrow from her friends amounts to £4250 sterling. She entreats that the Lords would reconsider the matter, and grant her such a competency as will enable her to discharge her debts. [On the back] "*Apud Halyruid-house, primo Augusti, 1637.*" Then follows a note of their Lordships' final decision as narrated *ante*, p. 502. Signed by Traquaire, I.P.D.

Miscellaneous
Papers.

2nd August
1637.
Selkirk Fair.

268. Scroll of the Act of Council, dated 2nd August, 1637, prohibiting the holding of Lauren Fair at Selkirk, printed *ante*, p. 505.

2nd August
1637.
Mr Andrew
Dalrymple.

269. Supplication by Mr Andrew Dalrymple as narrated *ante*, p. 505., with a note of their Lordships' finding thereon.

10th August
1637.

Crops on the
lands of
Bonyton.

23rd August
1637.

The Earl of
Tullibardine
and the Laird
of Lawers.

25th August
1637.

Anent the
Service-book.

270. Scroll of the Act of Council, dated 10th August, 1637, for sequestrating the crops on the lands of Bonyetoun, printed *ante*, p. 516.

271. Scroll of the Act of Council, dated 23rd August, 1637, respecting the Earl of Tullibardine, and the Laird of Lawers, printed *ante*, p. 516.

272. Draft of the Council's declaration anent the Service Book, but rather more extended than what is printed from the Register *ante*, p. 521. "The Lords of Secret Counsell, understanding that thair hes beene a great mistaking in the letters and chairges given out upone the Act of Counsell maid anent the buying of the Service Buik, as iff the samyne tended to the practising of the book, the Lords, for removeing of all such scrouple, declairs that the said Act of Counsell and letters raysed thereupoun does onlie comprehend the buying of the said Service Buik be the ministers [to the effect they might informe thameselfis privatlie of the contents thairof] and that they had nor hes no purpose nor intentioun to extend the same to the practize thairof." [The words above in brackets are scored through.]

Forged
charter.

Also Scroll of the Act of Council of same day anent the forged charter printed *ante*, p. 521. In the draft Mr Samuel Falconer of Kincorth is also included, but the name is scored through and at the foot of the paper is this note—"M^r Samuel Falconer deleit be warrand of the Justice General."

2nd September
1637.
Glenalmond.

273. Original Report respecting Glenalmond, printed *ante*, p. 529.

8th September
1637.

Discharge by
David Logan,
skipper in
Leith, for
himself and
parties
interested in

274. Discharge by David Logane, skipper in Leith, for himself and in name of the whole remanent skippers, mariners, sailors, masters of the hospital and poor decayed people of the seafaring trade in Leith, to James Prymerose, Clerk of the Privy Council, for the bands aftermentioned now delivered to him:—"Ane band made be John, Earle of Cassills, and his cautioners to James Home, skipper in Leith, and Violet

Dauline, his spous, upon the soume of tua thousand merks of principall with the annualrents conteaned in the said decreit, beireing date at Edinburgh, the 29 of October, 1625. Ane band made be William, Lord Alexander, as principal, and Antonie Alexander, his brother, and M^r James Gordon, writer, as cautioners to the said umquhile James Home and his said spous, upon the soume of ane thousand merks as principall with the annualrents conteaned in the said decreit, as the said band, dated at the Cannogait, the 29 of 1631 [beris]. Ane band made be James Hay of Tourland, as principall, and Alexander Maxwell of Knokdalion, as cautioner for him; to the said James Home and Violet Dauline, his spous, upon the soume of foure hundreth merks, dated at Edinburgh, the xxii day of December, 1632. Ane band made be Dame Barbara Cranstoun, Ladie Touche, to the said James Home and Violet Dauline, his spous, upon the soume of fyve hundreth merks with the annual thairof, dated and subscrived be her and Sir Alexander Seaton of Kilcreuche, Alexander Cranstoun of Morestoun, and William Seatoun, brother to the Laird of Touch, at Edinburgh, the 15 of Junij, 1630. Ane band made be Gawin Hamilton of Raploche and John Hamilton, apothecar, burges of Edinburgh, to the said James Home and Violet Dauline, his spous, upon the soume of sex hundreth merks with the annualrent dated at Edinburgh, the sext of December, 1633. Ane band made be Sir John Graham of Braco with advyce of his curators to the said James Home and Violet Dauline, his spous, upon the soume of fyve hundreth with the annuel thairof, dated the 8 of Marche, 1633. Ane band made be Andro Lothian, merchant burges of Edinburgh, as principall and Patrick Forbes, burges thair, as cautioner, to the said James Home and Violet Dauline, his spous, upon the soume of sex hundreth merks, dated at Edinburgh, the 10 of December, 1634. Ane band made be M^r Patrick Mawer, Clerke of Leith, to the said James Home and Violet Dauline, his spouse, upon the soume of sex hundreth merks, dated at Leith, 1634 yeeres. Ane band made be Captane Patrick Hay, as principall, and Alexander Hay and George Abercrombie, induellers in Leith, as cautioners for him, to the said James Home, upon the soume of ane thousand pundis of principall with the annualrent thairof, dated at Leith, the 6 and 7 dayes of September and November, 1634. Ane band made be John Rae, javeller in Leith, as principall, and James Rae, merchant, burges of Edinburgh, as cautioner, to the said James Home upon the soume of tua hundreth merks, dated the 26 of Junij, 1626. Ane band made be Sir Thomas Ker of Ancrum, as principall, and Sir John Stuart of Traquaire, now Earle of Traquaire, William Ker of Sinnell and James Ker of Chatto, as cautioners, to the said James Home upon the soume of ane thousand merks, dated the 27 of November, 1624, and ane assignation made be the said James Home of the said band to, &c., dated the sext of August, 1630. Ane band made be James, Earle of Abercorne, Claud Hamilton, his brother, and Thomas Seaton, brother to the Earle of Wintoune, to the said James

the Hospital
of Leith to the
Clerk of
Council for
certain bands.

Home upon the soume of tua thousand merks with the annuel, dated the xxi day of December, 1630, with ane assignatioun made be the said James Home of the same, dated the 28 of December, 1630. Ane band made be M^r William Chalmers, Treasurer Clerke, as principall, and M^r Patrick Forrest of Orcherfeild, as cautioner for him, to the said James Home and Violet Dauline, his spous, upon the soume of ane thowsand merks money with the anuel, dated the 15 of December, 1634, with ane assignation made be the said James Home to, etc., of the said M^r William Chalmers band of ane thousand merks, dated the 28 of Junij, 1632. Ane band made be Robert Maistertoune, merchant burges of Edinburgh, as principall, and Adam Scot, merchand burges thair, as cautioner, to the said James Home upon the soume of tua thousand merks with the annuelrent thairof payable at Quhytsonday, 1635; with ane assignatioun made be the said James of the said Robert Maistertoun his band of tua thousand merks to, etc., dated the 5 of August, 1633. Ane band made be M^r James Gordoun, writer in Edinburgh, to the said James Home, and Violet Dauline, his spous, upon the soume of foure hundreth merks and annuelrent thairof, dated the 15 of December, 1634. Ane assignatioun made be the said James Home to, etc., of the said M^r Gordon's band, dated the 4 of Januarij, 1631 [*sic*]. Ane band made be George Hegin, skipper in Leith, to David Logane, skipper in Leith, upon the soume of fyve hundreth merks, dated at Leith, the 15 of September, 1630, with ane assignatioun made be said James Home to, etc., of the said George Hegin's band, dated the 4 of Januarij, 1631. Ane band made be Helene Achesone, relict of umquhile M^r John Dauline, advocat, to the said James Home and Violet Dauline, his spous, upon the soume of sex hundreth merks payable at Quhytsonday, 1628, dated the fourt of Marche, 1628. The whole amount contained in these bands is 18,006 $\frac{1}{2}$ merks, and the discharger further acknowledges that he has received from James Primrose 2739 $\frac{1}{2}$ merks which were consigned in his hands by Gilbert Neilson of Craigaffie; and so he has received the full sum of 20,800 merks decerned to be paid to him for behoof foresaid." The discharge is dated at Edinburgh, 8th September, 1637; witnesses, John Lewpe [who signs Luikwp] and Archibald Maistertoun, skippers in Leith, Alexander Hay, indweller there, Mr John Paip, W.S. [who adds when he signs "elder"], and several others.

20th September 1637.
Oaths of
sheriffs.

275. Scroll of the Act of Council, dated 20th September, 1637, appointing commissioners to take the oaths of certain sheriffs, printed *ante*, p. 523.

20th September 1637.
Sir Alexander
Home,
younger of
Manderston.

276. Scroll of the Act of Council, dated 20th September, 1637, continuing the protection to Sir Alexander Home, younger, of Manderstoun, printed *ante*, p. 524.

277. Scroll of the Act of Council, dated 20th September, 1637, appointing a committee anent the Service Book and the petitions against it, printed *ante*, p. 528.

20th September 1637.
The Service-book.

278. Scroll of the Act of Council receiving and recording the report anent Glenalmond, printed *ante*, p. 529.

20th September 1637.
Forest of Glenalmond.

279. Summons at the instance of John Guild, servitor to David, Earl of Southesk, narrating that on 18th March, 1636, Sir John Blair of Balgillo, knight, was put to the horn at his instance for non-fulfilment of a contract, and specially for not delivering to the complainer the "writts, evidents and securiteis of Little Futhie," and that he remains proudly thereat; wherefore order is given to charge the said Sir John Blair to compare before the Council on and see and hear himself ordained to go to ward within the Castle of Blacknes and to render his houses. The summons is dated at Edinburgh 21st September, 1637, and signed J.A. PRYMROIS. On the margin is noted "21 Augusti, 1638. Persewer be M^r Patrick Collace, agent; defender, personallie. Continewis with consent till the first Counsell day of November."

21st September 1637.
Summons against Sir John Blair of Balgills at the instance of John Guild, servitor to David, Earl of Selkirk.

280. Original report upon Glenalmond Forest by the Earls of Perth and Wigtown and Sir James Carmichaell, printed *ante*, p. 529. (Signatures.)

22nd and 27th September 1637.
Forest of Glenalmond.

281. Copy of the Act of Council, dated 23rd September, 1637, relating to the Bridge of Perth, printed *ante*, p. 531; subscribed by Sanctandrews, Traquaire, Dumfreis, Southesk, Da. Edenb., Th. Gallovid., J. Hay. Hamilton, S. W. Elphinstoun, S. Robert Gordone.

23rd September 1637.
The Bridge of Perth.

282. Copy of the Act of Council dated 25th September, 1637, granting commission to Colonel Stewart to search for and apprehend deserters, printed *ante*, p. 533; and subscribed by Sanctandrews, Traquaire, Dumfreis, Southesk, Da. Edenb., Th. Gallovid., and J. Hay.

25th September 1637.
Commission to Colonel Stewart to apprehend deserters.

283. Scroll of Act of Council, dated 28th September, 1637, receiving and recording the report upon the forest of Glenalmond, printed *ante*, p. 535. On the back of the paper there is written as follows:—"My Lord, for Godis saik gar reid James Mathesone his bill and speik to my Lord Tresurar to help him to sum of his meins that his Majestie hes allowed wpon him for he is in gret want and dar not cum himself for feir that thois that he is adetted to put him in prisson."

28th September 1637.
Forest of Glenalmond.

284. Original of royal letter, dated 9th October, 1637, relating to the disorders in Edinburgh anent the Service Book, printed *ante*, p. 538.

9th October 1637.
The Service-book.

285. Original of royal letter, dated at Hampton Court [much torn] for removing the Council and Session to Dundie, etc., printed *ante*, p. 538.

9th October 1637.
Removal of Council and Session to Dundee.

22nd November 1637.

Summons against Sir Patrick Home of Polwarth at the instance of George Ker, tailor, burghess of Edinburgh.

Miscellaneous Papers.

286. Summons directed to James Grahame, messenger, at the instance of George Ker, tailor, burghess of Edinburgh, narrating that on 14th June last he obtained a decree of removing before the bailies of Edinburgh against Sir Patrick Home of Polwart for removing from a dwelling-house occupied by him there. Sir Patrick disobeying the same, he then obtained a precept of ejectment, by virtue of which on 28th June he made open doors and inventoried the goods in the said house to be forthcoming to the said Sir Patrick. Yet, on 24th October, Sir Patrick came to the said house when the complainer was out of town, and forcibly breaking off the locks entered the said house and keeps possession of the same in contempt of law. Charge is therefore to be given to him to compear before the Council on _____, and also to John Stewart, burghess of Edinburgh; James Grahame, messenger there; John Hunter, smith there; Hew Lauder, messenger there, and James Stevinson, merchant in Edinburgh, to compear as witnesses. The summons is dated at Edinburgh, 22nd November, 1637, and signed J.A. PRYMOSE. On the margin is noted "31st July, 1638. Parties personallie; continewis till Thursday. 21 August, 1638, persewar personallie; defender absent. Decernis." On the back there is a note of the citation on 31st July, 1638, of William Purves, servitor to the said Sir Patrick; William Symeson, younger, merchant in Edinburgh; John Hunter, smith in Edinburgh; John Stewart there; witnesses, Hew Lauder and George Gordon, messengers in Edinburgh; also of James Stevenson, and Hew Lauder; witnesses, John Beg in Edinburgh, Robert Kenedy and Andrew Hislope there.

14th December 1637.

The Mint.

287. Scroll of the Act of Council, dated 14th December, 1637, authorising certain proceedings at the Mint, printed *ante*, p. 551.

1636.

Roll of licences for the past Lent.

288. "A list and roll of the licences for Lent past, and exped in Counsell for compositioun and gratis for the yeere 1636:¹—

Composition:—Sir Patrik Murrey ten merkes; the Lord Cranstoun ten merkes; the Lord Fraser ten merkes; James Murrey, merchant, ten merkes; the Laird of Glenurquhie ten merkes; the Laird of Barns ten merkes; the Laird of Halhill ten merkes: Johne Carstairs of Newgrange ten merkes: the Laird of Drum ten merkes; the Laird of Pitfoddells ten merkes; the Erle of Dumfermline xx merkes; the Laird of Polmais x merkes; Rires ten merkes; the Laird of Lammilethan ten merkes; M^r George Winrahame ten merkes.

Gratis:—Sir Lewes Stewart, G; M^r Thomas Nicolsoun, G; M^r Robert Learmonth, G; David Aikinheid, G; Sir Alexander Clerk, G: M^r James Reid of Pitlethie, G: M^r Andro Stevinsone, regent, and his sister, G; M^r Richard Maitlane and his brother, G; the Laird of Ardincaple, G; Johne Sinclair of Steinstoun, G; James Inglis of Neather Cramond, G; M^r Johne Cant of Lawrestoun, G; the Lord Ogilvie, G; the Lord Lindsey, G; the Ladie Marques of Hamiltoun, G; the Erle of Cassills, G;

¹ This list is inserted at the end of the volume of Sederunts.

miscellaneous
pers.

M^r James Aikinheid, G; M^r David Primrois, G; M^r Harie Rollock, G; M^r Samwell Johnestoun and James Arnot, G; the Laird of Colintoun, elder and younger, G; Doctor Sibbald, G; M^r Robert Boyd, advocat, and M^r David Sibbald, G; M^r Johne Hay of the Kennet, G; Marke Hamiltoun; maisser; G; M^r Adame Hepburne and Robert Hepburne, G; William Kirkaldie of Grange, G; Gideoun Baillie of Lochend, G; M^r Richard Maitlane and his brother, G; Sir James Hamiltoun of Ridhall, G; Sir Alexander Hamiltoun of Bancreiff, G; M^r James Raith, G; Margaret Dick, G; M^r Patrick Nisbit, G.; the Laird of Kenmay, G; the schoolmaster of the Panns, G; the schoolmaster of Hadintoun, G; M^r William Scot, minister at Cowper, G; Sir Johne Hamiltoun of Ridhous and Rebecca Dennistoun, G; William Dick, G."

289. General Form.—"My Lords of Secret Counsell unto your lord-1637.

ships humblie meanes and schawes, we noblemen, barons, ministers, Petition by the noblemen, burgesses and commons occasionallie here present, being most desereous barons, ministers, burgesses, and commons to testifie our loyaltie to our dread sovereigne and to give obedience to against the Service-book. his Majesties royall commandements, and considering that this new Book of Common Prayer (which all his Majesties subjects, both ecclesiasticall and civill, by open proclamatioun ar commanded to receave with reverence as the onlie forme to be used in God's publik worschip in this kingdome, and the contravenars to be condignlie censured and punished) is introduced and urged in a way which this kirk hath never bene acquainted with, and containeth manie verie materiall points contrarie to the Acts of our Nationall Assemblies, his Majesties lawes of this kingdome and to the religion and forme of worschip establisched and universallie practised to the great comfort of all God's people, his Majestie's subjects, since the Reformation, which may tend to the great disquieting of there consciences and to the hinderance of that harmonie and comfort which from the influence of his Majesties government all do pray for and still expect; we doe therefore in all humilitie supplicate that your Lordships, out of your care of religion so seriouslie recommended to your Lordships by his Majestie, and out of your compassion of our present case, wold be pleased fullie to represent to his Majestie these and the like considerations knowne to your Lordships that this effaire of so great importance may not appeare to his Majestie a needles noise, bot as it is indeed the verie desere of our hearts for the preservation of true religion amongst ws, which is dearer to ws then our lives and fortunes; and, if this be refused, we humblie crave a hearing of our just greavances before your Lordships' conclusion, that by your Lordships' Counsell some way may be found quherby we may be delivered from the feare of this and all other innovation of this kind and may have the happienes to enjoy the religion as it hath bene by the great mercie of God reformed in this land and is authorised by his Majestie, quho may long and prosperouslie reigne over ws. And your Lordships' answer."

c. September
1637.

Petition from
the burgh of
Ayr against
the Service-
book.

290. Petition from the burgh of Ayr.—“My Lordes of Secretit Counsell, Unto your Lordships humbly meanes and shawis, we, his Majestie's most humble and loyall subjectis, the Proveist, Baillies and Counsell off Air, in name of the communtie of the said burght. That seing thair wes ane proclamatioun given furth upoun the tuentie day of December, 1636, for authorizing ane certane booke of common prayer to be the onlie forme of Godis publick worshiipe within this kingdome, commanding all subjectis, baith ecclesiasticall and civill, to conforme themselves thairto and the contraveineris to be condignlie censured and punished, quhich booke wantis not onlie all approbatioun of Generall Assemblies and ratificatioun by any Act of Parliament (the auctoritie quhairof hitherto hes beine fund necessar for establishing of matteris of religioun and Godis worshiipe) bot also is fund to contene a forme of worshiipe dangerouslie swearwing frome the forme of religioun, worship and doctrine quhich we have beine taucht and have followed universallie hitherto since our happie Reformatioun from poperie, and according to the rule of Godis word and warrand of divers actis of Parliament: And yet, notwithstanding, ane warrand is given from your Lordships in Julij last, 1637, to charge the ministeris with letters of horning to buy at least each of them tua of the saides bookis within fyfteine dayes for the use of the parochine, as the charge givis us to understand, be vertue quhairof the ministeris are begun to be pressed and the booke to be bocht and sua to draw neirer to be practised, quhairby we his Majestie's subjectis ar readie to be brocht in straites ather to conforme to the said forme of service and to consent to such a dangerous innovatioun of religioun or els to be lyable to censures and punishmentis for not consenting. Theirfoir it is our humble supplicatioun to your Lordships that this our cais and difficultie may be favourable representit to his Majestie and your Lordships supplicatioun joyned with oures that we may be deliverit from the fear of this and all farder innovatiounes of religioun and be encouraged to serve God and his Majestie the mair cheirfullie, and your Lordships answer humbly we expect.” [Unsigned and undated.]

Miscellaneous
Papers.

Similar
petition from
the burgh of
Cupar.

291. Similar petition from “the provest, baillies and counsall of the burgh of Cupar and elderis of the kirk thairfor for our selfis and in name of the communitie and parochinaris of the samyn.” They represent that to the former form of worship, as settled at the happy Reformation and established by the laws and acts of Assembly, “we and every ane of our burgesses ar bund be solemne aithe givin at every on of our severall admissiounes.” Signed by J. ANDERSONE, clerk of the said burgh, in name and at command of the provost, bailies and council of the said burgh, and elders of the said parish.

Similar
petition from
the burgh of
Dumbarton.

292. Similar petition from the provost, bailies and council of the burgh of Dumbarton and elders of the kirk thereof for themselves and

in name of the community and parishioners. The book, they understand, "is nather approwen be Generall Assemblie nor Act of Parliament bot is contrarie to both, containing ane neue forme of worship far different and derogating fra the forme of religious worship and doctrine quhich we have beine taught and have followet since the happie Reformatione warrandet by God his word and agrieable to the Actis of Generall Assemblie and Parliament," and to which, they add, they are taken sworn at their admission as burgesses. (Signed) D. CAMPBELL, proveist and commissioner for Dumbartane; J. SEMPILL, commissioner for Dumbartane.

293. Similar petition from "his Majesties maist humble and loyall subjectes the proveist, baillies and counsell of Irwing, in name of the communitie of the said burgh." They ask that their "caice and difficultie may be favourable representit to his Majestie and your Lordships' supplicatione, joyned with oures, that we may be delyverit from the feir of this and all further innovatiounes of religioun and be incuragit to serve God and his Majestie the mair cheirfullie." [Undated and unsigned.] Similar petition from the burgh of Irvine.

294. Similar petition from "his Majesties loyall subjects the gentill-men, baillies and consell of the pariche and brugh of Lanerk, in name of the communitie of the forsaid brughe." Signed by GEO. (?) WEIR, clerk of the burgh of Lanerk, and ROBERT MEIKLEJON, clerke to the Sessione of Lanerke. Similar petition from the burgh of Lanark.

295. Similar petition from the provost, bailies and council of Stirling in name of the community of that burgh. [Undated and unsigned.] Similar petition from the burgh of Stirling.

296. Petition from the parish of Abercrombie to the Lords of Council against the imposition of the Service Book. a. September 1637.

"My Lords of Secret Counsell, unto your Lordships humblie means and shewes, we, the minister and elders of the Kirk of Abercrombie, seeing by vertew of an proclamatioun givin furth in December last for authorising of a certan Book of Common Prayer to be the only forme of God's publick worship within this kingdome and be vertew of a warrand given furth from your Lordships in July last for charging ministers for to buy each of them tuo of the saids books, and that as the proclamations gives us to understand for the use of the parochin, we ar ready to be brought into such straitts as either to admitt such a dangerous innovatioun of religion as the said Service Booke may infer, or els to be censured and punished for not admitting thair of; we, haveing in the meane tyme acts of Parliament and Generall Assemblies standing in our favour; thairfor it is our humble supplicatioun that your Lordships would favorallie represent this our case and difficultie to his Majestie that we may be deliverit from this fearfull innovation of religion and

Similar petition from the parish of Abercrombie.

from the force of the proclamation and charges following the same; and your Lordships' answer," etc. [Unsigned and undated.]

Miscellaneous
Papers.

Similar
petition from
the parish of
Ardrossan.

297. Similar petition from the parish of Ardrossan. They state that the Books "ar found to variee muche from the forme of religious worschip (whiche, according to the lawis of this realme, ecclesiasticall and civil), we have ever had and practised sine our happie reformatioun from Poprie." [Unsigned and undated.]

Similar
petition from
the parish of
Ballentrae.

298. Similar petition from the elders of the kirk of Ballentrae in name of the congregation of the said parish. It points out that this Book "is nather approvyn be Generall Assemblies nor ratified by Acts of Parliament, bot contineth ane forme of worschipe dangerouslie declyning frome the forme of religious worschipe and doctrine quhilk we have bene taucht and have followit since the Reformatione of religioun in this land to the inspecable comfort of our soullis by warrand of Godis Word and according to Acts of Parliament and Generall Assemblies." [Unsigned and undated.]

Similar
petition from
the session and
congregation
of Beith.

299. Similar petition from the elders of the session and congregation of Beith. Signed by Mr Ja. Fallartoun, minister at Beith; J. Conyng-hame of Baydland; Ro. Peblis of Maynshill; Johne Hendersoun, portioner of Clett; Robert Lenox of Putiraflytt; R. M. Hesselheid, A. Hamilton of Ruchnorke.

Similar
petition from
the parish of
Calmonell.

300. Similar petition from the elders of the kirk of Calmonell in name of the congregation of the said parish. [Undated and unsigned.]

Similar
petition by the
minister and
kirk of
Carnbie.

301. Similar petition by the minister and elders at the kirk of Carnbie, referring to the proclamation given forth "in December last for authorising of an certan book of Common Prayer to be the only forme of Gods publick worship within this kingdome," and the warrant of last July by their Lordships charging the ministers to buy each two copies of this book. [Unsigned and undated.]

Similar
petition from
the parish of
Carnwath.

302. Similar petition from the parishioners of the parish of Carnwath. Signed by "THOMAS SOMERVELL, clerk to the Session of Carnwath."

Similar
petition from
the heritors,
feuars, and
parishioners of
Culross.

303. Similar petition from the heritors, feuars and parishioners, both to burgh and land, of the kirk of Culrose. "Considering that for a longe tyme we have injoyit a forme of publicke worschipe in our kirk, the confortabill practise quharof is growndit upon the lawes bothe of kirk and kingdome; considering also that the forme of this strange service now urgit is so different from our formall practise and is so conforme to that service in Poperie that it tends to the subversioun of religioun in this kirk, we in all humilitie supplicate your Lordships (as ye tender

Miscellaneous
Papers.

the glorie of God, the good of this [kingdome], the honour of our soverane, the peace, confort and salvatioun of Gods peopell) that ye wald imploy your Lordships autoritie and wisdomes for holding of thease evils and nowatiounes. Your Lordships gracious answer we expek." [Unsigned and undated.]

304. Similar petition from "the minister, the gentlemen, elderes of the sessioun of Cumnok," in name of the whole parish. They say, "This novatioun filles our myndes with trembling and makes us begine to feare the shakeing of that fundatioun we have received and belived from the Word of treuth. We therfor humbly intreat your lordships, whom his sacreid majestie hes honoreit with his commandements, to take this to your consideratioun that in the deipnes of your Lordships wisdomes our just feares may be prevented and we may enjoy the plentie of the Gospell, and puritie of God's word from it, and may have our humble and heartie prayers to God for our graciouse soverane that he may have manie and happie dayes to reigne over us and be defender of the faith; and be humble oratores to God for your Lordships that all and every one of yow may prove Josephes at the table wher yow sitt. (Signed) M. CUNINGHAME, minister at Cumnok; WILLIAME CATHCART of WATTIRHEID; JOHN CAMPBELL off SCHANKISTOUN; GEORGE CRAWFUIRD of ACHINCORSE; WILLIAME LOGANE of that Ilk; GEORGE LOGANE, fear theirow; JOHNE DUMBAR of KNOKSHENOCHT; J. HAMILTOUN of WASTLAND; J. WILSON of SPANGOK; WM. HAMITOUN of GARREIVE; HEW CAMPBELL of RIGOYCH (?); JOHNE CAMPBELL of HARRALLAND; THOMAS BROWN, merchant in Cumnoke; HEW CAMPBELL in HORSLEWCH." Similar petition from the minister, gentlemen, and elders of the session of Cumnock.

305. Similar petition from the elders of the kirk of Dalie in name of the congregation, referring to their Lordships' letters of horning and warrant, on which they proceeded dated in July last in this "instant yeir of God, 1637." [Undated and unsigned.] Similar petition from the congregation of Dailie.

306. Similar petition from the elders and whole session of the parish church of Dalry. They crave that their Lordships "will be pleased to represent to his Majestie our vehement supplicationis and most humbly request that we be nocht urgit and compellit to admit of thes or uther innovatiouns in the publicke worship of our God; and we, his Majesties most loyall subjectis, sall ever pray for his sacred Majestie and his royall familie and his realmes that they may ever flourishe in Godis blisit worship and in all happines in all thingis whiche concernis church and commonwealth." [Unsigned and undated.] Similar petition from the elders and whole session of the parish church of Dalry.

307. Similar petition from "the gentilmen and uthers members of the Session of Dundonald within Kyle," who having seen and considered the Service Book "find sindrie things thairin whair of (though we doe Similar petition from the session of Dundonald.

not presume to judge, yit such they seeme to us) as moves scruple to our weack consciences," and intreat the Lords "in most humble and earnest maner to interceid with our dread soveraigne that his sacred Majestie may be pleasit no to requyre the practeice of the said buik among us." They have hitherto lived in obedience of the laws, and "purpois still to continue loyall subjects, devoted to his Majestie above all under God, praying for his long and prosperous rigne that under the same we may have ane quyet lyf in all godlines and honestie." [Undated and unsigned.] Miscellaneous
Papers.

Similar
petition from
the parish of
Dunlop.

308. Similar petition from "the gentilmen and parochiners of Dunlop," presenting their "most humble requestis and vehement supplicatiounis that we be not urgit and compellit to admitt of thes or uther innovatiounis in the publict worschip of our God; and we, his Majestie's most loyall subjectis, sall ever pray for his sacred Majestie and his royall familie and his realme that thei may ever florisch in Gods blissit worschip and in all happines in all thingis which concerne Church and Commonwelth." (Signed) DUNLOP of that Ilk; G. PORTERFIELD of HALPLAND; W. CUNINGHAME of AIKAT.

Similar
petition from
the parish of
Galston.

309. Similar petition from the parish of Galstoun, as follows:—
"Moist honorabill Lords of his Majestie's Counsall. Your Lordships' favorabill acceptatione of the supplicatioun givin in to your Lordships be the ministrie of this kingdome in your Lordships' last meitting anent the new Service Booke, that the urging of the practeis thair of micht be continewed and suspendit, hes moved us, the minister, elderis, heritoris and parochinaries under subscrivand of the parochin of Galstoun, withe greater confidence, to represent this humble petitione to your Lordships, that becaus the impositione of the said Service Booke upone us seimes to tend to the alteratione of religione, att the leist of the publict forme of Godis worschippe that hes bein observed in this church evar since the Reformatioun of religione, and establisched be lawis bothe civill and ecclesiasticall, and to the reducing of poprie amongs us, to the disturbance of the peace of the church, to the alienatioun of the affectioun of the peopill frome thair pastures if they sould practeis the samen, and to the perturbatione of our consciences, not being resolved of the laifulnes of the reitis and ceremonies conteaned in the said Booke, and, as we understand, according to the Actis of Parliament and Generall Assemblie, quhairunto we and our predecessoris have solemlie suorne and subscrivit to follow and defend, and to abhorre all reitis and ceremonies then dissolvit in our kirkis of this realme: In consideratione of the premises it will pleas your Lordships to give order for stopping of the course of the said buike and to deill withe our gracious soverane that be his autoritie we may be delyverit frome the feare of this and all farder innovatiounes of religatione [*sic*] seing the former actis set doune be his Majestie's darrest father of worthie memorie with advyse bothe of kirk

Miscellaneous
Papers.

and commoneweill wer advysedlie set doune according to Godis word." (Signed) Mr ALEXANDER WALLACE, minister at GALSTONE; H. CESNOK; J. LOCKHART off BAR; PATRIK SCHAW of SORNBEG; JOHNE CAMPBELL; GEORG LOKHART of TEMPILL; JOHNE NEILSOUN; JOHN ADAME of BREWLAND; and George Hutchesoune, William Gebbie, James Parker, and John Loudoune, younger, all elders of the Session, sign by the aid of the Session Clerk, HECTOR CAMPBELL, who is a notary.

310. Similar petition from "the elders of the church of Girvane in name of the congregatioun of the said parochin." [Unsigned and undated.] Similar petition from the parish of Girvan.

311. Similar petition from "the minister and eldership of the parish of Kenoquhy." They understand that the said book "contains manie materiall and grosse points of poperie contrare to the written Word of God and our Reformation grounded theron, and will bereave us of the edification and comfort that wee had be our former forme of worship"; and crave their Lordships' favourable representation of the case to his Majesty, that wee may be delivered from this fearfull innovation of religion." [Unsigned and undated.] Similar petition from the parish of Kennoway.

312. Similar petition from "the parochineres of Kilbirnie." [Unsigned and undated.] Similar petition from the parish of Kilbirnie.

313. Similar petition from "the gentilmen and remanent people of the paroch of Wester Kilbryd in Cunnyngname," who, after referring to the proclamation of December last and subsequent Act of Council, point out that these "bookes have bein printed posterior in tyme and long after the proclamatioune, so that we are not certane that those bookes now urgit be the same quilks ar authorisit be the proclamatioune in whole or in part, yet they are fund to variee muche from the public forme of religioun and worschipe, quhilk, according to the lawes of this realme, ecclesiasticall and civil, we have ever had and practisit since our happie Reformatioun from Poprie." (Signed) Mr GEORGE CRAUFURD, m. at Kilbryd; R. PORTINCROSS; A. HUNTERSTOUN; A. CARLUNG, youngar; R. CUNYNGNAME. Similar petition from the parish of West Kilbride.

314. Similar petition from "the elders of the church of Kilmares in name of the parishioners thair of." They point out that the said book "is nather approvin by a Generall Assemblie nor Parliament bot doeth suerve dangerowslie from the religion and doctrine which we have been tawght since the Reformation." [Undated and unsigned.] Similar petition from the parish of Kilmaurs.

315. Similar petition from "the minister, elderris and deaconis and paroschineris of the parosche of Kilmarnok and utheris." They represent that the enforcing of the Service Book will tend "to the disturbance Similar petition from the parish of Kilmarnock.

of the peace of the church, and to the alienatioun of the affectiounes of the people from thair pastowris, iff they practise the same, and to the perturbation of our consciencis, not being resolvet of the lawfulness of the said book. And, seing we ar taught in the Word of God that whatsoever is not done in faith bot with ane dowing conscience, is sin to him that doeth it, we can not ressave the said Service Book, nor conforme ovr selfis to the practise thair of withowt the offence of God and troubill of our awin consciencis, but must rather be content to suffer all extremitie then to do that which is against ovr conscience." (Signed) RICHARD BROUN, clerk to the Sessioun of Kilmarnok.

Similar
petition from
the parish of
Kilwinning.

316. Similar petition from "the elderis of the parochin of Kilwynning in name of the whole parochineris." [Unsigned and undated.]

Similar
petition from
the parish of
Kinglassie.

317. Similar petition from "the minister and eldership of the parish of Kinglassie." [Unsigned and undated.]

Similar
petition from
the parish of
Kirkmichael.

318. Similar petition from "the elderis of the kirk of Kirkmichael in name of the congregatioun of the said parochin." They refer to their Lordships' warrant and horning thereupon dated in July last in this instant year, 1637, and crave that they would "intreat our gracious soverane that by his Majestie's auctoritie we may be delyvered from the feare of this and all uther novationes in religione." [Unsigned and undated.]

Similar
petition from
the parish of
Kirkoswald.

319. Similar petition from "the paroschineris of Kirkoswald. That quhair Mr Johne Burne, our minister, is chargit to buy tua buikis of commoun prayer, and being informit that the saidis buikis ar destinat to be usit in our publick meittingis of divyne service, nott only far different from the forme and ordor we have learned and pra[c]tised hithertill, bot also drawing neir in sundrie poyntis to Poprie, quhilk by the lawis of this kingdome and treuth of God we have lafully adured; considering quhat offence sick innovatioun may breed in the heartis of weik christians, quhat contempt and hazard may drawe upoun our pastor or utheris that sould use the samyne, yea quhat misregaird upoun religioun it selff, that to this tyme without contradictioun or appeareance of idollatrie hes bene ressavit and practised amongis ws, it is our humbill petitioun to your Lordships, quha now under God and our soverane lord ar the onelie refuige left in this kingdome in sick caises, that the course of the saidis buikis [may be stopped] and his Majestie by your Lordships may be informit of the ewill experiencie [sic] thair of, not doubting nor by the assistance of the prayeris of the faithfull the King of Kingis sall bliss your Lordships' labour thairin."

Similar
petition from
the parish of
Largo.

320. Similar petition from "the minister and elders of the parochin of Largo." [Unsigned and undated.]

Miscellaneous
Papers.

321. Similar petition from "the gentlemen and remnant people of the kirk of Lairge," in terms similar to that from Wester Kilbryde. Signed by DAVID BOYLL, feir of KELBURNE; SKELMURLIE; JOHNE FRASER of KNOK; J. FRASER; J. CRAWFURD; PATRIK SCHAW off KELSOLAND; ARCHIBALD KELSO in FLATT; HENRIE WILSOWNE; WILLIAME HENRIE; ROBERT EUING; JOHNE SCOT; GEORGE THOMESONE; COLENE GRANT; PATRIK CRAUFUERD; JOHNE FRASER: JOHNE PATERSONE, clerk to the sessione of Largis.

Similar
petition from
the congrega-
tion of the
kirk of Largis.

322. Similar petition from "the minister and elderschip of the parochie kirk at Leslie." [Unsigned and undated.]

Similar
petition from
Leslie.

323. Similar petition from "the minister and session of the kirk at Leuchars." [Unsigned and undated.]

Similar
petition from
Leuchars.

324. Similar petition from "the parochiners of Mayboill." They state that their minister, Mr James Bonar, is charged to buy two books of Common Prayer, etc. [in terms similar to that of Kirkoswald.]

Similar
petition from
Maybole.

325. Similar petition from "the minister and elders of the parochine of Newbirne." [Undated and unsigned.]

Similar
petition from
Newburn.

326. Similar petition from "the gentillmen, elders and parochiners of Rosneth"; dated 17th September, 1637, and signed by ADAME McALPENE, kirk clerk of Rosneth.

17th Septem-
ber 1637.
Similar
petition from
Rosneath.

327. Similar petition from "the minister and eldershippe of the parochine of Skuneye." [Undated and unsigned.]

Similar
petition from
Scoonie.

328. Similar petition from "the elderis and hail sessionne of the parochie of Stevinstoun in name of the said hail parochine." [Undated and unsigned.]

Similar
petition from
Stevenston.

329. Similar petition from "the elders, heritouris and communitie of the parochine of Steuartoun" stating that the proclamation given forth was dated 20th December, 1636, etc, as in the others. [Undated and unsigned.]

Similar
petition from
Stewarton.

330. Similar petition from "the elderes of the kirk of Stratoun in name of the congregatioun of the said parishe." [Undated and unsigned.]

Similar
petition from
Straiton.

331. Presbytery of Cupar.—"My Lords of Secret Counsell, wnto your Lordships humblie means and shewes, Wee, your serviteurs, the Moderatour and remanent brethren of the Presbytrie of Coupdar, that, wher seing be vertewe of a proclamation given furth in December last for authorising of a Booke of Commoun Prayer to be the onlie forme

Similar
petition from
the presbytery
of Cupar.

of Gods publick worships within this kingdome, and be vertewe of ane warrand given furth from your Lordships in Julie last for charging ministers to buy each of them two of the saids bookes, and that, as the proclamation gives us to understand, for the use of the parishe, wee are readie to be broght in such straits as ather to admit such a dangerous innovation of religione as the said service booke may inferre, or els to be punished and censured for not admitting therof; wee having in the mean tyme Acts of Parliament and generall assemblie standing in our favours; therefore it is our humble supplicatione that your Lordships wold favourablie represent this our cace and difficultie to his Majestie that we may be delyvered from this fearfull innovatiōe of religione and from the force of the proclamatiōe, and charges pressing the samyne. (Signed) J. MONCREIFF, moderato^r of the Presbyterie of Coupar; M^r JHONNE MAEGILL; M^r JAMES BENNETT; M. JHONNE MORAY; M^r ANDREW BENNETT; W^r BUCHANAN; M. J. WEDDERBURN; M. W. BENNETT; M. J. ORME; M^r ALEXANDER BALFOUR; M. J. RAMSAY."

Miscellaneous
Papers.

Similar
petition from
the presbytery
of Haddington.

332. Presbytery of Haddington.—“My Lordis of Secreit Counsall, unto your Lordships humblie meanis and schawes your Lordships servitours, M^r Robert Balcanquall, moderator of the presbitrie of Hadintoun; M^r Johne Ker, minister at Saltprestoun; M^r Andro Blakhall, minister at Aberladie; M^r James Flemyng, minister at Bothens; M^r Johne Osuald, minister at Pencaitland; M^r David Ogill, minister at Bara; M^r Harie Aikinheid, minister at Northbervick; James Lamb, minister at Boutoun; M^r Thomas Turnbull, minister at Morum; and M^r Johne Cokburne, minister at Humble, for our selfis and the remanent brethrene of our presbitrie, and in name of our particular congregations of all rankis and qualiteis,—That quhair we have all conceavit ane great fear to be prest, baith minister and people, to practize in our churches a lait buik, intitulat a Book of Common Prayer for the Church of Scotland, and we foirseeing and cleirly perceiving the great evill and hurt quhilk will inevitablie ensew by the fearfull disturbance and rent that will follow upon it, be reasone that the forsaid book being stylit a book for a satlit forme of divyne worship, quhilk in no natione nor kirk in the world wes ever receavit in a christian estait under a christian king bot by a Nationall Assemblie and ratifeit by Act of Parliament of a christian prince and estait and of that same estait quhairin the kirk wes establischit, quhilk is not in this: *Secundlie*, that both pastors and people, altho that they wer pressit with the hiest authoritie may well sum of thame be inducit to practize the forsaid book, it is impossible that ever in this kingdome thair can be a lyking of it, be reasone that thair is into the buik sindrie poyntis that tuitcheth the fundamentall poyntis of our reformed professione, quhairinto we have bene all sworne of all estaits in sindrie actis of Parliament, as namlie in the lait act of our gracious soverane King Charles in his last parliament: And that we do not speik of particulars it is becaus

Miscellaneous
Papers.

the remonstranc thairof is onlie competent to be disputit in a Nationall Assemblie. Tharfore we humblie beseik your Lordships to talk into your Lordships christian and serious consideratioun as a point the most important that can be handlit in a christian counsell of christian counsallours and christian countriemen, and to use your moyan and supplication with our most gracious and christian prince to have pitie upon the estait of his poore church in this his native kingdome and of his most obedient and loyall subjectis, daylie oratoris for the establischin of his Majestie's throne and posteritie over all thir kingdomes, and this of your Lordships humblie we beseik."

333. Presbytery of Kirkcudbright.—"For the glorie of Jesus Christ and preservatioun of trew religioun, for the honnour of King Chairles and preservatioun of this his ancient and native kingdome:—My Lordis of Secreit Counsell, unto your Lordships humblie meanes and schawis, we, undersubscryvers, noblemen, barrons, burgesses, ministeris and commounes of the presbyterie of Kirkcudbright; That whair as we werr in almitie and quyet manner attending ane gracious answer of the former supplicatiounes against the Service Book imposeit against us and readdie to schaw the great inconvenience quhair-upoun the introductioun most inschew, we ar without anie knawin desert far by our expectatiouns surprieit and chairgit be publict proclamatioun to depart aff the toun within twentie four houres thair-after under the paine of rebelloun, by quhich paremptorie and unuswall chairg our feares of ane more summarie and strick cours of proceeding in thir matters is augmentit and the cours of our supplicatiouns interrupted. Quhairfore we ar constrayned out of the deip greife of our hearts humbie to remonstrat that quhair the Archbischops and Bischops of this realme, being intruisted be his Majestie with the affaires of the Church of Scotland, have drawin up and sett furth or causeit to be sett furth and drawin up and injoynd upon the subjectis two bookis in the ane quhairof, callit the Book of Common Prayer, not onelie ar sawen the seides of dyvers superstitions, idolatrie and fals doctrine, contrarie to the trew religioun established in this realme by dyvers actis of Parliament, bot also the Service Book of England is so abused, especiallie in the matter of the Communioun, by additiouns, substratiouns, interchangeing of wordis and sentences, falsiefieing of titles and misplaceing of collectis to the disadvantage of reformatioun, as the Romish mas in the maine and substantiall poyntis maid up thairin (as we offer to instruct in tyme and place convenient) clos contrair thairunto and for ramvarseing of the gracious intentioun of the blissed reformers of religioun in England. In the uther book, callit Cannons and Constitutions for the government of the Kirk of Scotland, they have ordaneit that quhosoewer shall affirme that the forme of worship contained in the book of Commoun Prayer and administratioun of the Sacraments (quhairof heirtofore and now we must justlie compleane) doeth containe

Similar
petition from
the presbytery
of Kirkcud-
bright.

anie thing repugnant to the Scriptures or ar corrupt superstitions or unlaw-
able in the service and worschip of God salbe excommunicated and not be
restoiored bot by the bischop of the place or archbishop of the province
after his repentance and publict revocation of his wicked error; beside
ane hundreth cannons moe, many of thame tending to the reviveing and
fostering of abolished superstitions and errors and to the overthrow of
our church discipline established by actis of Parliament, opening ane
doore for farder innovatioun of religioun they pleis to make, and stop-
peing the way quhich law befoire did allow to us for surpryseing of
error and superstitioun; and ordaineing that quhair in anie of the cannons
thair is no penaltie expreslie sett doune the punishment shall be
arbitrarie, as the bischop shall think fitt. All which cannons wer newer
seine nor allowit in anie generall assembleie bot imposeit contrair to the
ordour of law appoyntit in this realme for establisheing of maters eccle-
siastick. Unto the which twa bookis the foirsaidis prelatz have under-
truist procureit his Majesties royall hand and letter patent for pressing
of the same upon us, his loyall subjects, and yit are thay contryvers and
devysers of the same as doeth clearlie appear by the frontish peice of
the Book of Commoun Prayer and are begunne to urge the acceptance of
the same not onlie by injunctiounes given in provinciall assemblies bot
also by oppin proclamatioun and chairgis of horneing, quhairby we are
driven in such straits as we most aither by proces of excommunicatioun
and horneing suffer the rueing of our estaits and fortunes or els by
breatch of our Covenant with God and falsiefieing the way of trew
religioun fall under the wraith of God, quhich unto us is more greivous
than death. Quhairfoire we, being perswaded that theas thair proceedings
are contrairie to our gracious soveraigne his pious intentioun, quho out
of his zeall and princelie cair of the preservatioun of trew religioun
established of [*sic*] this his ancient kingdome hes ratiefiet the samen in his
heignes Parliament 1633, and so his Majestie to be heighlie wrongit
by the saidis prelatts, quha have so farr abused thair credit with so guid
ane king as thus to insnaire his subjectis, rent our kirk, undermyne
religioun in doctrine, sacraments and discipline, move discontent betwixt
the King and his subjectis and discord betwixt subject and subject,
contrair to severall actis of Parliament, doe (out of bounden dewtie to
God, our King and native countrey) compleane of the saidis prelattis,
humbleie craveing that this matter may be putt to tryell and thais our
pairteis takin ordour with according to the lawes of this realme, and that
they be not sufferit to sitt anie more as our judges untill this caus be
tryed and dissyded according to justice. And, give this sall seeme to your
Lordships ane matter of heigher importance than you will condescend
unto befoire his Majestie be acquainted thairwith, than we hnmblic
supplicat that this our greivance and complaint may be fullie represented
unto his Majestie, that from the influence of his gracious governement
and justice thir wrongis may be redressit and we have the happines to
injoy religioun as it hath beine reformed in this land. (Signed) Johne

Miscellaneous
Papers.

Dicksone, minister at Kells (*sic*); M^r Ro^t Murray, minister at Balmaclellan; M. D. Leitch, minister of Rerik; M^r Johnne Broune, minister at Tuyneme; M. P. Prymrois, minister at Crocemichaell; William Gordoun; John Kirk; James Martene; Robert Prymrois; Johnne Ardrie; Robert Hillow; James M^ccartnay; John Maconnel; Alex^r Gord[on] of Carstram; Roberte Gordoun of Knokbrex; An. Chalmer of Watersyde; M^r J. Makgill; J. Broun of Carsluite; James Couchie; James M^cDowell; Homer Gordon; John M^cClene; M^r William Dalgleische, minister at Kirkm^bbreck; Richart Mure of Cassincarie; Robert Gordoun; Alex^r Creichtoun; Robert Creichtoun; Andro Smith; Johnne Gordoun; Johnne Gordoun of Troquhain; James Chalmers of Gaitgirth; Alexander Gordowne of Erlistowne; John Fullartoun of Carletoun, Gilbert Greirsone of Castelmadie; William Gordone of Quhytpark; Williame M^cClellane of Barscobe; Alex^r Gordoun in Garlarg; Gilbert Gordoune, Glenhoull; Roger Gordoun of Largmoir; T. Gordowne; David Gordoun; George Gordoun in Garlarg; Johnne Gordoun in Glenhoull; Edward Gordowne of Baruenack; Gilbert M^ccornok of Barley; Gilbert Cannane in Over Knokcreoche; Johnne Cannane in Formontstoune; James M^cMilane of Ardoche; Johnne Gordoune of Knokscheine; Alex^r Levingstoun in (?) Marnoch; Johnne Hewehson (?) in Home; John Gordoune; James Kirk in Carlettoun; James Makelwir Kerauonoch; Williame Gordoun in Monboy; James Cannen, younger; John Sinckler in Knokgrie; Johnne Makmillane of Broklo^t; William Gordounnye (?); Robert Gordoun in Knockmarling; Johnne M^cMillane in Clapans; Thomas M^cClellane of Collin; James Ramsay of Torbane; Johnne M^cClellane of Auchinguill; David Arnot of Barkeple; Johnne Arnot; William Allane in Kirkland; J. Cutlar of Orraland; W^m Gordoune of Kirkconnel; David Steinsone in Maines; S^r P. M^cKie off Larg; Alexander M^cKie; Patrik M^cKie, baillyie of Monygoff; James Steuart, belye of Monygof; Alexander Roxburghe, burges thair; R. Falk (?); Johnne M^cMillane, burges y^r; Johnne Maxwell, burges y^r; Patrick Douglas there; Johnne Murdoch, burges, y^r. I, William Hunter, notar, for myself and at comand of James and George M^cMillanes, Robert Gude, William Roxburghe, at thair comandis and in the name of the rest of the communitie of the toun of Monygoff, W. Hunter, Archibald MakClaive, burges of Mungoff; Anthone Dunbar off Machrimor; Alexander Stewart off Barley; Alex^r Steuart in Torchregane; Andro Heroun, yonger of Kiruchtrie; J. Dunbar, yonger off Macrimor; Johnne M^cQuhargin in Kerovcastell; Johnne M^cQuharg, yongar, his sone.

We the persones efternamet of the parochin of Kirkmabrek efternamet subscriyveand be James Gordone, notar, for himself and in thair names, viz., Thomas M^cConchie, Alex^r Gordon, Robert Makewn, Johnne Makchesnie, Johnne Hannay, John Gordone, William M^cChesnie, Alex^r Makconchie, Richart Makchesnie, Abram Muir, Walter Murray, Thomas Makeand, Thomas Makchesnie, Archibald Makie, James Makcleane,

David Makgore, Johne Champan, William Makeand, Johne Bell, Andro Makcleane, James Henderson, Richert Brig, James Makeand, William Hannay, Hew Makillnae, Thomas Maxwell, Johne Makdowell, Johne Makmorran, Johne Champan, Patrik Heuchan, Thomas Makittrik, William Heuchane, Gilbert Carsane, Johne Maknacht, Gilbert Muir, Richart Hannay, Thomas Carsane, Alex^r Makdowell, Johne Makmorran, Thomas Wod, Thomas McKinnay, James Bryour, William Makmorran, James McChesnie, Johne McChesnie, his sone, Alex^r Hewchane, Cuthbert McKnacht, Alex^r McCleane, David Haliday, John Yong, Thomas McKeand, John McDowell, Richert Mcillfatrik; And lyikwayis the persones efternominat of the parochin of Anveth, viz., Williame Gordone, William Makconchie, Johne Henderson, Thomas Corbie, Johne Gourlay, Johne Makquha, James Makjore, Johne Ramsay, Robert Makguffok, Johne Makillmorrow, James Bryce, Thomas Mairtene, Thomas Bell, William Muir, yonger, Alex^r Muir, Johne Bryce, Cuthbert Maknacht, Johne Boyd, Alex^r Makillmorrow, and Alex^r McGuffok. *Ita est* Jacobus Gordone, notarius publicus, de speciali mandato dictarum personarum scribere nescientium ut asserunt.

Joⁿ Gordoh; Gilbert Broune; Alex^r Moor, Johnne Gordoun of Cardyne; Thomas McCulloch off Arduell; William McCulloch, his sonne; W. Hannay of Kirkdaill; Jhone Bell off Heytoun; James Walker; John Cown; Johne Walker; William McKie of Broche; James Cannane of Mardrochat; Alexander Gordoun of Knockgray; R. Makmichaell, notar; Robert McAdam, Smitoune; David McKill in Carmonock; George Logan of Boig; Jo. Gordoune of Clonhaird; Johne Gordone in Dingwich; Dawid Cannemen in Delchangane; Johne Fergusone in McKilstoun; William McCormok in Cornawik; James McAdame in Smeton; Gelbert McCadame y^r; Robert Greirsone in Dychell; Dawid McKeill in Cloch; Robert McKill in Clachan; Robert Stewart in Ardoche; John Macmillane of Arndarach; James McMillane; Alex^r Tayes in Castell madie holme; James Dempster in Craigschinie; James Gordoun in Newtoun; Williame Gordoun of Robertoun; A. Cairnis; James McClellane; Robert McClellane; Jⁿ Hamiltoun; Johne Lennox; Thomas Lennox; Robert Lennox; Alex^r Lennox; Johnne Lennox; Thomas Lennox; Johnne Lennox; Robert Lennox; Johne Schaw; Andro McChesnye; W. Gordoun of Schirmers; Alex^r Gordoun in Barnmurray; Johne Gordoun in Shirmers: Johne Murray in Troquhaine; James Gordoun of Crogo; Robert Milligane in Broigmarke; James Wallace in Clachene; Roger Milligane, w^t my hand at the pen, led be the notar at my command, becaus I cannot wryt myself. *Ita est* Robertus Makmichaell, notarius publicus in premissis requisitis, de speciali mandato dicti Rogeri scribere nescientis ut asseruit, teste manu mea, George McKnaicht in Lukeconen; Johne Macolme; Johne Geddes; James Cairnes; James Fergusone; Homer Maxwell in Clauchen.

Robert Greire in Regland; Thomas Sinklar in Clachan; William Gordon in Hole; George McComb in Auchray, James Chopman

Miscellaneous
Papers.

in Hole; Johne Schaw of Cragend; Johne McMillen in Barr; Johne Sinklar in Clachan; Gilbert Geddes in Stewarton; William Coutard thair, Adam Denholme in Blarq^r; Johne McCornok in Barley; Archibald McGaichen in Bar; James McGaichen in Todistoun; George Gordon in Clachan: David Rae in Boat; William Reid in Barley; David Gordon in Clachan; John McMillan in Clachan, merchand; Johne McAdam; merchand thaire; Johne Gordon in Erliston; Johne Scot in Watersyde; Johne Corsan in Grenan; William Eglie in Clachan; Johne McCubeine, in Clachrawar; James Sinklar, yonger in Milton; Johne Fergusson in Cairnehill; James McGlainroche in Leyis; George Aikeine in Craigincor; Thomas Wylie in Milmark; Andro Wolson in Glenhoul; David McDougall in Clachan; James Fergusson in Clachan, with our hands at the pen be the notar following at our commands because we cannot wryte. *Ita est* Andreas Chalmer, notarius publicus ex mandato dictarum personarum scribere nescientium, ut asserunt; testante manu propria.

We, the persounes eftermentiouat of the parochins, Dalry and Kellis, viz., Johne McAdame in Knockinguroche; James Rae there; Robert McCoull there; Johne McMillane in Bank; David Harrowne in Holme of Tantallochane; David Stensoune there; Alexander McMillane there; Thomas McMichall in Marbrek; James McMichall in Lorgfit; Robert Milligane in Holme of Dalquharne; George McAdame there; Johne Milligane in Cairnmonow; James McClellane in Waterheid; William McAdam there; George McAdame there; William McAdame in Brownhill; Andro McAdame there; Quentene McAdame in Darnsbawe; David Gordoun in Dungewche; Johne Cunynghame there; Johne Barbour there; Alex^r. Allane there; Hew Gud in Overlanfourd; Johne Grege there, Dand Bryane in Garrihorne; Rodger McAdame in Bowe; Quentene McAdame there; William McMillane in Bridinloch, George McMillane in Over Knockgray; Rodger Gordoun in Nether Knockgray; Johne McCoull in Mardrochatt; Thomas McCoull there; James Milligane in Arndaroche; Rodger Milligane there; Johne Greirsoune in Over Knockgray; James McCome in Achinhannay; George Barbour there; Georg McMillane in Morskalloche; Johne McMillane there; Georg McMillane in Cairsfairne; Quentene McAdame of . . . yltoun; Georg McMichall in Corbay; Alexander McKnaycht in Cullercaltoun; Johne McKie of Balclewche; Johne McClewche in Nether Clewche; Alexander Gordoun in Gordounstoun; Cuthbert McMillane of Drumnes. We, the foirnameitt personnes, with our hands at the pene led be the noter following at our commands, becaus we can nocht wryt our selfes. *Ita est* Joannes McAdam, notarius publicus, ex mandato dictarum personarum prescriptarum scribere nescientium, ut affirmant; testante manu propria.

We, the personis eftirnमित, parochoneris of Dalry and Kellis Bal-McClelan undersubscriyving be the notar undermentiouat at our commands in maner underwryting, theise ar to say, Johne Blythman in Armacamne; Williame Gordon in Hill; William Couthard in Armakinlie; James Edgar in Bennive; Johne Barbour in Lagan; Williame Damister in

Quhytcairne; James Chalmer in Knokman; John Reid in Halfmark; James Steinsoune in Mains, John Reid thair; Gilbert Hannay in Aichie; Thomas Tod in Catbellie; John Gordon thaire; James Chalmer in Park; David Chalmer in Fintillach; Thomas McBurnie in Lagan; James Williamson in Nethir Lagan; Robert Gordon in Craig; Andro McGlain-roche in Urquhar; John Findlay in Garvar; John Maccornok thaire; Thomas Corson thaire; Alexander Macadam in Craigmichell; John Caldwell in Durmaw; Alexander Chalmer in Arie, Robert McMillan thaire; John Murdoche in Glenlie, thaire; John Oir in Mains; Robert Herroune thaire; Thomas Mcaw in Garoche; Alexander McMillan in Dunveoch; John Irland in Strongasle; William Zeland in Woodhead. We, the foirnamit personis, with our handis at the pen led be the notar following at our command, because we cannot wryte our selfis. *Ita est* Andreas Chalmer, notarius publicus, ex mandatis personarum antedictarum scribere nescientium, ut asseruerunt; testante manu propria.

John Ewart, baillie of Kirkcudbryt; J. Carsane, baillie of Kirkcudbright; Andro Ewart; Patrik Carsane, burgess of Kirkcudbryt; Robert Ewart, burges of Kirkcudbryt; John Lennox, burges; R. Mackgill, burges of Kirkcudbrycht; James McCijor, burges of Kirkcudbrycht; William Halliday, burges in Kirkcudbright; James Browne, burges in Kirkcudbryt; John Lidderdail; John Comleine, burges; James Makjore, burges; Thomas Carsane, counselloure; John Lowrie, burges; George Callendar, burges thair; Alexander Mouat, counselor; Jo^a. Hutchisoune, burges; Adame Carnoquhen, burges; George Hendersone, bowrges; John Lachall, burges; William Morton; Willie Schanke; Thomas Ennok; Thomas Lintoun; W^m. Thomsone, burges; James Biglum, burges; William Sprot, burges; William McGoune, burges; William Bell, burges; William Cairnoquhen, burges; Robert Heuchane, burges; R. Bell.

William Fullartoun, proveist of Kirkcudbryt; William McMichen, John McJoir, and Patrik Bell, thrie of the counsellors theroff; Thomas Robsone, Thomas Henrie, Robert Gordoun, William Muir, Thomas Ewart, John Gibsone, elders; Abrahame Thomsone, Robert Geddas, Thomas McFadzeane, Robert Gillespie, John Cairmont, William Anderson, John McClellane, cordinar; Robert Shankes, John Fergusone, Rodger McKnaicht, John Ewart, meilman; Gilbert Herreis, William Bell, wrycht; Gilbert Neilsone, Robert Clerk, William McMollane, William Heuchane, Fergus McJoir, George Meik, James Martein, John Robsone, William Ardrie, John Heuchane, Thomas Gibsone, Andro Bell, John Quhytheid, and James Martine, merchand burgesses and indwellaris in Kirkcudbright, and John Gordoun in Pluntoun, with our handis at the pen led be the noteris underwryttin at our commandis becaus we cannot wryt our selfis. *Ita est* Robertus Glendonyng, notarius publicus, de mandatis dictarum personarum scribere nescientium, ut asseruerunt, testantibus his meis signo et subscriptione manualibus. *Ita est* Robertus Heuchane, notarius publicus ac conotarius ad premissa requisitus.

Miscellaneous
Papers.

We, the persones efternamit of the parrochine of Corsmichell, subscrivit be James Turner, noter for them becaus they can nocht write thameselffes, viz., Johne Gerrane, Johne Neilson, Thomas Black, Williame Lambe, Andro M°Myn, Rechart Milligane, Johne Milligane, Johne Burnet, Williame M°Morreis, Johne More, Nicoll Wilsone, Robert Maknacht, Johne M°Kewre. *Ita est* Jacobus Turner, notarius publicus de mandato dictarum personarum scribere nescientium, ut asseruerunt; manu propria.

Johne Gordoun; M. Ja. Irving, minister at Parton; Partoune; Robert Glendonyng of Billies; Willeame Glendonyng of Lagane; George Glendonyng in Mochrum; Arthur Irving; M^r Hew M°Ghie, minister at Balm°ghie; Johne Cunyghame, Georg Glouer, Johne Rae, Alexander Rae, Johne Corbeit, James Moredoch, Johne Lockarte, Hew M°Ghie, George Charteris of Kelwod, Johne Gluver, James M°Gowne, Johne Lewingstoun, Johne Glover, Johne Robisoune, James Robisoune, Johne M°tagart."

334. Presbytery of Perth.—"Unto your Lordships of his Majesties most honorable Privie Counsell, we, your Lordships' servitouris, the ministers within the presbiterie of Perth, for our selffis and in name and for the behoofe of our parishoneris humblie meanes,—That whairas ane Proclamatioun hes beine maid in December last commanding all ministeris to ressave the booke callit the Book of Commoun Prayer, in loyall obedience unto our dread soveraigne and humble subjectioun to your Lordships' authoritie, we have sought the book and perused it and have found that it conteanes manie thinges both in worship and doctrine which after dew examinatioun wilbe found contrair to the divyne Scripture and to the Confessiounes of this Kirk of Scotland authorized be actis of Parliament and Generall Assemblis, and that in manie gross poyntis of poprie it drawis neare unto the Roman Breviarium, Missale and Rituale, and thairfore we doe humblie begg for Godis saik that we be not more pressed with it othewayes then Godis word doeth allow."

Similar
petition from
the presbytery
of Perth.

335. Presbytery of Stirling.—"My Lordis of his Majesties most honourable Privie Counsell; We, the brethren of the presbitrie of Stirling, efter due and frequent consideratioun of the Book of Service commanded be open proclamatioun to be used in all the churches of this kingdome, and also urged be the ordinar in the last synod to be bought be the ministeris within the diocie of Edinburgh, with libertie at the nixt synod to mak remonstrance of the exceptions which be ws might be takin against it, hawe resolved upon occasion of this present meiting of your Lordships to declair that we cannot be induced *salva fide et bona conscientia* to the practise thairof, in regard that it is not warranted be authoritie of Generall Assemblie nor Parliament, which in materis of this nature hath ever bein reput necessar, and in regard it declyneth altogether from the service universallie receawed and practised in this church since the Reformatioun, and draweth neir to the Romish

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of Stirling.

church in materis most materiall; as also in regard of the dangerous effectis that hath and will questionless ensue, as the contempt of our ministerie, the alienatioun of the peoples affectionis from our selfis and the word preached be ws, the exposing of our personis to inevitable hazard, and great advantage giwen be our selfis to the adversarie. Quhairfor we humblie supplicat your Lordships to tak to heart these our grivances, and out of that filiall dutie your Lordships owght to your deir mother the Church of Scotland, who now imploreth and expecteth your help, to deale with the King his Majestie, her gracious nursing father (whose loyall subjectis we professe our selfis befor God and the world), that we may be fred of the dangerous innovatiouns thairin contained, and your Lordships answer humblie we beseich. (Signed) M. JAMES EDMONSTONE, minister at St Ninians; J. GUTHRIE, min^r at Sterline; M. W. JUSTICE, minister at Gargunnok; M^r JOH. CRAGINGELT, minister at Alloway; M. E. WRIGHT, minister at Clakmannan; M. ALEX^r CALLENDER, minister at Dennie; M^r T. STRAHAN, minister at Dollor; M. A. RYND, minister at Tulleculty; M^r JO. GALBRAYE, minister at Bothkenner.

.

INDEX.

INDEX.

- ABAY**, John, skipper in Crail, favours the erecting of a light on the Isle of May, 572, 573.
- Abbotshall**, Linktoun of, bailie of. *See* William Mitchelson.
- Abdie** (Ebdie), parish of, 419; the kirk-session seek suspension of a charge anent laying lint in lochs, 419, 420; minister there. *See* Mr . . . Balfour.
- Abercainrie**, Laird of. *See* Murray.
- Aberchirdour**, minister at. *See* Mr Richard Maitland.
- Abercorn**, Earl of, James, grants a bond, 80, 81, 656, 662, 695.
- Abercrombie** (Abircrombie) of Auldrayne, Adam, caution for his compearing before the Council, and remaining in ward, 28, 32, 137, 138; protection granted to him, 36; his examination, 46, 167; allowed to return home, 120, 200; his son-in-law, George Leith, prosecuted as a resetter, 55.
- of Birkinboig, Sir Alexander, elder, knight baronet, 693; relieved of his cautionry, 120; prosecuted for remaining at the horn, 262, 290, 600; charged to appear as a witness, 416; charged to appear before the Council, 428; complains of malicious damage to his lands and crops, 487, 488.
- — Alexander, fiar, prosecuted for wilful error on an assize, 92; action at his instance, 586.
- of Fetterneir, Hector, act of caution by him, 6; charged with committing assault, 74; cautioner in a bond, 85; prosecuted for wilful error on an assize, 92; his examination, 167; relieved of a cautionry, 120; disposes the lands of Ryhill and others, 134; debts owing to him for his relief as a cautioner, 176; a discharge to be given to him, 179; appointed a justice of peace for the shire of Aberdeen, 549.
- Adam, caution for his compearing before the Council, 6.
- George, indweller in Leith, is cautioner in a bond, 663, 695.
- Abercrombie**, Mr James, appears as a procurator, 261.
- William, at the Mill of Dornoke (Durno), charged as a cautioner for payment, 130, 306; prosecuted for remaining at the horn, 417; charged to appear as a witness, 642, 645.
- William, charged to appear as a witness, 630.
- Abercrombie**, parish of, the parishioners petition against the Service-book, 701.
- Aberdeen**, bishop of, Adam (Bellenden), formerly bishop of Dumblane, swears the oath of fealty for his bishopric, 148, 512n.; consigns money for the choristers of the Chapel Royal, 160, 161, 166; ordained to examine the conduct of some rebels in the North, 167; chosen as an arbiter, 194–196, 239; chancellor of the University of Aberdeen, 228, 311; appointed to examine witnesses, 257, 586, 593; a letter directed to him, 342, 343; on a committee of Council anent the coinage, 464; on a committee of Council anent the visitation of the colleges of Aberdeen, 479; appointed to take the oath of the sheriff of Aberdeen, 524; present in Council, 79, 88, 91², 93, 94, 102, 125, 130, 131, 135, 137, 138², 139, 142, 147, 148, 150, 156, 158, 150, 165, 167, 169, 170, 172, 176, 215, 223, 248, 249, 252², 256, 259, 262, 268, 270, 271, 272, 276, 279, 394, 396, 398, 401, 404, 413, 415, 416, 418², 419, 420, 421, 427, 461, 464, 465, 466, 467, 471, 476, 477, 478, 481², 484, 486², 488, 490; signs acts of Council, letters, etc., 288, 595, 597.
- bishopric of, 512, 512 n.
- burgh of, 23, 30, 181, 205, 294, 356, 358, 373, 403, 412, 643, 644; a dispute about the election of the magistrates, xxviii, 117, 143, 144, 172–175; election of councillors of the burgh, 177, 178; the provost and bailies to forward prisoners to Edinburgh for trial, 23, 24, 289, 472, 473; some burgesses complain of the spoiling and plundering of a ship, xlii, 180, 240;

- charges to the magistrates, 228, 295, 374, 403, 412; commission to them to try some criminals, 357; they seek suspension of horning, 589², 590; letter from the King to the bishops of Aberdeen and Ross anent the town, 342, 343; the Convention of Burghs to be held there, 349; the Council Register of the Burgh, 117n, 174, 295; documents dated there, 27, 631; proclamations at the market cross, 279, 280, 281, 630; the tolbooth, 273, 289, 294, 347, 357, 358, 374, 403, 412; provosts of. *See* Mr Alexander Jaffrey of Kingswalla, Robert Johnstone, and Sir Paul Menzies; bailies of, 144, 173. *See also* Mr Robert Farquhar, Mr Matthew Lumsden, Robert Melville, and Thomas Mortimer; town-clerk of. *See* Walter Robertson; treasurer of. *See* Robert Smith and Robert Cruikshank; ministers of. *See* Mr Robert Baron, Doctor William Guild, Doctor Alexander Ross, and Doctor James Sibbald.
- Aberdeen, King's College of, alleged abuses therein, 469, 470, 479; procurator of. *See* Mr William Gordon.
- Old, 417.
- University of, 217, 218, 228, 232; foundation and privileges of the colleges, 311, 469, 470, 479; alleged abuses therein, 311, 312; the maintenance of the professors, 469, 479; visitations appointed, xlv, xlvi, 478, 479, 692; chancellor of the University. *See* Adam, bishop of Aberdeen; rector of. *See* Doctor John Forbes of Corse.
- shire of, xxiv, 205; appointment of justices of peace for, 90, 91, 202, 222, 349, 350, 549; commission to them, 181; appointment of Sir Alexander Irvine of Drum as sheriff, 523, 524; charges to the sheriff, 20, 205, 228, 294, 358, 472, 473, 648; he is to forward prisoners to Edinburgh for trial, 22, 24, 207, 208, 230, 289, 327, 379; to commit rebels to ward when delivered to him, 209; the sheriff mentioned in connection with a process, 278; appointed to uplift disputed customs at a fair, 280; decret by him, 347; commission to him to apprehend certain criminals, 357, 379; the Sheriff Court books, 358; sheriff-deputes. *See* Mr William Davidson, and Robert Irvine of Cornel.
- Abergeldie (Abirgeldie), Laird of. *See* Gordon.
- Aberlemno, parish kirk of, 367.
- Abernethie (Abirnethie), George, in Edinburgh, execution of summons against him, 605.
- John, in Greenlaw, witness to the execution of a charge, 599.
- Laurence, servitor to Mr Francis Hay, writer, prosecuted for vitiating a document, 480, 481.
- Mr William, minister at Thurso, witness to a bond, 222.
- . . . , servitor to William, Lord Berridale, charged with resetting rebels, 122.
- Abertarff (Abirtarfe), a haunt of rebels, 234.
- Aboyne, resettlers of rebels there, 219; minister there. *See* Mr William Douglas.
- Acheson. *See* Aitcheson.
- Achinell, Laird of. *See* Campbell.
- Achingen, 213.
- Achinwells, John, servitor to John Miller, writer, witness to a bond of caution, 358, 359.
- Achip, lands of, 488.
- Achnafreis, lands of, 536.
- Adam (Adame) of Brewland, John, petitions against the Service-book, 705.
- Robert, a witness, servant to Robert Stirk, messenger, 93.
- Adamsone, George, in . . . , complains of being deforced, 29, 30.
- Adie, James, in Jawcraig, sentenced for sheep-stealing, 213.
- James, sentenced to banishment, 418.
- Adjournal, Books of, registration in, 93, 105, 112², 136, 141, 159.
- Admiral, Lord High. *See* Lennox, Duke of.
- Vice-. *See* Alexander, Earl of Linlithgow.
- -deputes. *See* Mr James Robertson; at Dunbar. *See* George Aitken of Underedge; of the North Isles. *See* Thomas Lindsay in Crail.
- Admiralty Court, cases before the, 180, 224, 225, 242; registration in the Books of, 225.
- Adultery, cases of, 354, 355.
- Advocate, Lord, or King's. *See* Sir Thomas Hope of Craighall.
- Advocate, Faculty of, members of the: Mr James Baird, 262, 290, 356, 358, 503, 504; Mr Robert Boyd, 87, 699; Mr Robert Bruce, 242, 493; Mr Alexander Burnet, 493; Mr Robert Craig, 553; Mr William Davidson, 273; Mr John Dawline, 79, 81; deceased, 665; John Dunlop, 6, 8, 13; Mr William Forbes, 3, 158; Mr Harry

- Fowlia, 619 ; James Gibson, 27, 494, 495 ; Mr John Gilmour, 623, 651, 668, 669, 672, 673 ; Mr Samuel Gray, 81, 83, 84 ; Walter Hay, 112, 487 ; Robert Hepburn, 101 ; Mr David Heriot, 181 ; Mr William Hog, 421 ; Mr Alexander Johnstone, 452 ; Mr Archibald Johnstone, 621 ; James King, 27 ; Mr Robert Learmonth, 620, 621, 648, 649 ; Mr Lawrence M'Gill, 101, 102, 238, 294 ; Mr William Maxwell, 300 ; Mr James Miller, 315 ; Joseph Miller, 314, 608, 611 ; Mr Roger Mowat, 67, 68, 295, 300 ; Mr Robert Nairne, 690 ; Mr William Napier, 603 ; Gilbert Neilson of Craigcaffie, 48, 49, 665, 668, 669, 672, 673, 688 ; Mr Alexander Nicolson, 414 ; Mr Thomas Nicolson, younger, 87, 358, 452, 488 ; Mr John Nisbet, 571, 641, 654, 668, 674 ; Mr William Oliphant of Kirkhill, 86, 620 ; Mr John Paip, younger, 116, 220, 221, 229 ; Mr David Primrose, 54, 193, 194, 197, 239, 365 ; Mr Patrick Primrose, 81, 83, 84 ; Laurence Scot, 87 ; George Sibbald, 134, 380, 396 ; Robert Stewart, 389.
- Advocation of actions, 135, 136.
- Agnew of Barmaill, Patrick, sheriff-depute of Wigton, releases a criminal illegally, 211 ; charged to appear as a witness, 282 ; to appear before the Council, 588, 596.
- of Lochnaw, Sir Andrew, sheriff of Wigton, charged with wrongful imprisonment, 178.
- Patrick, in Barmaill, charged with malicious damage to property, 75, 76.
- Ahanna (Ahannay), Alexander, in Cultra, charged with theft, but illegally dismissed, 211.
- Patrick, in Knok, charged with committing assault and robbery, 384.
- Patrick, in Vennell, charged with committing assault and robbery, 384.
- See also Hanna.
- Aikenhead (Aikinheid), Alexander, commissioner for the Burghs anent the Isle of May, 581.
- Alexander, writer, 359.
- David, provost of Edinburgh, debts owing to him, 4, 166, 414 ; presents a petition, 319, 622 ; license to him to eat flesh during Lent, 698.
- Mr Harry, minister at Northberwick, petitionous against the Service-book, 708.
- Mr James, gets license to eat flesh during Lent, 699.
- Aikysyde ford, 627.
- Ainslie (Ansle) of Dolphinstoun, Mr Cornelius, appointed a justice of peace for the shire of Haddington, 477.
- Ainslie, Adam, in Jedburgh, charged to appear as a witness, 616, 634.
- Andrew, bailie of Edinburgh, appointed to confor anent the reading of the Service-book, 486, 510, 511, 513.
- James, in Jedburgh, appears as a witness, 634, 639.
- Air, John, in Nether Cramond, to remain in his house under suspicion of the plague, 153.
- Airdrie (Ardrie), John, petitions against the Service-book, 711.
- William, merchant burges of Kirkcudbright, petitions against the Service-book, 714.
- Airds, Viscount (Hugh Montgomerie), to restrain masterless men from passing over to Ireland, 156.
- Airth (Airthe), Earl of, William, to be answerable for his tenants and servants, xxxii, 91 ; appointed a commissioner anent the plague, 118, 123 ; his right of justiciary within his own bounds reserved to him, 274, 351 ; acts as an arbiter in a dispute, 365 ; warrant for his release, 550.
- Airth, precautions anent the plague there, 118, 123 ; dispute about a seat in the kirk, 557.
- Airth, James, merchant in Pittenweem, depones anent lights on the Isle of May, 578.
- James, notary, assists in signing a document, 573, 574, 575.
- Aissoun, Robert, notary in Crieff, writes a report, 530.
- Aitcheson (Acheson) of Glencarny, Sir Archibald, secretary, cautioner in a bond, 664.
- of Hilhous, Martin, exempted from Nithsdale's jurisdiction, 421.
- George, in Corscleugh, banished as a Border outlaw, 407.
- Helen, widow of Mr John Dawline, debts owing to her, 87 ; grants a bond, 655, 663, 665, 696.
- James, in East Barns, charged with plundering a ship, 241, 242.
- James, in Skarhill, on an assize, 626, 627.
- James, merchant, witness to a document, 665.
- John, General of the Mint, subscribes an inventory of the utensils of the Mint, 99, 101 cautioner in a bond, 664.

- Aitcheson, John, in Rowstanefoot, charged with committing assault, 199.
- Richard, in Prestonpans, grants a bond, 656, 664, 690.
- Robert, debts owing to him, 87.
- Thomas, deceased, late Master of the Mint, 98, 361.
- . . . , merchant burghess of Edinburgh, debts owing to him, 618.
- Aitken (Aikeine, Aikine, Aitkene, Aitkine) of Underedge, George, admiral-depute at Dunbar, ordered to try a case, 180; appointed a commissioner anent the plague, 490.
- Andrew, in Plean, to be sent to Edinburgh for trial, 189; Andrew, his son, notified hereof, 189.
- George, in Craigincor, petitions against the Service-book, 713.
- Mr Harry, commissary of Orkney, commission to him to deal with the famine in Shetland, 40.
- Henry, charged to appear as a witness, 585.
- John, sheriff-clerk of Orkney and Shetland, registers a document, 583.
- Mungo, in Newbigging, seeks restoration of some victual, 592.
- Robert, witness to the execution of a charge, 651.
- Thomas, post in Edinburgh, witness to the execution of a charge, 598, 599, 601.
- William, in Kirkcoun, tenant to Sir William Sinclair of Pentland, charged with assault, 587; complains of being assaulted, 598.
- Aiton. *See* Ayton.
- Aldie, house of, to be rendered, 268.
- Alexander (Allexander), Lord, William, a member of the Privy Council, on a committee of Council anent the coinage, 91; on a committee of Council anent disorders in the North, 120; written to by the Council to attend a meeting, 131; appointed an assessor for the trial of a jury, 145; on a committee of Council anent lights on the Isle of May, 155, 156; chosen as an arbiter, 194-196, 239; on a committee of Council anent the coinage, 256, 464, 471, 509; commission to him to try a case, 265; on a committee of Council anent the muster-master-general, 342; on a committee of Council anent the Leith hospital, 351, 654; makes some proposals anent the coinage, 380; on a committee of Council anent the estate of Foulis, 382, 383; grants bonds, 656, 663, 695; appointed to examine prisoners, etc., 336, 355, 362, 377, 378, 383, 397, 586, 647, 650; present in Council, lx, 43, 47, 57, 72, 76, 88, 91², 93, 103, 111, 114, 117, 135, 137, 138, 139, 142, 147, 148, 149², 150², 156, 158, 159, 172, 176, 179, 183, 184, 189, 191², 193², 199, 200², 203, 206², 207, 210, 211, 213², 214, 215, 229, 231, 243, 247, 249, 252², 256, 258, 259, 262, 268, 270, 271, 272, 276, 279², 286, 328, 332, 334, 336, 342, 343, 345, 351, 355, 356, 359, 360, 363, 364, 366, 367, 369, 372, 373, 375, 378, 383, 396, 398, 401, 404, 416, 418², 420, 432, 466, 467, 471, 476, 477, 478, 481², 483, 484, 486, 488, 490², 508, 509, 510, 512, 521; signs acts of Council, letters, etc., 202, 288, 635.
- Alexander of Menstrie, Sir William (afterwards Earl of Stirling), produces a new version of the Psalms, ix.
- Andrew, officer in Kirkcaldy, executes a charge, 395.
- Sir Antony, H.M. Master of Works, commission to him to visit and report on the bridge of Linton, 237.
- Antony, brother of Lord Alexander, cautioner in a bond, 664, 695.
- Captain David, shipmaster in Anstruther Easter, depones anent lights on the Isle of May, 577.
- David, witness to a discharge, 691.
- George, skipper in Anstruther Wester, depones anent lights on the Isle of May, 574.
- Henry, witness to a bond of caution, 133, 221.
- Mr John, 634.
- John, skipper in Anstruther Easter, depones anent lights on the Isle of May, 573.
- Robert, bailie of Anstruther Easter, on the commission anent the Isle of May, 567; depones anent lights on the Isle of May, 577².
- Robert, in Candren, complains of being assaulted, 109, 110.
- Robert, servitor to Innerquharly, charged to appear as a witness, 693.
- William, skipper in Anstruther Easter, depones anent lights on the Isle of May, 574, 577.
- Algiers (Argier), Scottish prisoners there, supplicate that they may be ransomed xli, 190, 388, 425.
- Aliment, cases of, 68, 264, 265, 318, 319, 371, 372, 502-504, 688, 689, 693, 694.

- Allan (Allane), Alexander, in *Dungewoche*, petitions against the *Service-book*, 713.
- James, merchant in St. Andrews, to depone anent erecting a light on the Isle of May, 568.
- John, in *Delmuklachlie*, charged with resetting rebels, 232.
- John, flesher in Leith, charged with deforcement, 551.
- John, in Orphir, charged with armed convocation and riot, 308.
- Robert, merchant in Dumbarton, appears as a witness, 592, 615.
- Thomas, messenger in Edinburgh, executes a charge, 380, 617, 619; witness to the execution of a charge, 630.
- Thomas, notary in Jedburgh, witness to the execution of a charge, 647.
- Thomas, notary, subscribes a document, 520.
- William, in *Kirkland*, petitions against the *Service-book*, 711.
- Allanach, William, in *Glenmuck*, charged with resetting rebels, 216.
- Allardice (Allerdese), James, in *Over Craigie*, charged with malicious damage to property, 107.
- Allison (Aleson, Alliesoune), John, charged with armed convocation and riot, 214.
- Robert, burgess of Dundee, 381; his daughter, Eupham, complains of wrongful imprisonment, 381.
- Robert, charged with armed convocation and riot, 214.
- Thomas, burgess of Jedburgh, charged to appear before the Council, 634, 647.
- William, bailie of Jedburgh, charged with neglect of duty, 332, 333, 634; punishes a rebel, 608.
- Alloa (Alloway), precautions anent the plague, 119, 123; minister there. *See* Mr John Cragingelt.
- Almond, Lord, James, 16; his lady to have precedence as Countess of Dunfermline, 16; commission to him to levy recruits for foreign service, 225, 226.
- Almond (Almound), water of, 530.
- Alshoner (Alschunder, Alshouner, Alshunder), Alexander, skipper in *Kilrenny*, favours the erecting of a light on the Isle of May, 573.
- John, in *Ayr*, supplicates that he may be ransomed from the Turks, 387.
- John, in *Hilbrea*, charged with carrying prohibited weapons, 643.
- Alshoner, Robert, in *Aberdeen*, charged to appear before the Council, 144, 173.
- Altire (Alter), Laird of. *See* Cumming.
- Alum plundered from a wrecked vessel, 241.
- Amsterdam, in *Holland*, a ship of, called *The White Feather*, 313, 591, 612, 614.
- Amurray, John, in *Kilnetray*, charged to appear before the Council, 282, 588.
- Anatomy: a custom in universities to receive dead bodies for dissection, xlvii, 228, 229.
- Ancrum, parish of, precautions anent the plague, 431, 445; bridge of, 456.
- Anderson (Andersone) of *Dummoneis*, James, appointed a justice of peace for the shire of *Aberdeen*, 349.
- Agnes. *See* Henderson.
- Alexander, a servant, a rebel wrongfully taken from him, 653.
- Mr Andrew, minister at *Kirkinner*, debts owing to him, 4.
- David, sheriff-clerk of *Fife*, appointed clerk to the commission anent the Isle of May, 562; his signature, 564, 566, 568, 569, 572, 573, 574, 575, 579.
- David, notary at *Leith*, writes documents, 83, 84.
- David, at the *Walkmill of Fetteresso*, charged with malicious damage to property, 107.
- Elspet, debts owing to her, 135.
- George, in *Ardoyne*, charged with carrying prohibited weapons, 642.
- George, messenger, directed to serve a summons, 601, 602.
- Gilbert, servitor to Gilbert Harvie in *Aberdeen*, complains of being assaulted, 347.
- Grizel, widow of William, Bishop of *Galloway*, debts owing to her, 87.
- Hew, goldsmith, burgess of *Aberdeen*, witness to the execution of a charge, 590.
- James, in *Canongate*, charged with committing assault and robbery, but assoilzied, 136, 137.
- James, in *Golan*, his rent, 371.
- (Henderson), James, at *Mill of Glanderstoun*, execution of summons against him, 630², 642; his depositions, 642, 645.
- James, at the *Mill of Seamilns*, charged with deforcement, 451.
- James, in *Myntoun*, charged with carrying prohibited weapons, 53.
- James, in *Vrese*, charged with malicious damage to property, 106.
- James, letters of caption against him, 451.

- Anderson, James, witness to the execution of a charge, 602.
- Jean, charged with infanticide, 686.
- John, bailie of Glasgow, appears as a procurator, 378.
- John, in Nether Carupo, his rent, 371.
- John, messenger, executes a charge, 634.
- John, debts owing to him, 87.
- J., clerk of Cupar, petitions against the Service-book, 700.
- Ninian, bailie of Glasgow, exonerated from false charges, 19, 20.
- Peter, indweller in the Canongate, sues for the payment of a debt, 220.
- Peter, keeper of the Chapel Royal, sues for the payment of a debt, 320, 622.
- Petrie, in Elchies, and his son to be sent to Edinburgh for trial, 21, 22.
- Robert, messenger, executes a charge, 688.
- Robert, weaver in Edinburgh, charged to appear as a witness, 629.
- Thomas, in Blairmadie, charged with armed convocation and riot, 488.
- Thomas (Patrick), skipper in Leith, brings his plague-infected ship into the firth, 130; charge to his wife not to visit him, 130.
- William, in Ardoyne, charged with carrying prohibited weapons, 642, 645.
- William, cordiner in Kirkcudbright, petitions against the Service-book, 714.
- William, servitor to the Chancellor, witness to a decret, 197; his signature, 198.
- William, charged to appear as a witness, 112.
- William, witness to the execution of a charge, 630.
- Anderstoun (Maderstoun), William, in Standan Staine, appears as a witness, 642, 645.
- Andro, John, of Barbourlands, debts owing to him, 87.
- Angus, Lord, Archibald, admitted as a member of the Privy Council, 231; to erect gallows for deterring persons from entering plague-stricken places, 339; on a committee of Council anent Colonel Monro and the estate of Foullis, 363; present in Council, vii, viii, 231, 252, 301, 303, 310, 316, 320, 330, 332, 334, 336, 343, 352^a, 356, 359, 360, 363, 364, 366, 367, 369, 372, 373, 375, 378, 386, 391, 398, 401, 416, 418^a, 432, 523, 536, 549^a; signs acts of Council, letters, etc., 650.
- Angus, Archibald, skipper in Burntisland, depones anent erecting a light on the Isle of May, 565.
- Robert, in Elstaysde, his rent, 371.
- Annan (Annand), town of, proclamations at the market cross, 94, 161.
- Annan (Annand), Mr William, attack upon him, 541.
- Annandale (Annerdale), Earl of, John, (Murray), appointed a commissioner for the Borders, 161; present in Council, viii, 102, 103, 111, 114, 290, 292, 295, 301, 303, 307, 490, 509, 510; signs acts of Council, letters, etc., 625.
- Annandale, stewardry of, 148, 162, 349; a contribution to be taken for building a bridge, 149; appointment of justices of peace, 90; court of the stewardry, 199; the clerk thereof. *See* John Richardson; the office of steward accepted by James Johnstone of Corhead, 523.
- Anstruther, William, merchant skipper in Anstruther Easter, depones anent lights on the Isle of May, 574, 577.
- Anstruther, burgh of, 156; proclamations at the market cross, 279, 280.
- Easter, report of the mariners anent a light on the Isle of May, 566-568, 573, 574, 576, 577, 578; bailies of. *See* Robert Alexander, William Plack, and George Milne.
- Wester, report of the mariners anent a light on the Isle of May, 567, 572, 573, 574, 575, 576, 578.
- Anwoth (Anveth), parishioners of, petition against the Service-book, 712.
- Apprisings, decrees of, to be registered separately, 184-186.
- Arbitration, cases of, 33, 183, 193-198, 214, 255, 363, 414, 436, 453, 481, 485, 486, 557.
- Arbroath, chamberlain of. *See* John Hamilton.
- Arbuthnot (Arbuthnet) of Findowrie, appointed a justice of peace for the shire of Forfar, 131.
- James, tutor of Arbuthnet, appointed a justice of peace for the shire of Kincardine, 223.
- James, in Kinmundie, charged with armed convocation and riot, 344, 631, 633.
- Robert, debts owing to him, 534.
- Arbutle, James, elder, servitor to the Countess of Nithsdale, complains of wrongful imprisonment, 3.
- Archibald, James, debts owing to him, 87.
- John, debts owing to him, 87.

- Ardincaple, Laird of. *See* M'Aulay.
 Ardlogie, Laird of. *See* Gordon.
 Ardoyne, 644, 645.
 Ardrossan, parishioners of, petition against the Service-book, 702.
 Areskine. *See* Erskine.
 Argier. *See* Algiers.
 Arglassie, Moss of, 475.
 Argyll, Earl of, Archibald, to be answerable for his tenants and servants, 95; resigns his right to the office of Justice General, 166; appointed a justice of peace for the shire of Clackmannan, 222; his heritable right of justiciary in the Isles, 397.
 — Bishop of (James Fairlie), the form of his oath of consecration, 511, 512.
 — shire of, justiciary of the. *See* Archibald, Lord Lorne.
 — and Tarbet, shire of, appointment of justices of peace for, 504.
 Armstrong (Armestrang) of Holhous, Archibald, hanged as a Border outlaw, 407.
 — of Kynmont, Francis, 408; his sons, George and Francis, prosecuted as Border outlaws, 408.
 — of Newlandhill, William, appears in reference to a charge of cattle stealing, 365, 366.
 — of Sarke, William, makes a petition, 355.
 — Adam, *alias* Rackhas, fined as a Border outlaw, 407.
 — Christie, in Sculholme, prosecuted as a Border outlaw, 408.
 — Francis, in Earneddame, prosecuted as a Border outlaw, 407.
 — James, in Winterhopheid, banished as a Border outlaw, 407.
 — John, called Capelgill, prosecuted as a Border outlaw, 408.
 — John, called of Syd, prosecuted as a Border outlaw, 408.
 — John, called Unthank, prosecuted as a Border outlaw, 408.
 — John, in Winterhopheid, prosecuted as a Border outlaw, 408.
 — Lencie, *alias* Androis Lancy, banished as a Border outlaw, 407.
 — Ninian, called of Quhylawside 407; his two sons banished as Border outlaws, 407.
 — Robert, called of Rathas, prosecuted as a Border outlaw, 407.
 — Simon, called Baitteis Simme, hanged as a Border outlaw, 407.
 — Sym, called Archas Sym, prosecuted as a Border outlaw, 408.
 Armstrong, *alias* Caffield, Sym, prosecuted as a Border outlaw, 408.
 — Thomas, merchant, burgess of Edinburgh, sues for payment of a debt, 135, 416.
 — Border men of the name, 356.
 Arnot of that Ilk, Sir Michael, knight baronet, appointed a justice of peace for the shire of Fife and Kinross, 131.
 — of Barcaple, David, petitions against the Service Book, 711.
 — of Cockburnspath, John, younger, charged to appear as a witness, 617.
 — of Fernie, James, appointed a justice of peace for the shire of Fife and Kinross, 131.
 — of Woodmylne, John, complains of the practice of laying lint in lochs, 419, 420.
 — Adam, charged with armed convocation and riot, 214.
 — Elspet, complains of theft, 396.
 — James, merchant burgess of Edinburgh, complains of his ship being attacked, 313; he appears in Council, 314.
 — James, gets license to eat flesh during Lent, 699.
 — John, postmaster, his house, 610.
 — John, petitions against the Service-book, 711.
 — William, charged to appear before the Council, 428.
 — . . . , a letter addressed to him by a Dutch captain, 608.
 Arradoull, house of, to be rendered, 190.
 Arrat of Dumbarnie, William, put under caution for keeping the peace, 692.
 — William, charged to appear as a witness, 416.
 Arson, cases of, 50, 51, 155, 156, 302, 316.
 Arthur (Arthure), John, acts as a procurator, 114.
 — Mr William, minister, debts owing to him, 86.
 Arundel (Arrundell) and Surrey, Earl of, Thomas, marshall of England, appointed a commissioner for the Borders, 161.
 Ashennan of Culuha, Robert, charged with malicious damage to property, 183.
 — Marion, widow of George Gordon of Strangassill, charged with malicious damage to property, 183.
 Assault, cases of, 5, 18, 29, 30, 36, 47, 52, 64, 69, 74, 75², 76, 87, 109, 110, 133, 134, 145, 146, 180, 181, 183, 199, 204, 210, 211, 214, 237, 255, 264, 266, 267², 268, 271, 272², 291, 302, 307, 308, 318, 332, 339,

347, 357, 367, 370, 373, 374, 378, 382, 383, 384, 385, 394, 420, 424, 435, 436, 460, 463, 467, 487, 496, 497, 517, 526, 527, 551, 587, 598, 612.

Assemblies, General. *See* Church and Religion.

Assien, Baron de. *See* Claud de la Scot.

Assises, attendances on, 156; trials by, 44, 210, 257, 346, 389, 395, 419, 428, 452, 481, 625-628; prosecuted for wilful error, 91, 92, 145, 346, 466, 468.

Association for the Fishing. *See* Fishing.

Assythment, cases of, 14, 139, 143, 193-198, 238, 240.

Athole (Atholl), 223.

— Earl of, John, ordained to pay his taxation, 31²; to be answerable for his tenants and servants, 93, 116; his brother, James Murray, 101.

Auchindore, parson of. *See* Mr William Davidson.

Auchindoun, Laird of. *See* Gordon.

Auchinleck, kirk of, 691.

Auchmedden, Laird of. *See* Baird.

Auchmoutie (Achinmowtie) of that Ilk, Sir David, appointed a justice of peace for the shire of Fife and Kinross, 131.

— of Gosford, John, accepts the office of sheriff of Haddington and gives his oath, 138; commission to him to visit and report on the bridge of Linton, 237; he tries a case of sheep-stealing, 612, 618², 625.

Auchmuthtie, house of, to be rendered, 109.

Auchtercoull (Aucherfoull), house of, to be rendered, 261, 291.

Auchterless, parson of. *See* Mr John Forbes.

Auchterlonie (Achterlony) of Gwynd, John, appointed a justice of peace for the shire of Forfar, 352.

— of . . . , Gilbert, charged with obstructing the leading of peats, 55, 85, 109.

— Patrick, writer in Edinburgh, witness to a document, 50.

Auchtermearnie, lands of, 68.

Audelay, Peter, of the Isle of Jersey, a mariner, whose vessel was robbed and plundered, 283.

Auldbar, Laird of. *See* Lyon.

Awane, Water of, 268.

Axes, references to, 53, 329; assault with Danish, 211.

Ay (Eye), Water of, 526.

Ayme, Magnus, officer, witness to the execution of a charge, 584.

Ayr, burgh of, 691, 692; a road thence to Kirkcudbright obstructed, 183; some mariners of that town are in the hands of the Turks, 387, 388; a ship of, called *The Phoenix*, 388; election of the magistrates, 533; the inhabitants petition against the Service-book, 700; proclamations at the market cross, 279; bailies of. *See* Robert Gordon, John Kennedy, and John Knight; town-clerk of. *See* George Mason; treasurer of. *See* Gilbert Richardson.

— shire of, 482, 483; the office of sheriff accepted by Alexander Stewart of Galston, 523.

Ayton (Aitton) of Inchdornie, Mr Robert, appointed a justice of peace for the shire of Fife and Kinross, 131.

— of Logy, Mr Andrew, appointed a justice of peace for the shire of Fife and Kinross, 131.

— Mr David, appears as a procurator, 159.

— James, goldsmith in the Canongate, possesses a tenement there, 286.

BACHLA, Walter, charged with committing assault, 357.

Bad (Baid), Lewis, writer in Edinburgh, witness to the execution of a charge, 610².

Bade (Bald), David, skipper in Crail, favours the erecting of a light on the Isle of May, 572.

Badenoch (Baydenoch), a haunt of rebels, 234.

Bagray, Andrew, in Blairmadie, charged with armed convocation and riot, 488.

Bagshot, royal letters dated there, 106, 153, 304, 524.

Bailiary of Carrick, 131; Cunningham, 411, 481; of the regality of Glasgow, 492, 493; of Kyle, 411; Kylestewart, 528; Lauderdale, 426², 427, 439.

Bailies of baronies and regalities: Broughton, 494; Gorbals, 493; of the lordship of Dryburgh, 277; of the regality of Callender, 213; Moffat, 141.

— of burghs: of Aberdeen, 134, 144, 173, 213, 215, 472, 586, 589, 590; Anstruther Easter, 567, 577; Ayr, 388; Brechin, 693; Canongate, 495; Dumbarton, 313, 591, 615; Dunbar, 64; Dysart, 58, 315, 564; Edinburgh, 165, 228, 449, 465, 486², 510, 511, 513, 514, 534, 562; Elgin, 27; Forfar, 602; Glasgow, 19, 378, 653; Inverkeithing, 74; Jedburgh, 329, 332, 340, 341, 491, 608, 614, 635, 693; Kirkcaldy,

- 395, 396, 566, 584; Kirkcudbright, 351, 507, 714; Kirkwall, 583; Largs, 481; Linkton of Abbotshall, 519; Linlithgow, 511; Mauchline, 468, 477, 505, 685, 686; Maybole, 469; Minygaiff, 711; Peebles, 52; Preston, 331; Renfrew, 452; St. Andrews, 568, 569; Selkirk, 454; Strabogie, 122, 157²; Stradoun, 122.
- Baillie of Carphin, William, complaint by him, 368, 462.
- as curator to Katharine Polwarth, discharges his cautioners, 500.
- of Dinnean, Alexander, former chamberlain to Lord Gordon, denies all association with the rebels in the North, and is liberated, 32, 33.
- of Lamington, . . . , gives a bond of caution, 145.
- of Lochend, Sir James, present in Council, 9, 12.
- — Gideon, license to him to eat flesh during Lent, 699.
- of Park, James, complaint by him, 368.
- of Polkemmet, Thomas, makes a complaint, 462.
- of . . . , Mr James, doctor of laws, appointed a justice of peace for the shire of Lanark, 378.
- John, in Edinburgh, fined for selling tobacco, 63.
- Baillie (? Bruce), Colonel William, submits to arbitration anent his seat in a church, 557.
- . . . , widow of James Walkinshaw, burgess of Glasgow, and afterwards spouse to James Weir of Kirkfield, has a daughter Janet, to whom curators are to be chosen, 368.
- Bain. *See* Bayne.
- Baines (Banes), Alexander (Archibald), skipper in Leith, depones anent erecting a light on the Isle of May, 562; appears as a witness, &c., 572, 641, 651, 662, 674.
- Baird of Auchmedden, George, sheriff principal of Banff, seeks payment of expenses for proceeding against rebels, 73, 74; appointed sheriff of Banff, 523, 524; appointed convener of the justices of peace for the shire of Banff, 349.
- Mr James, advocate, appears as a procurator, 181, 262, 290, 356, 358, 503, 504.
- Bairdie of Selvedge, John, protests to be freed from a process, 74.
- Balcquall, Mr Robert, minister at Tranent, appointed a commissioner anent the plague, 339.
- Balcarras, Lord, David, on a committee anent lights on the Isle of May, 59, 114, 562, 566, 567, 568, 576²; appointed a commissioner anent the plague, 127.
- Bald, George (John), in Innerwick, charged with plundering a ship, 242², 243.
- Thomas, in Laulatche, charged with plundering a ship, 242², 243.
- Baldreve, Salie in, 169.
- Balfour of Burleigh (Burlie), Lord, . . . , appointed a justice of peace for Fife and Kinross, 131.
- of Denmiln, Sir Michael, appointed a justice of peace for the shire of Fife and Kinross, 131.
- of Kinnaird, Sir James, Lyon King of Arms, recommended to restore a messenger to office, 93, 428; his servant charged with infanticide, 459, 686.
- Mr Alexander, petitions against the Service-book, 708.
- Michael, appears on behalf of his wife, Jean Hepburn, 181.
- . . . , minister at Abdie, appears on behalf of the kirk-session, 419.
- Ballantyne (Ballintyne) (Bellenden), Bessie, widow in Edinburgh, debts owing to her, 621.
- James, in Leith, some money owing to him, 4.
- Mr Patrick, clerk of Duns, 4; his widow, Nicolas M'Math, debts owing to her, 4.
- William, witness to the execution of a charge, 647.
- *See also* Bellenden.
- Ballast cast from ships in the Firth of Forth, xxiv, xxv, 58.
- Balliachan, Laird of. *See* Stewart.
- Ballindalloch, 272.
- Laird of. *See* Grant.
- Ballinsho (Bensho), the Ridmoss of, 85, 109.
- Ballintrae, parishioners of, petition against the Service-book, 702.
- Balmaclellan, minister at. *See* Mr Robert Murray; the parishioners petition against the Service-book, 713, 714.
- Balmaghie, minister at. *See* Mr Hew M'Ghie.
- Balmerino (Balmerinloch), Lord, the King mitigates the rigour of his imprisonment, v, 44, 47, 54²; he obliges himself to observe the conditions of his release, 54; he receives a pardon, xlv, 334, 649; his signature, 54.
- house of, 44, 47, 54.
- Balquhiddie, a haunt of rebels, 234.

- Balvaird, Laird of. *See* Murray.
- Balvenie, Laird of. *See* Innes.
- barony of, 494; barnyard and cornmill of, 384.
- Banff, Laird of. *See* Ogilvie.
- burgh of, proclamations at the market cross, 279, 280, 281; charges to the provost and bailies, 228.
- shire of, the sheriff to render an account of expenses for taking rebels, 19; charges to the sheriff, 20, 42, 88, 228, 472, 473; to forward prisoners to Edinburgh for trial, 22, 327; the office of sheriff accepted by Sir George Ogilvie of Banff, 165; the office of sheriff accepted by George Baird of Auchmedden, 523, 524; appointment of justices of peace for, 307, 349, 350; conveners of. *See* Sir Robert Innes of Balvenie and George Baird of Auchmedden.
- Banishment, cases of, 158, 159, 178, 224, 225, 257, 301, 319, 355, 385, 407, 418, 428, 522, 528.
- Bankhead, lands of, 371.
- Bannatyne of Stennes, Adam, elder, 506.
- Adam, younger, 506.
- Mr David, parson of Kincardine, appointed a justice of peace for the shire of Aberdeen, 549.
- John, Justice Clerk Depute, he is to record depositions, 23, 389; he signs a document, 610.
- *See also* Bellenden.
- Bannerman (Banerman) of Elsie, Alexander, prosecuted for wilful error on an assise, 92; prosecuted for remaining at the horn, 441.
- Bar, Thomas, in Leven, charged with committing assault, 302, 588*.
- Barbary, Scottish prisoners to the Turks there, 388.
- Barbers of Edinburgh and Canongate, 619, 620.
- Barbour, George, in Achinhannay, petitions against the Service-book, 713.
- John, in Dungewche, petitions against the Service-book, 713.
- John, in Lagan, petitions against the Service-book, 713.
- Thomas, in Levin, charged with committing assault, 267.
- Barclay (Barklay) of Johnestoun, John, appointed a justice of peace for the shire of Kincardine, 223.
- Adam, at the Mill of Glanderstoun, execution of summons against him, 630*, 642.
- Barclay, Mr William, minister at Falkland, desires the trial of Margaret Paterson for child murder, 686.
- Barker, William, a depute-clerk, signs a certificate, 503.
- Barkie. *See* Blaikie.
- Barlat, Gilbert, in Blairmadie, charged with armed convocation and riot, 488.
- Barnet, William, in the barony of Lint-rathen, poisoned by his wife, Isobel M'Innes, 686.
- Barnhowrie, lands of, 4.
- Barns, Laird of. *See* Cunningham.
- Barnes, George, skinner, Burgess of Haddington, witness to the execution of a charge, 619.
- mill of, 644.
- Baro (Bara), minister at. *See* Mr David Ogill.
- Baron, Mr Robert, minister at Aberdeen, appointed a justice of peace for the shire of Aberdeen, 222.
- Baronets, the eldest sons of, when they become of age, may receive knighthood from the Lord High Chancellor, 262, 263.
- Baronies: Balvenie, 494; Gorbals, 493; Kenmure, 398; Moffat, 141; Torphichen, 281, 286, 287, 288; Woodhouselee, 597.
- Barons: their fines for eating flesh in Lent, 201, 386; their petition against the Service Book, 553, 554.
- Barrestoun, 58.
- Barrie, Arthur, cordiner, Burgess of the Canongate, witness to the execution of a charge, 589.
- Arthur, officer in Canongate, charged with molestation, 520.
- Patrick, charged with obstructing the leading of peats, 85, 109.
- Barshannan (Barnshannan), lands of, 49*.
- Bartill, Alaster, in Ballater, charged with resetting rebels, 216.
- Bartill fair, 280, 480.
- Battons (cudgels), assaults with, 36, 69, 75, 134, 158, 204, 237, 256, 318, 339, 420, 517, 527.
- Bauld, Bessie, in Burntisland, fined for selling tobacco without license, 380.
- Baxter, David, in Gallotoune, charged with malicious damage to property, 106.
- James, in Ayr, supplicates that he may be ransomed from the Turks, 387.
- James, at Gibsloe, charged with malicious damage to property, 106.
- James, in Ayr, supplicates that he may be ransomed from the Turks, 387.

- Bayne (Bane), Andrew, in Tullich, charged with resetting rebels, 216.
- Bessie, in Tullich, charged with resetting rebels, 216.
- Donald, in Larie, charged with resetting rebels, 216.
- Finlay, in Tullich, charged with resetting rebels, 216.
- John, servant to Thomas Grant, tutor of Carron, caution for compearing before the Council, 28.
- Margaret, in Tullich, charged with resetting rebels, 216.
- Patrick, tailor in Dumbarton, witness to the execution of a charge, 591.
- Beacons. *See* Lights.
- Beane, Archibald, at the Kirk of Fetteresso, charged with malicious damage to property, 106.
- Beans, attack upon a ship laden with, 313, 591, 609.
- Beatoun (Bethune) of Balfour, John, fiar, appointed a justice of peace for the shire of Fife and Kinross, 131; on the commission anent the Isle of May, 564, 567.
- Captain Alexander, charged with committing assault, 318, 612; execution of summons against him, 617.
- Alexander, skipper in Kilrenny, favours the erecting of a light on the Isle of May, 573, 578.
- Beattie (Beaty) of Tannahill, John, hanged as a Border outlaw, 406, 407.
- Henry, in Ardoynes, charged with carrying prohibited weapons, 642.
- John, servant in Brechin, charged to appear as a witness, 693.
- William, in Minska, banished as a Border outlaw, 407.
- Bedlington, 162.
- Beds, feather, some burned at a fire, 51.
- Beg, John, in Cramond, appointed to collect contributions, 154.
- John, in Edinburgh, witness to the execution of a charge, 698.
- Robert, in the Muir, charged with resetting rebels, 216.
- William, his maintenance and jailor fee to be paid, 205.
- Beggars: one with a child assaulted, 64; acts and ordinances anent, 449.
- Beith, minister at. *See* Mr James Fullarton; the parishioners petition against the Service-book, 702.
- Bektoune, John, complains of wrongful ejection and imprisonment, 35.
- Belhaven, Viscount of, Robert Douglas, a member of the Privy Council, appointed to examine witnesses and depositions, 44; present in Council, ix, 15, 19, 23, 27, 31, 33, 37, 38, 43, 45, 53, 57, 65, 72, 79, 88, 91^a, 94; his bailie, 493.
- Bell of Heytoun, John, petitions against the Service-book, 712.
- Andrew, merchant burghess of Kirkcudbright, petitions against the Service-book, 714.
- David, called of Craighouse, prosecuted as a Border outlaw, 408.
- Francis, called Francis Wattie, prosecuted as a Border outlaw, 407.
- Francis, in Greingaitous, prosecuted as a Border outlaw, 408.
- George, smith in Jedburgh, charged to appear as a witness, 616.
- George, bailie of Linlithgow, arrests a forger of coin, 511.
- James, merchant burghess of Glasgow, complains of the attacking of a ship with his merchandise, 313; he appears in Council, 314.
- John, in Oldhall, prosecuted as a Border outlaw, 408.
- John, in Kirkmabreck parish, petitions against the Service-book, 712.
- John, in Newhaven, charged to go to Cramond for cleansing the plague, xii, 117; allowed to return, 154.
- John, cleanser, in Nether Cramond, to remain in his house under suspicion of the plague, 153.
- John, charged to appear as a witness, 617.
- Patrick, merchant burghess of Edinburgh, charged to exhibit persons to the Council, 486.
- Patrick, provost of Glasgow, exonerated from false charges, 19, 20; appears in pursuit of an action, 314.
- Patrick, councillor of Kirkcudbright, petitions against the Service-book, 714.
- Patrick, in Linlithgow, relieved of his cautionry, 500.
- R., in Kirkcudbright, petitions against the Service-book, 714.
- Thomas, in Anwoth parish, petitions against the Service-book, 712.
- Thomas, in Deuchinflat, prosecuted for not presenting a Border outlaw, 408.
- Thomas, called Shaikfoot, prosecuted as a Border outlaw, 406.

- Bell, William, burgess of Kirkcudbright, petitions against the Service-book, 714.
 — William, wright in Kirkcudbright, petitions against the Service-book, 714.
 — . . . , in Lylland, charged to appear as a witness, 554.
- Bellenden (Ballendene) of Stainhous, Adam, elder, 585.
 — Adam, Bishop of Aberdeen. *See* Aberdeen.
 — James, herd, assaulted, 598.
 — John, in Edinburgh, fined for selling tobacco, 63.
 — Robert, servitor, charged to appear as a witness, 585.
 — . *See also* Ballantyne and Bannatyne.
- Bellie, David, servant to the Laird of Ethie, witness to a document, 544.
- Beltrees, Laird of. *See* Semple.
- Beneganniche, hill of, 530.
- Bennet (Bennett, Bennyt), Mr Andrew, petitions against the Service-book, 708.
 — David, notary in Kirkcaldy, some papers delivered to him, 315; complains of being slandered, 584; charged to appear as a witness, 605, 608.
 — Mr James, petitions against the Service-book, 708.
 — James, indweller in Mortonhall, witness to the execution of a charge, 599.
 — James, burgess of Musselburgh, complains of being assaulted, 272.
 — Thomas, skipper in Crail, favours the erecting of a light on the Isle of May, 572.
 — Mr W., petitions against the Service-book, 708.
- Berridale, Lord, William, to be answerable for his tenants and servants, 95, 122.
- Berwick-on-Tweed, town of, 162, 627.
- Berwick, shire of, 162, 169, 190, 330, 641; appointment of Sir John Home of Blacader as sheriff, 138; an action for debt tried by him, 171; precautions to be taken there against the plague, 310, 311; appointment of justices of peace for, 222; their meeting, 439; the office of sheriff accepted by John Wilkie of Foulden, 523.
- Bethune. *See* Beatoun.
- Bettockburn (Buttockburn), lands of, 588.
- Beverage (Baverage), John, in Brachter, his rent, 371.
 — Matthew, in Nether Carnpo, his rent, 371.
 — Thomas, in Whorlawhill, his rent, 371.
- Bidie, James, in Towx, charged with malicious damage to property, 106.
- Bidie, Stephen, in Towx, charged with malicious damage to property, 107.
- Bigamy, a case of, 502.
- Biggar, Mr Robert, minister, complains of being assaulted, 467.
- Biggar, town of, 188.
- Biglum, James, burgess of Kirkcudbright, petitions against the Service-book, 714.
- Bikkertoun, Thomas, skipper in Dysart, depones anent erecting a light on the Isle of May, 565.
- Bilar, Harry, Irishman, to be apprehended as a deserter, 533.
- Bilbo, 387.
- Binning (Bynnynng), Lord, Thomas, a member of the Privy Council, appointed to examine witnesses and prisoners, 81, 413; on the committee of Council anent lights on the Isle of May, 155, 156; to erect gallows for deterring persons from entering plague-stricken places, 339; on a committee of Council anent the muster-master-general, 342; on a committee of Council anent the Leith hospital, 351, 654; he is arbiter in a dispute, 363; present in Council, ix, 9, 12, 19, 27, 31, 43, 45, 47, 72, 76, 79, 91, 137, 138, 139, 147, 148, 150, 156, 158, 330, 332, 336, 340, 342, 343, 345, 346, 351, 352², 360, 363, 364, 366, 367, 369, 372, 373, 378, 383, 396, 398, 401, 404, 413, 416, 418³, 420, 427; signs acts of Council, letters, etc., 11, 26, 635; he succeeds his father as Earl of Haddington, *q.v.*
 — James, skipper in Pittenweem, depones anent lights on the Isle of May, 574, 575, 579.
- Birkenbog, house of, to be rendered, 262, 291.
 — Laird of. *See* Abercrombie.
- Birsbane. *See* Brisbane.
- Birse, parson of. *See* Mr John Ross of Easter Cluny.
- Bishop (Bischop), Francis, litster, burgess of Inverness, some money stolen from his house, 474, 495.
 — Thomas, merchant in Edinburgh, witness to the execution of a charge, 605.
- Bishops and Bishoprics. *See* Church.
- Bisset (Bissat), Mr Alexander, minister at Brechin, appointed a justice of peace for the shire of Forfar, 131.
 — George, a prisoner for debt, ordained to be liberated, 290, 593.
 — James, messenger in Edinburgh, witness to the execution of a charge, 618.

- Black (Blak), David**, in Lintou, charged with armed convocation and riot, 214.
- **Thomas**, in Crossmichael parish, petitions against the Service-book, 715.
- **Thomas**, messenger, charged with oppression and wrongful imprisonment, 35.
- **William**, skipper in Anstruther Easter, depones anent lights on the Isle of May, 573, 574.
- **William**, bailie of Anstruther Easter, depones anent lights on the Isle of May, 577².
- **William**, younger, merchant in Anstruther Easter, depones anent lights on the Isle of May, 577.
- Blackadder (Blacader) of Tulliallan**, Sir John, 329, 364; appointed a commissioner anent the plague, 119, 123; charged to appear before the Council anent the salt, 175; prosecuted for remaining at the horn, 314; prosecutes a salter who deserted his service, 575, 608, 611.
- **Archibald**, brother to Tulliallan, prosecuted for remaining at the horn, 314; charged with carrying off another man's servant, 329, 330, 364, 365, 610, 611, 640, 641; his protestation and defences, 365.
- Blackbarony**, Laird of. *See* Murray.
- Blackhall (Blakhall)**, Laird of. *See* Stewart.
- **Mr Andrew**, minister at Aberlady, petitions against the Service-book, 708.
- **Isobel**, wife of Mr Thomas Blackhall, in Aberdeen, sues for payment of a debt, 463.
- **Mr Thomas**, indweller in Aberdeen, and Isobel Blackhall, his spouse, sue for the payment of a debt, 463.
- Blackhop**, John, in Nether Mossop, prosecuted as a Border outlaw, 408.
- Blackness**, 58; precautions there anent the plague, 254.
- **Castle**, orders for imprisonment therein, 109, 112, 116, 166, 188, 190, 207, 220, 237, 238, 261, 267, 268, 270, 291², 295, 314², 319, 342, 355, 378, 381, 414, 416², 417, 420, 421, 428, 435², 442, 454, 463, 464, 490, 494, 697.
- Blackwood**, Andrew, in Kilduff, his rent, 371.
- Blaikburne**, Peter, in Edinburgh, gives his opinion anent the coinage, 465.
- **William**, bailie of Inverkeithing, fails to pursue in an action, 74.
- **William**, burgess of Inverkeithing, wrongfully seizes four horses, 526; his son, Mr William, is cautioner for him, 526.
- Blaikie (Barkie) of Tankerness**, James, gets his expenses paid, 308.
- **(Blakie)**, Margaret, in Skerdustane, charged with resetting rebels, 216.
- **Margaret**, wife of Thomas Rutherford in Over Plewlands, charged with retaining a mare, 646.
- Blaiklope**, William, prosecuted as a Border outlaw, 409.
- Blaine**, Archibald, in Vennell, charged with committing assault and robbery, 384.
- Blair of Ardblair**, James, appointed a justice of peace for the shire of Perth, 202.
- **of Balgillo**, Sir John, knight, becomes a cautioner, 220; prosecuted for remaining at the horn, 697.
- **of Balthayock**, Sir Thomas, his oath to be taken as sheriff of Perth, 523, 524; on a committee anent the bridge of Perth, 532.
- **of Pittendreich**, John, appointed a justice of peace for the shire of Perth, 202.
- **Alexander**, in Thornton Loch, charged with plundering a ship, 242.
- **Gabriel**, makes a false complaint, and is forbidden to molest the judges hereafter, 136, 137.
- **Mr James**, minister at Portpatrick, appointed to collect contributions, 151, 368.
- **James**, in Balachaboch, charged with resetting rebels, 216, 257.
- **James**, in Thornton, charged with plundering a ship, 241.
- **James**, in Thornton Loch, charged with plundering a ship, 242.
- Blair**, house of, to be rendered, 435.
- Blairquhan**, Lady, 523. *See* Kennedy.
- Blantyre**, Lord, appointed a justice of peace for the shire of Renfrew, 223.
- Blyth**, James, skipper in Leith, appears anent the Leith hospital, 662.
- Blythman**, John, in Armacanne, petitions against the Service-book, 713.
- Bogiesyde**, lands of, 158.
- Boig**, the, residence of the Marquis of Huntly, 3.
- Bolton (Boutoun)**, minister at. *See* James Lamb.
- Bonar**, Mr James, minister at Maybole, petitions against the Service-book, 707.
- Bonds**: one illegally destroyed before payment, 85, 86.

- Bonhard, Laird of. *See* Cornwall.
- Bonjedburgh, Laird of. *See* Douglas.
- Boncle (Bonkill, Bunkill), William, merchant in Dunbar, charged with plundering a ship, 242, 243.
- Bontein of Ardoch, John, becomes a cautioner, 220.
- Bonyetoun, Ealearke of, lands of, 516, 694.
- Bonytoun, George, in Forstan, charged with armed convocation and riot, 488.
- Booke, Robert, weaver, indweller in Glasgow, complains of being assaulted, 378.
- Books: Canons and Constitutions for the Government of the Church of Scotland, v, vi, 709; Knox's Book of Common Order, v; Book of Common Prayer. *See* Service-book; Second Book of Discipline, v; "Ane dispute aganis the English popish ceremonies obruded upon the Kirk of Scotland," 537, 538; Colonel Munro's proposed History of the Wars of Germany, 423, 424; The *Regiam Majestatem*, 92.
- Boots, torture of the, 236, 299, 410, 413, 416, 418, 419.
- Boquhen, Laird of. *See* Leslie.
- Bordeaux (Bordeous), river of, 313.
- Borders, or Middle Shires: recrudescence of disorderliness since the beginning of the reign of King Charles, xxx-xxxii; a case of sheep-stealing, 86; general lawlessness and oppression, 162, 163; appointment of a conjunct commission for supressing disorders, 147^a, 161-165, 337; they draw up statutes and rules for executing their commission, 404-409; differences between the English and Scottish commissioners, 412, 413; Scotsmen to be imprisoned in Scottish gaols and Englishmen in those of England, 163; some thieves and miscreants lurking in and around Edinburgh to be apprehended, 167; precautions anent the plague, xiii-xv, 268, 269, 278, 292, 293, 303, 310, 311, 340, 429, 431, 432, 442-445, 453, 454, 455, 456, 473, 490, 491, 498, 681^a, 682, 685; commissions to the Marquis of Douglas and others against fugitives and outlaws, 316; the commissioners appointed to regulate the traffic in passengers and goods to Ireland, 316, 325; fugitives and outlaws not to be reset, 324, 325, 405, 406; the Earl of Traquair accused of protecting Border men of the name of Johnston and Armstrong, 356; some Scotsmen apprehended in England to be sent North for trial, 358; charges to the commissioners, 365, 366; the commissioners hold justice courts in Dumfries and other places, 337, 355, 421, 491; report of proceedings of a court held by them at Jellburgh, xxxii, 401, 404-409; dispute as to the jurisdictions of the Earl of Nithsdale and Lord Johnstone, 421.
- Bordland Mure, lands of the, 52.
- Borrowstouness (Bo'ness), precautions there anent the plague, 118, 123, 137, 254; the magistrates are to place some persons in quarantine, 126; market and fairs there, 320.
- Borthwick (Borthuik) of Todhills, James, and Susanna Douglas, his spouse, with Margaret, their daughter, complain of being assaulted, 339.
- Andrew, possesses the lands of Turnhousehill, 598.
- Henry, maltman in Leith, witness to a document, 83; appears as a witness anent the Leith hospital, 572.
- Boswell (Bosowall) of Balmuto, David, fiar, charged to appear as a witness, 605, 608.
- of Pittedie, John, appointed a justice of peace for the shire of Fife and Kinross, 131.
- Elizabeth, widow of Patrick Halket, makes a complaint, 158, 159.
- Bothens. *See* St. Bathans.
- Bothkennar, minister at. *See* Mr John Galbraith.
- Bothwell, earldom of, 540.
- Earl of, Francis, deceased, his forfeiture, 535, 539, 540.
- Bow, lands of, 56.
- Bows, references to, 42.
- Bower (Bowar), Alexander, burgess of Dundee, master of a ship called *The Hope for Grace*, complains of the seizure thereof, 462, 463.
- Mr James, minister, some money owing to him and Janet Kennedy, his wife, 4.
- Bowden (Bowdoun), parish of, precautions there anent the plague, 445.
- Bowman, John, in Craigheid, charged with obstructing the leading of peats, 85, 108.
- John, elder, charged with obstructing the leading of peats, 85, 109.
- John, younger, charged with obstructing the leading of peats, 85, 109.
- Bayane, Andrew, in Ayr, supplicates that he may be ransomed from the Turks, 387.
- Boyd (Boyid), Lord, Robert, cautioner in a bond, 665.

- Boyd, John, in Airth, charged to appear as a witness, 610, 640.
- John, in Anwoth parish, petitions against the Service-book, 712.
- John, complains of being assaulted, 271.
- Mr Robert, advocate, debts owing to him, 87; license to him to eat flesh during Lent, 699.
- Stevin, bailie of Edinburgh, charged to produce a prisoner, 228.
- Boyle (Boill, Boyll) of Kelburne, David, flar, petitions against the Service-book, 707.
- James, execution of summons against him, 653.
- John, servitor to Lady Hanyng, witness to the execution of a charge, 629.
- Dame Marion, Lady Hanyng, 629^a.
- Robert, messenger, executes a charge, 607.
- Boytsche, lands of, 35.
- Braber, Thomas, under Abiryeldie, charged with resetting rebels, 232.
- Brabister, lands of, 307.
- Brabner. *See* Brebner.
- Brachter, lands of, 371.
- Braemar (Breamar), resettlers of rebels there, 219, 234.
- Brand, John, skipper in Leith, cautioner in a bond, 664.
- Brass weights, 393.
- Brathinsche, a bond dated there, 220.
- Breakoff, Gilbert, town officer of Aberdeen, witness to the execution of a charge, 630^a.
- Brebner (Brabner, Braibner), John Dow, a rebel, to be sent to Edinburgh for trial, 379, 380; his trial and sentence, 402, 413.
- Thomas, in Craighews, charged with resetting rebels, 216.
- Brechin, Bishop of, Walter (Whiteford), admitted as a member of the Privy Council and gives his oath, vi, viii, 253, 253n; appointed a justice of peace for the shire of Forfar, 131; of the barony of Moffat, heritable proprietor, 141; appointed to examine witnesses, 257, 593; on a committee of Council anent the fees of the Lord Clerk Register, 438; on a committee of Council anent the coinage, 464; appointed to take the oath of the sheriff of Forfar, 524; on a committee of Council anent Leith hospital, 654; present in Council, 252, 256, 262, 262, 268, 270, 272, 274, 276, 279, 286, 292, 295, 301, 303, 307, 310, 316, 320, 321, 322, 324^a, 336, 340, 342, 343, 345^a, 346, 351, 355, 356, 367, 369, 373, 375, 378, 383, 386, 391, 394, 396, 398, 401, 404, 413, 418^a, 420, 421, 427, 432, 437, 442, 445, 449, 454, 456, 461, 464, 465^a, 466, 467, 471, 476, 477, 478, 483, 484, 486^a, 488, 490^a, 504, 508, 509, 510, 544; signs acts of Council, letters, etc., 595, 597, 635.
- Brechin, bishopric of, 359n, 512n.
- city of, bailie of the. *See* Robert Dempster; minister there. *See* Mr Alexander Bisset; the vicar of, charged to appear as a witness, 693.
- Bredie, P. . . ., in Dalbedie, charged with resetting rebels, 216.
- Brerton, Sir William, an English traveller, xxiii.
- Bressay, minister there. *See* Mr William Umphra.
- Brewhous, William, in Earlscluche, prosecuted as a Border outlaw, 407.
- Brewster (Brouster), Andrew, in Oldhamstocks, charged with plundering a ship, 242^a, 243.
- John, in Oldhamstocks, charged with plundering a ship, 242, 243.
- Bridges, erection and repair of, xxi, xxii, 51, 148, 149, 188, 349, 372, 373, 482^a, 483, 531, 532, 697; the bridge of the burn of Earlstoun broken down, 183; over the river Dee, 590; the bridge of Denny carried away by floods, 305, 318; Linton Bridge to be repaired, 237.
- Brig, Richard, in Kirkmabreck parish, petitions against the Service-book, 712.
- Brigfard, John, in Stonehaven, charged with malicious damage to property, 107.
- Thomas, in Stonehaven, charged with malicious damage to property, 107.
- Brimstone plundered from a wrecked vessel, 241.
- Briot, Nicolas, a Frenchman, born in the duchy of Lorraine, xv, xvii, 296, 508; graver to the English Mint, temporarily appointed as Master of the Mint of Scotland in succession to George Foulis, 98, 99, 256, 270, 271, 296, 360; letters from the King in his favour, 41, 296, 504-507; he refuses to take office as Master of the Mint except on certain conditions, 258, 259; instructions to him with reference to his new method of coining, 344, 360-362, 427, 433, 508, 539, 542, 550, 551; bond of caution by him, 543; his signature, 101.
- Brisbane (Birsbane) of Bishopton, John,

- appointed a justice of peace for the shire of Renfrew, 223.
- Brisbane of Rosland, Matthew, appointed a justice of peace for the shire of Renfrew, 223.
- Mr Matthew, minister at Killelen, appointed a justice of peace for the shire of Renfrew, 223.
- Brodie of that ilk, Alexander, appointed a justice of peace for the shire of Aberdeen, 349.
- of Letham, Alexander, being at feud with Alexander Dunbar of Grange and others, he is charged to keep the peace, 60, 61; a bond granted by him, 484.
- David, deceased, 414; his widow, Katherine Dunbar, seeks payment of a debt, 414.
- Francis, brother to Letham, caution for his keeping the peace, 60.
- James, in Holland, charged to appear as a witness, 584.
- Mr Joseph, parson of Keith, complains of being molested and threatened, 64, 65.
- William, in Clune, caution for his keeping the peace, 60.
- Brok, James, in Overbie, charged to appear as a witness, 584.
- Nicol, in Growbister, charged to appear as a witness, 584.
- Brokie, . . . , in Glengarne, charged with resetting rebels, 216.
- Broughton (Broughtoun), Lady, 586. *See also* Dame Elizabeth Ker.
- barony of, 520; baron-bailie of. *See* William Sinclair.
- Brouster. *See* Brewster.
- Brown (Broune) of Carluith, John, commission to him to try a case of manslaughter, 507; he petitions against the Service-book, 711.
- of Craigburne, James, witness to the execution of a charge, 611.
- of Fordell, . . . , appointed a justice of peace for the shire of Fife and Kinross, 131.
- of Gorgie Mill, John, elder, appointed to collect contributions, 482, 483.
- of Kirkhill, John, complains about his teinds, 146, 147.
- Alexander, merchant burghess of Edinburgh, depones anent erecting a light on the Isle of May, 563.
- Alexander, skipper in Leith, depones anent erecting a light on the Isle of May, 563.
- Brown, Alexander, at the Mill of Myrtoun, witness to the execution of a charge, 587.
- Andrew, debts owing to him, 135.
- Andrew, charged with molestation, 619.
- Archibald, in Berriehill, charged with insulting and threatening a justice of peace, 610, 611².
- Archibald, debts owing to him, 228.
- Christian, in Burntisland, fined for selling tobacco without license, 380.
- David, in Foulden, prosecuted as a refractory tanner, 21.
- David, in Irvine, fined for selling tobacco without license, 441.
- David, walker in Newmilns, witness to a document, 685.
- Gilbert, petitions against the Service-book, 712.
- Hew, charged to appear as a witness, 599.
- James, in Hawick, a horse stolen from him, 340. *See also* Burn.
- James, in Innerwick, charged with plundering a ship, 241, 242.
- James, burghess of Kirkcudbright, petitions against the Service-book, 714.
- James, in Westmarch, tenant to Lady Burghtoun, complains of being assaulted, 586, 587.
- James, in West Merche, charged with committing assaults, 598, 599.
- Mr John, minister at Twynholm, petitions against the Service-book, 711.
- John, elder, in Burntisland, fined for selling tobacco without license, 380.
- John, younger, in Burntisland, fined for selling tobacco without license, 380.
- John, messenger in Dunfermline, charged with wrongfully seizing some horses, 526.
- John, indweller in Edinburgh, witness to the execution of a charge, 619.
- John, master of the ship *The John of Leith*, having with the crew been captured by the Turks, seeks to be ransomed, 169.
- John, skipper in Leith, connected with the Leith hospital case, 662; depones anent erecting a light on the Isle of May, 562, 563.
- John, at the Mill of Logie, charged with resetting rebels, 232.
- John, officer in Newmilns, witness to a document, 685.
- John, indweller in Preston, appointed to collect contributions, 169.

- Brown, John, messenger, directed to serve a summons, and executes charges, 608, 611.
- John, letters written concerning him, 270.
- Margaret, mother of John Harper in Ryburn, charged with arson, 155.
- Margaret, complains of theft, 396.
- Marion, widow of James Simesone, charged with wrongful intromission, 315, 614.
- Myles, Irishman, to be apprehended as a deserter, 533.
- Nicol, bailie of Jedburgh, punishes a rebel, 608; witness to the execution of a charge, 614.
- Richard, session clerk of Kilmarnock, petitions against the Service-book, 706.
- Robert, in Foulden, prosecuted as a refractory tanner, 21.
- Robert, in Newbattle, some money owing to him, 4.
- Robert, workman, violently prevented from working, 254.
- Thomas, merchant in Cumnock, petitions against the Service-book, 703.
- Thomas, burgess of Glasgow, prosecuted for using clippings of the coin, 434, 446, 467, 488, 685, 687.
- Thomas, lorimer in Jedburgh, witness to the execution of a charge, 616, 647.
- Thomas, in Newbigging, seeks restoration of some victual, 592.
- Thomas, in Turriff, charged with committing assault, 29.
- Thomas, locksmith, 649.
- Thomas, debts owing to him, 135.
- Umphra, in Foulden, prosecuted as a refractory tanner, 21.
- Walter, in Queensferry, and Janet Liddell, his wife, seek suspension of horn-ing, 586.
- Walter, messenger, directed to serve a summons, and executes charges, 592, 593.
- William, burgess of Inverkeithing, complains of the theft of four horses, 528.
- William, wright, burgess of Jedburgh, witness to the execution of a charge, 616.
- William, in Whorlawhill, his rent, 371.
- William, servitor to William Simson, messenger, witness to the execution of a charge, 630¹.
- Bruce of Alva, Alexander, appointed a commissioner anent the plague, 118, 119, 120, 123; goes to court on behalf of the salt-masters, 175, 250; he makes his report, 236; he is allowed to accept dollars for coal and salt in some cases, 263, 264.
- Bruce of Blairhall, Robert, appointed a commissioner anent the plague, 119, 123; appointed a justice of peace for the shire of Perth, 202; arbiter in a dispute, 557.
- of Carnock, George, appointed a justice of peace for the shire of Perth, 202; his salt-pans on the Forth, 58; allowed to except dollars for coal and salt in some cases, 263, 264; arbiter in a dispute, 557.
- of Clackmannan, Sir Robert, elder, appointed a justice of peace for the shire of Clackmannan, 222; he and his son are appointed commissioners anent the plague, 119, 123; he and Annabel Bruce, his daughter, wife of William Halliday of Tulliboll, make a contract with the said William for aliment, 371.
- of Cultmalundie, Laurence, forbidden to serve himself heir to his father, 121; he offers assythment for his slaughter of David Tosheoch, xlv, xlv, 139, 143; registration of a submission and decret-arbitral between him and Andrew Tosheoch of Monzievaird, 193-198, 238-240; charged with assault, 255, 256.
- of Earls-hall, Andrew, fiar, appointed a justice of peace for the shire of Fife and Kinross, 131.
- of Pocknaiff, Alexander, prosecuted for remaining at the horn, 314; execution of summons against him, 611.
- of Powfoulls, Sir James, knight, submits to arbitration anent his seat in a church, 557.
- of Stenhouse, Sir William, deceased, and Dame Rachel Johnstone, his spouse, obtain an apprising, 60.
- of Wester Kennet, Mr. Robert, appointed a justice of peace for the shire of Clackmannan, 222.
- of Woodside, Thomas, 497.
- Alexander, in Halls of Airth, submits to arbitration anent a seat in a church, 557.
- Andrew, uncle to Cultmalindie, dispositions to him, 197, 239.
- George, brother to Cultmalindie, dispositions to him, 197, 239.
- George, burgess of Aberdeen, on an assize, 92.
- Sir Harry, 619.
- James, grandson to the Laird of Pow-

- foulls, submits to arbitration anent a seat in a church, 537.
- Bruce, James, messenger, executes a charge, 570, 580.
- John, charged with robbing a ship, 6.
- Patrick, debts owing to him and Janet Jackson, his wife, 48.
- Mr Robert, advocate, agent for the Duke of Lennox, 93; appears as a procurator, 242, 493.
- Thomas, provost of Stirling, arbiter in a dispute, 557.
- Colonel William. *See* Baillie.
- Bruntilland. *See* Burntisland.
- Bruntoun, Thomas, in Humber, execution of summons against him, 619.
- Bryane, Dand, in Garrihorne, petitions against the Service-book, 713.
- Bryce, James, in Anwoth parish, petitions against the Service-book, 712.
- John, in Anwoth parish, petitions against the Service-book, 712.
- Bryour, James, in Kirkmabreck parish, petitions against the Service-book, 712.
- Bryson (Bryssonne), John, messenger, Burgess of Glasgow, witness to the execution of a charge, 629.
- Thomas, in Thornton Loch, charged with plundering a ship, 242^a, 243.
- William, bailie of Dunbar, freed from a charge of illegal warding, 64.
- William, in Thornton Loch, charged with plundering a ship, 242^a, 243.
- Buccleugh, Earl of, Walter, deceased, a party to the decret-arbitral with the Earl of Bothwell's son, 535.
- —, Francis, complained against for not resigning certain lands to the Earl of Bothwell's son, 539, 540, 548, 553; agrees to a contract with Francis Stewart, 555, 556; his chamberlain. *See* Michael Scot.
- Buchan (Buchane, Buchen) of Auchmacoy, Mr James, appointed a justice of peace for the shire of Aberdeen, 549.
- of Portlethame, Robert, appointed a justice of peace for the shire of Kincardine, 223.
- Dou, servitor to John Grant of Kirkden, charged with resetting rebels, 231.
- Robert, merchant Burgess of Aberdeen, sues for the payment of a debt, 355.
- Buchanan (Bachuhanan, Bawhanano) of that ilk, . . . , elder, to be answerable for his tenants and servants, 34, 95.
- — George, younger, to be answerable for his tenants and servants, 34, 73.
- Buchanan, of Leny, Robert, deceased, 396; his son, George, charged with molestation, 396.
- of . . . , Thomas, sheriff-depute of Orkney, commission to him to deal with the famine in Orkney and Shetland, 39; appointed to reap a disputed field, 506; charged to appear as a witness, 585.
- Mr George, minister at Kirkpatrick-juxta, appointed to collect contributions, 149.
- Mr George, parson of Moffat, appointed to collect contributions, 349; he complains of being assaulted, 424, 475, 485.
- James, appears as a witness, 592.
- James, a servitor, execution of summons against him, 615.
- Patrick, in Dumbarton, charged with attacking a ship, 313; execution of summons against him, 615.
- Walter, petitions against the Service-book, 708.
- Buchanstone, lands and mill of, 134, 179.
- Buchenoch, Dou, at the Boat of Pitchais, charged with resetting rebels, 231.
- Buist (Bust), Alexander, charged with obstructing the leading of peats, 55, 85, 109.
- Buittill, James, deceased, uncle to the Viscount of Kenmure, at feud with the Maxwells of Logan, 136.
- Bulgar, William, Irishman, to be apprehended as a deserter, 533.
- Bullion. *See* Coin.
- Bur, the Goodman of, 616.
- Bure, Leonard, sailor, charged with seizing a ship, 12.
- Burghs, the: economical and municipal conditions, xxvi-xxix; meeting of their commissioners, 15; their report on the state of the Firth of Forth, 57; to discuss the tanning of leather and the duties payable for this, 37, 61, 65, 72; a Burgess of Dunbar deprived of his Burgess-ship, 64; question of the election of magistrates, xxviii, xxix, 117, 172-174, 533, 534; erection of the burgh of New Galloway, xxix, 398; fines of burgesses for eating flesh during Lent, 201, 387; the Convention of the Burghs to be held at Aberdeen, 349; interest of the burghs in the brass weights, 393; petition of the Burghs against the Service-book, 553, 554, 699-701; concerned in the lights on the Isle of May, 581.
- Burgoune, William, in La Rochelle, in France, debts owing to him, 285.

- Burials, convocation at, during the plague, forbidden, 444.
- Burle, Lord *See* Balfour of Burleigh.
- John, in Cantoune, charged with malicious damage to property 106, 107.
- Burlinghame (Bullingham), Allan, in Yarmouth, appears to prosecute on behalf of some shipowners anent the illegal seizure of their ships, 5, 6, 8, 9.
- Burn (Burne), Andrew, notary and writer in Leith, witness to a document, 83; writes and attests documents, 663*, 664*, 665.
- James, imprisoned in Jedburgh tolbooth, 637, 640. *See also* Brown.
- Mr John, minister at Kirkoswald, petitions against the Service-book, 706.
- John, servitor, to Mr Alexander Seton, witness to a document, 664.
- Burnet (Burnett) of Barnes, John, 53; he grants a bond, 655, 665, 690; Mr William, his son, charged with carrying prohibited weapons, and finds caution, 53; John, also his son, charged therewith, 53.
- of Craigmyle, James, appointed a justice of peace for shire of Kincardine, 223.
- of Leyes, Sir Thomas, appointed a justice of peace for the shire of Kincardine, 223; he desires production of a contract for registration, 403.
- of Woodhouse, . . . , 53; his son, James, charged with carrying prohibited weapons, 53.
- Mr Alexander, advocate, appears as a procurator, 493.
- Alexander, burgess of Aberdeen, seeks payment of some victual, 314, 611.
- Mr James, late minister at Lauder, now at Jedburgh, appointed convener of the justices of peace for the shire of Roxburgh, 426*, 427; complains of being prevented from occupying a house, 613, 614, 616.
- James, in Boghouse, charged with carrying prohibited weapons, 53.
- John, in Crossmichael parish, petitions against the Service-book, 715.
- John, servant to Mr Alexander Forbes in Turriff, charged with committing assault, 29, 30.
- Mr Robert, cautioner in a bond, 665, 690.
- Thomas, witness to a bond of caution, 27.
- Mr William, witness to a document, 544.
- Burnside (Burnsyde), David, skipper in Anstruther Easter, favours the erecting of a light on the Isle of May, 573.
- Burnside, John, in Carridden, supplicates that he may be ransomed from the Turks, 330, 641.
- Burntisland (Bruntilland), 255; the bailies ordered to forward prisoners to Edinburgh for trial, 22, 24, 208, 230, 289, 328, 371, 379; their commissioners report upon the state of the Firth of Forth, 57; prosecution of offenders there regarding the sale of tobacco, 380.
- Burroues, Mr Alexander, murdered in Ireland, 279.
- Bust. *See* Buist.
- Bute, sheriff of. *See* . . . Stewart.
- Butter of Gormock, Patrick, deceased, 532; his son William, on a committee anent the bridge of Perth, 532.
- Buxtane, Captain, acts as a mediator, 5.
- Byres (Byris), Robert, burgess of Renfrew, witness to the execution of a charge, 588. *See also* Leslie.
- CABRACH, mountains of the, 209; resettlers of rebels there, 219.
- Caddell, Alexander, in Candakyle, charged with resetting rebels, 216.
- Elspet, in Glengarne, charged with resetting rebels, 216.
- George, tenant to John Gordon of Park, complains of being assaulted, 134.
- John, servitor to John Grant, fiar of Ballindalloch, on an assize, 92; rewarded for capturing a rebel, 170; witness to the execution of a charge, 590.
- Robert, in Milton of Inchmarnoch, charged with resetting rebels, 216.
- kirk of, 146.
- Cademure (Kadmure), lands and hills of, 52².
- Caffoild. *See* Armstrong.
- Cairmont, John, cordiner in Kirkcudbright, petitions against the Service-book, 714.
- Cairns (Cairnes, Cairnis), A., petitions against the Service-book, 712.
- James, petitions against the Service-book, 712.
- Caithness, Earl of, George, to be answerable for his tenants and servants, 95.
- Bishop of, John, witness to a bond of caution, 222; he and his wife, Isobel Murray, are charged with the violent occupation of a house, 613, 616.
- dean of. *See* Mr John Gray.
- shire of, 280; sheriff of. *See* Sir James Sinclair of Murkle; sheriff-depute of. *See* William Innes of Sandayde; sheriff-officer of. *See* Cornok Johnstone.

Calbreth. *See* Galbraith.

Caldell, William, in Thurso, execution of summons against him, 605.

Calder, David, in Weik, charged with committing assault, 36.

— kirk of, dispute about sittings there, 32.

Caldlaw, house of, 462.

Caldow, John, in Durman, petitions against the Service-book, 714.

Caldwalls, William, in Crichton, charged to appear as a witness, 613².

Caldwell, Andrew, debts owing to him, 135.

Callander (Callendar), barony of, 224; officer thereof. *See* John Wyse; bailie of the regality of. *See* William Livingstone of Westquarter.

Callendar (Callender), Mr Alexander, minister at Denny, petitions against the Service-book, 716.

— George, burgess of Kirkcudbright, petitions against the Service-book, 714.

— Mr John, servitor to the Clerk of Council, writes documents, 68, 99, 101, 102, 221, 358, 544; he witnesses some, 372, 650, 688, 691.

Callum, William, in Glenbucket, charged with resetting rebels, 215.

Calmonell, parishioners of, petition against the Service-book, 702.

Cambusmoir, house of, to be rendered, 341.

Cameron (Camron) of Glennevis, . . . , to be exhibited before the Council, 88.

— of Lochiel, Allan (M'Eanduy), caution for his compearance before the Council, and signing the General Band, 15, 72, 77, 115, 132, 133, 221; he appears before the Council, 34, 53, 76, 104, 135; ordered to exhibit some of his tenants and servants before the Council, 337, 338, 651.

— John, apparent, appears before the Council, and is warded, 14, 15, 77; acts of caution by him, 34, 102, 133; and for him, 72.

— Angus, tutor of Glennevis, to compare before the Council, 45, 72; and sign the General Band, 77; to be exhibited before the Council, 88; he is sentenced to banishment, and to be sent the wars, 301.

— *alias* M'Ildowie, Allan, caution for his keeping the peace, 221.

— John M'Oneill, to be produced before the Council for trial, 338.

— M'Allan Oig V'Ean Conache, Donald, to be produced before the Council for trial, 338.

Cameron, M'Eane V'Ean Conache, Ewin, to be produced before the Council for trial, 338.

— M'Eane V'Ean Conache, John, to be produced before the Council for trial, 338.

— *See also* M'Phaill, John Dow.

— Clan, depredations committed by some of them, 338.

Campbell (Campble) of Achinell, . . . 396.

— of Ardochattan, John, relieved of his cautionry, 359, 655.

— of Arkinglass, . . . , to be answerable for his tenants and servants, 95, 615.

— of Ardnamurchan, Sir Donald, to be answerable for his tenants and servants, 366, 367.

— of Auchinbreck, . . . , to be answerable for his tenants and servants, 95.

— Sir Duncan, younger, sues for payment of a debt, 551; he is cautioner in a bond, 663.

— of Caddell, Sir John, a protection granted to him, 207.

— of Calder, John, fiar, sheriff of Nairn, charged with wrongful intrusions, 493, 494.

— of Cesnock, Hugh, petitions against the Service-book, 705.

— of Edinample, Archibald, to be answerable for his tenants and servants, 34.

— of Garraland, John, petitions against the Service-book, 703.

— of Glenfalloch, Robert, to be answerable for his tenants and servants, 34; is cautioner in a bond, 116.

— of Glenlyon, Sir Duncan, to be answerable for his tenants and servants, 34, 37; becomes a cautioner, 221; his signature, 37.

— of Glenorchy, Sir Colin, he is to be answerable for his tenants and servants, 34, 95; he grants a bond of caution, 116; he resigns his place as justice of peace of Perthshire, 71; he is charged to keep the peace, 410, 425; has an interest in Glenalmond forest, 425, 499; license to him to eat flesh during Lent, 698.

— of Greenockmains, George, fiar, witness to a document, 685.

— of Lavinsheth, Duncan, fiar, appointed a justice of peace for Perthshire, 71.

— of Lawers, Sir James, 116, 240, 425; to be answerable for his tenants and servants, 34, 95; resigns his place as

- justice of peace of Perthshire, 71; he is charged to keep the peace, 410; he has an interest in the forest of Glenalmond, 516, 529, 535, 536.
- Campbell of Lawers, Mungo, fiar, to be answerable for his tenants and servants, 34, 115; he is relieved of a cautionry, 359, 655; appointed a justice of peace for Perthshire, 71; has an interest in the forest of Glenalmond, 492, 498, 439; agrees to a survey by a committee, 516, 529, 694.
- of Netherplace, Hew, witness to a document, 685.
- of Parbreck, Sir Donald, to assist the Fishing Association, 97.
- of Rigoyoch, Hew, petitions against the Service-book, 703.
- of Shankstoun, John, petitions against the Service-book, 703.
- of Sukock, Robert, burgess of Dumbarton, witness to a bond of caution, 220.
- Archibald, brother to Lawers, appears as a procurator, 425; he and Mr Archibald, his son, are witnesses to a bond of caution, 116, 221.
- appears before the Council, 239, 240.
- Colin, brother to Achinell, and Helen Stirling, his wife, complain of being molested, 396.
- Colin, brother to the younger Laird of Calder, and sheriff-depute of Nairn, charged with wrongful intrusions, 493.
- Colin, servant to Auchinbreck, complains of being assaulted, 551, 552.
- Dougal, in Cardells, caution for his compearing before the Council, 91.
- D., provost of Dumbarton, petitions against the Service-book, 701.
- George, portioner of Clews, 505, 691; his son Hew, a chapman, charged with using clippings of coin, 505, 691.
- George, notary, draws up and signs notarial instruments, 468, 685.
- George, appears as a procurator, 300.
- George, servitor to Lord Lorne, writes a document, 221.
- Hector, notary and session clerk at Galston, petitions against the Service-book, 705.
- Hew, in Horscleuch, petitions against the Service-book, 703.
- Hew in Mauchline, called Reid Hew, and Hew, his son, 685.
- Hew, chapman, makes a protestation, 685.
- Campbell, Hew, in Mauchline, prosecuted for using clippings of the coin, 446, 447, 468, 477, 478, 684, 685, 687, 692; a search made for him, 691, 692.
- Mr James, servitor to Ardkinglas, execution of summons against him, 615.
- Master James, appears as a witness, 592.
- John, burgess of Dysart, witness to a bond of caution, 315.
- John, in Irvine, fined for selling tobacco without license, 441.
- John, servant to Robert Stewart of Urquhill, prosecuted for carrying firearms, 42.
- John, brother of Hew, the chapman, his return home, 692.
- John, petitions against the Service-book, 705.
- Mungo, notary, makes a protestation, 685.
- Neill. *See* Bishop of the Isles.
- Robert, in Cochrane, to be sent to Edinburgh for trial, 489^a.
- Dame . . . , mother of John, Viscount of Kenmure, debts owing to her, 4.
- Campvere (Campheir, Camphire), a ship from, suspected to be plague-stricken, 132; another wrecked near Dunbar, 240.
- Camsellacht, lands of, 367.
- Candles plundered from a wrecked vessel, 241.
- Canna, lands of, 97.
- Cannan (Cannano, Cannen) of Mardrochat, James, petitions against the Service-book, 712.
- Caanan (Cannemen), David, in Dalshannan, charged with wrongful imprisonment, 390; he petitions against the Service-book, 712.
- Gilbert, in Over Knockreocche, petitions against the Service-book, 711.
- James, in Mordocrat, charged with wrongful imprisonment, 390.
- James, younger, petitions against the Service-book, 711.
- John, in Formontstone, petitions against the Service-book, 711.
- Robert, in Blackmerk, charged with wrongful imprisonment, 390.
- Canno, Gerard, Irishman, to be apprehended as a deserter, 533.
- Canongate, burgh of the, 246, 285, 605; the lodging of the Marquis of Huntly there, 211, 212; the tailors there to be indemnified, 495; the barbers there dispute with those of Edinburgh, 619, 620; the bailies

- are ordered to release prisoners, 135, 136, 451, 495; another charge to them, 520; documents dated there, 80, 102, 197, 695; proclamations at the market cross, 598, 599; the tolbooth, 134, 284, 285, 551; the Tolbooth Close, 285; bailies of. *See* James Simson and Mr James Wilkie; the jailor there. *See* James Davidson.
- Cant of Lauriston, Mr John, license to him to eat flesh during Lent, 698.
- Cantyre. *See* Kintyre.
- Capital punishment, sentences of, passed or commuted, 210, 224, 225, 301, 304, 334², 385, 406, 407, 413, 427.
- Cargill, Thomas, surgeon, Burgess of Aberdeen, signs a certificate, 374; 412.
- Thomas, at London, some money paid to him, 166.
- Thomas, bearer of a letter, 342.
- Carlingkips. *See* Carlops.
- Carlisle (Carlill), the road thence to Portpatrick to have inns provided, 152, 153².
- Carlops (Carlingkips), bridge of, to be maintained by levying a toll, xxi, 188.
- Carlung, A., younger, in Wester Kilbride, petitions against the Service-book, 705.
- Carlyle (Carlill) of Boytache, James, deceased, 35; his widow, Margaret Carlill, complains of wrongful ejection and imprisonment, 35, 36.
- of Boytache, John, deceased, 35; his son Andrew complains of wrongful ejection and imprisonment, 35.
- Carmichael (Carmichell) of that Ilk, Sir James, Justice Clerk, appointed to examine witnesses and depositions, 44; on a committee of Council anent leather, 61; on a committee of Council anent the disorders in the North, 120; appointed a commissioner for the Borders, 161; he examines prisoners, 243, 336; charges to him, 282, 294, 301, 302, 304, 329, 341, 343, 344, 354, 395, 427; present in Council as Justice Clerk, viii, 43, 45, 47, 53, 57, 65, 72², 76, 79, 88, 91, 93, 94, 101, 103, 111, 114, 117, 119, 129; present in Council merely as Sir James Carmichael, 332, 352; as Treasurer Depute, he is appointed on a committee of Council anent Colonel Monro and the estate of Foullis, 363, 382, 383; on a committee of Council anent the coinage, 380, 464, 509; on a committee of Council for surveying the forest of Glenalmond, 499, 517, 529, 533, 535, 536, 697; on a committee of Council to audit accounts, 518; on a committee of Council anent the Service-book, 529; accounts given to him, 19; appointed to examine prisoners, etc., 347, 351, 362, 394; present in Council as Treasurer-depute, 334, 343, 345, 346, 352², 356, 360, 363, 364, 366, 367, 369, 372, 373, 378, 383, 386, 391, 394, 396, 398, 401, 416, 418², 420, 421, 427, 430, 432, 437², 445, 449, 456, 461, 464, 465², 466, 467, 471, 476, 477, 478, 481², 483, 484, 486², 489, 490, 504, 505, 508, 509, 510, 512, 515, 516, 521, 523, 530, 531, 533, 534, 544, 545, 549², 553, 554.
- Carmichael of Wistoun, Sir Hugh, knight, deceased, 612; his natural son, John, is a witness to the execution of a charge, 612.
- John, debts owing to him, 87.
- John, appears as a procurator, 316.
- Thomas, debts owing to him, 87.
- William, merchant in Crail, favours the erecting of a light on the Isle of May, 573.
- William, in Overbrunton, complains of harsh imprisonment, 316, 603, 612.
- William, debts owing to him, 87.
- Carnabie, Sir William, appointed a commissioner for the Borders, 161.
- Carnbee, parishioners of, petition against the Service-book, 702.
- Carnborrow, house of, to be rendered, 291, 335, 336, 420.
- Carnegie, Lord, James, appointed a justice of peace for the shire of Forfar, 114, 131; becomes a cautioner, 508, 543.
- of Balnamoone, Sir Alexander, appointed a justice of peace for the shire of Forfar, 114, 131; accepts the office of sheriff of Forfar and gives his oath, 157; becomes a cautioner, 508, 543.
- of Craig, Sir John, appointed a justice of peace for the shire of Forfar, 114, 131.
- of Ethie, Sir John, 544; appointed convener of the justices of peace for the shire of Forfar, 114, 131, 426; on the commission anent the Isle of May, 562.
- Sir Alexander, brother of the Earl of Southesk, some money owing to him, 4.
- Carnock, Lady, her burial, 365.
- Carnoquhen (Cairnoquhen), Adam, Burgess of Kirkcudbright, petitions against the Service-book, 714.
- William, Burgess of Kirkcudbright, 87; petitions against the Service-book, 714.
- Carnwath, the parishioners of, petition against the Service-book, 702; session clerk of. *See* Thomas Somerville.
- Carrick, Earl of, John, restores a servant to

- his master, 365; his dwelling-house in Leith, 575.
- Carrick (Carict), bailiary of, appointment of justices of peace for, 131.
- Carriden (Caribden), precautions anent the plague, 118, 123, 126, 254.
- Carron, Little, 58.
- Water of, damage caused by its overflow, xxx, 305.
- Carruthers of Holmaynes, John, protection granted to him, 18.
- of Wormanby, Ludovick, prosecuted as a Border outlaw, 408.
- Charles, in Yll, prosecuted for not presenting a Border outlaw, 408.
- Cuthbert, in Currie, charged with armed convocation and riot, 424; to be produced before the Council for trial, 475.
- George, called of Butterquhat, prosecuted as a Border outlaw, 408.
- John, called Jok in Raffill, prosecuted as a Border outlaw, 408.
- Carr (rocks), the, 564, 565, 577.
- Cars, William, charged with committing assault, 272.
- Carsane, Gilbert, in Kirkmabreck parish, petitions against the Service-book, 712.
- J., bailie of Kirkcudbright, petitions against the Service-book, 714.
- Patrick, burgess of Kirkcudbright, petitions against the Service-book, 714.
- Thomas, councillor of Kirkcudbright, petitions against the Service-book, 714.
- Thomas, in Kirkmabreck parish, petitions against the Service-book, 712.
- Carstairs of Newgrange, John, gets license to eat flesh during Lent, 698.
- Cartisburn, Laird of. *See* Crawford.
- Carupo, Nether, lands of, 371.
- Cas, Alexander, notary, assists in signing a document, 359.
- Cascreoch, lands of, 49².
- Cashogill, Laird of. *See* Douglas.
- Caskiben, Laird of. *See* Johnstone.
- Cassie, Alexander, in Turriff, charged with committing assault, 29.
- John, his maintenance and jailor fee to be paid, 205.
- Robert, in Liddoch, charged to appear as a witness, 632.
- Cassillis, Earl of, John, resigns certain lands as superior, 49, 50; grants a bond, 655, 663, 665, 694; license to him to eat flesh during Lent, 698.
- Castelhall, William, apothecary in Edinburgh, 592.
- Castles: Blackness, 109, 112, 116, 166, 188, 190, 207, 220, 237, 238, 261, 267, 268, 270, 291², 295, 314², 319, 342, 355, 378, 381, 414, 416², 417, 420, 421, 428, 435⁴, 442, 454, 463, 464, 480, 494, 697; Dumbarton, 313, 591, 615; Dunnottar, 107, 344. *See also* Edinburgh and Stirling.
- Castleborrow, Laird of. *See* M'Allane.
- Castlehaven, in Ireland, xliii, 283.
- Castlelaw, the, 294; lands of, 597.
- Catenoch, John, browster, charged with resetting rebels, 216.
- Cathcart of Waterheid, William, petitions against the Service-book, 703.
- Cattle and sheep, thefts of, 109, 213, 365, 385, 452; some driven off and maltreated, 75, 76; inquiry to some oxen, 184; some oxen bolls burned, 51; methods of suppressing cattle-stealing on the Borders, 404.
- Cattoche, Robert, 645.
- Causeways (Calseys), laying of, 51.
- Caverstoun, Lord. *See* John, Earl of Traquair.
- Certificates: to be produced by persons going to Ireland, 316; one by the Earl of Glencairn in favour of Patrick Maxwell of Newark, 265; of birth for Scotsmen abroad, 327, 369, 370.
- Cesnok, H., 705. *See* Campbell of Cessnock.
- Chalmers (Chalmer, Schalmere), of Baklay, Gilbert, appointed a justice of peace for the shire of Banff, 349.
- of Gadgirth, James, an arbiter in a dispute, 183; commission to him anent the royal burgh of Galloway, 398; commission to him to try a case of manslaughter, 507; he petitions against the Service-book, 711.
- of Sauchrie, Mr John, cautioner in a bond, 665.
- of Watersyde, Andrew, petitions against the Service-book, 711.
- Alexander in Arie, petitions against the Service-book, 714.
- Andrew, notary, assists in signing a document, 713; petitions against the Service-book, 714.
- Andrew, reader in the kirk of Gargunock, assaulted, 496, 497.
- Arthur, witness to the execution of a charge, 590.
- David, in Fintillach, petitions against the Service-book, 714.
- James, in Knokman, petitions against the Service-book, 714.

Chalmers, James, in Park, petitions against the Service-book, 714.

— Mr John, notary, appointed clerk to a commission, 632, 633.

— Margaret, widow of Mr Gavin Nisbet of Murres, complains of being shut up in her house maliciously, 556, 557.

— Nicol, in Eroger, charged to appear as a witness, 584.

— Nicol, indweller in Stronsay, witness to the execution of a charge, 584.

— Patrick, burgess of Elgin, sues for the payment of a debt, 267.

— Mr William, Treasurer clerk, 197; act of caution by him, 72; he grants a bond, 80, 656, 662, 696; is witness to a bond of caution, 102; debts owing to him, 135; relieved of a cautionry, 135.

— William, in Kirkcoun of Oyne, charged with carrying prohibited weapons, 643.

— William, servitor to Mr William Chalmers, witness to a decret, 197; his signature, 198.

— . . . , "chopman" in Alloa, debts owing to him, 372.

Champan, John, in Kirkmabreck parish, petitions against the Service-book, 712.

Chancellor, James, officer in Leith, and Isobel Donaldson, his spouse, charged with deforcement, 551.

Chancellor of Scotland, Lord High. *See* Earl of Dunfermline, and John, Archbishop of St. Andrews.

Chancery, Director of. *See* Sir John Scot of Scotstarvet.

Chapel Royal, payments to the choristers, 100, 160, 161, 166; dean of the. *See* Dr James Wedderburn; keeper of the. *See* Peter Anderson.

Charities. *See* Contributions.

Charles the First, King of Great Britain, France, and Ireland: his ecclesiastical policy in Scotland, v-vii, ix-xii; he instals a Frenchman, Nicolas Briot, as master-coiner in the Scottish Mint, xv-xviii, 270, 271; grants an infeftment to the late Lord Melville for nominating his successor in the dignity and lands, 26; grants a patent for the sale of tobacco to Sir James Leslie and Thomas Dalmahoy, 62, 69; grants a sum of money to the choristers of his Chapel Royal, 110; it is his prerogative to nominate sheriffs, 111; he signs a warrant for appointing a Register of Appraisings, Whitehall, 19th January 1636, 184-186; grants license to the Council, etc., to eat

flesh during Lent, 201, 387; confers the Treasurership of Scotland upon John, Earl of Traquair, 244; gives his decision anent Lord Torphichen's lands, 286-289; his name, titles, and effigy to be placed on certain coins, 296, 297, 361; he appoints that the sheriffs be continued in office for another year, 317; grants a remission to John, Lord Balmerino, 334; bestows a favour upon James, Lord Johnstone, 337; appoints Sir William Elphinstone to be Lord Chief Justice, 396; a thanksgiving appointed for the birth of his daughter, 418; appoints Robert, Earl of Roxburgh, to be Keeper of the Privy Seal, 446; appoints a new committee anent the coinage, 464; recommends a visitation of the colleges of Aberdeen, 478; appoints auditors of the Treasurer's Accounts, 486; avows his intention to respect the petitions given in anent Church affairs, 546, 547; reference to his visit to Scotland in 1633, 605.

Charles the First, King. Letters, etc., from him to the Privy Council and others, arranged in order of date, thus showing where the Court was from time to time:— to John, Archbishop of St. Andrews, Chancellor, Whitehall, 2nd April 1635, 9, 10; to the Council, in favour of Lady Almond having precedence as Countess of Dunfermline, Whitehall, 10th April 1635, 16; anent the dispute between John Lindsay and Patrick Maule, Whitehall, 20th April 1635, 14; approving their proceedings against the Marquis of Huntly, Greenwich, 22nd May 1635, 16; anent the Laird of Raith's assumption of the title of Lord Melville, Greenwich, 22nd May 1635, 17; as to the Earl of Mar's tanning reform, 37, 65; anent the order of voting at the Council table, 45; anent the sale of tobacco, Theobalds, 29th May 1635, 48, 70; for cancelling the writs affecting the sale of the lands and lordship of Kintyre, Greenwich, 5th June 1635, 39; prohibiting levies of soldiers without his special authority, Greenwich, 9th June 1635, 28, 29, 45; to consider as to placing lights on the Isle of May, Greenwich, 9th June 1635, 59, 60; in favour of Lord Balmerino, Greenwich, 13th June 1635, 43, 44, 54; anent a ship plundered by the people of the Lewis, Greenwich, 19th June 1635, 93, 561; anent the coinage and Nicolas Briot, Greenwich, 24th June 1635, 41; for granting a pass-

port to Sir Alexander Leslie, Greenwich, 30th June 1635, 66; for permitting Captain Thomas Lindsay to levy troops for foreign service, Greenwich, 1st July 1635, 46; in favour of Major Thomas Moffat for transporting troops, Oatlands, 17th July 1635, 66; about wrongs done to members of the Association for the Fishing, 93, 94, 116; anent building a harbour at Portpatrick for the passage to Ireland, Bagshot, 29th July 1635, 152, 153; anent abuses at ferries, Bagshot, 29th July 1635, 304; extending a protection granted to Sir George Ogilvie of Carnowseis, Woodstock, 30th August 1635, 129; that the Privy Councillors also should subscribe the General Band, Bagshot, 15th September 1635, 105, 106; anent abuses at ferries, 110, 111, 138; in favour of Laird Leslie and the widow of Terrisoull, 111; to the Chancellor, appointing the form of oath to be taken by bishops on their consecration, Hampton Court, 2nd October 1635, 511, 512; to the Council, anent the release of Allan Cameron of Lochiel, Hampton Court, 27th October 1635, 132; for permitting Captain Alexander Gordon to levy troops, Hampton Court, 2nd November 1635, 140, 141; for permitting Captain Robert Towers to raise soldiers, Hampton Court, 2nd November 1635, 157; in favour of Lawrence Bruce of Culmalindie, 139; anent the salt duties, Hampton Court, 6th November 1635, 140; anent lights on the Isle of May, Hampton Court, 6th November 1635, 154, 155; anent general matters, Whitehall, 10th November 1635, 137; anent the election of magistrates for Aberdeen, Whitehall, 18th November 1635, 144, 145, 172, 174; for commuting sentence of death against pirates to one of banishment, Whitehall, 20th November 1635, 224, 225; anent abuses in selling tobacco, Whitehall, 8th December 1635, 312; for appointing Bryce Semple of Cathcart sheriff of Renfrew, etc., Whitehall, 19th January 1636, 191, 203; for permitting James, Lord Almond, to raise soldiers for foreign service, Whitehall, 9th March 1636, 225, 226; for the release of Patrick Murray, *alias* M'Gregor, Whitehall, 9th March 1636, 226; to the Chancellor, for enlarging the Marquis of Huntly's ward, Whitehall, 10th March 1636, 211, 212; to the Council, for

admitting Archibald, Lord Angus, to be a member of the Privy Council, St. James's, 10th April 1636, 231; to the Chancellor, authorising him to confer knighthood on the eldest sons of baronets when they become of age, Whitehall, 10th May 1636, 263; to the Council, anent the Marquis of Huntly's release, Whitehall, 16th May 1636, 246, 251; to John, Earl of Traquair, with instructions anent protections, Whitehall, 16th May 1636, 249; to the Council, for admitting Walter, Bishop of Brechin, to be a member of the Council, Whitehall, 16th May 1636, 253; anent the collecting of teinds and feu duties of church lands, Whitehall, 16th May 1636, 260; for continuing Mr William Davidson, advocate, to be sheriff-depute of Aberdeen, Whitehall, 16th May 1636, 274, 584; anent the salt trade, Whitehall, 17th May 1636, 250; anent abuses at ferries, Whitehall, 27th May 1636, 317; for continuing the protection granted to Sir Alexander Home, Hampton Court, 4th June 1636, 276, 277; anent abuses in selling tobacco, Theobalds, 18th June 1636, 298, 299; prohibiting foreigners to fish round the coasts without license, Oatlands, 6th July 1636, 279, 280; for appointing the Laird of Roslin overseer of the hammermen, 306; anent the duties payable to the Admiral, Tudberry, 17th August 1636, 332, 335; commanding the use of the Service-book, Newmarket, 18th October 1636, 336, 353; appointing General Ruthven to be muster-master general, Newmarket, 20th October 1636, 342; for admitting George, Earl of Seaforth, to be a member of the Council, Newmarket, 20th October 1636, 378, 379; anent instructions given to the Treasurer, Newmarket, 22nd October 1636, 336, 337; for admitting John Hamilton of Orbeston to be a member of the Council, Newmarket, 24th October 1636, 332, 335; anent auditing the accounts of the Leith hospital, 332, 622, 641, 652, 664; to the Bishops of Aberdeen and Ross, anent the town of Aberdeen, 342, 343; to the Council, anent Colonel Robert Munro's right to be tutor on the estates of Foulis, Hampton Court, 25th November 1636, 423; permitting friendly foreigners to fish in Scottish waters for payment of a certain duty, 346; anent the late Lord Pitsligo's minors and their tutor, Hampton

Court, 9th December 1636, 400, 401; for admitting Thomas Sydserf, Bishop of Galloway, to be a member of the Council, Hampton Court, 28th December 1636, 359; anent using the new Psalm-book, Whitehall, 3rd February 1637, 409, 410; for admitting Sir William Elphinstone to be a member of the Council, Whitehall, 7th February 1637, 394, 395; for permitting Lady Rothiemay to return home, Whitehall, 14th February 1637, 400, 666; for permitting Captain Robert Hume to levy soldiers for foreign service, St. James's, 27th February 1637, 401, 402; granting license to Lord Reay to go abroad, 398, 401; for prohibiting Lord Reay to go abroad until he secures his wife in a suitable provision, St. James's, 1st April 1637, 440; for issuing more copper coin, St. James's, 13th May 1637, 432, 433, 684²; anent the young lord of Pitligo and his tutor, St. James's, 13th May 1637, 441; for admitting Sir Archibald Stewart of Blackhall to be a member of the Council, St. James's, 13th May 1637, 449, 450; for permitting Colonel Alexander Cunningham to raise soldiers, St. James's, 13th May 1637, 458; for permitting Colonel Robert Monro to raise troops, St. James's, 13th May 1637, 459; for admitting James, Lord Deskford, to be a member of the Council, St. James's, 13th May 1637, 461; for permitting Colonel Robert Stewart to levy soldiers for service abroad, St. James's, 13th May 1637, 485; in behalf of the goldsmiths of Edinburgh, St. James's, 13th May 1637, 501, 681; anent the fees due to the Clerk of Register, St. James's, 1637, 433, 434; for preservation of the game in the forest of Glenalmond, St. James's, 15th May 1637, 447, 448; anent protections and other matters, Denmark House, 17th May 1637, 456, 457, 681; for admitting Neill, Bishop of the Isles, to be a member of the Council, Greenwich, 7th June 1637, 549, 550; in favour of Nicolas Briot, Greenwich, 21st June 1637, 504, 505, 506, 509; for apprehending trespassers on the forest of Glenalmond, Greenwich, 28th June 1637, 491, 492; for dealing with disturbers of the reading of the Service-book, Oatlands, 30th July 1637, 509, 514; acknowledging their efforts anent the Service-book, Oatlands, 6th August 1637, 521; for granting a pro-

tection to Sir Alexander Home, younger of Manderston, Bagshot, 31st August 1637, 524; in favour of Francis Stewart, son of the Earl of Bothwell, Oatlands, 10th September 1637, 540, 541; to the Chancellor and Treasurer, anent the Teinds Commission, 533; to the Council, changing its place of meeting for a time, Hampton Court, 9th October 1637, 537, 538, 546, 547, 697; forbidding them to deal further with Church affairs, Hampton Court, 9th October 1637, 537, 538, 697; ordering them to seize and burn all copies of the book called "A Dispute against the English Popish Ceremonies obtruded upon the Kirk of Scotland," Hampton Court, 9th October 1637, 537, 538; for a full attendance of Councillors, Whitehall, 15th November 1637, 545; anent the instructions given to the Earl of Roxburgh, Whitehall, 15th November 1637, 546; for the release of the Earl of Airth, Whitehall, 30th November 1637, 550; letters from the Privy Council to King Charles. *See* Privy Council.

Charles the Second, King, in Holland, 378n.
Charter-chests, meddling with, cases of, 37, 38, 79, 350.

Charteris (Charters) of Amisfield, Sir John, knight, appointed a commissioner for the Borders, 161; his attendance required as a commissioner for the teinds, 192; charged to appear before the Council, 366.
— John, apparent, appointed a justice of peace for the shire of Dumfries, 300.
— of Kelwod, George, petitions against the Service-book, 715.

— Thomas, witness to the execution of a charge, 650.

Cheyne (Cheine, Sheyne) of Arnage, James, debts due to him as a cautioner, 300, 600.

— of Esselmont, John, becomes a cautioner, 583.

— of Raniestoun, Alexander, debts owing to him as a cautioner, 300.

— Mr John, parson of Kinkell, 643; appointed a justice of peace for the shire of Aberdeen, 549.

Chichester, in England, 570.

Chisholm of Comer, Alexander, elder, to be answerable for his tenants and servants, 26, 27; his signature, 27.

Chopman, James, in Hole, petitions against the Service-book, 712, 713.

Christie (Chrystie, Crystie), Alaster, in the Muir, charged with resetting rebels, 216.

- Christie, David, bailie burgess of Dysart, charged with wrongful intromission, 315.
- Helen, wife of Gavin Elliot, debts owing to her, 193, 284, 285.
- James, in Stonehaven, charged with malicious damage to property, 107.
- John, in Stonehaven, charged with malicious damage to property, 107.
- William, in the Mure of Ballater, charged with resetting rebels, 232.
- William, servitor to Patrick Wood, appointed to make an inventory, 8.
- Christison (Crystieson, Crystison), Katherine, wife of William Wright at the Mill of Craigforth, sues for the payment of a debt, 341.
- . . . , execution of summons against him, 314, 614.
- Church and Religion : commencement of the revolt against the innovations introduced into the religious life of Scotland by Charles, v-vii, ix-xii; bishops added to the Council, vi; the destruction of the Bridge of Perth spoken of as a judgment on account of the passing of the five articles of Perth in 1618, xxii; a dispute about sittings in the kirk of Calder, 32; the oath of fealty taken by the bishops, 148, 511, 512; the bishops in the North are to make a roll of residents in their dioceses twice a year, xxxiii, 234; the communion at the kirk of Preston deferred because of the plague, 247, 248; the collecting of the rents of the Church lands to be in the hands of the sheriffs and stewards, 259, 260; the superiorities of the Church lands annexed to the Crown, 287; a case of wife desertion before a kirk-session, 319; every parish ordered to obtain two copies of the Service-book for use in their church, 336, 353, 448, 449; rolls of Border outlaws and fugitives are to be given to ministers and affixed on the church door, 406; the old psalm-books ordained to give place to the new, 409; ministers are ordained to assist in helping persons distressed by the plague, 442-445; taxation for the stipends of the ministers of Edinburgh, 478; disturbance in St. Giles' Church, Edinburgh, about the Service-book, 483, 486, 489, 490, 509, 510, 511, 513, 514, 515; case of a minister being reviled and assaulted, 496, 467; form of the oath to be taken by bishops at their consecration, 511, 512; assault on the minister of Coldingham, 526, 527; the King forbids the Council to meddle further in Church affairs, 537, 538; the book called "A Dispute against the English-Popish Ceremonies obtruded upon the Kirk of Scotland" to be suppressed and publicly burned, 537, 538; dispute about a seat in the kirk of Airth, 557; also about seats in the parish kirk of Morebattle, 606, 607; objections to the book called "Canons and Constitutions for the Government of the Church of Scotland," 709; petitions from many burghs, parishes, and presbyteries against the imposition of the Service-book, 619-716.
- Cinque (Sen) Ports, Master of the. *See* Theophilus, Earl of Suffolk.
- Clackmannan, precautions against the plague there, 119, 123; minister there. *See* Mr Edward Wright.
- Pow of, 58.
- shire of, appointment of justices of peace, 222, 223.
- Clan Gregor, the: their desperate and scattered condition, xxxii; proclamations against resetting them, xxxii, xxxviii, 95, 96, 143, 399, 497; slaughters committed by them, 419; persons fined for resetting them, 91, 364, 375.
- Clan Ranald, the: some of the clan charged to appear before the Council for plundering a ship, 570, 580.
- captain of. *See* M'Donald of Ilantyrum.
- Clarke, William, servant to Gordon of Cairnborrow, witness to the execution of a charge, 587.
- Cleg, the (Thomas Johnstone), 406².
- Cleghorn, Agnes, in Edinburgh, fined for selling tobacco, 63.
- Christian, wife of John Drysdale, baker in Edmonstone, to be apprehended for theft, 13.
- Clelland (Cleland) of that Ilk, James, at the horn for debt, 653.
- John, in Fernilaw, charged with assault and malicious damage, 237, 238.
- Clerich, Thomas, in Balnahaglais, charged with resetting rebels, 216.
- Thomas, a spy, to be sent to Edinburgh for trial, 207.
- Clerk (Clerke) of Tullichortis, Mr James, to be kept prisoner until the result of an assault be seen, 373, 374; he is released from ward under caution, 412; he complains of molestation, 467.
- Sir Alexander, license to him to eat flesh during Lent, 698.

- Clerk, Charles, in Lauder, witness to the execution of a charge, 616.
- James, in Sprottisknow in Oxnem, prosecuted as a Border outlaw, 408.
- James, in Stonehaven, charged with malicious damage to property, 107.
- John, treasurer of Dunfermline, payments due to him, 496.
- John, in Oxnem, banished as a Border outlaw, 407.
- Robert, merchant burgess of Kirkcudbright, petitions against the Service-book, 714.
- William, in Castlehill, tenant to the Laird of Johnstone, complaint by him, 158.
- Clerse, William, in Fors, and Christian Sutherland, his wife, complain of being assaulted, 211.
- Clevie, John, mariner, petitions to be ransomed from the Turks, 169.
- Clifford, Lord, Henry, appointed a commissioner for the Borders, 161.
- Clogie, Mr William, minister at Inverness, 187, 199; his wife, Margaret Rawson, and son, Mr Alexander, charged with assault, 187, 199.
- Clothes, some burned in trunks, 51.
- Clunes, Alaster, weaver in Kilravock, complains of being assaulted, 332, 590.
- Donald, charged with committing assault, 146.
- Clunie (Cluny), houses of, to be rendered, 291, 335, 336, 417, 420.
- Laird of. *See* Gordon.
- Clyde, firth and river of, 313, 591.
- Clydesdale, over ward of, Border fugitives not to be reset there, 316, 324, 325.
- Coals and coalmasters: coals to be sold only for the current coin of the realm, 94; dollars to be accepted in some cases, 263, 264; the coalmasters are to take precautions anent the plague, 119, 123, 126, 247; special arrangements for loading foreign vessels with coal, 126, 130; dispute about the coal-working at Wolmet, 476, 477, 525.
- Cobin, William, in Blairmadie, charged with armed convocation and riot, 488.
- Cochrane (Cochran) of that Ilk, Alexander, appointed a justice of peace for the shire of Renfrew, 223.
- of Cowdoun, Mr William, appointed convener of the justices of peace for the shire of Renfrew, 223.
- of Houston, Mr William, becomes a cautioner, 200.
- Cochrane, Alexander, in Glasgow, some clippings of coin found in his possession, 446, 684, 685.
- Edward, in Water of Leith, witness to a document, 684.
- James, bailie of Edinburgh, appointed to see the poor and beggars provided for, 449; he gives his opinion anent the coinage, 465; presents a petition against the Service-book, 534; appears anent the Leith hospital case, 641.
- John, in Lymkills, 434; his son, Alexander, prosecuted for using clippings of the coin, 434, 446.
- Thomas, charged with committing assault, 287, 302; seeks suspension of horning, 588.
- Walter, merchant burgess of Aberdeen, complains of murderous attempts upon him, 30, 31; his wife, Janet Gordon, 30.
- Mr William, appears as a procurator, 303.
- Cock (Cok), Edward, burgess of Kirkwall, appears as a procurator, 583.
- Cockburn (Cokburne) of Butterdene, Robert, witness to the execution of a charge, 611.
- of Langton, Sir William, deceased, 171; his widow, Dame Helen Elphinstone, now spouse to Mr Harry Rollok, minister of Edinburgh, 171.
- Sir William, son of the preceding, charged with oppressing a tenant of his mother's, 171.
- of Ormiston, Sir John, deceased, late Justice Clerk, 68; his daughter, Mary, complains of ill-treatment at the hands of David Lundie of Achtermearnie, her husband, 98.
- — Sir George, his dwelling-house, 617.
- of Ryslaw, James, to try a case of theft, 647.
- of Vogrie, Mr William, factor for John Lawson of Humble, complains of being prevented from exercising this office, 616, 617*.
- David, burgess of Haddington, becomes a cautioner, 646.
- David, skipper in Leith, grants a bond, 656, 665, 690.
- Harry, elder, burgess of Haddington, witness to the execution of a charge, 612.
- Mr James, writer in Edinburgh, appears as a procurator, 607.
- Mr John, minister at Humble, witness to the execution of a charge, 617; he petitions against the Service-book, 708.

- Cockburn, John, provost of Haddington, to try a case of sheep-stealing, 612, 618², 625.
 — John, debts owing to him, 135.
 — Mr William, charged with wrongful ejection, 108.
- Cockburnspath (Colbrandspeth), house of, 610.
- Cockpool (Cokpoole), Lady, her house in Dumfries, 159, 160.
- Codie, Alexander, miller at the Mill of Myrtoun, witness to the execution of a charge, 587, 588.
- Coilyar, John, skipper in Kirkcaldy, depones anent lights on the Isle of May, 579.
- Coin and Coinage: important changes in the appointments of the Mint and introduction of a new method of coining by Nicolas Briot, a Frenchman, xv-xvi; measures taken for suppressing the foreign currency, xvi-xvii; issue of new coins, xviii; proceedings against utterers of base coin, 2, 44, 46, 347, 489; meetings of the committee for the coinage, 41, 44, 76, 249, 256, 258, 259, 339, 360, 380, 504, 509; the gold and silver assay to be tried by a committee of Council, 301; a meeting held in the Cunyiehouse, 301; appointment of a royal commission upon the Mint, 464, 471; coinage of copper money, 41, 432, 433, 548, 684²; coinage of silver currency, four-penny, sixteen-penny, twenty-penny, thirty-two-penny, forty-penny, five shilling and half-merk pieces, 252, 270, 295, 296, 297; loss by the turnours, 91; foreign dollars and other coins to be refused, 94, 159, 323, 324; measures suggested for preserving a pure currency, xviii, 41, 94, 98, 252, 259, 296, 322, 323, 324, 361, 380, 464-466, 504, 505, 539, 542, 543, 550, 551, 698; proposal to convert foreign into native coin, 189, 323, 344, 360-362; mention of kardikues, 94; rex dollars, 315; ryals, 94, 315; double angels in gold, 315; alterations proposed in working the Mint, 259, 324, 350, 360, 361, 362, 427, 539, 551, 698; prosecution of some persons for clipping the coin, etc., 434, 446, 447, 467, 468, 477², 478, 489², 505, 684, 685, 687, 691, 692; gold brought from Guinea, xviii, 542, 550.
- Coiteild, Goodman of, grants a bond, 655.
- Coittis, house of, 37.
- Colchester, a ship of, wrecked and recovered, 12.
- Coldingham, minister at. *See* Mr Christopher Knowes.
- Coldstream, the weekly market at, stopped because of the plague, xiv, 303, 304, 311, 431, 682; proclamations at the market cross, 303.
- Coling, John, skipper in Kirkcaldy, depones anent lights on the Isle of May, 579.
- Colintoun, kirk of, the Service-book to be used there, 514; minister of. *See* Dr William Ogstoun; Laird of. *See* Foulis.
- Collace, Mr Patrick, servitor to Mr Robert Nairn, witness to a document, 665; appears as a procurator, 697.
- College of Justice, senators of the. *See* Lords of Session.
- Collein, Robert, in Hassiwell, prosecuted for resetting rebels, 55.
- Colliers, acts of Parliament anent, 365².
- Collisone, Gilbert, late bailie of Aberdeen, charged to appear before the Council, 144, 173.
- Colquhoun (Cahoune) of Balvie, . . . , brother to Luss, to be answerable for his tenants and servants, 34.
 — of Luss, . . . , to be answerable for his tenants and servants, 34, 95.
 — Umphra, in Dumbarton, charged with attacking a ship, 313; execution of summons against him, 615.
 — Robert, chorister of the Chapel Royal, seeks payment of his salary, 110.
 — William, in Dumbarton, charged with attacking a ship, 313; execution of summons against him, 615.
- Coke, John, burgess of Edinburgh, debts owing to him, 522, 523.
- Cokstoun, house of, broken into, 37, 38.
- Coltart (Colthart, Colthard, Cootert, Coutard, Couthard), John, in Kigeaach, charged to appear as a witness, 585.
 — Richard, hanged as a Border outlaw, 407.
 — William, in Armakinlie, petitions against the Service-book, 713.
 — William, in Stewarton, petitions against the Service-book, 713.
- Colville of Blair, Mr Alexander, Justice-depute, witness to a bond of caution, etc., 221, 372; appointed to examine witnesses and prisoners, 23, 207, 252.
 — of Cleish, Sir Robert, appointed a commissioner anent the plague, 119, 123; appointed a justice of peace for the shire of Fife and Kinross, 131; charged to appear before the Council anent the salt, 175.
 — of Huip, James, charged to appear before the Council, 582, 584.

- Comleine, John, burghess of Kirkcudbright, petitions against the Service-book, 714.
- Commissaries: case tried before them, 358; of Dunkeld, 348; of Edinburgh, 427, 599; Inverness, 27; Lauder, 370; Moray, 27.
- Commissions: for apprehending defaulters in payment of the taxation, 1, 2; against forgers of false money, 2; for preventing the spreading of the plague, 118, 119, 120, 123, 124; for the Borders, 161-165, 457; for visiting colleges, 364; to James, Lord Almond, to levy soldiers, 225, 226; to Alexander Bruce of Alva anent the salt, 175; to Sir David Crichton of Lugton and others anent the plague, 326; to Sir David Crichton of Lugton and others to visit some coal-workings, 525; to the Marquis of Douglas against Border fugitives, 316; to Mr William Douglas, macer, and others, to arrest defaulters in payment of taxation, 227; to Sir William Elphinstone as Justice-General, 165, 166; to the Laird of Fintry against rebels, 449; to Arthur, Lord Forbes, and others, to apprehend and try resettlers of rebels, 217, 218, 223, 232-234, 236, 253; to Patrick, Archbishop of Glasgow, to take depositions, 3; to George, Marquis of Huntly, against rebels in the North, 9-11, 32, 88; to the sheriff of Inverness, 25; to James, Lord Johnstone, for apprehending an incestuous person, 191; to the Justice-deputes to examine prisoners, 23, 207; to the sheriff and provost of Haddington to try a case of sheep-stealing, 612, 618, 625; to Sir Patrick M'Kie of Larg and others to try a case of manslaughter, 507; to the Master of Works and others to visit and report on the bridge of Linton, 237; to the Earl of Montrose and others to advance the rebuilding of the bridge of Perth, 532; to George, Bishop of Orkney, and others, to deal with the famine in Orkney and Shetland, 39, 40; to George, Bishop of Orkney, and others, in a right-of-way dispute, 507; to Robert, Earl of Roxburgh, and others, anent the plague in the Borders, 431, 432, 442-445, 455, 456, 682; to Alexander Seton of Pitmedden and others, 357; to James Stewart of Ardvorlich and others to apprehend rebels, 321, 322; to some Councillors anent Lord Salton's estate, 192; for the apprehension of some Border fugitives and outlaws, 316; for the apprehension of defaulters in the payment of their taxation, 227; for the apprehension and trial of resettlers of Patrick Gilroy M'Gregor and others, 215-219, 223, 231-234, 236.
- Commissions for the apprehension of particular persons, viz.: James Adie in Jawcraig, 213; Thomas Brown in Glasgow, 434, 446; George Buchanan, son of the Laird of Leny, 396; Hew Campbell in Mauchline, 446, 447, 468, 477, 478; Alexander Gordon, younger of Innermerkie, and other rebels, 281, 282; . . . Johnstone, an incestuous person, 191; Patrick Leslie, *alias* Byres, and others, 357; John Dow Gair M'Gregor and other rebels, 321; Robert Pilsworth, a murderer, 279; Archibald Wilson and other thieves, 13.
- Communion, the, observed in the Chapel of Holyrood, 148, 396, 471; postponed at the Kirk of Preston because of the plague, 247, 248.
- Conchie, James, petitions against the Service-book, 711.
- Constable, Margaret, alleged to have deserted her husband, Alexander Kid, merchant in Dundee, 435, 436.
- Robert, elder, burghess of Dundee, complaint against him, 435, 436.
- Robert, younger, burghess of Dundee, complaint against him, 435, 436.
- Thomas, in Dundee, complaint against him, 435, 436.
- of Scotland. See Earl of Errol.
- of Dundee. See Scrimgeour.
- Contributions, charitable, recommended for various purposes, xxii, xxx, xlii, 51, 148, 149, 151, 154, 169, 190, 302, 305, 306, 330, 349, 368, 369, 372, 373, 388, 425, 482, 483, 517, 518, 531, 532; one for relief of those distressed by the plague, 443.
- Convention of Royal Burghs, held at Edinburgh in July 1634, 57; at Perth in July 1635, 57.
- Convocation: of persons to burials or marriages, during the plague, forbidden, 439, 444, 453; armed, cases of, 42, 47, 51-53, 64, 65, 106, 107, 158, 199, 214, 275, 307, 308, 313, 328, 329, 344, 382, 383, 384, 392, 424, 467, 476, 488, 642-645, 648.
- Cook (Cooke, Cuik), Frederick, skipper in Pittenweem, depones anent lights on the Isle of May, 575.
- Robert, in Pittenweem, depones anent lights on the Isle of May, 574, 575.
- Robert, in Wester Hemprigs, charged to appear as a witness, 382.

- Cook, Thomas, skipper in Pittenweem, dep-
ones anent lights on the Isle of May,
574.
- Thomas, sailor, charged with seizing a
ship, 12.
- Cooper, John, merchant and shipowner,
illegal seizure of his ship, 5, 8.
- Copland, Captain Alexander, charged with
committing assault, 30.
- Copper coinage, 380, 506, 548, 684². *See*
also Coin.
- Corbe, Christian, in Lauder, charged with
committing assault, 370.
- Corbeit, John, petitions against the Service-
book, 715.
- Corbie, Thomas, in Anwoth parish, petitions
against the Service-book, 712.
- Coricharvie, 530.
- Corincairne, house of, to be rendered, 420.
- Corn, disputes about reaping, 4, 5, 307-310,
506, 516; violent appropriation of some,
75, 77, 384.
- Cornwall (Corswell) of Bonhard, Walter,
496; appointed a commissioner anent the
plague, 118, 120, 123; he is charged to
exhibit persons to the Council, 486;
relieved of a cautionry, 500; charged with
deforcement, 603.
- Mr John, minister at Linlithgow,
charged to exhibit persons to the Council,
486.
- Corraith, Robert, in Dumbarton, fined for
selling tobacco without license, 441.
- Corsan (Corson), John, in Grenan, petitions
against the Service-book, 713.
- Thomas, in Garvar, petitions against
the Service-book, 714.
- Corsaw, David, in Dysart, appointed to
collect contributions, 190.
- Giles, in Burntisland, fined for selling
tobacco without license, 380.
- Corsby, David, servitor, witness to the
execution of a charge, 615.
- Corse, Laird of. *See* Forbes.
- Corskier, Thomas, bailie of Dunbar, freed
from a charge of illegal warding, 64.
- lands of, 89.
- Corsmichell. *See* Crossmichael.
- Corstorphine, parish of, to contribute to
the relief of plague-stricken people, 154.
- Corstoun, John, in Cramond, appointed to
collect contributions, 154.
- Corsuaday, lands of, 299.
- Corswell. *See* Cornwall.
- Cossar, Archibald, in Stonehaven, charged
with malicious damage to property, 107.
- Council-house, a new one proposed to be
erected by the town of Edinburgh, 165.
- Coupar-Angus, proclamations at the market
cross, 95, 143.
- Couper dyke, the, 52.
- Coustoun (Coustine), John, in Viccarland,
becomes a cautioner, 141.
- John, called the provost, hunts a hare,
141, 142.
- William, ferrier in Airth, charged to
appear as a witness, 610.
- William, brother-in-law to David
Seton, his marriage, 74.
- William, appears as a witness, 641.
- Couter, Michael, charged with oppression
and wrongful imprisonment, 35.
- Coutts (Couts, Couttis) of Auchterfoul,
Robert, prosecuted for remaining at the
horn, 291, 581, 587.
- William, fiar, charged as a cautioner
for payment, 129, 130, 306; appointed
a justice of peace for the shire of
Aberdeen, 202; prosecuted for remaining
at the horn, 261, 262, 290, 291, 417, 420,
581, 587.
- of Clunie, William, prosecuted for
remaining at the horn, 335.
- Alaster, in Dilgrigie, charged with
resetting rebels, 215.
- Alexander, in Balachaboch, charged
with resetting rebels, 216.
- Jean, debts owing to her, 135.
- John, in Balachaboch, charged with
resetting rebels, 216.
- John, in Grodie, charged with resetting
rebels, 216.
- Margaret, widow in Cromar, charged
with resetting rebels, 231.
- Patrick, in Balachaboch, charged with
resetting rebels, 216.
- Mr Robert, at the Mill of Gellane,
witness to the execution of a charge,
586.
- Thomas, messenger, executes a charge,
587.
- Thomas, writer, 665.
- William, in Grodie, charged with re-
setting rebels, 216.
- Cowan, John, mariner, seeks to be ransomed
from the Turks, 169.
- Cowbine, Laird of. *See* Kinnaird.
- Cowdounhill, 58.
- Cowie (Cowy), Alexander, his maintenance
and jailor fee to be paid, 205.
- Alexander, witness to the execution of
a charge, 610.

- Cowie, James, his maintenance and jailor fee to be paid, 205.
- Cown, John, petitions against the Service-book, 712.
- Cowper (Couper), Lord, . . . , appointed a justice of peace for the shire of Forfar, 131.
- Andrew, son of William, Bishop of Galloway, some money owing to him, 4.
- James, in Hamilton, execution of summons against him, 582.
- James, in Kinmundie, charged with armed convocation and riot, 344, 631, 632.
- Mr William, son of William, Bishop of Galloway, some money owing to him, 4.
- William, in Belrinnes, charged with resetting rebels, 215.
- M'Allane, William, in Belrynnies, to be sent to Edinburgh for trial, 289.
- Cowtreay, John, skipper in Largs, depones anent erecting a light on the Isle of May, 564.
- Cortoune, goodwife of, submits to arbitration, 33.
- Cragingelt, Mr John, minister at Alloa, appointed a justice of peace for the shire of Clackmannan, 222; he petitions against the Service-book, 716.
- Craig, George, in Thornton Loch, charged with plundering a ship, 242², 243.
- (Craik), John, in Craigheid, charged with obstructing the leading of peats, 85, 108.
- Michael, in Thornton Loch, charged with plundering a ship, 242², 243.
- Mr Robert, advocate, appears as a procurator, 553.
- Silvester, in Innerwick, charged with plundering a ship, 242², 243.
- Thomas, complains of theft, 396.
- William, in Foulford, charged to appear as a witness, 599.
- Craigie (Cragie) of Sands, John, gets his expenses paid, 308.
- Alexander, in Stonehaven, charged with malicious damage to property, 107.
- Craigievar, Laird of. *See* Forbes.
- Craiginoir, on the Firth of Forth, 58.
- Craigmiller, house of, 556.
- Craignacarne, 530.
- Craik. *See* Craig.
- Crail, town of, report of the mariners there anent a light on the Isle of May, 567, 569, 572, 573, 575, 576, 578, 579, 581; proclamations at the market cross, 279, 280.
- clerk of. *See* John Makesoun.
- Crail, the parson of, appointed a justice of peace for the shire of Fife and Kinross, 131.
- Crailling, parish of, precautions anent the plague, 445.
- Cramond, parish of, 125, 133; kirk of, 117.
- Nether, plague-stricken, xii, xiii, 116, 117, 125, 126, 153, 154, 168, 581; measures for preventing the spread of the plague, 117, 118, 153, 154; a public collection to be taken for relieving the distress, 154.
- Cranston (Cranstoune), Lord, John, 363; sues for the payment of the third of the lands of Newburgh, 63; as titular of the teinds of Ligertwood, charged with molestation, 146, 147; commission to him to apprehend a spreader of the plague, 269; appointed a commissioner anent the plague, 431, 442-445, 455; gets license to eat flesh during Lent, 698.
- of Morestoun, Alexander, cautioner in a bond, 664, 695.
- Dame Barbara, Lady Touch, grants a bond, 656, 663, 664, 695.
- Harry, brother of Lord Cranston, charged with spoliation of teinds, 146, 147.
- Jasper, charged with spoliation of teinds, 146.
- Robert, sword-slipper in Edinburgh, fined for selling tobacco, 63.
- William, tacksman of the Mains of Ednam, charged with refusing admittance to the house of Ednam, 108.
- William in Morestoune, his right to the house of Ednam, 107.
- Craw, William, in West Reston, witness to the execution of a charge, 617.
- Crawford (Crafurd, Craufurd, Crawford), Earl of, George, deceased, bonds granted by him, 389.
- of Achincorse, George, petitions against the Service-book, 703.
- of Cartsburn, Malcolm, apprehends forgers of coin, 489², 693.
- of Flatertown, James, deceased, 615; his son James, sailor in Greenock, execution of summons against him, 615.
- of Kilbirnie, John, apprehends forgers of coin, 489², 693.
- Andrew, a constable, charged to apprehend a riotous person, 496.
- Mr George, minister at Kilbride, petitions against the Service-book, 705.
- George, in Leith, witness to the execution of a charge, 580.

- Crawford, James, burgess of Edinburgh, craves liberty to satisfy his creditors, 380, 381; his son, Alexander, becomes cautioner for him, 381.
- James, in Plesance, goldsmith, charged with armed convocation and riot, 214; submits to arbitration, 214; he and Margaret Wallace, his spouse, complain of wrongful imprisonment and assault, 436.
- James, in Langland Walls, charged with armed convocation and riot, 488.
- James, appears as a witness, 592.
- John, in Newbigging Mill, witness to the execution of a charge, 593.
- John, a servitor, charged with carrying prohibited weapons, 424.
- John, servitor to Francis Scot of Cairntoun, to be produced before the Council for trial, 474, 475.
- J., in Largs parish, petitions against the Service-book, 707.
- Malcolm, to be imprisoned for disorderly conduct, 193; caution for him and for his indemnity, 200².
- Patrick, in Largs parish, petitions against the Service-book, 707.
- Robert, in Crichton, charged to appear as a witness, 613².
- William, goldsmith, witness to a document, 664.
- Crawford, castle of, a bond dated there, 102.
- Crawfordmure, Border fugitives not to be reset there, 316, 324, 325.
- Crichton (Crichtoun, Creichtoun) of Frendraught, James, 372, 400; complains about his taxation, 20; examination of persons who have injured him, xxxiv, xxxvi, xxxvii, 19, 298; proceedings against his oppressors, 36, 74, 298, 348, 357, 649; complains about his tenants, 56, 89; appointed to pay money to witnesses, 89; an act of caution by him, 75; ordained to go home and dwell in his own bounds according to his quality, 88; ordered to pay jailor fees for certain persons, 205; Lady Frendraught apprehends some marauders, 205, 206; charged with troubling and molesting the Marquis of Huntly, 244, 245, 251, 381, 393, 552, 553.
- of Lugton, Sir David, appointed a commissioner anent the plague, 326, a commission to him to visit some coal-workings, 525; he and Dame Janet Edmonstone, his spouse, make a complaint, 108.
- Crichton, Alexander, merchant in Edinburgh, cautioner in a bond, 664.
- Alexander, petitions against the Service-book, 711.
- David, stabler, debts owing to him, 523.
- David, writer, debts owing to him, 523.
- James, chorister of the Chapel Royal, to receive a payment of money, 166.
- John, in Nether Cramond, to remain in his house under suspicion of the plague, 153.
- John, notary in Sanquhar, debts owing to him, 523.
- Patrick, indweller in Forfar, charged to appear as a witness, 601, 602.
- Robert, in Cairne, charged with assaulting a minister, 467.
- Robert, macer of Session, executes a charge, 358.
- Robert, witness to the execution of a charge, 649.
- Robert, petitions against the Service-book, 711.
- Crichton, house and lands of, 535, 553, 611, 613.
- Crieff, a document dated there, 530.
- Crisis, John, wright in Randerstoun, execution of summons against him, 617.
- Croll, David, in Brae of Fetteresso, charged with malicious damage to property, 106.
- Cromar, reseters of rebels there, 219.
- Cromartie (Cromertie) of Ske, John, charged to appear as a witness, 585.
- Mans, charged with armed convocation and riot, 308.
- house of, to be rendered, 414.
- shire of, 281; the sheriff to be answerable for his tenants and servants, 95.
- Croze, Hercules, charged as a Border outlaw, 407.
- Croser, Clement, fined as a Border outlaw, 407.
- John, deceased, 408; his son William prosecuted as a Border outlaw, 408.
- William, a Border outlaw, 407.
- Crossbows, 283.
- Crossmichael (Cormichell), the parishioners of, petition against the Service-book, 715; minister there. *See* Mr Peter Primrose.
- Cruikshank (Cruikshank, Cruschank), Andrew, in Muirhouse, witness to the execution of a charge, 617.
- Francis, burgess of Perth, and Agnes Henderson (Anderson), his wife, charged with committing assault and theft, 18.

- Cruikshank, James, merchant burghess of Aberdeen, sues for payment of a debt, 435.
- James, in Cautoune, charged with malicious damage to property, 107.
 - John, in Kirktown of Oyne, charged with carrying prohibited weapons, 643.
 - Malcolm, charged with armed convocation and riot, 47.
 - Robert, younger, burghess of Aberdeen, seeks payment of some victual, 314, 611.
 - Robert, treasurer of Aberdeen, becomes a cautioner, 589.
 - Robert, in Brae of Fetteresso, charged with malicious damage to property, 106.
- Cublene, forest of, 209.
- Cuddie of the Has, his grandson, 408.
- Culcallane, house of, to be rendered, 414.
- Cullane, John, in Glasgow, witness to the execution of a charge, 615.
- Culross, burgh of, precautions there anent the plague, 119, 123; proclamation at the market cross, 94.
- parish of, the parishioners petition against the Service-book, 702.
- Culsalmond, minister at. *See* Mr George Leith.
- Cultmalundie, house and lands of, 197, 239, 240, 255; Easter Mains of, 197, 239; Wester Mains of, 197, 239.
- Cultreoch, house of, to be rendered, 238.
- Cumberland, Earl of, Francis, appointed a commissioner for the Borders, 161.
- county of, 162.
- Cumming (Cuning, Cummyng) of Altyre, Robert, 554; prosecuted for remaining at the horn, 494.
- of the Bog, John, charged with obstructing the leading of peats, 55, 109.
 - of Murthlake, John, charged with armed convocation and riot, 64, 65.
 - Alexander, notary in Elgin, charged to appear before the Council, 521.
 - Duncan, in Balvenie, a rebel, is to be brought to trial, 281.
 - Duncan, in Belrinnes, charged with resetting rebels, 215.
 - Duncan, in Braigauche, charged with resetting rebels, 399.
 - Duncan, in Glenrinnes, charged with committing assault and robbery, 134.
 - Duncan, a rebel, to be apprehended and tried, 383.
 - Duncan, a decret against him, 415.
 - Farquhar, in Ruthen in Stradoun, charged to appear as a witness, 112.
- Cumming, George, merchant burghess of Inverness, witness to the execution of a charge, 581.
- John, in Balwilk, charged with obstructing the leading of peats, 85, 109.
 - Cumnock, parish of: the parishioners petition against the Service-book, 703; kirk of, 691; minister there. *See* M. Cunningham.
- Cunach, William, in Daach of Abiryeldie, charged with resetting rebels, 216.
- Cunningham (Conyngham, Cuninghame, Cunynghame) of Aikat, W., petitions against the Service-book, 704.
- of Barns, John, younger, proprietor of the Isle of May, to be appointed keeper of the lights thereon, 59, 60, 176; produces a report and other papers, 111, 566, 567, 568, 576; license to him to eat flesh during Lent, 698.
 - of Baydland, J., petitions against the Service-book, 702.
 - of Buquhen, Alexander, fiar, intervenes in an assault, 497.
 - of Broomhill, Mr William, acts of caution by him, 78; witness to a bond of caution, 221.
 - of Hills, John, prosecuted for remaining at the horn, 237.
 - of Montgrenane, . . . , complaint by his uncle, William Cunningham, 178.
 - Adam, in Irvine, fined for selling tobacco without license, 441.
 - Colonel Alexander, allowed to levy soldiers for foreign service, 458, 527, 560.
 - Alexander, sailor in Leith, witness to the execution of a charge, 575.
 - Alexander, merchant burghess of Stirling, witness to a bond of caution, 105; his signature, 105.
 - John, in Dungewche, petitions against the Service-book, 713.
 - John, petitions against the Service-book, 715.
 - M., minister at Cumnock, petitions against the Service-book, 703.
 - Mr Robert, minister at Hawick, appointed a justice of peace for the shire of Roxburgh, 604.
 - Robert, in Ayr, supplicates that he may be ransomed from the Turks, 387.
 - R., at Wester Kilbride, petitions against the Service-book, 705.
 - Thomas, merchant in Crail, favours the erecting of a light on the Isle of May, 573.

- Cunningham, William, uncle to the Laird of Montgrenane, complains of being illegally warded, 178.
- William, tutor of Montgrenane, complaint by him, 211.
- Cunningham, bailiary of, 411, 705; appointment of justices of peace, 481.
- Cupar-Fife, burgh of, 371; the transporting of rebels from the North through the burgh, 412; the inhabitants petition against the Service-book, 700; clerk of. *See* J. Anderson; minister there. *See* Mr William Scot.
- Cupar, presbytery of, the ministers of the, petition against the Service-book, 707, 708; moderator thereof. *See* J. Moncrieff.
- Curatory, question of, 368.
- Curle, Patrick, skipper in Ayr, supplicates that he may be ransomed from the Turks, 387.
- Currie (Curry), James, Ormond pursuivant, commission to him to apprehend rebels, 1.
- Robert, charged with robbing a ship, 6.
- Simon, in Granton, prosecuted as a Border outlaw, 408.
- William, in Duns, witness to the execution of a charge, 590.
- Currie, Wester, houses in, 519.
- Cuschnie, John, appears as a witness, 632^a, 633.
- Custom duties, to be paid in good current coin, 94; exacted at St. Boswells fair, 277; dispute about, at Dumbarton, 313, 314; the customs-officers are to watch that the goods transported to Ireland are lawful, 325.
- Cuthbert (Cudbert) of Draces, James, makes a protestation, 262; he denies that he is donator to a life-rent, 290, 291.
- Henry, charged with obstructing the leading of peats, 85, 109.
- Neil, in Ledscrien, prosecuted for carrying firearms, 42.
- William, in Nether Bow, charged with obstructing the leading of peats, 55, 85, 109.
- Cutlar of Orrsland, J., petitions against the Service-book, 711.
- DAFFMILNE, lands of, 588.
- Daggers, assaults with, 256, 603.
- Dailly, parishioners of, petition against the Service-book, 703.
- Dalgarno of Blackwater, William, appointed a justice of peace for the shire of Aberdeen, 202.
- Dalgetie, Alexander, in Windiedge, charged with obstructing the leading of peats, 85, 109.
- Andrew, in Craigheid, charged with obstructing the leading of peats, 85, 108.
- David, in Windiedge, charged with obstructing the leading of peats, 85, 109.
- Dalgleish (Dalglesiche), Robert, messenger, witness to a document, 664, 665.
- Walter, notary, writes a document, 116.
- Mr William, minister at Kirkmabreck, petitions against the Service-book, 711.
- Dalhousie, Earl of, William, appointed to settle a dispute, 520.
- Dalkeith, burgh of, markets not to be held there for fear of the plague, 331^a; this restriction is removed, 356.
- palace of, meetings of Council appointed to be held there, v, viii, xii, 546, 547, 548, 549^a, 551, 553, 554, 555.
- Dallas (Dollace) of Budget, William, his servitor commits an assault, 145, 146.
- Dalmahoy, Thomas, servitor to the Marquis of Hamilton, and commissioner for the sale of tobacco, prosecutes illegal retailers thereof, xix, 62, 63, 69, 70, 380, 441.
- Dalmeny (Dalmanie), parish of, the inhabitants to contribute to the relief of the plague-stricken people of Cramond, 154.
- Dalry (Ayrshire), parish of, the parishioners petition against the Service-book, 703.
- (Kirkcudbright), parish of, the parishioners petition against the Service-book, 713^a.
- Dalrymple (Dalrimpell), Mr Andrew, bailie of Mauchline, charged to exhibit an alleged criminal, 468, 477, 478, 691, 692; fined for not producing him, 477; relieved of his cautionry, 505, 694; he makes a protestation, 685, 687.
- David (Andrew), wright, burgess of Edinburgh, debts owing to him and Janet Robertson, his wife, 621.
- Dalstoun, Sir George, knight, appointed a commissioner for the Borders, 161.
- Dalyell of Binns, Thomas, sheriff of Linlithgow, appointed a commissioner anent the plague, 118, 120, 123; craves the altering of a decision, 275.
- of Johnstoun, Mr Thomas, appointed a justice of peace for Lanarkshire, 21.
- of Manerstoun, Thomas, accepts the office of sheriff of Linlithgow, and gives his oath, 138.

- Dalyell, Alexander, appears as a procurator, 519.
- James, deceased, 467.
- Daniel, Gerard, Irishman, to be apprehended as a deserter, 533.
- Darg (Dairge, Darge), David, in Windiedge, charged with obstructing the leading of peats, 85, 109.
- John, elder, charged with obstructing the leading of peats, 85, 109.
 - John, younger, charged with obstructing the leading of peats, 85, 109.
- Darling (Darline), Andrew, writer in Edinburgh, appears as a procurator, 212; witness to a bond of caution, 221; charged with committing assault, 339; witness to the execution of a charge, 603.
- Darnein (Dirnan), lands of, 49^a.
- Darskilpen, lands of, 49.
- Daray, William, skipper in Anstruther Wester, depones anent lights on the Isle of May, 574.
- Dauphin, the. *See* France.
- Davidson (Davidsoune, Davisoune), Alexander, boatman in Delmuklachlie, charged with resetting rebels, 232.
- Andrew, merchant in Jedburgh, witness to the execution of a charge, 614.
 - Andrew, seeks suspension of horning, 109.
 - George, in Morebattle, witness to the execution of a charge, 608.
 - James, jailor in the Canongate, debts owing to him, 284, 285.
 - James, in East Barnis, charged with plundering a ship, 241.
 - James, officer in Stronsay, witness to the execution of a charge, 584.
 - Janet, an adulteress, to be scourged and banished, 354, 355.
 - John, in Haddington, sits on an assize, 626.
 - John, servitor to Lady Blairquhan, seeks to be released from imprisonment, 523.
 - John, called the peidder, hanged as a Border outlaw, 407.
 - John, witness to a document, 663.
 - John, writes documents, 664, 665.
 - Stevin, prosecuted as a Border outlaw, 407.
 - Mr William, parson of Achindore, appointed a justice of peace for the shire of Aberdeen, 202.
 - Mr William, advocate, continued to be sheriff-depute of Aberdeen, and gives his oath, 273, 274, 584.
- Davidson (Deawisone, Dewitsone), William, in Boothis Hauche, appears as a witness, 643, 644.
- William, in Edinburgh, witness to the execution of a charge, 593.
- Davie, Archibald, charged to appear as a witness, 599.
- Thomas, in Wardes, charged to appear as a witness, 630, 642; his deposition, 645.
- Daw, Andrew, merchant in Crail, favours the erecting of a light on the Isle of May, 560.
- Andrew, younger, witness to a report, 569.
 - James, skipper in Crail, favours the erecting of a light on the Isle of May, 572.
 - John, skipper in Crail, favours the erecting of a light on the Isle of May, 572.
 - John, merchant in Crail, depones anent lights on the Isle of May, 578.
- Dawline (Dauline, Dawling), Eupham, debts owing to her, 87.
- James, skipper in Queensferry, depones anent erecting a light on the Isle of May, 562.
 - Janet, 663.
 - Mr John, deceased, 79, 81, 87, 622, 655; his widow, Helen Acheson, has debts owing to her, 87; and grants a bond, 655, 665; his son Thomas. *See infra*; his son James, grants a bond of caution for Thomas, his brother, 622, 623, 669, 672; his son, Mr John, attests a bond, 665.
 - Robert, skipper in Queensferry, depones anent erecting a light on the Isle of May, 562.
 - Robert, 665; debts owing to him, 87; his eldest daughter Violet, q.v., *infra*.
 - Thomas, debts owing to him, 87.
 - Thomas, son of Mr John, advocate, *supra*, is concerned in the Leith hospital case, 79, 81, 87, 206, 385, 386, 570, 623, 651, 652, 655-665, 666-683; has right to a bond, 373; prosecuted for disrespect to the Earl of Traquair, 607; grants a discharge, 689-691.
 - Violet, daughter of Robert, *supra*, and widow of James Home, skipper in Leith, debts owing to her, 87; complains of the illegal seizure of some writs belonging to her, 79-82; she subscribes a submission, 81-84, 561, 570, 622, 668; her transactions anent the Leith hospital, 206, 385, 386, 651, 652, 655-665; the Council's decisions against her, 622-625, 628, 666-683; she grants a discharge, 689-691.

- Dawnie (Dawny), Alexander, merchant burgess of Edinburgh, petitions for leave to unload some merchandise from a ship in quarantine, 137.
- Robert, in Haddington, on an assize, 626.
- Dawson (Dasoun, Dausoun), James, skinner, burgess of the Canongate, witness to the execution of a charge, 589.
- Richard, clothier, a Yorkshire man residing in Broughton, complains of molestation, 520.
- William, skipper in Crail, favours the erecting of a light on the Isle of May, 573.
- Deans (Deanis, Deines), George, in Leyludge, appears as a witness, 632, 633.
- George, notary, witness to a bond, 665.
- John, in Newbigging, seeks restoration of some victual, 592.
- Thomas, in Edinburgh, charged with selling tobacco illegally, 63.
- Decrees-arbitral, submissions and, registered in the Council's books, 193-198, 238-240.
- Dee, river of, in Aberdeenshire, 632, 633, 687.
- water of, in Galloway, a bridge to be erected over it, xxi, 372, 373.
- Deforcement, cases of, 29, 43, 214, 340, 420, 421, 451, 551, 603, 611, 613, 618, 649.
- Dempster (Damister, Dempstar) of Newton, George, on an assize, prosecuted for wilful error, 92.
- David, in Kilduff, his rent, 371.
- George, prosecuted for committing assault, 31.
- James, in Craigschinie, petitions against the Service-book, 712.
- Margaret, wife of James Greirson in Besiwallie, charged with committing assault, 291, 585.
- Robert, bailie of Brechin, charged to appear as a witness, 693.
- Robert, in Cushnie, prosecuted for resetting rebels, 55.
- William, in Quhytcairne, petitions against the Service-book, 713, 714.
- Denholme, Adam, in Blarquhair, petitions against the Service-book, 713.
- Silvester, in Thornton, charged with plundering a ship, 241.
- Denmark House, royal letters dated there, 457, 681.
- Denniston (Denneistoun), Alexander, bailie of Edinburgh, on the commission anent the Isle of May, 562.
- Denniston, Patrick, messenger, executes a charge, 586.
- Rebecca, gets license to eat flesh during Lent, 699.
- Denoon (Dennune), Andrew, in Mey, execution of summons against him, 605.
- Denny, bridge of, 318.
- parish of, the minister there, 5. *See also* Mr Alexander Callander; the kirk-session, 306; the parishioners seek charitable relief for devastation caused by floods, xxx, 305, 306, 318, 602, 621.
- Denovane, mill of, 318.
- Deors (Porterfield), lands of, 453.
- Deskford (Deafurd), Lord, James, to exhibit rebels and resetters, 55; being at feud with James, Lord Ogilvie of Airlie, he is charged to keep the peace, 415, 692, 693; caution for him, 428; he submits to arbitration, 481; admitted as a member of the Privy Council and gives his oath, vii, ix, 461, 686; on a committee of Council anent the visitation of the colleges of Aberdeen, 479; appointed to take the oath of the sheriff of Banff, 524; his interest in the Pitaligo estate, 500; present in Council, 466, 467, 471, 476, 477, 478, 481^a, 484, 486^a, 488, 489, 490.
- Dewar, John, clerk, charged to appear before the Council, 171.
- Dick (Dik) of Braid, William, merchant burgess of Edinburgh, 181; becomes a cautioner, 181; ordained to pay certain sums of money, 224; debts owing to him, 135, 228, 290, 548, 593, 619; his proposals anent the coinage, 465, 507, 509; depones anent erecting a light on the Isle of May, 563; execution of summons against him, 593; charged to deliver some writs, 650, 651; license to him to eat flesh during Lent, 699.
- Alexander, writer, complains of wrongful imprisonment, 181; his son, Mr Alexander, becomes a cautioner, 181.
- Alexander, charged with obstructing the leading of peats, 85, 109.
- Mr John, son of William Dick of Braid, 181; charged to deliver some writs, 650, 651.
- John, charged with obstructing the leading of peats, 85, 109.
- John, witness to the execution of a charge, 608.
- Margaret, license to her to eat flesh during Lent, 699.
- William, charged with obstructing the leading of peats, 85, 109.

- Dickiesoun, Alexander, suspected of being plague-stricken, 121.
- Dickson (Dickesone, Dikesone), Andrew, in Davach in Cromar, charged with resetting rebels, 232.
- Robert, merchant in St. Andrews, depones anent erecting a light on the Isle of May, 568, 569.
- Charles, sinker in the Mint, signs a document, 101; charges to him, 297, 361.
- Charles, in Thornton, charged with plundering a ship, 241.
- James, in Carfrae, sits on an assize, 626.
- James, in Mylntoun, charged with carrying prohibited weapons, 53.
- James, servant to John Scot of Hundils-hope, complaint by him of assault, 51.
- John, in Irvine, fined for selling tobacco without license, 441.
- John, minister at Kells, petitions against the Service-book, 711.
- John, in Mylntoun, charged with carrying prohibited weapons, 53.
- John, servant to John Scot of Hundils-hope, complaint by him, 51.
- John, debts owing to him, 135.
- John, charged to appear in the Leith hospital case, 651.
- Robert, in Mylntoun, charged with carrying prohibited weapons, 53.
- Robert, grants a bond, 655.
- Thomas, in Mylntoun, charged with carrying prohibited weapons, 53.
- William, in Lymkill, prosecuted as a Border outlaw, 408. *See also* Gibson.
- Diet (Dyet), John, in Oldhamstocks, charged with plundering a ship, 242*, 243.
- Patrick, in Dunbar, charged with plundering a ship, 242, 243.
- Robert, in Irvine, fined for selling tobacco without license, 441.
- Din, Margaret, spouse to Thomas Richardson, charged with wrongful intromission, 315, 614.
- Dinmure, parish of, 239.
- Dinwiddie (Dimwiddy), John, in Cleuchbrae, prosecuted as a Border outlaw, 408.
- John, in Johnstone, prosecuted for not presenting a Border outlaw, 408.
- Dirks, assault with, 5, 6, 133, 146, 384, 436, 497, 517, 552.
- Dirvairds, lands of, 49.
- Dischingtoun, Thomas, indweller in Morton-hall, witness to the execution of a charge, 599.
- Dobie, Robert, a servant, charged with malicious damage, 557.
- *alias* Roy, George, in Braidshaw, prosecuted as a Border outlaw, 408.
- Dog. *See* Doig.
- Dogs, two great mastiff, worry some sheep and horses, 75, 76.
- Doig (Dog), Robert, in Elcho, charged with obstructing the leading of peats, 85, 109.
- Dollace. *See* Dallas.
- Dollar, minister at. *See* Mr Thomas Strachan.
- Dollars, the currency of foreign, prohibited, 2, 159, 347; dog dollars, 323; depreciated value of, 323, 361, 465; may be accepted for coal and salt in some cases, 263, 264.
- Dolons, Thomas, in Toux, charged with malicious damage to property, 107.
- Don, Alexander, notary, acts as a procurator, 112, 113, 168, 494; signs a document, 682.
- Donaghadee, in Ireland, the natives are interested in a harbour at Portpatrick, xxv, 150, 152, 368.
- Donald, Clan, depredations committed by some of them, 338.
- Donaldson, Andrew, in Stonehaven, charged with malicious damage to property, 107.
- Isobel, wife of James Chancellor, officer in Leith, charged with deforcement, 551.
- Captain James, some money owing to him and his wife, Margaret Guthrie, 4.
- James, in East Barnia, charged with plundering a ship, 241, 242.
- James, witness to a bond, 68.
- John, in Air, witness to a bond of caution, 27.
- John, tailor in Canongate, lends a sum of money, 187.
- William, in Thornton, charged with plundering a ship, 241.
- Donibristle, house of, xxxv.
- Dooke, Jean, wife of John Wicketshaw, merchant Burgess of Edinburgh, complains of harsh treatment, 318, 319, 605, 608.
- Dormound, Thomas, skipper in Leith, depones anent erecting a light on the Isle of May, 562.
- Dornoch, a document dated there, 27.
- Doublair, John, in Balachaboch, charged with resetting rebels, 216.
- Douechrine, John, in Tullich, charged with resetting rebels, 216.
- Douglas (Dowglas), Marquis of, William, becomes a cautioner, 101; appointed a commissioner for the Borders, 161, 164; his commission against Border fugitives is

- renewed, 316; on a committee of Council anent the coinage, 464.
- Douglas, of Barras, Sir John, appointed a justice of peace for the shire of Kincardine, 223.
- of Blaikester, Mr Robert, appears as a procurator, 493.
- of Bonjedburgh, William, 635, 647; some stolen sheep in his bounds, 86; commission to him to apprehend a spreader of the plague, 269; his death, called late convener of the justices of peace for Roxburghshire, 426.
- . . . , apparent, becomes a cautioner, 204.
- of Cavers, Sir William, sheriff of Teviotdale, commission to him to apprehend a spreader of the plague, 269; charged to appear before the Council as a commissioner for the Borders, 366; appointed a commissioner anent the plague, 431, 432, 442-445, 455; exempted from attendance on the commission for the Surrenders and Teinds, 432.
- of Cashogill, . . . , a protection granted to him, 204.
- of Glenbervie, Sir William, 421; appointed a justice of peace for the shire of Kincardine, 223; his daughter Elizabeth, spouse to Alexander Strachan, apparent of Thornton, sues for payment of a debt, 421.
- of Kelhead, William, appointed a justice of peace for Annandale, 90.
- of Mouswald, James, appointed a justice of peace for Annandale, 90; charged with oppression and wrongful imprisonment, 36.
- of Penzerie, Mr George, charged with obstructing the leading of peats, 493; complaint by him, 592, 593.
- of Whittinghame, Sir Arthur, appointed a commissioner anent the plague, 293; apprehends some gipsies, 333, 648².
- Andrew, prosecuted as a Border outlaw, 407.
- Archibald, son of Earl of Queensberry, charged with oppression and wrongful imprisonment, 36.
- James, in Lugton, and Rebecca Kincaid, his wife, complain of being assaulted, 339.
- James, in Tourens, prosecuted for not presenting a Border outlaw, 408.
- James, macer of Council, and brother of Mr William, macer, 11; commission to him to apprehend rebels, 1; his son John is admitted to be macer in his room, 11.
- Douglas, James, charged with committing assault, 272.
- Janet, in Laroche, and Alexander and Robert Maxwell, her sons, complain of assault and robbery, 75, 76.
- John, in St. Leonards, witness to the execution of a charge, 619, 620.
- John, macer of Privy Council, his admission to his father's place, 11; exempted from certain taxation, 227, 228; witness to the execution of charges, 593, 602, 604; executes a charge, 619, 620, 687.
- John, servitor to William Douglas, witness to the execution of charges, 593, 602, 604, 605.
- Marion, Lady Drum, sues for payment of a debt, 421.
- Patrick, in Minnygaff, petitions against the Service-book, 711.
- Susanna, wife of James Borthwick of Todhills, complains of being assaulted, 339.
- Thomas, burgess of Aberdeen, deceased, 178; his widow, Beatrix Forbes, and their son Mr William, sue for the payment of a debt, 178.
- Walter, burgess of Glasgow, bailie of the barony of Gorbals, charged with encroaching on the jurisdiction of James, Duke of Lennox, 493; he is witness to the execution of a charge, 614.
- Walter, officer in Aberdeen, witness to the execution of a charge, 589.
- Mr William, minister at Aboyne, sues for the payment of a debt, 178.
- Mr William, macer of Council, commission to him to apprehend rebels, 1; he is exempted from certain taxation, 226, 227; commission to him to arrest defaulters in taxation, 227; he appears as a procurator, 265; executes charges, 593, 602, 604, 605; deceased, his successor appointed, 324.
- Dow, Alaster, in Gaich in Cabrach, charged with resetting rebels, 231.
- Alaster, in Tullich, charged with resetting rebels, 216.
- Harry, appears as a procurator, 277.
- John, in Bogholl, his slaughter, 336, 374, 389, 479, 554; Bessie (or Eather), his daughter, and John and David, his sons, prosecute the slayers of their father, 336, 374, 375.

- Dow, William, in Logiealmond, charged with committing assault and rape, 463.
- Dowle, James, in Wick, execution of summons against him, 605; witness to the execution of a charge, 605.
- Patrick, in Wick, complains of being assaulted, 36.
- Dredie, Andrew, in Stonehaven, charged with malicious damage to property, 107.
- Drovers of cattle, etc., to pay custom in good coin of the realm, 94.
- Drowning, punishment by, 334.
- Drum, Laird of. *See* Irvine.
- Lady. *See* Marion Douglas.
- James, merchant burghess of Aberdeen, and Elspet . . . , his wife, complain of being assaulted, 29.
- Drumblair, place of, 180.
- Drumblait, minister at. *See* Mr Andrew Massie.
- Drumlanrig (Drumlanriche), Lord, James, one of the Border Commissioners, his appointment, 161; reports upon the ordinances made by the commissioners for executing their commission, 404–409.
- Drumley, lands of, and the tenants thereof, 85.
- Drummond of Balloch, George, appointed a justice of peace for the shire of Perth, 203.
- of Colquhylie, John, appointed a justice of peace for the shire of Perth, 203.
- of Drumdowry, James, charged with deforcement, 603², 604².
- of Giblistoun, Archibald, grants a bond, 80, 656, 663, 690, 691.
- of Machanie, Sir James, appointed a justice of peace for the shire of Perth, 203.
- of Medhope, Robert, appointed a commissioner anent the plague, 118, 123; craves the altering of a decision, 275; he is witness to a document, 372.
- of Mynab, James, appointed a justice of peace for the shire of Perth, 203.
- of Newtown, George, appointed a justice of peace for the shire of Perth, 202.
- of Riccarton, William, appointed a commissioner anent the plague, 118, 120, 123.
- Mr James, deceased, 87; his widow, Jean Fowler, and their children, have debts owing to them, 87.
- John, son of the Earl of Perth, witness to a document, 530.
- Robert, skipper in Anstruther Wester, depones anent lights on the Isle of May, 574, 578.
- Drummond (Dormond), Thomas, mariner in Leith, grants a bond, 656, 664, 690.
- Drumnagour (Drumgangour), lands of, 49².
- Dryburgh, abbots of, have right to the customs of St. Boswells fair, 277.
- commendator of, David, appointment of a bailie to him, 277.
- lordship of, 277; bailie thereof. *See* William Ker of Ancrum.
- Drylaw, lands of, 214.
- Drysdale (Dryesdaill), James, in Tulliallan, witness to the execution of a charge, 611.
- James, procurator, makes a protestation, 575.
- John, baker in Edmonstone, and Christian Cleghorn his wife, to be apprehended for theft, 13.
- Thomas, Islay herald, indweller in Leith, witness to documents, 83, 84.
- . . . , in Alloa, charged to appear as a witness, 610.
- Drysdale, minister there. *See* Mr Robert Herries.
- Duchtie. *See* Duthie.
- Duddingstoun of Sandfurd, . . . , appointed a commissioner anent the plague, 127.
- James, skipper in Crail, favours the erecting of a light on the Isle of May, 573.
- lands of, 616.
- Dudgeon (Dugeon), George, in Skaitraw, charged with plundering a ship, 242², 243.
- William, in Skaitraw, charged with plundering a ship, 242², 243.
- Duff of Clunybegs, Adam, caution for his compearing before the Council, 28.
- of Terrisoull, Alexander, deceased, 129, 306, 417; his widow, Christian Lumsden, sues for the payment of debts, 129, 306; complaint by her, 417.
- Alexander, late burghess and clerk of Forres, prosecuted for fraudulent dealing, 113; a protection granted to him, 114.
- Alexander, executes a charge, 634.
- John, skipper in Leith, grants a bond, 656, 664, 690.
- William, at the kirk of Pittrifnie, charged with armed convocation and riot, 64, 65. *See also* Duthie.
- Duffus, Laird of. *See* Sutherland.
- tutor of. *See* James Sutherland.
- George, in Forstan, charged with armed convocation and riot, 488.
- Duguid of Achinhow, William, commission to him to apprehend resettlers of rebels, 217, 218, 232.

- Dulchie, . . . , in Urquhart, and Donald, John, and Ewin, his sons, not to be reset, 170.
- Dumbarton, burgh of, 265, 313, 314; prosecution of unlicensed sellers of tobacco there, 441; claims certain duties and customs from Dutch vessels in the Clyde, 591, 608, 609, 612, 614, 615; the inhabitants petition against the Service book, 700, 701; proclamations at the market cross, 95, 143; documents dated there, 220, 606; provost of. *See* D. Campbell and John Semple; bailies of. *See* George Hall and Walter Watson; clerk of. *See* David Watson; treasurer of. *See* William Noble; castle of, 313, 591, 615; the garitor of. *See* David M'Eley (M'Aulay).
- shire of, 482, 483.
- Dumfries, Earl of, William Crichton, he is arbiter in a dispute, 33, 37; on a committee of Council anent disorders in the North, 120; witness to a bond of caution, 133, 221; on the committee of Council anent lights on the Isle of May, 155, 156; commission to him try a case of poisoning, 160; appointed a commissioner for the Borders, 161; on a committee of Council anent the muster-master-general, 342; present in Council, viii, 14, 15, 19, 31, 33, 37, 38, 43, 45, 53, 57, 65, 72, 76, 79, 87, 91², 93, 94, 101, 102, 138², 139, 147, 148, 149², 150², 156, 158, 159, 193, 200, 203, 206, 259, 262, 268, 271, 272, 279², 286, 290, 295, 301, 304, 328, 342, 343, 345², 346, 351, 352², 356, 378, 386, 391, 394, 396, 398, 401, 404, 413, 415, 416, 418², 421, 427, 430, 431, 432, 437, 442, 445, 449, 454, 456, 466, 467, 476, 477, 478, 481², 483, 484, 486², 488, 498, 504, 508, 509, 510, 530², 534, 545, 549², 553, 554; signs acts of Council, letters, etc., 202, 288, 582, 625, 650, 684², 697².
- Dumfries, burgh of, 159, 188; imprisonments in the pledge-chamber there, 35; justice courts of the Border Commissioners held there, 337, 355, 421; proclamations at the market cross, 94, 161; the Brigend, 210; commissary clerk of. *See* Mr Francis Irvine; schoolmaster of, 159; his wife, Marion Gledstones, 159.
- shire of, 162, 349; a contribution to be levied there for building a bridge, 149; appointment of the justices of peace, 257, 258, 300; the office of sheriff accepted by Sir Robert Greir of Lag, 523.
- Dun (Dune), Alexander, flesher in Leith, and Jean Laurick, his spouse, charged with deforcement, 551.
- Dun, Charles, in Aberdeen, deceased, 590; his son, Patrick, is a witness to the execution of a charge, 590.
- Gilbert, in Mylubowie, appears as a witness, 632², 633.
- Dunbar (Dumbar) of Askleisk, Alexander, apprehends certain criminals, 113; put under caution to produce them, 114; debts owing to him, 116; act of caution by him, 229; he and George, his son, are prosecuted for remaining at the horn, 463.
- of Baldoune, Archibald, some money owing to him, 4.
- of Boghoill, Thomas, complains of wrongful imprisonment, 522, 523; ordained to be set at liberty, 534; he and Elizabeth Fraser, his spouse, raise action for a slaughter, 336, 374, 375, 389, 390, 554, 600.
- of Boigs, James, seeks to be relieved from serving as sheriff of Elgin, 498.
- of Brako, William, 382; his sons, William and Patrick, charged with carrying prohibited weapons, 382.
- of Burgie, Robert, 554; sues for the payment of a debt, 190.
- of Grange, Alexander, sues for the payment of a debt, 381; he and others, being at feud with Alexander Brodie of Letham and others, are charged to keep the peace, 60, 61.
- — Thomas, debts owing to him, 116.
- of Hemprigs, John, elder, 229; complains of being assaulted, 382; he fails to settle his accounts, 188.
- — John, younger, complains of being assaulted, 382.
- of Kilboyack, Patrick, prosecuted for remaining at the horn, 270; charged with carrying prohibited weapons, 382.
- of Knokshenocht, John, petitions against the Service-book, 703.
- of Machrimor, Anthony, petitions against the Service-book, 711.
- — J., younger, petitions against the Service book, 711.
- of Moynes, John, caution for his keeping the peace, 60.
- of Newton, Mr James, deceased, 113; his daughters, Marjory and Magdalene, complain of being molested in their right to the lands of Newton, 113.
- of Sourbank, John, charged to appear as a witness, 382.

- Dunbar, of Westertoun, Patrick, debts owing to him, 116.
- of Westfield, Mr John, deceased, 116 ; his widow, Elizabeth Fraser, prosecuted for a debt, 116.
- — Alexander, debts owing to him, 116 ; he and Katherine Dunbar, his wife, seek payment of a debt, 414.
- Alexander, sheriff-clerk of Nairn, deceased, 493 ; complaint by his widow, Marjory Hay, and their children, Mr John and Alexander, Beatrix, Magdalene, and Helen, 493, 494.
- Alexander, servant to the sheriff of Murray, charged to appear as a witness, 554.
- Alexander, charged with carrying prohibited weapons, 382.
- David, burgess of Elgin, witness to a bond, 222.
- Mr Gavin, chantor of Moray, submits a case to arbitration, 33 ; he demits the office of curator, 61 ; some lands disposed to him, 113 ; caution for him and for his indemnity, 229 ; Mr William, his son, appears for him and finds caution, 229 ; debts owing to him, 522 ; he and Mr Alexander, his son, complain of being prosecuted wrongfully for slaughter, 336, 374, 389, 390, 479, 481, 554, 600 ; they are alleged to be accessory to forgeries, 512, 513, 521, 534.
- George, at the ferry of Kirthall, charged to appear as a witness, 554.
- James, brother of Hemprigs, caution for him and for his indemnity, 229 ; complains of being assaulted, 382.
- John, town-clerk of Forres, charged to appear before the Council, 521.
- John, at Mill of Marcassie, charged with carrying prohibited weapons, 382.
- Katherine, widow of David Brodie, and Alexander Dunbar of Westfield, her spouse, sue for the payment of a debt, 414.
- Ninian, brother of Hemprigs, caution for him and for his indemnity, 229 ; his slaughter, 382.
- Robert, brother to Hemprigs, his slaughter, 382.
- Thomas, brother to Grange, caution for his keeping the peace, 60.
- Thomas, 116 ; his wife, Elizabeth Fraser, prosecuted for a debt, 116.
- Thomas, charges Mr Gavin Dunbar with slaughter, 479, 480.
- Dunbar, Mr William, acts as a procurator, 116, 190.
- Dumbars, the, bonds granted by them, 484.
- Dunbar, burgh of, a vessel wrecked in the vicinity and plundered, xlii, 180, 240-243 ; precautions to be taken there anent the plague, 293 ; the provost and bailies are appointed commissioners for this purpose, 490, 491 ; the herring drive there, 490, 498, 693 ; an act of the burgh-court produced, 64 ; the High Street, 64 ; proclamations at the market cross, 279, 290 ; bailies of. *See* William Bryson, Thomas Corakie, and James Kirkwood ; town-clerk of. *See* George Purves ; admiral-depute at. *See* George Aitken of Under-edge.
- Dunblane, Bishop of, Adam (Bellenden), a member of the Privy Council, appointed to examine witnesses, 6², 8, 57, 81 ; present in Council, viii, 1, 6, 7, 8, 14, 15, 19, 23, 27, 31, 33, 37, 38, 43, 57, 65², 72², 76 ; signs acts of Council, letters, etc., 26. *See also* Bishop of Aberdeen.
- . . . , gives his oath of fealty and homage, 206.
- bishopric of, 512n.
- Dunbreck of Urtane, John, not to be reset, 170.
- John, deceased, 170 ; his natural son, Thomas, not to be reset, 170.
- Duncan (Duncane, Donkane), Alexander, post, indweller in the Canongate, witness to the execution of a charge, 586.
- James, in Ganrie, charged to appear as a witness, 382.
- James, deceased, 507 ; the slaughter of his son Peter, 507.
- Janet, servant to Oliver Thomson, goldsmith, prosecuted for a debt, 228.
- John, in Conyeord, charged with resetting rebels, 216.
- Patrick, in Whorlawhill, his rent, 371.
- Peter, servitor to Alexander Hamilton in Kirkton, charged with committing assault, 183.
- William, at Cautie, charged with malicious damage to property, 107.
- Duncher, James, prisoner in Algiers, supplicates that he may be ransomed from the Turks, 190.
- Dundas of that Ilk, . . . , and his eldest son, appointed commissioners anent the plague, 118, 123.
- of Maner, Mr George, appointed a commissioner anent the plague, 118, 123 ;

- appointed a justice of peace for the shire of Linlithgow, 449; accepts the office of sheriff of Linlithgow, and gives his oath, 523.
- Dundee, burgh of, 367, 389, 462; the Marquis of Huntly's death there, xxxv; the provost and bailies are to forward prisoners to Edinburgh for trial, 22, 24, 208, 230, 289, 328, 379; they make a petition hereanent, 371, 411, 412; they are warned anent the plague, 121; a ship of Dundee is wrecked near Dunbar, 240; meetings of the Privy Council appointed to be held there, xi, 537, 538, 697; report of the mariners there anent a light on the Isle of May, 568, 569; proclamations at the market cross, 279; the ferry there, 379.
- Dundonald, the parishioners of, petition against the Service-book, 703.
- Dunfermline, Earl of, Alexander, deceased, late Chancellor of Scotland, 16; his Countess, now Lady Almond, to retain precedence, 16.
- Charles, license to him to eat flesh during Lent, 698.
- burgh of, charges to the magistrates, 496; hospital lands near the burgh, 526; the tolbooth, 495, 496; provost of. *See* James Reid; treasurer of. *See* John Clerk; the minister there is appointed a justice of peace for the shire of Fife and Kinross, 131; regality of, and the bailie-depute thereof, 396.
- Dunkeld, Bishop of, Alexander, appointed to take the oath of the sheriff of Perth, 524.
- city of, proclamations at the market cross there, 95, 143.
- commissary of. *See* Mr James Stewart.
- Dunlop of that Ilk, . . . , petitions against the Service-book, 704.
- John, advocate, appears as a procurator, 6, 8, 13, 265.
- Thomas, writer in Edinburgh, appointed to collect contributions, 151, 368; debts owing to him as a procurator, 285.
- Dunlop, the parishioners of, petition against the Service-book, 704.
- Dunluce, Viscount, Randolph, all writs granted to him anent the lands of Kintyre cancelled, 38, 39.
- Dunnottar (Dynnoter) Castle, 107, 344, 631.
- Duns (Dunce), Isobel, servitrix to James Home, a bond granted by her, 664, 690.
- the fairs and markets postponed because of the plague, xiv, 292, 311, 429, 431, 682; proclamations at the market cross, 445; clerk of. *See* Mr Patrick Ballantyne; the minister there. *See* Mr John Wemyss.
- Durham of Grange, William, and James, his son, are charged with seizing a ship, 462, 463.
- of Omachy, William, charged with plundering a ship, 462.
- Henry, servitor to James, Lord Ogilvie, charged to appear as a witness, 693.
- Mr James, clerk of Exchequer, witness to documents, 102, 544.
- Durham, county palatine of, 162.
- Durie, Lord. *See* Gibson.
- Durret, Thomas, charged with armed convocation and riot, 47.
- Durward (Durwart), Allan, in Delbadie, charged with resetting rebels, 215.
- David, in Fynheavin, charged with obstructing the leading of peats, 85, 108.
- Duthell, minister at. *See* Mr William Watson.
- Duthie (Duff), Andrew, in Windiedge, charged with obstructing the leading of peats, 85, 109.
- (Duchtie), John, in Fynheavin, charged with obstructing the leading of peats, 85, 108.
- Dysart, burgh of, their commissioners report upon the state of the Firth of Forth, 57, 58; report of the mariners there anent a light on the Isle of May, 564–566; proclamations at the market cross, 94, 279, 280; a document dated there, 315; the bailies. *See* David Christie, Alexander Simpson, and David Simpson of Monturpie; clerk of. *See* George Lundy.
- EADMURE. *See* Cademure.
- Earls: their fines for eating flesh during Lent, 201, 386.
- Earlston (Erilstoune, Erlestoune), 69, 183; a bridge over the burn broken down, 183.
- Easton (Eistoun), John, at West Port of Edinburgh, debts owing to him, 306, 601.
- Eastside (Eistayde), lands of, 371.
- Ebdie. *See* Abdie.
- Eccles, parish and parishioners of, 646.
- Edgar (Edyar, Edzer) of Newton, Richard, submits a complaint to arbitration, 363; appears as a witness, 646.
- of Wedderlie, John, abduction of his daughter Jean, 363.
- John, younger, appears as a witness, 646.

- Edgar, James, in Bennive, petitions against the Service-book, 713.
- John, merchant burghess of Edinburgh, appointed to collect contributions, 373.
- Patrick, and his brother, John, to obtain some papers, 582.
- William, burghess of Haddington, becomes a cautioner, 646.
- Eddie, John, his pans on the Firth of Forth, 58.
- Thomas, in Milntoun of Moyne, charged to appear as a witness, 554.
- Edinburgh, Bishop of, David (Lindsey), a member of the Privy Council, appointed to examine witnesses and prisoners, 81, 236, 243, 257; on a committee of Council anent the coinage, 91, 256, 339, 380, 464, 509; on a committee of Council to audit accounts, 110, 518; on a committee of Council anent disorders in the North, 120; to pay some money to the choristers of the Chapel Royal, 161, 166; on a committee of Council anent the new Council-house, 165; is arbiter in disputes, 191, 194-196, 239, 451; appointed a justice of peace for the shire of Clackmannan, 222; on a committee of Council anent the gold and silver coin, 301; on a committee of Council anent the Leith hospital case, 351, 372, 571^a, 623, 628, 641, 652, 654, 660, 666, 683; on a committee of Council anent the Service-book, 510^a, 511, 529; his safety provided for, 513, 514, 515; present in Council, viii, 9, 12, 14, 15, 19, 21, 31, 38, 45, 53, 57, 65, 72, 76, 79, 91^a, 101, 102, 103, 111, 117, 119, 125, 130, 131, 135, 137, 138, 139^a, 142, 147, 159, 165, 167, 169, 170, 172, 176, 184, 189, 190, 191, 193^a, 200, 203, 206^a, 207, 211, 213, 214, 215, 223, 231, 243, 248, 249, 252^a, 256, 258, 262, 271, 272, 276, 279, 301, 303, 307, 310, 316, 320, 321, 322, 324^a, 328, 332, 334, 336, 340, 342, 343, 345, 346, 363, 364, 366, 367, 378, 386, 391, 396, 398, 401, 416, 418^a, 421, 427, 431, 432, 437, 442, 445, 449, 454, 456, 464, 465^a, 466, 467, 471, 476, 477, 478, 483, 484, 486^a, 488, 490, 504, 508, 509, 510, 512, 515, 516, 520, 523, 530^a, 533, 534, 536, 541; signs acts of Council, letters, etc., 11, 202, 620, 684, 697^a.
- Edinburgh, city of, meeting-place of the Convention of Royal Burghs, 57; the election of the magistrates, xxviii, 533, 534; the merchants are interested in having a light on the Isle of May, 157; they are to give their opinion anent the coinage, 465; the magistrates propose to erect a new Council-house for the Privy Council, 165; the bailies are to examine some persons suspected of the plague, and take precautions, 132, 145, 249, 320, 326, 332, 435, 682; the attendance of the commissioners for the burgh required as commissioners for the Teinds, 192; the commissioners are to attend the Coinage Committee, 259, 464, 465, 466, 504, 506; interest of the magistrates in the Leith hospital case, 332, 351, 641, 662; they are appointed to see the poor and beggars provided for, 449; taxation of the burgh for the ministers' stipends, 478; the goldsmiths petition against infringers of their liberties, xxvii, 501, 681; dispute between the barbers of Edinburgh and those of the Canongate, 619, 620; the magistrates petition against the Service-book, xi, 534; the ministers heard anent the Service-book, 513, 514, 515; the disturbances in St. Giles Church and elsewhere about the Service-book, v, x-xii, 483, 486, 489, 490, 509, 510, 511, 513, 514, 515, 521, 532, 533, 538, 542, 544, 546; convocations and tumults forbidden, 542, 544, 545; the Privy Council are forbidden to hold their meetings in Edinburgh for a time, 547; warding of persons in and about the burgh, 3, 11, 15, 28, 32, 76, 89, 115, 121, 138, 246, 293, 294, 352, 376, 378, 513; the provost and bailies are to receive and ward rebels sent hither for trial, 22, 24, 208, 230, 289, 328, 380, 489, 511; they are ordained to set prisoners at liberty, 4, 9, 49, 67, 87, 114, 132, 147, 181, 206, 228, 262, 285, 290, 294, 306, 319, 358, 382, 436, 518, 519^a, 523^a, 534, 548; other charges to them, 23, 48, 272, 301, 427, 460, 502, 601, 641, 698; provost of. *See* David Aikenhead; bailies of. *See* Andrew Ainslie, Stevin Boyd, James Cochrane, Alexander Dennistoun, Charles Hamilton, John Smith, George Suttie; dean of guild. *See* Sir John Sinclair; town clerk of. *See* Mr Alexander Guthrie; ministers of. *See* James Fairlie, Mr Harry Rollok, and Mr Alexander Thomson; parliaments held there in 1475, 91; in December 1567, 26; in July 1587, and June 1594, 27; in June 1617, 447; in 1633, 95, 142, 177, 183, 287, 710; meetings of the Privy Council there, vii, 1, 3, 6, 7, 8, 9, 12, 14, 15, 18, 19^a, 21, 23, 27, 29, 31, 33^a, 35, 37, 38, 42, 43, 44, 45, 46, 47, 48, 53, 55, 47, 62, 65^a, 68, 72^a, 74, 76, 77, 79, 87, 88, 91^a, 93, 94, 101, 102, 103, 106, 111^a, 114, 116^a, 117, 119, 121^a,

122, 124, 125, 129, 130^a, 131, 133, 135, 137, 138^a, 139^a, 141, 142, 145, 147, 148, 149^a, 150^a, 155, 156, 158^a, 159, 165, 166, 167, 168, 169, 170, 171, 172, 176, 178, 179, 183, 184^a, 186, 189, 190, 191^a, 193^a, 199, 200^a, 203, 204, 206^a, 207, 210, 211, 213^a, 214, 215, 220, 223, 227, 229^a, 230, 231, 237, 243^a, 246, 247, 248, 249, 252^a, 254, 256^a, 258, 259, 261, 262, 264, 268, 270^a, 271, 272, 274, 276, 277, 279^a, 282, 286, 290, 292, 293, 295, 299, 301, 302, 303, 304, 306, 307, 309, 310, 313, 316, 318, 320, 321, 322, 324^a, 326, 327^a, 328, 330, 332, 334, 335, 336, 340, 342, 343, 344, 345^a, 346^a, 347, 350, 351, 352^a, 355, 356^a, 359, 360, 362, 363, 364, 366, 367, 369, 370, 372, 373, 375, 377, 378, 380, 383^a, 386, 388, 391, 394, 395, 396, 397, 398, 401, 404, 411, 413, 414, 415, 416^a, 418^a, 419, 420, 421, 424, 427^a, 429, 430, 432, 435, 437^a, 441, 442, 445, 449, 451, 454, 456, 460, 461, 462, 464, 465^a, 466, 467^a, 468, 471^a, 473, 476^a, 477, 478, 479, 481^a, 482, 485, 487, 488, 492, 508, 509, 510, 512, 520, 521^a, 522, 523, 525, 530^a, 533, 534^a, 535, 536, 539, 542; letters, etc., dated there, 11, 26, 50, 68, 80, 99, 101, 102, 176, 194, 197, 202, 221, 229, 245, 251, 358, 371, 387, 536, 542, 544, 550, 561^a, 570^a, 571, 580, 581, 583, 585^a, 587, 588, 589^a, 590^a, 593^a, 598, 599^a, 600^a, 601^a, 602^a, 603^a, 604, 605^a, 606^a, 608, 610^a, 611, 612^a, 614, 617, 618, 619^a, 620^a, 621^a, 623^a, 625, 628, 629, 630, 634^a, 635, 641^a, 646, 647^a, 648, 649^a, 651^a, 652^a, 653, 654, 655, 663, 664^a, 665^a, 666, 668, 673, 681, 683, 686, 688^a, 690^a, 691, 692^a, 695^a, 696, 697, 698; general references, 7, 20, 29, 57, 63, 70, 74, 117, 125, 133, 136, 147, 165, 167, 175, 186, 192, 286, 349, 355, 362, 393, 462, 469, 475, 488, 554, 570, 593, 603, 616, 649, 689, 691.

Edinburgh: particular streets and buildings: Blackfriars Wynd, 589; Chancery House, 487; Correction House, 520; East and West Ports, 301; Exchequer House, 380, 433; High Street, 420, 619; Laich Council House, vii, 363, 378, 397, 510; the Market Cross, 94, 150, 184, 279, 280, 465, 483, 484, 537, 542, 547, 548, 589, 598, 599, 607, 613, 617, 621; execution of sentences there, 178, 210, 301, 304, 427; Nether Bow, heads of rebels set up there, 23, 170; Old Provost's Close, 616; Pleasance, 436; Potterrow, precautions anent the plague there, 438^a; St. Cuthbert's Kirk, the Service-book to be used there, 514; Sklaiters Close, 606; the Tolbooth (trials there),

92, 93, 141, 340, 562, 597; (imprisonments therein), 3, 20, 23, 30, 36, 43, 46, 48, 56, 65, 66, 67, 69, 75, 76, 78, 104, 110, 114, 115, 116, 134, 139, 149, 150, 158, 181^a, 193, 206, 207, 230, 238, 246, 252, 272, 274, 284, 285, 290, 293, 302, 306, 330, 340, 362, 364, 365, 368, 374, 377, 378, 380, 382, 383, 385, 394, 397, 410, 425, 427, 436, 451, 461, 475, 476, 481, 488, 497, 505, 513, 518, 519, 520, 521, 522, 528, 548, 557, 583, 604, 619, 621, 686; keeper of the. *See* Andrew White.

Edinburgh Castle: warrants to the constable, 47, 53, 54. *See* Mr Archibald Haldane; imprisonments therein, 44, 54, 112, 211, 212, 377; documents dated there, 54; commissaries of, 427. *See* Sir Jerome Lindsay.

— diocese of, 715.

— kirk-session of, 427, 428.

— parish of, a contribution to be taken for relief of the plague-stricken people in Cramond, 154.

— shire of, 190, 330, 641; appointment of justices of peace, 431; commission to the sheriff, 14; appointment of Sir Alexander Foulis, younger of Colinton, as sheriff, 138; the office of sheriff accepted by Sir William Nisbet of the Dean, 523; the sheriff within the constabulary of Haddington, 333; sheriff-clerk of. *See* Mr John Oliphant; sheriff-depute of, 369. *See* Mr William Wallace of Cambuscairn.

Edinglassie (Adinglassie), house of, to be rendered, 166, 319, 420.

Edmonstone (Edmestoune, Edmestoune) of Ednem, Sir John, deceased, 107; his widow, Dame Janet Lawson, makes a complaint, 107, 108.

— — — — —, makes a complaint, 107.

— of Newton, John, appointed a justice of peace for the shire of Perth, 203.

— of Wolmet, Patrick, complaint about a kirk road, 35; he is charged with oppression, 186, 187; he seeks suspension of a horning, 476, 477; charged with encroaching on some coal-workings, 525.

— Mr James, minister at St. Ninians, petitions against the Service-book, 716.

— Dame Janet, wife of Sir David Crichton of Lugton, complaint by her and Margaret Edmonstone, her sister, 108.

— Margaret, sister of Dame Janet, *supra*, complaint by her, 108.

— house and estate of, 13, 35.

Ednem, Lady. *See* Dame Janet Lawson.

- Ednem, house of, a dispute anent the possession thereof, 108.
- Edward, George, in Nether Rivens, charged with resetting rebels, 216.
- Edzell (Edyell), a document dated there, 220.
- Egline, William, in Clachan, petitions against the Service-book, 713.
- Eglinton, Earl of, . . . , receives thanks for his proceedings against pirates, 130.
- Ego, Alexander, in Stragernick, charged with resetting rebels, 216.
- Finlay, in Cultra, charged with resetting rebels, 257.
- Finlay, in Nether Cultra, browster, charged with resetting rebels, 216.
- John, in Larie, charged with resetting rebels, 216.
- Egyptians. *See* Gipsies.
- Ejection, cases of, 302, 303.
- Elder, Hew, witness to a bond, 229.
- James, servitor to Mr William Castlehall, writes a document, 592, 593.
- Elections of magistrates for the burghs, 533, 534.
- Elector Palatine, the, and his wife, the Princess Elizabeth, 166n.
- Elgin, John, in Ganrie, charged to appear as a witness, 382.
- Elgin, burgh of, the provost and bailies are to forward prisoners to Fdinburgh for trial, 22; document dated there, 27; proclamation at the market cross, 281; the tolbooth, 21; bailie of. *See* William Torrie.
- shire of, the sheriff is to forward prisoners to Edinburgh for trial, 22; sheriff of. *See* James Dunbar of Boiga.
- Elie, William, bailie of Jedburgh, prosecuted for neglecting precautions anent the plague, 491, 693.
- the, precautions anent the plague there, 127.
- Elizabeth, Princess, wife of the Elector Palatine, and her secretary, 166n.
- Ellem, Andrew, in Blairmadie, charged with armed convocation and riot, 488.
- Robert, in Cockburnspath Tower, charged to appear as a witness, 617.
- Elliot (Ellot) of Stobs, William, appointed a justice of peace for the shire of Roxburgh, 504.
- Gavin, and Helen Crystie, his wife, action at their instance, 193; debts owing to them, 284, 285.
- Mr Harry, schoolmaster at Jedburgh, witness to the execution of a charge, 616.
- Elliot, Hob, called of Thirstiehop, prosecuted as a Border outlaw, 406.
- Jock, called Jock a gods name, prosecuted as a Border outlaw, 408.
- John, in Starricleuche, hanged as a Border outlaw, 407.
- Robert, son to Hobbeis Chyratie, prosecuted as a Border outlaw, 408.
- Simeon, in Benkis, hanged as a Border outlaw, 407.
- Simeon, called of Blackheid, hanged as a Border outlaw, 407.
- Thomas, prosecuted as a Border outlaw, 407.
- William, signs a document, 638.
- Ellis (Elleis, Ellice, Eileis) of Mortonhall, Mr Alexander, charged with stealing a horse, 294, 597, 598, 599, 600; his action settled, 302.
- of Stennopsmilne, James, appointed to collect contributions, 482.
- Elmalie, Alaster, in Conyeord, charged with resetting rebels, 216.
- Alaster, charged with resetting rebels, 216.
- Alaster Dow, in Tullich, charged with resetting rebels, 236.
- John, in Nether Hauche, charged with resetting rebels, 216.
- Finlay, in Tullich, charged with resetting rebels, 216.
- Elphinston, Lord, Alexander, appointed a commissioner anent the plague, 118, 119, 123; bond by him, 655.
- Master of, Alexander, a member of the Privy Council, appointed a commissioner anent the plague, 119, 123; written to by the Council to attend meetings, 130; complains of the abstraction of one of his men-servants, 329, 330, 364, 365, 610, 640, 641; present in Council, ix, 9, 12, 15, 33, 47, 48, 57, 65, 139, 252, 256, 276, 307, 328, 342, 355, 364, 366, 386, 391, 437, 471, 476, 477, 481, 490, 523, 536, 541, 544.
- of Barns, James, deceased, 480; his daughter Jean, a minor, claims some fair-customs, 480.
- of Blythwood, George, 394n.
- — Sir George, Justice Clerk, 166n.
- of Calderhall, Harry, being at feud with John, Lord Torphichen, he is charged to keep the peace, 32.
- of Quarrell, Michael, witness to a document, 372; as tutor to Jean Elphinston, daughter of the Laird of Barns, he

- presents a supplication on her behalf, 480 ; an arbiter in a dispute, 557.
- Elphinston of Selmes, George, witness to a bond, 54 ; his signature, 54.
- Dame Helen, widow of Sir William Cockburn of Langton, and spouse to Mr Harry Rollock, minister of Edinburgh, assists one of her tenants in a complaint, 171.
- Henry, debts owing to him, 87.
- Mr John, indweller in Leith, is appointed an arbiter anent the Leith hospital, 82, 83, 570, 572, 622, 668, 673, 674.
- Nicol, tacksman of Fawsyde, complaint by him, 108.
- Sir William, senator of the College of Justice, son of George E. of Blythwood, 166n ; he is admitted as a member of the Privy Council, and gives his oath, vii, 394, 394n, 395 ; his appointment as Lord Chief Justice, vii, 165, 166, 396, 397 ; his precedence in Council, 397 ; on a committee of Council anent the coinage, 464 ; on a committee of Council anent the Service-book, 511, 529 ; on a committee of Council to audit accounts, 518 ; on a committee of Council anent the muster-master-general, 551 ; actions referred to him, etc., 136, 190, 278, 282, 294, 298, 300, 329, 330, 343, 374, 466, 512, 513 ; ordered to pronounce sentences, 178, 301, 304, 354, 395, 413, 418, 427 ; ordained to desert diets, 302, 334, 341, 344, 466, 486 ; appointed to examine and try prisoners, etc., 397, 402, 419, 434, 471, 516 ; present in Council, viii, 396, 398, 401, 404, 413, 415, 416, 418², 419, 420, 421, 427, 430, 431, 432, 437, 442, 445, 454, 456, 461, 464, 465², 466, 467, 471, 476, 477, 478, 481², 483, 484, 486², 489, 490², 504, 508, 509, 510, 512, 515, 516, 521, 523, 530², 531, 533, 534, 536, 541, 544, 545, 549², 553 ; signs acts of Council, letters, etc., 684, 697.
- Elphinston, lands of, precautions anent the plague there, 119, 123 ; the salt-pans there, 329, 330, 364, 365.
- Eirik, lands of, 347.
- Elwand (Elvand), John, in Knok, charged with committing assault and robbery, 384 ; charged to appear as a witness, 587.
- England, 5, 212, 283, 355, 368, 394n, 423, 424, 570, 688 ; some Englishmen are to get redress for the stealing of their ship and goods, 93 ; the passage to and from Ireland, by Portpatrick, 151, 152 ; North Borders of, 161, 162 ; the plague there, xiii, xiv, 247, 249, 268, 269, 292, 293, 303, 310, 311, 340, 429, 431, 442, 444, 608, 640, 682 ; reference to the Mint and coinage of, 259, 297 ; precedence of the Lord Chief Justice there, 457 ; English lights and beacons at sea, 565 ; Great Seal of, 164 ; Marshall of. *See* Thomas, Earl of Arundel.
- Ernok, Thomas, in Kirkcudbright, petitions against the Service-book, 714.
- Episcopacy. *See* Church.
- Erilstoune. *See* Earlston.
- Erroll, Earl of, William, High Constable of Scotland, 552 ; makes protestations, 45 ; caution for him and for his indemnity, 72 ; to be answerable for his tenants and servants, 93 ; complains of malicious damage to his lands, and theft of peats, 106, 107 ; present in Council, viii, 27, 31, 33, 37, 38, 43, 49, 53, 57, 65, 72, 76, 79, 87, 91², 93, 103, 139, 142, 147, 150, 156, 271, 290, 292, 301, 303, 307 ; signs acts of Council, letters, etc., 26, 603.
- Erskine (Areskyne, Arskyne, Erskyne) of Balgonie, John, complaint by him, 300, 590.
- of Barnes, Alexander, summons at his instance, 291, 587 ; charged to appear before the Council, 586 ; he appears as a witness, 643, 644.
- of Cardross, David, claims right to the customs of St. Boswells fair, 277, 589, 590.
- of Dun, Alexander, appointed a justice of peace for the shire of Forfar, 131 ; he submits a case to arbitration, 468.
- of Dryburgh, John, appointed to uplift some disputed fair-customs, 277.
- of Pitskerrie, Alexander, sues for the payment of a debt, 291, 335, 581. *See also* Erskine of Barns.
- John, portioner of Dryburgh, gets a disposition of some fair-customs, 277.
- Margaret, spouse to Francis Wilkie-son, commissary clerk of Lauder, charged with committing assault, and fined £100, 370.
- Dame Mary, Countess of Marischal, makes a complaint regarding her tenants, 278, 584 ; some of her tenants charged with armed convocation and riot, 344, 631-633, 652.
- Thomas, in Skene, charged with armed convocation and riot, 632, 633.
- Esplein, Andrew, in Garbat, witness to the execution of a charge, 602.
- Ethie, Laird of. *See* Carnegie.

- Ewan, Robert, in Grodie, charged with resetting rebels, 216.
- Ewart, Adam, in Clairfitt, prosecuted as a Border outlaw, 407.
- Andrew, in Kirkcudbright, petitions against the Service-book, 714.
- James, in Clairfitt, prosecuted as a Border outlaw, 407.
- James, in townhead of Frenchland, prosecuted as a Border outlaw, 407.
- John, in Clairfitt, prosecuted as a Border outlaw, 407.
- John, bailie of Kirkcudbright, petitions against the Service-book, 714.
- John, mealman in Kirkcudbright, petitions against the Service-book, 714.
- Robert, burgess of Kirkcudbright, petitions against the Service-book, 714.
- Thomas, elder, in Kirkcudbright, petitions against the Service-book, 714.
- Ewat, John, in Thornton, charged with plundering a ship, 241.
- John, elder, in Thornton Loch, charged with plundering a ship, 242^a, 243.
- Ewing, Robert, in Largs parish, petitions against the Service-book, 707.
- Thomas, messenger, executes a charge, 583.
- Exchequer of Scotland, the Lords of, permitted to eat flesh during Lent, 201, 387; registration in the Exchequer Rolls and Books, 37, 512; payments out of and into Exchequer, 64, 121.
- Eyemouth, 443.
- FAIRFULL, Mr Andrew, minister at the Bridge of Leith, charged to appear anent the Leith hospital, 652.
- Norman, merchant in Anstruther Wester, depones anent lights on the Isle of May, 574, 578.
- Fairholme, John, merchant in Edinburgh, debts owing to him, 290, 593.
- Thomas, younger, in Nether Cramond, to remain in his house under suspicion of the plague, 153.
- Fairlie, James, merchant in Edinburgh, witness to a bond, 665.
- James, minister in Edinburgh, consecrated Bishop of Argyle, 511, 511n.
- John, officer in Edinburgh, fined for selling tobacco, 63.
- Thomas, servitor to John Miller, writer, witness to a bond of caution, 359.
- William, merchant burgess of Edinburgh, debts owing to him, 519.
- Fairnie, Jean, debts owing to her, 87.
- Fairs: disputes as to the uplifting of the customs, 277, 280; those in the shires of Roxburgh, Berwick, and Selkirk postponed because of the plague, xiv, 303, 304, 310, 311, 429, 431, 437, 444, 454, 455, 473, 691, 694; Bartill fair, 280, 480; St. Boswells fair, 277, 646; St. James's fair, at Forfar, 601; St. James's fair, in Kelso, 292; St. Serfs' (Senserthes), 645.
- Fairste, John, in Disefe (Dalserf), charged with stealing cattle and sheep, 686.
- Faisdail, Matthew, in Dumbarton, fined for selling tobacco without license, 441.
- Falconer (Falconner) of Halkertoun, Sir Alexander, appointed a justice of peace for the shire of Kincardine, 223; he and Sir Alexander, his son, become cautioners, 508, 543.
- of Kincorth, Mr Samuel, 521; Mr William, his son, charged to appear before the Council, 521, 694.
- of Newtoun, Patrick, appointed a justice of peace for the shire of Kincardine, 223.
- Elspeth, wife of Alexander Stewart of Quhytmyre, sues for payment of a debt, 494.
- John, son of Sir Alexander Falconer of Halkerton, and Assistant Master of the Mint, son-in-law to Nicolas Briot, xvi, 508; charges to him, 542, 550, 551; bond of caution for him, 543.
- Mr William, apprehends a rebel, 103; he is rewarded for this, 121.
- Falk, R., in Minygaiff, petitions against the Service-book, 711.
- Falkirk, bailies of, to forward prisoners to Edinburgh for trial, 489.
- Falkland, burgh of: the bailies apprehend a person guilty of child-murder, whom they are ordered to send to Edinburgh for trial, 459, 460, 686; minister there. *See* Mr William Barclay.
- park of, 459.
- Fallas, lands of, 261, 286, 288.
- Famine: in the Isles, 300; in Orkney and Shetland, xl, 39-41.
- Far, minister at. *See* Mr Robert Monro.
- Farquhar (Ferquhar), Mr Robert, bailie of Aberdeen, complains of being assaulted and molested in possession of his lands, 134; charged to appear before the Council, 173; complaint by him, 179; his protection is extended, 213, 215; concerned in the sale of some lands, 306, 414,

- 417; seeks suspension of horning, 589, 590.
- Farquhar, Robert, in Wastfield, charged to appear before the Council, 521.
- Robert, notary, subscribes a discharge, 522.
- Farquharson (Ferquharsone) of Caverny, Robert, becomes a cautioner, 413, 414.
- of Dilsakk, Alexander, execution of summons against him, 630.
- of Finzian, Robert, and Alexander, his son, charged with armed convocation and riot, 328, 329; execution of summons against them, 630^a, 642.
- of Invercauld, Robert, appointed a justice of peace for Aberdeenshire, 89, 90, 91, 202; commission to him to apprehend resettlers of rebels, 217, 218, 232.
- of Inverey, James, to restore a charter-chest to its owner, 350; he and William, his son, are charged with armed convocation and riot, 328, 329; his son, execution of summons against him, 630, 642.
- of Monaltrie, Donald, 634; act of caution by him, 72; charged to appear before the Council, in which he fails, 149, 150; charged with armed convocation and riot, 328, 329; he renews his caution for answering anent disorders in the North, 333, 606, 648, 650^a; execution of summons against him, 630, 642.
- of Pirnettis, Thomas, execution of summons against him, 630.
- of Quhythous, Mr James, W.S., brother of Monaltrie, 231; charged with resetting rebels, 103; becomes a cautioner, 122; acts as a procurator, 130, 472; committed to prison and ordained to forfeit his caution, 150; he finds caution, 150; charged with armed convocation and riot, 328, 329; presents a deed for registration, 606; execution of summons against him, 630^a, 642; deposition by him, 645.
- Alexander, brother to Monaltrie, charged with armed convocation and riot, 328, 329; execution of summons against him, 630, 642.
- Alexander, brother to Inverey, charged with armed convocation and riot, 328; execution of summons against him, 630, 642.
- Alexander, brother to Donald, in Smydiehill, execution of summons against him, 630.
- Alexander, in Migvie, charged with resetting rebels, 103.
- Farquharson, Allan, in Correhoull, a rebel, is to be brought to trial, 281.
- Allan, charged to apprehend rebels, 650.
- David, in Achmuran, charged with resetting rebels, 216.
- David, in Grodie, charged with resetting rebels, 216.
- Donald, in Smydiehill of Cromar, 630.
- Donald, bailie of Stradoun, charged with resetting rebels, 122.
- Donald, witness to the execution of a charge, 634.
- George, in Bellamoir, charged with resetting rebels, 216.
- George, in Milton, charged with resetting rebels, 216.
- James, in Inverey, sues for payment of a debt, 634.
- James, smith, charged with carrying prohibited weapons, 642.
- Lachlan, in Kilden, charged with armed convocation and riot, 328; execution of summons against him, 630, 642.
- Lachlan, at Kilrynnie Kirk, charged with resetting rebels, 231.
- Robert, brother to Monaltrie, charged with armed convocation and riot, 328; execution of summons against him, 630, 642.
- Robert, called the Sojer, charged with armed convocation and riot, 328; execution of summons against him, 630, 642.
- Thomas, in Druminor, charged with armed convocation and riot, 328; execution of summons against him, 630^a, 642.
- Thomas, caution for him, 293.
- some of the clan charged with riot, 642-645, 648.
- Farrir, Morton, Irishman, to be apprehended as a deserter, 533.
- Fascallie, dwelling-house of, 42.
- Fawsyde, Lady. *See* Dame Janet Lawson.
- lands of, 108.
- Faxe. *See* Fox.
- Fea, John, in Scrynie, witness to the execution of a charge, 584.
- Olipher, in Scrynie, witness to the execution of a charge, 584.
- Oliver, indweller in Stronsay, witness to the execution of a charge, 584.
- Patrick, in Dishis, charged to appear before the Council, 582, 584.
- Fees: of the office of muster-master-general, 342, 343; due to the Lord Clerk Register, 433, 434, 438; due to jailors, 205, 302.

- Feichie, William, charged to appear as a witness, 416.
- Fender, John, in Skaitraw, charged with plundering a ship, 242.
- Fenwick, Sir John, knight baronet, appointed a commissioner for the Borders, 161.
- Fenton, Master of, . . . , complaint by him, 300, 590.
- Ferguson (Fergusson) of Cragdarrow, William, appointed a justice of peace for the shire of Dumfries, 300.
- Alexander, in Dauchikstoun of Touch, complains of being assaulted, 87.
- Andrew, servitor to Lord Durie, witness to the execution of a charge, 582.
- James, in Clachau, petitions against the Service-book, 713.
- James, petitions against the Service-book, 712.
- John, in Cairnehill, petitions against the Service-book, 713.
- John, mealman in Kirkcudbright, petitions against the Service-book, 714.
- John, in Lettoch, prosecuted for carrying firearms, 42.
- John, in M'Kilstoun, petitions against the Service-book, 712.
- John, in Stonehaven, charged with malicious damage to property, 107.
- Fernie, John, debts owing to him, 87.
- Fernilaw, lands of, 237.
- Ferquhar. *See* Farquhar.
- Ferquharson. *See* Farquharson.
- Ferrar, Duncan, in Bellastrad, brewster, charged with resetting rebels, 215.
- Ferrie, John, in Tullich, charged with resetting rebels, 216.
- Ferries, abuses at, to be dealt with and reported on by the King, xxii, 110, 111, 138, 139, 147, 189, 304, 317.
- Ferry-Port-on-Craig, 7.
- Fethanis, Bessie, widow of David Johnstone, shoemaker in Wolmet, complains of oppression, 186, 187.
- Fettercarne, the parson of, appointed a justice of peace for the shire of Kincardine, 223.
- Fetteresso, a document dated there, 572; parson of. *See* Mr Andrew Mill.
- Fetterletter, house of, to be rendered, 355.
- Fettes, William, and his daughter, in Cabrach, charged with resetting rebels, 216.
- Feuds: Alexander Brodie of Letham and Alexander Dunbar of Grange, 60, 61; James Buittill, deceased, and the Maxwells of Logan, 136; the Earls of Errol and Marischal and their tenants, 72; Alexander Erskine of Dun and James Scot of Logie, 468; Andrew, Lord Fraser, and Alexander Fraser of Philorth, 359, 360, 391-393, 516; Robert Hall, fiar of Fullbar, and John Porterfield of Greenend, 452, 453; Lord Madertie and others with William Murray, chamberlain to Tullibardine, and others, 416, 425; James, Lord Ogilvie of Airlie, and others with James, Lord Deskford, 415; between John, Lord Torphichen, and Harry Elphinston of Calderhall, 32.
- Fickett, lands of, 616.
- Fidar, Duncan, in Mains of Urquhill, prosecuted for carrying firearms, 42.
- John, in Urquhill, prosecuted for carrying firearms, 42.
- Fiethie, William, put under caution for keeping the peace, 692.
- Fife, shire of, 54, 169; appointment of justices of peace, 131; the sheriff is to forward prisoners to Edinburgh for trial, 22, 24, 208, 230, 289, 328, 379; instructed as to the limits of his convoy, 371; he is deforced in his office, 159; sheriff-clerk of. *See* David Anderson.
- Fifeness (Fyffiness), 564, 565, 577.
- Figs plundered from a wrecked vessel, 241.
- Findhorn, water of, overflows, 534.
- Findi, John, Burgess of Renfrew, 615.
- Findlay, John, in Garvar, petitions against the Service-book, 714.
- Fines: for selling tobacco without license, 62, 63, 69, 70; for contravening the acts against selling and eating flesh during Lent, 201, 386, 387; payable to the Treasury, 293, 294.
- Finlarg, a document dated there, 116.
- Finlay, Alexander, in Bountie, charged with resetting rebels, 216.
- David, in Milton of Inchmarnoch, charged with resetting rebels, 216.
- John, tenant to the Laird of Burgie, charged to appear as a witness, 554.
- Thomas, tenant to the Laird of Burgie, charged to appear as a witness, 554.
- William, in Balachaboch, charged with resetting rebels, 216.
- Finlayson (Finlason), Walter, witness to a document, 663.
- Fintry, Laird of. *See* Grahame.
- Fish (Fishe), Archibald, a trunk left in his charge, 39.

Fish, Archibald, in Edinburgh, fined for selling tobacco, 63.

Fish and Fishing: the association or committee for the fishing, 76, 116; the members not to be molested in their fishings, xix, xx, 93, 94, 96, 286, 292; foreigners prohibited from fishing around the Scottish coasts without license, 279, 280; friendly foreigners to be allowed to fish in Scottish waters on payment of a certain duty, 346; duties payable by strangers to the Lord High Admiral, etc., 332, 335, 426, 457; the herring drive at Dunbar, 490, 498, 693.

Flanaga, William, Irishman, to be apprehended as a deserter, 533.

Flanders, 145; Flemish (Fleema) ships, 313; to be examined anent the plague, 123, 126; arrangements for their loading with coal, 130.

Fleming (Fleeming, Flemyng), Lord, John, witness to a document, 530.

— of Barochane, Patrick, appointed a justice of peace for the shire of Renfrew, 223.

— of Moness, Alexander, to be answerable for his tenants and servants, 37.

— Mr James, minister at St. Bathans, petitions against the Service-book, 708.

— Mr James, debts owing to him, 87.

— James, notary in Glasgow, charged with illegal warding and ill-usage, 629*.

— James, a prisoner, to be sent to the wars, 272.

— John, in Edinburgh, gives his opinion anent the coinage, 465.

— John, debts owing to him, 548.

— John, grants a bond, 655.

— Peter, in East Barns, charged with plundering a ship, 242.

— Robert, in Edinburgh, gives his opinion anent the coinage, 465.

— Robert, bailie, debts owing to him, 306.

— Robert, debts owing to him, 601.

— Robert, witness to the execution of a charge, 653.

— William, commissary clerk of Glasgow, and Mr Archibald, his son, charged with wrongful imprisonment, 3.

— William, cordiner in Edinburgh, debts owing to him, 451.

Flesh, selling and eating, in Lent, forbidden, 200, 386, 387.

Fleschour, James, merchant in Dundee, to depone anent erecting a light on the Isle of May, 568.

VOL VI.

Fleshers prohibited to kill during Lent, 201, 387.

Fletcher of Ballinsho, Robert, complaint by him of illegal prosecution, 44; complains of being prevented from leading some peats, 85, 109; he and Mrs Elizabeth Lindsay, his wife, crave the restoration of a deed, 388, 389.

— of Inverpeffer, Sir Andrew, a Senator of the College of Justice, complains of being molested in the leading of his peats, 55, 56; cautions by and for him, 56; present at a meeting of Council, 437.

— of Restennett, James, appointed a justice of peace for the shire of Forfar, 352.

Flint, John, workman, appears as a witness anent the Leith hospital, 572.

Flos, Robert, skipper in Leith, witness to a document, 664.

Forbes, Lord, Arthur, commission to him to apprehend resettlers of rebels, 217, 218, 232; to uplift some fair duties, 480.

— Master of, Alexander, debts owing by him, 165; he is to pay over some fair duties, 480.

— of Auchintoull, Alexander, appears as a procurator, 178; caution for his indemnity, 188; charged with armed convocation and riot, 328.

— of Balnagask, John, act of caution by him, 62; appointed a justice of peace for the shire of Aberdeen, 202; commission to him to apprehend resettlers of rebels, 217, 218, 232.

— of Boynlie, Alexander, tutor of Pitsligo, charged to appear before the Council, 400; to answer for his tutory, 440, 441, 500.

— of Bredhauche, Alexander, styled Plague of Egypt, execution of summons against him, 630*, 642.

— of Corse, Doctor John, rector of the university of Old Aberdeen, commission to him to apprehend resettlers of rebels, 217, 218, 232; certain sums paid to him for this service, 223, 224; appointed a justice of peace for the shire of Aberdeen, 202.

— of Corsindae, John, appointed a justice of peace for the shire of Aberdeen, 202.

— of Craigiewar, Sir William, caution for him and for his indemnity, 62*; witness to a bond of caution, 102; debts owing to him, 165; he apprehends rebels, 207, 208; commission to him to apprehend resettlers

3 A

- of rebels, 217, 218, 232; gets payment of certain sums for this service, 223, 224; promises to pay a reward for the capture of some rebels, 308, 309, 602; gift of his escheat and liferent, 356, 358; ordained to pay certain sums of money, 497.
- Forbes of Culquhany, William, appointed a justice of peace for the shire of Aberdeen, 202.
- Alexander, younger, appointed a justice of peace for the shire of Aberdeen, 202.
- of Eight, Arthur, appointed a justice of peace for the shire of Aberdeen, 202.
- of Erlesmilne, Arthur, allowed to return home, 534.
- of Menye, Arthur, claims right to the customs of Bartil fair, 280; claims some fair duties, 480.
- of Reres, Robert, appointed a commissioner anent the plague, 127; appointed a justice of peace for the shire of Fife and Kinross, 131; on the commission anent the Isle of May, 562, 564, 568, 576; license to him to eat flesh during Lent, 698.
- of Tillikerie, William, appointed a justice of peace for the shire of Aberdeen, 202.
- of . . . , John, commission to him to apprehend resettlers of rebels, 217, 218, 232.
- Alaster, in Larie, charged with resetting rebels, 216.
- Alaster, rebel, to be sent to Edinburgh for trial, 23, 24; his maintenance and jailor fee to be paid, 205; to be hanged, 304.
- Mr Alexander, in Turriff, and his servants, charged with committing assault, 29, 30.
- Alexander, in Braidhauch, charged with armed convocation and riot, 158.
- Alexander, in Lochell, charged with resetting rebels, 231.
- Alexander, in Rogershall, charged with armed convocation and riot, 344, 631.
- Alexander, elder, appears as a witness, 632, 633.
- Alexander, a debt owing to him, 165.
- Alexander, caution for his indemnity, 293, 294.
- Arthur, in Edinglassie, complaint by him, 112.
- Beatrix, widow of Thomas Douglas, burgess of Aberdeen, sues for the payment of a debt, 178.
- Forbes, Callum, produced before the Council for trial, 258; to be hanged, 304.
- Christian, in Migvie, charged with resetting rebels, 216.
- Duncan, provost of Inverness, act of caution by him, 33.
- Mr George, charged with armed convocation and riot, 158.
- Isobel, Lady Williamstoun, letters of horning raised in her name, 30.
- Mr John, parson of Auchterless, appointed a justice of peace for the shire of Aberdeen, 349.
- John, in Boig, and Alexander, his son, witnesses to the execution of a charge, 587.
- John, in Culfork, charged with resetting rebels, 215.
- John, in Edinglassie, complaint by him, 112.
- John, in Larie, charged with resetting rebels, 216.
- John, charged with armed convocation and riot, 158.
- John, vagabond, not to be reset, 170.
- John, his trial postponed, 258; deposition by him, 272; sentenced to death, 301.
- Katharine, Lady Rothemay, caution for her remaining in ward, 11, 89; seeks payment of her rents, 42; complains of robbery and assault upon her daughter, Helen Gordon, 46, 47; her sustenance, 73; she is warded in Edinburgh, 88, 89; her dispute with John Gordon of Park to be amicably settled, 191; her trial, 343, 395; the King grants liberty to her to return home, xxxvi, xxxvii, 400, 666.
- Patrick, burgess of Edinburgh, cautioner in a bond, 695.
- Patrick, in Kintore, charged with armed convocation and riot, 344, 631.
- Patrick, in the Muir, charged with resetting rebels, 216.
- Patrick, cautioner in a bond, 663.
- Robert, brother to Craigievar, is cautioner in a bond, 497.
- Robert, in Redshill, charged with armed convocation and riot, 344.
- Robert, sometime in Rogershill, charged with armed convocation and riot, 631.
- Robert, appears as a witness, 632, 633.
- Mr William, advocate, relieved of his cautionry, 3; appears in a case, 158.
- William, bailie of Aberdeen, charged to appear before the Council, 173.

- Forbes, William, in Craighews, charged with resetting rebels, 216.
 — William, in Larie, charged with resetting rebels, 216.
 — William, in Stradoun, charged with resetting rebels, 216.
 — . . . , a servant, charged with carrying prohibited weapons, 467.
 — . . . , vagabond, not to be reset, 170.
- Ford (Foud, Fuid, Furd) of Cruiklaw, Hector, produced as a witness, 646.
 — (Frude), Alexander, in Thornton Loch, 241, 242; William, his son, charged with plundering a ship, 241, 242.
 — John, skipper in Anstruther, favours the erecting of a light on the Isle of May, 573.
 — John, in Nether Rivens, charged with resetting rebels, 216.
 — William, of Cruiklaw, produced as a witness, 646.
 —. See also Frude.
- Fordell Ness, 58.
- Fordyce, Peter, in Bareflat, complaint by him, 158.
- Forebrand. See Thorburn.
- Foreigners prohibited from fishing round the coasts without license, 279, 280; foreign coin. See Coin.
- Forests, royal: preservation of game in the royal forests, 447, 448; of Cublene, 209; of Glenalmond, 410, 447, 448, 492, 498, 499, 517, 529, 533, 535, 536, 684, 693, 694, 697²; of Glentanner, 209.
- Forfar, town of, 85; right of the inhabitants to a moor, 85; the bailies are warned anent the plague, 121; the clerk is charged to appear before the Council, 428; St. James's Fair held there, 601; charges to the magistrates, 601, 602; proclamations at the market cross, 602.
 — provost of. See Andrew Hunter.
 — bailie of. See John Milne.
 — town-clerk of. See Mr David Pearson and James Peirson.
 — shire of, 415; appointment of justices of peace, 114, 352, 426; convener of. See Sir John Carnegie of Ethie; the office of sheriff accepted by Sir Alexander Carnegie of Bonymoon, 157; appointment of David Graham of Fintrie as sheriff, 523, 524; the sheriff to forward prisoners to Edinburgh for trial, 22, 24, 208, 230, 289, 328, 379; sheriff-depute of. See James Pearson, flar of Balmadies.
- Forgandenny, minister at. See Mr William Row.
- Forgery, cases of, 2, 44, 46, 347, 489, 511², 512, 513, 516, 521, 528, 534², 694.
- Forks, assaults with, 53, 496.
- Forman, John, grants a bond, 656.
- Forres, Patrick, in Mure of Tullich, charged with resetting rebels, 236.
 — burgh of, proclamation at the market cross, 281.
 — provost of. See Thomas Tulloch.
 — clerk of. See Alexander Duff and John Dunbar.
- Forrest of Orcherfield, Mr Patrick, cautioner in a bond, 696.
 — James, burges of Jedburgh, to be examined as a witness, 634, 640.
 — James, messenger, executes a charge, 582.
 — John, in Leicheland, witness to the execution of a charge, 588.
 — Mr Patrick, cautioner in a bond, 80.
- Forrester (Foster), Lord, George, his attendance required as a commissioner for the Teinds, 192; becomes a cautioner, 508; cautioner in a bond, 543.
 — Master of, . . . , prosecutes a manslaughter, 572.
 — Mr David, notary, assists in signing a document, 105.
 — Henry, servitor to William Dallas of Budget, charged with committing assault, 145, 146.
 — James, in Grenna, hanged as a Border outlaw, 407.
 — See also Foster.
- Forsyth, William, notary, apprehended and put under caution, 113, 114.
 — William, charged with forgery, 511, 512, 513, 516, 521, 534².
- Forth, Firth of, 330; the report of the royal burghs anent its anchorages and passage for ships, xxiv, xxv, 57, 58; proposals for a light to be set on the Isle of May, xxiv, 59, 60, 111, 114, 155, 156, 157, 172, 176, 561-569, 572-579, 581; measures for removing the plague from places situated thereon, 116, 117, 118, 119, 123-127, 130, 132, 137, 145, 153, 154, 168, 246-249, 254, 271; plague-suspected ships from London, etc., to be anchored at Inchcolm or St. Margaret's Hope, 276.
- Fortune, George, servant to Lady Ednem, charged with wrongful ejection, 108.
- Foster, Alexander, in Burntisland, fined for selling tobacco without license, 380.

- Foster, Alexander, in Peebles, prosecuted for carrying firearms, 51.
- James, in Grenna, deceased, 408.
 - Margaret, wife of Patrick Kinghorn in Dunfermline, debts owing to her, 372.
 - Ronald, charged with committing assault, 339.
 - Thomas, in Peebles, prosecuted for carrying firearms, 51.
 - William, brother to the deceased James Foster in Grenna, prosecuted as a Border outlaw, 408.
- *See also* Forrester.
- Fotheringham of Powrie, Thomas, bond of caution by him, 43; to be answerable for his tenants and servants, 95; appointed a justice of peace for the shire of Forfar, 131; his signature, 43.
- Foubister, David, in Oversyde, charged with armed convocation and riot, 308.
- Foulis (Foullis, Foulls) of Colinton, elder, license to him to eat flesh during Lent, 699.
- Sir Alexander, younger, accepts the office of sheriff of Midlothian, and gives his oath, 138; license to him to eat flesh during Lent, 699.
 - George, late Master of the Mint, deceased, his successor appointed, 98, 99; his son, George, ordained to deliver the tools and instruments, 99.
 - Mr Henry, advocate, 619; debts owing to him and Rachel Jackson, his wife, 48.
- Foullis, the estate of, 363, 382^s, 402, 422, 423.
- Laird of. *See* Monro.
 - Lady, 689.
- Foulwood, Laird of. *See* Semple.
- Fowler (Fowllar, Fowler), Jean, widow of Mr James Drummond, debts owing to her and her children, 87.
- Patrick, in Drumna . . . , appears as a witness, 632^s, 633.
 - Paul, in Lachintillie, charged to appear as a witness, 632.
 - William, in Lachintillie, appears as a witness, 632^s, 633.
- Fox (Faxe), Peter, in Limerick in Ireland, complains of the robbing of a ship with his goods, 212, 283, 284, 561, 570.
- France, xli, 166n, 169, 285, 314, 643, 644; some Scottish soldiers killed in their wars, xli, 305; more troops levied for the service, 401, 402, 403; French money, 285.
- the Dauphin of, 436; President of the Morter of his Parliament. *See* Claud de la Scot.
- Fraser, Lord, Andrew, deceased, promoted to be a baron and lord of Parliament, 391; being at feud with Alexander Fraser of Philorth, he is charged to keep the peace, 359, 360, 391-393; charged with encroaching on the property of Philorth, 392, 393, 687; he claims right to some crops, 516; license to him to eat flesh during Lent, 698.
- Master of, Andrew, appointed a justice of peace for Aberdeenshire, 202.
 - Lord, of Lovat. *See* Lovat.
 - of Craigtoun, William, charged with resetting rebels, 232.
 - of Dollibrachtie, John, elder, charged with resetting rebels, 399.
 - of Faichfield, William, appointed a justice of peace for the shire of Aberdeen 202.
 - of Kinmundie, Francis, appointed a justice of peace for the shire of Aberdeen, 202.
 - of Knok, John, petitions against the Service-book, 707.
 - of Philorth, Alexander, being at feud with Andrew, Lord Fraser, he is charged to keep the peace, 359, 360, 391-393; complains of encroachment on his property 392, 393, 687; charged with hindering the leading of peats, 475; he claims right to some crops, 516; his death, 391.
 - of Streachin, Thomas, elder, becomes a cautioner, 26; his signature, 27.
 - Thomas, younger, appointed to reap a disputed field, 516.
 - Alexander, in Arglassie, charged with hindering the leading of peats, 475.
 - Mr Andrew, charged with carrying prohibited weapons, 391.
 - Andrew, commissary of Inverness, and Thomas, his son, witnesses to a bond of caution, 27.
 - Elizabeth, widow of Mr John Dunbar of Westfield, and now spouse to Thomas Dunbar, prosecuted for not paying some victual, 116.
 - Mr George, bond of caution by him, 285.
 - Gilbert, merchant burgeses of Edinburgh, ordained to be liberated from his confinement because of the plague, 145.
 - Isobel (Elizabeth), wife of Thomas Dunbar of Bogholl, raises action for a slaughter, 336, 374, 389.
 - John, in Large parish, petitions against the Service-book, 707.

Fraser, J., in Largs parish, petitions against the Service-book, 707.
 — John, younger, in Clannerin, charged with resetting rebels, 399.
 — Robert, charged with wrongful imprisonment, 114.
 — Thomas, maltman in Fraserburgh, charged with carrying prohibited weapons, 391.
 — William, burges of Edinburgh, charged to appear as a witness, 618.
 — (Frisell), William, servant to the parson of Turriff, charged with committing assault, and imprisoned, 29, 30.
 — William, charged to appear before the Council, 649; his deposition, 649.
 — *See also* Scoler.
 French (Frenche, Frenshe), Adam, in Quacleuche, charged as a Border outlaw, 407.
 — Andrew, shepherd in Maynshill, complains of being assaulted and robbed, 109.
 — Thomas, officer, charged with armed convocation and riot, 424.
 — William, in Quacleuche, hanged as a Border outlaw, 407.
 Frendraught, Laird of. *See* Crichton.
 — the burning of, xxxii, xxxvi, xxxvii.
 Freter, Robert, charged with spoliation of teinds, 146.
 Frisell. *See* Fraser.
 Frok moss, 493.
 Frost, Patrick, in Fernocht, witness to the execution of a charge, 630.
 Frude (Furde), George, in Innerwick, charged with plundering a ship, 242², 243.
 — Robert, in Innerwick, charged with plundering a ship, 242¹, 243.
 — William, in Innerwick, charged with plundering a ship, 242², 243.
 Fuir, Laird of, 214.
 Fullarton (Fullertoun, Foullartoun) of Carle toun, John, appointed a justice of peace for the stewartry of Kirkcudbright, 182; commission to him to try a case of manslaughter, 507; he petitions against the Service-book, 711.
 — of Dreghorn, . . . , appointed bailie of Kylestewart, 523, 524, 528.
 — Mr James, minister at Beith, petitions against the Service-book, 702.
 — Richard, caution for him, 93; his witnesses against Thomas Nicolson to be paid, 101.
 — William, provost of Kirkcudbright, makes a promise, 351; petitions against the Service-book, 714.

Fursman, William, of London, grants a bond, 663, 690.
 Fyffe, Alexander, in Goltrim, charged with resetting rebels, 215.
 — Andrew, charged with obstructing the leading of peats, 85, 109.
 — Gilbert, at Seamilnes, charged with deforcement, 451.
 — John, in Lugie, charged with resetting rebels, 215.
 Fyvie, Kirktown of, 190.
 GAIRLOCH, minister at. *See* Mr Murdo M'Linnan.
 Galbraith (Calbreth), John, witness to the execution of a charge, 588.
 — Patrick, messenger in Vennell, charged with committing assault and robbery, 384; he is directed to serve summonses, and executes charges, 586, 588.
 Galbraye, Mr John, minister at Bothkennar, petitions against the Service-book, 716.
 Gald, John, footman to Innermerkie, charged with armed convocation and riot, 64, 65.
 Gall, James, in Abiryeldie, charged with resetting rebels, 232.
 Galloway, Bishop of, Andrew (Lamb), deceased, 4; debts owing to his children, James and Sarah, 4.
 — William (Cowper), deceased, 4, 87; debts owing to his sons, Andrew and Mr William, 4, 87; also to his widow, Grizel Anderson, 87.
 — Thomas (Sydsenf), a member of the Privy Council, ix, 359; takes the oath of fealty for his bishopric, 148; his attendance required as a commissioner for the Teinds, 192; he is admitted as a member of the Privy Council, and gives his oath, 359, 512n; he is arbiter in a dispute, 363; on a committee of Council anent the Leith hospital, 372, 373; on a committee of Council anent the coinage, 464; complained against for certain decreets given by him, 507; on a committee of Council anent the Service-book, 511, 529; present in Council, 359, 360, 363, 364, 366, 367, 369, 372, 375, 378, 383, 386, 391, 394, 396, 398, 401, 404, 413, 415, 416, 418³, 421, 427, 445, 449, 454, 456, 461, 464, 467, 471, 476, 477, 478, 481, 483, 484, 486, 488, 490, 498, 504, 509, 510, 512, 515, 516, 520, 523, 530², 533, 534, 536, 541; signs an act of Council, 697.
 — bishopric of, 359n, 482, 512, 512n.
 — Bishop of, lands held of the, 49, 50.
 — Earl of, Alexander, a member of the

- Privy Council, viii; empowered to sell lands for debt, 3, 48; on a committee of Council anent Colonel Monro and the estate of Foulis, 363; writes to the clerk of Council, 582; present in Council, 256, 258, 259, 262, 279^a, 295, 301, 304, 310, 316, 320, 321, 322, 324, 356, 359, 360, 363, 364, 367, 369, 372, 373, 375, 378, 383, 386, 396, 398, 401, 413; signs acts of Council, letters, etc., 288, 582, 650.
- Galloway, Duncan, in Mylnbowie, appears as a witness, 632, 633 (?).
- James, signs documents, 512, 561.
- William, appears as a witness, 632, 633.
- burgh of New, 398.
- district of, the highway thither from Edinburgh, 372; appointment of justices of peace, 398; sheriff of Galloway. *See* Sir Andrew Agnew of Lochnaw.
- Gallows, to be erected for deterring persons from entering plague-stricken places, 339.
- Galla, plundered from a wrecked vessel, 241.
- Galston, parish and kirk of, 691; minister there. *See* Mr Alexander Wallace; the parishioners petition against the Service-book, 704.
- Galt, William, in Ayr, supplicates that he may be ransomed from the Turks, 387.
- Game, preservation of, in the forest of Glenalmond, and other royal forests, 447, 448.
- Garden (Gairdyne, Gairne, Gardin, Gardyne) of Dubstane, John, complains of the theft of a horse, 190.
- Andrew, messenger, executes a charge, 332.
- Elizabeth, widow of George Mercer in Old Aberdeen, seeks fulfilment of a contract, 295.
- George, merchant in Burntisland, depones anent erecting a light on the Isle of May, 565.
- George, witness to a bond of caution, 27.
- John, in Bellamore, and Alexander and Robert, his sons, charged with resetting rebels, 232.
- John, messenger, executes a charge, 586.
- John, witness to the execution of a charge, 602.
- Margaret, browster in Glenbuchet, charged with resetting rebels, 215.
- Mr Thomas, minister at Tarves, deceased, 295; his widow, Elizabeth Layng, seeks fulfilment of a contract, 295.
- Garden, William, in Linktoun of Abbots-hall, seeks suspension of horning, 519.
- Gardiner (Gairdner, Gardner), Andrew, skipper in Anstruther Easter, depones anent lights on the Isle of May, 574.
- David, in Ayr, supplicates that he may be ransomed from the Turks, 387.
- Gargunnoch, kirk of, 496; minister there. *See* Mr William Justice; reader there. *See* Andrew Chalmers.
- Garioch (Garich), Alexander, messenger, executes a charge, 589.
- Patrick, gardener, charged to appear as a witness, 382.
- Garrerrie, lands of, 384.
- Garroch, John, in Polmadie, charged with malicious damage to property, 183.
- Garrow, Maslie, in Glengarne, charged with resetting rebels, 216.
- Gartaverton, Laird of. *See* M'Farlane.
- Garvald, Kirkmichael and, minister of. *See* Mr Francis M'Gill.
- Gattonsides, lands of, 15.
- Gavelocks, reference to, 53.
- Gebbie, William, elder at Galston Kirk, petitions against the Service-book, 705.
- Geddes (Geddass), Mr Charles, to be appointed keeper of the lights on the Isle of May, 59, 60.
- Gilbert, in Stewarton, petitions against the Service-book, 713.
- James, in Rachan, arbiter in a dispute, 255.
- John, petitions against the Service-book, 712.
- Robert, cordiner in Kirkcudbright, petitions against the Service-book, 714.
- Geddy, William, bailie of St. Andrews, merchant and shipowner, depones anent erecting a light on the Isle of May, 568, 569.
- William, merchant in St. Andrews, depones anent erecting a light on the Isle of May, 568, 569.
- Gellie, John, messenger in Edinburgh, witness to the execution of a charge, 598, 599; executes charges, 603^a, 620.
- General Band, to be signed by the Lords of Council and others, 77, 87, 93, 106^a, 234. *See also* Highlands and Islands.
- Germany, 369; a book to be published on its wars, xlvii, 423, 424.
- Gerner, James, witness to the execution of a charge, 653.
- Gerrane, John, in Crossmichael parish, petitions against the Service-book, 715.

- Ghretstone, Henry, master of *The White Feather of Amsterdam*, disputes the payment of customs at Dumbarton, 591, 608, 609, 612, 614, 615.
- Gib, James, in Dunfermline, grants a bond, 655.
- Gibboune, John, in Balgrochane, witness to the execution of a charge, 629.
- Gibson (Gybsoune) of Durie, Sir Alexander, a Lord of Session, 582; on a committee of Council anent lights on the Isle of May, 59, 114, 562, 566, 576; attends the Council anent the Court of Session, 437.
- Mr Alexander, fiar, one of the ordinary clerks of Session, on a committee of Council anent lights on the Isle of May, 59, 114, 592, 564, 566, 567, 568, 576³, 579; produces a document in Council, 192.
- of Largo, Mr Alexander, appointed a justice of peace for the shire of Fife and Kinross, 131.
- James, advocate, presents a bond for registration, 27; appears as a procurator, 176, 177, 393, 494, 495.
- James, charged with spoliation of teinds, 146.
- John, elder, in Kirkcudbright, petitions against the Service-book, 714.
- Robert, notary in Dumfries, sues for payment of a debt, 416.
- Robert, an Englishman, prosecuted as a Border outlaw, 408.
- Thomas, merchant burges of Kirkcudbright, petitions against the Service-book, 714.
- (Dickson), Thomas, charged with obstructing the leading of peats, 85, 109.
- Thomas, charged with spoliation of teinds, 146.
- William, skipper in Anstruther-Easter, favours the erecting of a light on the Isle of May, 573, 577.
- William, charged with spoliation of teinds, 146.
- Gight (Geight), Laird of. *See* Gordon.
- house of, to be rendered, 261.
- Gilchrist (Gilchreist, Gillichrist), John, in Dumbarton, shoots at a Dutch vessel, 313, 592; charged to appear, 614, 615.
- M'Arthure, a prisoner, to be examined, 207.
- Gilgour. *See* Kilgour.
- Gilkerstoun, lands and mill of, 616.
- Gillar, Anthony, Irishman, to be apprehended as a deserter, 533.
- Gillenders, John, in Cobleheuche, charged with resetting rebels, 216.
- Patrick, in Glenesk, charged with resetting rebels, 232.
- Robert, in Candakyle, charged with resetting rebels, 216.
- Gillespie (Gillespick), Adam, in Minska, hanged as a Border outlaw, 407.
- Mr George, author of the book "Dispute against the English Popish ceremonies," etc., xi.
- Robert, cordiner in Kirkcudbright, petitions against the Service-book, 714.
- Thomas, in Nether Cramond, to remain in his house under suspicion of the plague, 153.
- Gillies (Gillie), John, officer in Peebles, charged with armed convocation and riot, 51, 52.
- Gilmour, Mr John, advocate, appears as a procurator and a cautioner, 265, 571, 623, 651, 668, 669, 672, 673.
- Gilpatrik, Archibald, town-officer of Jedburgh, witness to the execution of a charge, 608.
- Gilroy, a rebel. *See* M'Gregor.
- Gilzeane, Mr Thomas, appears as a procurator, 464.
- Gipsies (Egyptians), proceedings against, 15, 16; some at Haddington sentenced to death by hanging and drowning, 333, 334, 648²; some to be banished, 528.
- Girdwod, Mungo, in Newbigging, seeks restoration of some victual, 592.
- Nicol, in Newbigging, seeks restoration of some victual, 592.
- Girvan, the parishioners of, petition against the Service-book, 705.
- Glace, John, skipper in Leith, appears anent the Leith hospital, 662.
- Glammis, minister there, appointed a justice of peace for the shire of Forfar, 131.
- Glas, Patrick, not to be reset, 209.
- Glaschen, John, in Priestsheill, complaint by him, 112.
- William, in Priestsheill, complaint by him, 112.
- Glasfurd, Patrick, clerk of Leith, witness to a document, 664³.
- Robert, notary, writes a document, 664².
- Glasgow, Archbishop of, Patrick (Lindsay), a member of the Privy Council, viii, 20; commission to him to take depositions, 3; to deal with the affairs of Innes of Coketoun, 43; on a committee of Council anent

- leather, 61; commission to him to try a case, 187, 265; an arbiter in a dispute, 191, 214, 414, 436; his attendance required as a commissioner for the teinds, 192; appointed a justice of peace for the shire of Renfrew and the bailiary of Paisley, 223; on a committee of Council anent the coinage, 256, 380, 464; appointed to examine witnesses, 237; on a committee of Council anent the privileges of Aberdeen University, 311; on a committee of Council anent the muster-master-general, 342; appointed to take the oath of the bailie of Kylestewart, 524; to report on documents, 401; written to by the Council anent some disturbances, 541; on a committee of Council anent the Leith hospital, 641, 652, 654; present in Council, 1, 31, 33, 37, 38, 43, 45, 47, 57, 65², 72, 76, 87, 91², 93, 94, 101, 102, 131, 135, 137, 138, 139, 142, 147, 148, 150, 156, 158, 159, 165, 167, 169, 170, 172, 176, 179, 183, 184, 189, 191², 193², 199, 200², 203, 206², 207, 210, 213, 214, 215, 229, 247, 248, 249, 252², 256, 258, 259, 262, 268, 272, 276, 279², 286, 292, 301, 303, 307, 343, 345², 346, 351, 352², 356, 359, 360, 363, 366, 367, 369, 372, 373, 375, 378, 383, 386, 391, 394, 396, 398, 404, 413, 415, 430, 431, 432, 437, 442, 445, 449, 456, 461, 464, 465², 466, 467, 471, 476, 477, 478, 481, 483, 484, 486², 488, 490, 508, 509, 510, 512, 515; signs acts of Council, letters, etc., 202, 288, 581, 582, 587, 603, 625, 650.
- Glasgow (Glasco), city of, 3, 349, 434, 591, 608, 614, 615, 629; the provost and bailies of, appear in defence of an action, 19, 20; the highway thither from Stirling stopped by the fall of a bridge, 305; the provost and bailies are concerned in a customs dispute, 313, 314; complaints by them, 378, 411; charges to them, 528, 653; they are to forward prisoners to Edinburgh for trial, 489; the election of magistrates there, 533; disturbances there about the Service-book, 538; the magistrates written to by the Council about these, 541; attendance of the Commissioners for the city of, required upon the commission for the teinds, 192; the Rottenraw there, 378; the tolbooth of, 19, 20, 528, 629; jailor of the. See Gavin Naismith; provost of. See Patrick Bell; and Mr William Stewart; bailies of. See John Anderson, Ninian Anderson, James Hamilton, John Maxwell, George Mure, and William Neilson; town-clerk of. See Mr John Hucheson; commissary clerk of. See William Fleming.
- Glasgow, regality of, 492; bailie thereof. See James, Duke of Lennox.
- Glassauche, 480.
- Gledstones, Marion, wife of the schoolmaster of Dumfries, accused of attempting to poison a woman, 159, 160.
- Gleg, Charles, wounded, 53.
- Glen, Charles, in Peebles, prosecuted for carrying firearms, 51.
- John, debts owing to him, 135.
- Robert, messenger in Dumbarton, appears as a witness, 592, 615.
- Thomas, counterwarden of the Mint, signs a document, 101.
- Glenalmond, forest of, xlv, 410, 498, 499, 533; preservation of game therein, especially that part called the Kyle, 425, 447, 448; apprehension of its invasion, 492, 499, 684; a committee appointed to survey the bounds and report, 499, 517, 529, 535, 536, 693, 694, 697².
- Glenbervie, Laird of. See Douglas.
- Glenbuthnot, house of, to be rendered, 420.
- Glencairn, Earl of, . . . , signs a certificate of inability to travel, 265.
- Glencoe, a haunt of rebels, 234.
- Glendinning (Glendonyng) of Billies, Robert, petitions against the Service-book, 715.
- of Lagane, William, petitions against the Service-book, 715.
- of Partoune, . . . , petitions against the Service-book, 715.
- George, in Mochrun, petitions against the Service-book, 715.
- Martin, in Moffat, prosecuted as a Border outlaw, 408.
- Mr Robert, minister, and Robert, his son, debts owing to them, 4.
- Robert, notary in Kirkcudbright, assists in signing a document, 714.
- Thomas, fined as a Border outlaw, 407.
- William, Burgess of Kirkcudbright, becomes a bailie, 351; complains of decreets given by the Bishop of Galloway, 507.
- , . . . , minister at Kirkcudbright, presents a petition for the trial of his son, James, anent a slaughter, 507.
- Glengarne, mountains of, 209.
- Glengarry, Laird of. See M'Donald.
- Glenhoule, lands of, 49.
- Glenkindie, Laird of. See Strachan.
- Glenlie, 183.

- Glenluce, the clerk of, 692.
 — the wood of, bought and cut, 50, 51 ; a great fire takes place, 51.
 Glenlyon, a haunt of rebels, 234.
 Glenmuick, resettlers of rebels there, 219.
 Glennevis, laird of. *See* Cameron.
 — tutor of. *See* Cameron.
 Glennie, Thomas, in Stonehaven, charged with malicious damage to property, 107.
 Glenorchy, Laird of. *See* Campbell.
 Glentanar, forest of, 209 ; resettlers of rebels there, 219.
 Glessell, John, charged with oppression and wrongful imprisonment, 35.
 Gloves, some stolen, 18.
 Glover (Gluver), George, petitions against the Service-book, 715.
 — John, petitions against the Service-book, 715.
 — John, petitions against the Service-book, 715.
 Gob. *See* Gok.
 Godeman, Thomas, in Blairmadie, charged with armed convocation and riot, 488.
 Gok (Gob), John, tenant in Melsyde, complains of assault and rape, 463.
 Golan, lands of, 371.
 Gold, brought from Guinea, xviii, 642, 550 ; coinage of gold. *See* Coin.
 Goldsmiths, of Edinburgh, petitions against infringers of their liberties, xxvii, 501, 681.
 Good (Gud, Gude), Hew, in Overlanfoud, petitions against the Service-book, 713.
 — Robert, in Minygaiff, petitions against the Service-book, 711.
 Goodall (Guidall), David, in Innerwick, charged with plundering a ship, 241.
 Goodlet (Gudlet) of Drunclune, James, charged with obstructing the leading of peats, 55.
 Gorbals, barony of, 493, bailie thereof. *See* Walter Douglas.
 Gordon, Lord, . . . , his chamberlains. *See* Alexander Baillie of Dunean, Sir Alexander Gordon of Clunie.
 — of Abergeldie, Alexander, put under caution to keep the peace, 98 ; charged with resetting rebels, 216, 399, 404, 413* ; submits to arbitration in a dispute with Katherine Nicolson, his wife, 414.
 — of Achannachie, Alexander, put under caution to keep the peace, 98 ; prosecuted for remaining at the horn, 463.
 — — John, elder, 47 ; caution for his keeping the peace, 97.
 Gordon of Achannachie, George, apparent, charged with armed convocation and riot, xxxvii, 47 ; caution for his keeping the peace, 97.
 — of Ardlogie, John, charged with breaking into the house of Cokstoun, 37, 38 ; he and his sons, put under caution to keep the peace, 98 ; his son John is charged with resetting a stolen horse, 190 ; he, and John and Nathaniel, his sons, are to be brought to trial, 281 ; petition by him, 393.
 — — John, apparent, his examination, 369 ; petition by him, 393 ; he is allowed to return home, 450.
 — of Arradoull, William, fails to settle his accounts, 190.
 — of Artlach, John, charged with resetting rebels, 122.
 — — Thomas, caution for keeping the peace by him and his sons, 97.
 — of Auchindoun, Adam, caution for his keeping the peace, 97 ; apprehends rebels, 230.
 — of Auchinreth, John, fined for not comparing before the Council, 34 ; to be exhibited before the Council, 88 ; he is to be brought to trial, 281.
 — of Auchnacrie, Adam, 23 ; his son James. *See* *infra*.
 — of Auchterless, George, caution for the compearance of him and Adam, his son, before the Council, 28.
 — of Bad, . . . , called Polsandie, a rebel, is to be brought to trial, 281.
 — of Badinscoth, Patrick, caution for his keeping the peace, 97 ; charged with armed convocation and riot, 488.
 — of Baldornie, . . . , caution for his keeping the peace, 98.
 — — . . . , apparent, put under caution to keep the peace, 98.
 — of Balgowane, . . . , put under caution to keep the peace, 98.
 — of Bomurrell, James, put under caution to keep the peace, 98 ; act of caution by him, 413, 414.
 — — John, charged with resetting rebels, 232.
 — of Barclay, William, prosecuted for remaining at the horn, 421.
 — of Barvenack, Edward, petitions against the Service-book, 711.
 — of Birkinburn, . . . , caution for his keeping the peace, 98.
 — — . . . , apparent, caution for his keeping the peace, 98.

- Gordon of Biramoir, . . . , charged to keep the peace, 98.
- of Blelack, John, caution for his keeping the peace, 97; charged with armed convocation and riot, 328; execution of summons against him, 630^a, 642.
 - of Brako, Mr Patrick, caution for his keeping the peace, 97.
 - of Brodland, William, caution for his keeping the peace, 97; a protection granted to him, 134; prosecuted for remaining at the horn, 377, 463.
 - of Buckie, John, caution for his keeping the peace, 97; witness to a bond of caution, 102.
 - — John, apparent, caution for his keeping the peace, 97.
 - of Cardynes, John, petitions against the Service-book, 712.
 - of Carnborrow, Alexander, fined for not compearing before the Council, 34; caution for his compearance, 54; charged with resetting rebels, 122; prosecuted for remaining at the horn, 291, 335, 420, 581, 587.
 - of Carnewhelpe, Patrick, and his son, caution for their keeping the peace, 97.
 - of Carstram, Alexander, petitions against the Service-book, 711.
 - of Clonhaird, John, petitions against the Service-book, 712.
 - of Clunie, Sir Alexander, chamberlain to Lord Gordon, 33; charged to find caution for keeping the peace, 97; debts owing by him and Sir Alexander, his son, 129, 130; disposition to him of some lands, 176; debts owing to him, 179; a protection granted to him, and extended, 213, 215^a, 450, 454, 621, 684; a further protection refused, 306; pursued for debts, 414, 644, 645; prosecuted for remaining at the horn, 417.
 - of Cochlerachie, George, caution for his keeping the peace, 97; appointed a justice of peace for the shire of Aberdeen, 202.
 - of Corridoun, . . . , put under caution to keep the peace, 98.
 - — — — —, apparent, put under caution to keep the peace, 98.
 - of Corrochrie, John, 232; John, his second son, charged with resetting rebels, 232.
 - of Cottoun, William, appears as a cautioner, 130; charged for payment of a debt, 306; prosecuted for remaining at the horn, 417.
 - Gordon of Cowdranie, Robert, act of caution by him, 34.
 - of Cowlithie, Robert, and Patrick and George, his sons, caution for their keeping the peace, 97.
 - of Crabstoun, James, charged to keep the peace, 98.
 - of Craig, . . . , caution for his keeping the peace, 98.
 - of Crogo, James, petitions against the Service-book, 712.
 - of Daock, James, and his sons, caution for their keeping the peace, 97.
 - of Drumheid, Alexander, charged with armed convocation and riot, 47.
 - of Dumbennan, James, allowed to return home, 3.
 - of Dunkintie, Alexander, allowed to return home, under caution, 11; caution for his keeping the peace, 97; charged with committing assault, 383, 384.
 - of Earlstoun, Alexander, charged with closing a right-of-way, 183; as a justice of peace in the Stewartry of Kirkcudbright, he is charged with overstepping the bounds of his office, 390; commission to him anent the royal burgh of Galloway, 398; he complains of decreets given by the Bishop of Galloway, 507; he petitions against the Service-book, 711.
 - of Garrie, Alexander, caution for his keeping the peace, 97; appointed a justice of peace for the shire of Aberdeen, 349.
 - of Gight, Sir George, 281, 462; caution for his keeping the peace, 97; also for John and Alexander, his sons, 98; his son complains of the seizure of a ship, 462, 463.
 - — George, apparent, caution for his keeping the peace, 97; prosecuted for remaining at the horn, 261, 262, 290, 585.
 - of Glanderstoun, Patrick, 643.
 - of Glassauche, Harry, put under caution to keep the peace, 98; he and Harry, his son, are charged with armed convocation and riot, 488.
 - of Glengarrick, William, charged with resetting rebels, 122.
 - of Glenhoull, Gilbert, petitions against the Service-book, 711.
 - of Gallachie, Robert, 281; his son, William, a rebel, to be brought to trial, 281.
 - of Golspitour, Alexander, witness to a bond of caution, 27.

Gordon of Gradoun, Thomas, charged to keep the peace, 98.
 — of Haddo, John, caution for his keeping the peace, 97.
 — of Innermerkie, John, 64; caution for him and his son keeping the peace, 97; he is charged with resetting rebels, 122, 399, 404; allowed to return home, 426; debts owing by him, 129; he is not to receive a protection, 129, 130; a protection granted to him, 147; to be imprisoned for debt, 166; prosecuted for remaining at the horn, 314, 417, 420; he and his son, Alexander, are charged with contempt of law, 319, 320, 622.
 — — Alexander, apparent, 64; debts owing by him, 129; he is to be brought to trial, 281.
 — of Johnleyis, Alexander, prosecuted for remaining at the horn, 377.
 — of Kincragie, Patrick, act of caution by him, 54; caution for him and his eldest son for keeping the peace, 97.
 — of Kirkconnell, William, appointed a justice of peace for the stewartry of Kirkcudbright, 182; commission to him to try a case of manslaughter, 507; he petitions against the Service-book, 711.
 — of Kirkhill, Patrick, appointed a justice of peace for the shire of Aberdeen, 202.
 — of Knockaspeck, William, caution for his keeping the peace, 97; execution of summons against him, 630, 642.
 — — William, apparent, caution for his keeping the peace, 97; execution of summons against him, 630, 642.
 — of Knokbrex, Robert, petitions against the Service-book, 711.
 — of Knokgray, Alexander, petitions against the Service-book, 712.
 — of Knokscheine, John, petitions against the Service-book, 711.
 — of Largmoir, Roger, petitions against the Service-book, 711.
 — of Lesmore, Sir James, elder, a suit against him is deserted, 56; caution for his keeping the peace, 97; he appears as a cautioner, 129; charged for payment of a debt, 306.
 — of Letterfourie, James, bailie to George, Marquis of Huntly, 121; caution for his compearing before the Council, 28, 246, 298; he is charged to keep the peace, 98; acts of caution by him, 72; allowed to return home under caution, 34, 246; wit-

ness to a bond of caution, 102, 103; he is put into prison, 149; charged with resetting rebels, 122; he presents an apology for neglecting to keep the peace of the Highlands, and promises amendment, 250, 251, 348, his signature, 251; he is allowed to return home, 251; payment of a fine remitted to him, 472, 473.
 Gordon of Lichestoun, . . . , and his sons and brothers, caution for their keeping the peace, 97.
 — of Littlemilne, . . . , 281; his son John, a rebel, to be brought to trial, 281.
 — of Logyaltoun, George, 91; prosecuted for resetting rebels, 91^a, 92, 145; he and his son, James, are caution for him and his son, George, 97; he petitions for relief of his imprisonment, 198, 199.
 — of Mayne, Robert, appointed curator to Alexander Innes of Cokstoun, 61.
 — of Murack, William, and Alexander, his son, put under caution to keep the peace, 98.
 — of New Glanderstoun, John, appears as a witness, 642, 645.
 — of Newton, George, 643; prosecuted for attempted murder, 30, 31; prosecuted for resetting rebels, 55, 122; debts due by him, 68; prosecuted for wilful error on an assize, 92; charged to find caution for keeping the peace, 98; he appears as a cautioner, 129; charged for payment, 306; prosecuted for remaining at the horn, 417.
 — of Park, John, caution for his compearing before the Council, 28; a protection granted to him, 31; bonds of caution by him, 31; charged to keep the peace, 97; he complains of an assault on his tenants, 134; his differences with Lady Rothiemay are to be amicably settled, 191; he is appointed a justice of peace for the shire of Aberdeen, 202; he is charged with resetting rebels, 383; prosecuted for remaining at the horn, 420; appears before the Council, 430; his trial, 434; he is allowed to return home, 449; a protection granted to him, 649.
 — of Pitlurg, Mr Robert, caution for him and his sons keeping the peace, 97.
 — of Pittendreich, Mr Thomas, put under caution to keep the peace, 98.
 — of Raine, George, protection granted to him, 68.
 — of Robertoun, William, petitions against the Service-book, 712.

- Gordon of Rothiemay, James, caution for his keeping the peace, 97; he promises to study at St. Andrews, and his mother is to be obliged for his maintenance, 229; his debts, 649.
- of Rotmeis, John, caution for his keeping the peace, 97.
- of Sauchin, . . . , put under caution to keep the peace, 98.
- . . . , apparent, put under caution to keep the peace, 98.
- of Schirmers, W., petitions against the Service-book, 712.
- of Smithistoun, . . . , caution for his keeping the peace, 97, 98.
- of Straloch, Mr Robert, appointed a justice of peace for the shire of Aberdeen, 202.
- of Strangassill, George, deceased, 183; his widow, Marion Ashennan, and their sons John, James, and William, charged with malicious damage to property, 183.
- of Terpersie, William, charged to appear as a witness, 630; caution for the keeping of the peace by him and his sons, 97.
- of Terrisoull, James, charged with resetting rebels, 122; he is allowed to return home, 157²; measures for the relief of the widow of Terrisoull, 111.
- of Tilliechowdie, . . . , put under caution to keep the peace, 98.
- . . . , apparent, put under caution to keep the peace, 98.
- of Tillielt, John, prosecuted for remaining at the horn, 295, 585.
- James, fiar, prosecuted for remaining at the horn, 295, 585.
- of Tillihuntlie, Alexander, charged with resetting rebels, 375.
- of Troquhain, John, petitions against the Service-book, 711.
- of Tulliangus, . . . , caution for his keeping the peace, 97.
- . . . , apparent, caution for his keeping the peace, 97.
- of Tullishelt, . . . , caution for his keeping the peace, 98.
- . . . , apparent, caution for his keeping the peace, 98.
- of Tulloch, William, caution for his compearing before the Council, 28, 31; acts of caution by him, 32; charged to find caution for keeping the peace, 98.
- of Tulofowdie, George, prosecuted for wilful error on an assize, 92; debts owing to him as a cautioner, 30⁴.
- Gordon of Whitepark, William, petitions against the Service-book, 711.
- Adam, Burgess of Aberdeen, depones anent Highland rebels, 650.
- Adam, in Achnasknay, and Alaster and Patrick, his sons, rebels, to be brought to trial, 281.
- Adam, called of Park, depones anent the disorders in the North, 120, 149.
- Adam, captain of the light horsemen, charged with stealing a horse, 190; he and his associates, to be apprehended, 244, 245, 250, 251.
- Adam, assoilized, 650; Alexander, his son, 650.
- Alaster, in Delbadie, charged with resetting rebels, 215.
- Alaster, in Torres, charged with resetting rebels, 112.
- Sir Alexander, uncle to the Earl of Sutherland, 140, 141; his son, Captain Alexander Gordon, is permitted to levy soldiers for foreign service, 140, 141.
- Mr Alexander, Burgess of Aberdeen, complains of the spoiling and plundering of a ship, 180, 240.
- Alexander, in Barnmurray, petitions against the Service-book, 712.
- Alexander, in Garlarg, petitions against the Service-book, 711.
- Alexander, in Gordonstoun, petitions against the Service-book, 713.
- Alexander, in Kirkmabreck parish, petitions against the Service-book, 711.
- Alexander, in Larie, charged with resetting rebels, 216.
- Alexander, in Lentuishe, charged with carrying prohibited weapons, 643².
- Alexander, called Suankie, page to the Marquis of Huntly, charged with resetting rebels, 121.
- David, in Clachan, petitions against the Service-book, 713.
- David, in Clachanmark, charged with malicious damage to property, 183.
- David, in Dungewche, petitions against the Service-book, 713.
- David, petitions against the Service-book, 711.
- Elaset in Migvie, charged with resetting rebels, 216.
- George, Burgess of Aberdeen, complains of the spoiling and plundering of a ship, 240.
- George, in Clachan, petitions against the Service-book, 713.

Gordon, George, in Garlarges, charged with malicious damage to property, 183; he petitions against the Service-book, 711.

— George, in LARGERIE, complains of malicious damage, 183.

— George, in Logiealtoun, petitions to be set at liberty, 262.

— George, in Nether Riven, charged with resetting rebels, 216, 232.

— George, messenger, appears as a procurator, 428; he is directed to serve summonses and executes charges, 585, 577, 599; a witness thereto, 698.

— Gilbert, in Knockreock, charged with malicious damage to property, 183.

— Harry, portioner of Baramar, his escheat, 480.

— Helen, daughter of Lady Rothemay, complains of being assaulted, 47.

— Helen, wife of William Leslie of Ryhill, charged with destroying a bond, 85, 86; ordained to give up certain lands, 179.

— Homer, petitions against the Service-book, 711.

— Mr James, writer in Edinburgh, grants a bond, 80, 656, 682, 696; he is cautioner in a bond, 664, 695.

— Mr James, W.S., witness to a decret, 197; his signature, 198.

— Mr James, Keeper of the Signet, 388, 548, 551; charge to him as a stentmaster, 228.

— James, son of Adam G., of Auchnacrie, his head sent to the Council, 23.

— James, bailie of Strabogie, charged with resetting rebels, 122; he is allowed to return home, 157^a.

— James, in Cults, charged with resetting rebels, 216.

— James, notary, in Kirkmabreck parish, petitions against the Service-book, 711, 712.

— James, in Lentushe, charged with carrying prohibited weapons, 645.

— James, in Newton, petitions against the Service-book, 712.

— James, servitor to the Laird of Glassauch, charged with armed convocation and riot, 488.

— James, called the "sojour," a rebel, to is to be brought to trial, 281; his trial, 346.

— James, called Sutherland, a rebel, is to be brought to trial, 281.

— James, his maintenance and jailor fee to be paid, 205.

Gordon, James, a rebel, to be apprehended, 650.

— Janet, wife of Walter Cochrane, merchant in Aberdeen, 30.

— John, in Ballater, charged with resetting rebels, 216.

— John, in Bountie, charged with resetting rebels, 216.

— John, in Catbellie, petitions against the Service-book, 714.

— John, in Corskellie, a rebel, is to be brought to trial, 281.

— John, in Daach of Abergeldie, charged with resetting rebels, 216.

— John, in Dingwich, petitions against the Service-book, 712.

— John, in Erliston, petitions against the Service-book, 713.

— John, in Glencarnie, charged with resetting rebels, 215.

— John, in Glenhoull, petitions against the Service-book, 711.

— John, in Kirkmabreck parish, petitions against the Service-book, 711.

— John, in Plumtoun, petitions against the Service-book, 714.

— John, in Shirmers, petitions against the Service-book, 712.

— John, in Skaithegarnock, charged with resetting rebels, 257.

— John, in Wester Innerowrie, and William, his son, charged with committing assault, 267.

— John, servant to the Marquis of Huntly, witness to a bond of caution, 102.

— John, his maintenance and jailor fee to be paid, 205.

— John, petitions against the Service-book, 711.

— John, petitions against the Service-book, 711.

— John, petitions against the Service-book, 712.

— John, petitions against the Service-book, 715.

— J., messenger, executes a charge, 606, 607.

— Patrick, deceased, brother to the Laird of Geight, 98; his sons, . . . and Robert, put under caution to keep the peace, 98.

— Patrick, uncle to the Laird of Craig, caution for his keeping the peace, 98.

— Patrick, in Muirheadleace, appears as a witness, 643, 644.

— Patrick, a rebel, to be apprehended, 650.

- Gordon, Richard, in Ferrar, charged with resetting rebels, 216.
- Sir Robert, a member of the Privy Council, ix; appointed to examine witnesses and prisoners, 252, 276; present in Council, 249, 252^a, 272, 279, 286, 292, 295, 301, 303, 484, 486^a, 490, 505, 508, 509, 510, 523, 530, 531, 533; signs an act of Council, 697.
- Robert, brother of the old Laird of Geight, a rebel, is to be brought to trial, 281.
- Robert, late bailie of Ayr, appointed to collect contributions, 388.
- Robert, in Craig, petitions against the Service-book, 714.
- Robert, elder, in Kirkcudbright, petitions against the Service-book, 714.
- Robert, in Knockmarling, petitions against the Service-book, 711.
- Robert, petitions against the Service-book, 711.
- Roger, in Nether Knockgray, petitions against the Service-book, 713.
- Thomas, in Crochlie, charged with resetting rebels, 216.
- Thomas, smith in Dauan, charged with resetting rebels, 236.
- Thomas, smith, charged with resetting rebels, 215.
- Thomas, prevented from giving a sasine, 134.
- T., petitions against the Service-book, 711.
- Mr William, doctor and professor of medicine at Aberdeen University, gets warrant to obtain dead bodies for dissection, 228, 229.
- William, in Achinhandache, a rebel, is to be brought to trial, 281.
- William, in Anwoth parish, petitions against the Service-book, 712.
- William, in Hill, petitions against the Service-book, 713.
- William, in Hole, petitions against the Service-book, 712.
- William, in Migvie, charged with resetting rebels, 103.
- William, in Monboy, petitions against the Service-book, 711.
- William, petitions against the Service-book, 711.
- . . . , brother to Abergeldie, put under caution to keep the peace, 98.
- . . . , brother to Cluny, caution for his keeping the peace, 97.
- Gordon . . . , brother to Park, caution for his keeping the peace, 97.
- . . . , in Little Glanderstone, charged to appear as a witness, 630.
- . . . , uncle to the Laird of Corridoun, put under caution to keep the peace, 98.
- . . . , wife of William Lealie of Ryhill, prosecuted for assault, 134.
- some persons of the name, accused of certain crimes, and intercourse with them forbidden, 36, 42, 55, 88, 121, 122; a large number charged to find caution for keeping the peace, 97, 98.
- Gordons Mylne, house of, to be rendered, 417.
- Gordounnye, William, petitions against the Service-book, 711.
- Gorrie, Donald, in Logiealmond, 463; his son William charged with committing assault and rape, 463.
- Gourlay of Grange, Gilbert, appointed a commissioner anent the plague, 119, 123.
- Alexander, cordiner, burges of Edinburgh, witness to the execution of a charge, 582.
- John, in Anwoth parish, petitions against the Service-book, 712.
- Govane, Patrick, at the Kirk of Fetteresso, charged with malicious damage to property, 107.
- Gowne of Skeg, John, witness to the execution of a charge, 588.
- Graden, Andrew, messenger, executes a charge, 614, 634, 635, 647^a.
- Graham (Grayhame, Grhame) of Balgowne, John, appointed a justice of peace for the shire of Perth, 202.
- of Blaetwood, Fergus, complains of being assaulted, 210.
- of Blaircesnoch, Jasper, deceased, 105; Robert, his son, is witness to a bond of caution, 105; his signature, 105.
- of Bolquhoppill, . . . , appointed a justice of peace for the shire of Perth, 203.
- of Braco, Sir John, appointed a justice of peace for the shire of Perth, 203; a bond granted by him, 663^a, 695.
- of Carnewath, David, charged with carrying prohibited weapons, 424.
- of Fintry, David, to be answerable for his tenants and servants, 43; appointed a justice of peace for the shire of Forfar, 131; commission to him against rebels, 449; appointed sheriff of Forfar, 523, 524; his signature, 43.

- Graham of Gartur, John, caution by, and signature of, 104, 105.
- of Gorthie, David, appointed a justice of peace for the shire of Perth, 202.
- of Inchbrakie, Mr George, appointed a justice of peace for the shire of Perth, 202.
- of Ley, John, prosecuted as a Border outlaw, 408.
- of Monytraichie, Andrew, caution by and signature of, 104, 105.
- of Morphie, . . . , appointed convener of the justices of peace for the shire of Kincardine, 223.
- of Rednoche, John, caution by, and signature of, 104, 105; put upon trial for intercommuning with Gilderoy, 346^a, 347; a remission to be granted to him, 346, 347, 352; promises to pay money, 603.
- of Urquhill, John, appointed a justice of peace for the shire of Perth, 203; he is cautioner in a bond, 664.
- Adam, in Cannabie, banished as a Border outlaw, 407.
- Andrew, in Oldface, hanged as a Border outlaw, 407.
- George, called Christeis Geordy, prosecuted as a Border outlaw, 408.
- James, in Correlaw, 408.
- James, in Edinburgh, witness to the execution of a charge, 618.
- James, schoolmaster at Morebattle, witness to the execution of a charge, 608.
- James, messenger, executes charges, 634, 652; directed to serve a summons, 698.
- James, charged with robbing a ship, 6.
- James, charged with deforcement, 603^a.
- John, brother uterine to Gilroy McGregor, to be apprehended, 321.
- John, in Culter, taken from the hands of a messenger apprehending him, 603.
- John, called of the Gall, prosecuted as a Border outlaw, 408.
- John, in Quhitlauchmill, prosecuted as a Border outlaw, 408.
- John, charged with carrying prohibited weapons, 424.
- Sir Richard, knight baronet, appointed a commissioner for the Borders, 161.
- Robert, in Beggeraw, hanged as a Border outlaw, 407.
- Robert, in Guthrie, put under caution for keeping the peace, 692.
- Robert, in Newbigging, charged to appear as a witness, 593.
- Graham, Thomas, in Bordlands, charged with carrying prohibited weapons, 424.
- . . . , messenger in Edinburgh, witness to the execution of a charge, 630.
- Graig, Alexander, writer in Edinburgh, witness to the execution of a charge, 580.
- Grain and victual: a shipload of corn suspected to be infected with the plague, 254; disputes about the reaping of corn, 4, 5, 307–310, 506, 516, 535, 553; violent appropriation of, 75, 384, 592.
- Grange, Laird of. *See* Durham.
- Grant, Laird of. *See* Grant of Freuchie.
- of Ballindalloch, John, charged to appear as a witness, 18.
- — John, apparent, 92, 231; act of caution by him, 44, 46; he appears before the Council, 45; prosecutes resettlers of rebels on his lands, 111, 112, 168; apprehends rebels, 170; is himself charged with resetting rebels, 215, 375, 383.
- of Cardells, John, act of caution by him, 91.
- — William, prosecuted for remaining at the horn, 267, 381, 428.
- of Cardow, Duncan, prosecuted for remaining at the horn, 267.
- of Culquhoich, Patrick, prosecuted for remaining at the horn, 381.
- of Freuchie (or Grant), Sir John, knight, 231, 232; craves extension of the term assigned to him for producing the rebel, James Grant, 17, 45, 138; he is denounced for not producing him, 176, 177; cautionry by him, 27, 73, 378; he is charged to produce and exhibit rebels, 272, 327, 363, 364, 366, 367, 376, 377, 378, 394, 477, 634; charged with resetting the Clan Gregor, 404.
- of Kirkden, John, 231.
- of Moynes, John, 554.
- Alexander, in Stonehaven, charged with malicious damage to property, 107.
- Alexander, charged to appear before the Council, 521.
- Colin, in Largs parish, petitions against the Service-book, 707.
- Duncan, in Edinburgh, charged with selling tobacco illegally, 63.
- George, bastard son of James Grant, rebel, to be produced before the Council, 45, 138, 176, 177, 230; not to be reset, 170; his examination and trial, 236, 243.
- Isobel, wife of Robert Finlay McInroy, not to be reset, 170.
- James, the rebel, measures taken for

- his apprehension, 17, 18, 21, 22, 45, 138, 176, 177; prosecution of his resettlers, 111-113, 253; some false coin received from him, 46; reference to his escape from Edinburgh Castle, 112, 236; his wife, Elspet Innes, not to be reset, 170; some of his accomplices taken and dealt with, 170, 230, 258, 272, 304, 379; no communication to be held with them, 170.
- Grant, Janet, widow in Ballahaglish, charged with resetting rebels, 231.
- John, his maintenance and jailor fee to be paid, 205.
- John Dow, to be sent to Edinburgh for trial, 207.
- Patrick, father of John Grant, apparent of Ballindalloch, charged with resetting rebels, 215.
- Patrick, servitor to Ballindalloch, charged with resetting rebels, 231.
- Patrick, apprehends a rebel, 103; rewarded for doing so, 121.
- Paul, at Ballindalloch's gate, charged with resetting rebels, 231.
- Peter, caution for his keeping ward, 378.
- Robert, brother of James, the rebel, to be produced before the Council, 45, 138, 176, 177; not to be reset, 170.
- Robert, servitor to Sir John Grant of Freuchie, witness to a bond of caution, 27.
- Thomas, tutor of Carron, caution for his compearing before the Council, 28; he is assaulted and wounded, 384.
- Thomas, in Knockillie, and his son, to be sent to Edinburgh for trial, 21, 22; he is dead, 170; his son is not to be reset, 170; his maintenance and jailor fee to be paid, 205.
- *alias* McJokkie, John, in Tulloch, and Patrick, John, and Duncan, his sons, charged with resetting rebels, 363, 364, 376; also . . . Grant, his wife, and Isobel, his daughter, 376.
- *alias* McOnill McAlaster, Patrick, in Glenbrow, charged with resetting rebels, 375.
- surname of, many to be apprehended, 176, 177.
- Grasich, John Doue, in Balachaboch, charged with resetting rebels, 216.
- Gray of Ballgerno, James, appointed a justice of peace for the shire of Perth, 202.
- of Skibo, Robert, 554.
- Gray, Alexander, charged to appear as a witness, 599.
- David, merchant burghess of Edinburgh, debts owing to him, 519.
- David, officer in Glasgow, complains of being deforced, 19, 20.
- David, debts owing to him, 135.
- Mr George, town-clerk of Haddington, appointed clerk to a commission, 626, 628.
- James, in Ayr, supplicates that he may be ransomed from the Turks, 387.
- Mr John, dean of Caithness, witness to a bond of caution, 27.
- John, in Stonehaven, charged with malicious damage to property, 107.
- Mungo, in Hietoun, banished as a Border outlaw, 407.
- Robert, in Cockburnspath, charged to appear as a witness, 617.
- Robert, messenger, directed to serve a summons, 601, 602.
- Robert, servitor to John, Earl of Sutherland, witness to a bond of caution, 27.
- Mr Samuel, advocate, presents a bond for registration, 81, 83, 84; debts owing to him, 87; appears as a procurator, 451, 561.
- Mr Thomas, late bailie of Aberdeen, charged to appear before the Council, 144, 173; seeks suspension of horning, 589; witness to the execution of a charge, 590.
- William, in Edinburgh, gives his opinion anent the coinage, 465.
- William, in Thornton Loch, charged with plundering a ship, 242^s, 243.
- Greene, Gilbert, steward to Innermerkie, charged with armed convocation and riot, 64, 65.
- Greenhill (Greinhill), lands of, 197, 239.
- Greenlaw, the minister of, grants a testimonial, 646.
- Greenock, town of, 615.
- Laird of. *See* Shaw.
- Greenshiels (Greinscheills) of Hogiscastell, William, witness to the execution of a charge, 593.
- Greenwich, royal letters, etc., dated there, 16, 29, 39, 40, 41, 44, 46, 60, 66, 276, 492, 506, 550, 561.
- Gregour, clan, depredations committed by some of them, 338. *See also* Macgregor.
- Gregor, James, in Bochrour, assaulted, 384.

Greig (Greg, Grege, Grige), Alexander, in Wock, charged with malicious damage to property, 107.
 — Harry, skipper in Leith, appears anent the Leith hospital, 662.
 — John, in the Hauches of Fingoth, complains of being called a Macgregor, to his disadvantage, 348.
 — John, in Overlanfoud, petitions against the Service-book, 713.
 — John, his maintenance and jailor fee to be paid, 205.
 — Symeon, merchant in St. Andrews, to depone anent erecting a light on the Isle of May, 568.
 Gresich, John, in Delbadie, charged with resetting rebels, 215.
 Grier or Grierson (Greirane) of Barjarg, Robert, 238.
 — Thomas, 416; his son, Robert, prosecuted for remaining at the horn, 416.
 — of Castlemadie, Gilbert, complains of malicious damage, 183; he petitions against the Service-book, 711.
 — of Lag, Sir Robert, commission to him to try a case of poisoning, 160; appointed a commissioner for the Borders, 161, 366; his attendance required as a commissioner for the teinds, 192; accepts the office of sheriff of Dumfries, and gives his oath, 523.
 — George, messenger, executes a charge, 589.
 — James, in Besiwallie, 291; his wife, Margaret Dempster, is charged with committing assault, 291, 599.
 — James, witness to the execution of a charge, 599.
 — John, at Brigend of Dumfries, charged to appear as a witness, 585.
 — John, in Over Knockgray, petitions against the Service-book, 713.
 — Lancelot, brother of Barjarg, sues for the payment of a debt, 238.
 — Robert, in Dyckell, petitions against the Service-book, 712.
 — Robert, in Regland, petitions against the Service-book, 712.
 — Robert, charged to appear as a witness, 585, 599.
 Grieve (Greive), Andrew, herd in Humbie, execution of summons against him, 617, 619.
 — Andrew, in Nether Carupo, his rent, 371.

Grieve, James, prosecuted for carrying fire-arms, 52.
 — William, in Mylneknow, on an assize, 626.
 Grinla, John, in Thornton, charged with plundering a ship, 241.
 Grot (Groit), John, execution of summons against him, 605.
 — William, indweller in Kirkwall, presents a deed for registration, 583.
 Guard, His Majesty's, some gentlemen of, 1, 2, 227.
 Guild, Charles, charged with obstructing the leading of peats, 85, 109.
 — John, servitor to the Earl of Southesk, seeks delivery of writs, 697.
 — Doctor William, minister at Aberdeen, appointed a justice of peace for the shire of Aberdeen, 222.
 Guinea, gold brought from, xviii, 542, 550.
 Guirach, Allaster, in Aulich, a rebel, is to be brought to trial, 366.
 Gun, Thomas, in Thurso, complains of the seizure of his merchandise, 7; deposition by him, 7.
 (Guns, carrying of, and assaults with, 64, 65, 158, 275, 357, 367, 644, 645.
 Guthrie (Gotherie, Guthre) of Auchmuchthie, Patrick, imprisoned for not giving up his escheat goods, 109.
 — of Collestoun, John, sues for the payment of a debt, 268.
 — . . . , younger, charged to appear as a witness, 416; put under caution for keeping the peace, 692, 693.
 — of Kincaldrum, Alexander, 220.
 — Mr Alexander, town-clerk of Edinburgh, to attend meetings of the Commissioners for the Burghs, 15; produces documents, etc., on behalf of the Commissioners for the Burghs, 57; papers delivered to and by him as a commissioner, 138, 139, 147, 465; charges to him, 140, 155, 176; declares the intention of the town to build a new Council-house, 165; appointed to secure the safe reading of the Service-book, 486², 513, 514, 515; his proposals anent the coinage, 507, 509.
 — Gilbert, surgeon, burgess of Aberdeen, signs a certificate, 412.
 — Hercules, surgeon, burgess of Aberdeen, signs a certificate, 374, 412.
 — James, surgeon, burgess of Aberdeen, signs a certificate, 374.
 — James, writer, witness to a document, 372.

Guthrie, Jean, widow of Robert Stirling of Letter, sues for payment of a debt, 435.

— J., minister at Stirling, petitions against the Service-book, 716.

— Margaret, wife of Captain James Donaldson, some money owing to them, 4.

— Richard, W.S., appears as a procurator, 414.

— Richard, officer in Haddington, witness to the execution of a charge, 618.

— Robert, cook in Edinburgh, some money owing to him, 4.

— William, brother of Kincaldrum, witness to a bond of caution, 220.

— . . . , mother of Bessie Stirling, appears on her behalf, 275.

— . . . , witness to the execution of a charge, 649.

Gylour, John, in Craigmillar, tacksman of Little France, charged with molesting and starving a widow woman, 556, 557; he and his wife, Janet Winraham, make a counter-complaint, 557.

HADDIN, James, prosecuted for carrying firearms, 52.

Haddington, Earl of, Thomas, Lord Privy Seal, a member of the Privy Council, viii; an arbiter in a dispute, 33, 37, 81; on a committee of Council anent leather, 61; commission to him to sit during the vacation, 101; on a committee of Council anent disorders in the North, 120; appointed a justice of peace for Fife and Kinross, 131; also for the shire of Forfar, 131; also for the shires of Clackmannan, Kincardine, and others, 222, 223; on a committee of Council anent the coinage, 256, 301, 339; appointed to examine witnesses and prisoners, 299; on a committee of Council anent the fees of the Lord Clerk Register, 433, 438; mention that he is dead, and appointment of his successor as keeper of the Privy Seal, 446; present in Council, 1, 12, 14, 15, 21, 23, 27, 31, 33, 37, 38, 45, 47, 53, 65^a, 72^a, 76, 87, 91, 103, 111, 114, 117, 119, 125, 130, 131, 135, 137, 138^a, 139, 142, 147, 148, 193, 200^a, 203, 206^a, 211, 213, 215, 231, 243, 247, 248, 249, 252^a, 256, 258, 259, 262, 268, 270, 271, 272, 276, 279^a, 286, 292, 295, 301, 303, 307, 316, 320, 321, 322, 324, 330, 343; signs acts of Council, letters, etc., 11, 26, 202, 603, 625.

— Thomas, second, a member of the Privy Council, viii, ix; on a committee of Council anent the muster-master-general,

551; on a committee of Council anent the Leith hospital, 571; present in Council, 432, 437^a, 442, 445, 449, 456, 476, 477, 479, 481, 484, 486^a, 490, 508; signs an act of Council, 684. *See also* Lord Binning.

Haddington, burgh of, 333, 612, 625, 628; precautions to be taken anent the plague, 293, 355, 682; markets not to be held for fear of the plague, 330, 331; this restriction is removed, 355; the provost and bailies receive advice from the Council anent a sentence, 333, 334, 618; commission to them to try cases of theft, 646^a; Michaelmas fair held there, 646; reference to the town books, 646; the market cross, 619; the tolbooth, 333, 618, 646, 648; provost of. *See* John Cookburn; town-clerk of. *See* Mr George Gray; school-master of, license to him to eat flesh during Lent, 699; presbytery of, petitions against the Service-book, 706; moderator thereof. *See* Mr Robert Balcanquhall.

— shire or constabulary of, 169, 330, 333, 641; precautions to be taken anent the plague, 293, 355; the appointment of justices of peace, 237, 477; the sheriff is appointed a commissioner anent the plague, 293, 331, 339; the justices of peace are appointed commissioners anent the plague, 490, 491; the sheriff receives advice from the Lords of Council anent a sentence, 333, 334, 648; receives a commission to try cases of theft, 646^a; appointment of John Auchmowtie of Gosford as sheriff, 138; appointment of George Hepburn of Alderstone as sheriff, 522; sheriff-deputes. *See* Mr John Oliphant and George Pringle; the sheriff-court books, 628.

Haddock, Nans, a taverner, petitions for her liberty, 621.

Hagbuts, illegal carrying of, 42, 47, 77, 107, 146, 295, 307, 313, 318, 328, 329, 336, 344, 366, 367, 384, 424, 467, 488, 644, 645.

Hagie. *See* Heggie.

Hailes (Hals), lands and lordship of, 535, 553.

Haining (Hanyng), Lady. *See* Dame Marion Boyle.

Hare (Haire, Hayre), Alexander, writer, 665; his son Robert is witness to a document, 665.

— Arthur, in Liddesdale, hanged as a Border outlaw, 407.

— James, debts owing to him, 135.

Haitlie, James, in Cookburnspath, charged to appear as a witness, 617.

- Haldane (Halden) of Gleneagles, Sir John, commission to him to apprehend a person, 396; he is witness to a document, 530.
- Mr Archibald, constable of Edinburgh Castle, his signature, 54.
- Haliburton (Halyburtoun) of Keillour, . . . , appointed a justice of peace for the shire of Forfar, 131.
- Mr George, servitor to John, Earl of Traquair, witness to a document, 99, 101, 221; his signature, 101.
- James, skipper in Leith, and master of the Leith hospital, charged to appear before the Council, 641, 652, 657, 662, 674, 682; he depones anent erecting a light on the Isle of May, 562, 563.
- Jean, a widow, charged with deforcement, 618; execution of summons against her, 649.
- Halhill, Laird of. *See* Melville.
- Halliday (Halliday) of Tulliboll, William, agrees to provide alimient to Annabell Bruce, his wife, daughter of Sir Robert Bruce of Clackmannan, 371.
- David, in Kirkmabreck parish, petitions against the Service-book, 712.
- John, appears as a witness, 640.
- William, in Fenton, 408.
- William, burgess of Kirkcudbright, petitions against the Service-book, 714.
- Halkerstoun, John, in Burntisland, fined for selling tobacco without a license, 380.
- Halkerton, Laird of. *See* Falconer.
- Halket of Pitfirran, Sir Robert, appointed a justice of peace for the shire of Fife and Kinross, 131; appointed a commissioner anent the plague, 119, 123; charged to appear before the Council anent the salt, 175.
- of Lumphinnans, Patrick, deceased, 158, 159; complaint by his widow, Elizabeth Boswell, and his daughter, which mentions Andrew, his son, as dead in exile, and John, his son, banished, 159.
- Hall (Hal) of Fullbar, Mr William, provost of Renfrew, complains against a disobedient person, 452, 453.
- — Robert, fiar, submits to arbitration, 452, 453.
- Alexander, in Chatto, hanged as a Border outlaw, 407.
- Archibald, in Newbigging, prosecuted as a Border outlaw, 407.
- Charles, in Newbigging, prosecuted as a Border outlaw, 407.
- Hall, Francis, his ship suspected of the plague, 272.
- George, bailie, burgess of Dumbarton, charged with attacking a ship, 313; witness to the execution of a charge, 591, 592; charged to appear before the Council, 615.
- George, in Thornton Loch, charged with plundering a ship, 242*, 243.
- James, in Overtoun, charged with committing assault, 267.
- John, in Thornton, charged with plundering a ship, 241.
- Robert, younger, in Kirkcoun of Skene, charged with armed convocation and riot, 344, 631.
- Halyairds, lands of, 52.
- Hamburger, a, sentenced to banishment for piracy, 225.
- Hamesucken, cases of, 47, 64, 65, 75, 109, 134, 158, 181, 183, 267, 275, 291, 302, 307, 318, 332, 339, 357, 394, 463, 467, 476.
- Hametoun, Andrew, chamberlain, charged with malicious damage to property, 107.
- Robert, in Glasloe, charged with malicious damage to property, 107.
- Hamilton, Marquis of, James, a member of the Privy Council, viii, 69; present in Council, 307; signs acts of Council, letters, etc., 684, 697.
- Marchioness of, license to her to eat flesh during Lent, 698.
- of Bancriff, Sir Alexander, gets license to eat flesh during Lent, 699.
- of Barganie, Sir John, younger, appointed a commissioner anent the plague, 118, 123.
- of Blackburn, Sir George (John), attends a committee of Council anent lights on the Isle of May, 59, 114, 562, 564, 566, 576*; appointed a justice of peace for the shire of Fife and Kinross, 131.
- of Blair, John, prosecuted for remaining at the horn, 435.
- of Broommure, William, elder, appointed a justice of peace for the bailiary of Cunningham, 481.
- of Cander, Cuthbert, and Agnes Maxwell, his spouse, crave a protection, 604.
- of Dalserf, William, appointed a justice of peace for the shire of Lanark, 426.
- of Easter Inch of Bathgate, Michael, complains of being assaulted, 183.
- of Fingaltoun, Sir James, appointed a justice of peace for Lanarkshire, 56, 57.
- of Garreive, William, petitions against the Service-book, 703.

- Hamilton of Grange, Sir John, and James, his eldest son, appointed commissioners anent the plague, 118, 123.
- of Hagga, Alexander, appointed a justice of peace for Lanarkshire, 78, 449; accepts the office of sheriff of Lanark, and gives his oath, 522.
- of Kinglass, Mr Alexander, caution for him and for his indemnity, 61, 62; appointed a commissioner anent the plague, 118, 120, 123.
- of Milburne, Robert, elder, appointed a justice of peace for Lanarkshire, 21.
- of Orbeston, John, Lord Justice Clerk, ix; admitted as a member of the Privy Council, vii, 332, 334, 335; on a committee of Council anent the muster-master-general, 342, 343; on a committee of Council anent the Leith hospital, 351, 654; on a committee of Council anent the coinage, 380, 464, 509; on a committee of Council anent the estate of Foulis, 382; on a committee of Council anent the fees of the Lord Clerk Register, 433; on a committee of Council for surveying the forest of Glenalmond, 499, 517; on a committee of Council anent the Treasurer's accounts, 486; on a committee of Council anent the Service-book, 529; on a committee of Council anent the muster-master-general, 551; papers, etc., delivered to him, 347; appointed to examine prisoners, etc., 347, 351, 355, 362, 377, 378, 383, 394, 397, 419, 434, 650; present in Council, 334, 342, 345, 346, 351, 352^s, 356, 359, 363, 364, 367, 369, 372, 373, 375, 378, 383, 386, 391, 394, 396, 398, 401, 404, 413, 415, 416, 418^s, 421, 427, 432, 437^s, 442, 445, 449, 454, 456, 461, 464, 465^s, 466, 467, 471, 476, 477, 478, 481^s, 484, 486^s, 490, 505, 516, 521, 523, 530, 531, 544, 545, 549^s, 553, 554.
- of Preston, Sir John, charged to appear before the Council anent the salt, 175; on a committee of Council anent lights on the Isle of May, 59, 114, 566, 576; he and George, his natural son, are appointed commissioners anent the plague, 331.
- of Raploch, Gavin, a bond granted by him, 663, 664, 695.
- of Ridhall, Sir James, gets license to eat flesh during Lent, 699.
- of Ridhous, Sir John, gets license to eat flesh during Lent, 699.
- of Ruchnorke, A., petitions against the Service-book, 702.
- Hamilton of Sillertonhill, . . . , his protection is extended, 390.
- of Udstoun, John, appointed a justice of peace for Lanarkshire, 78.
- of Wastland, J., petitions against the Service-book, 703.
- of Wodhall, James, appointed a justice of peace for Lanarkshire, 21.
- Ensign Alexander, to transport a mad-man to the wars, 345.
- Alexander, in Kirkcoun, 183.
- Alexander, minister at Lochwinnoch, appointed a justice of peace for the shire of Renfrew, 223.
- Alexander, servitor to the Earl of Cassillis, witness to a bond, 665.
- Charles, bailie of Edinburgh, appointed to consult anent the reading of the Service-book, 486, 513, 534.
- Claud, brother-german of James, Earl of Abercorn, grants a bond, 80; he is cautioner in a bond, 695.
- Doctor, attends a case of poisoning, 160.
- James, bailie of Glasgow, exonerated from false charges, 19, 20.
- James, merchant in Hamilton, witness to the execution of a charge, 582.
- James, in the Nesse, act of caution by him, 61.
- James, in Overtoun, seeks suspension of horning, 588.
- James, messenger, directed to serve a summons, 618^s.
- John, chamberlain of Arbroath, seeks payment of escheat goods, 109.
- John, in Canongate, fined for selling tobacco, 63.
- John, in Dunnottar, charged with armed convocation and riot, 344.
- John, apothecary in Edinburgh, grants a bond, 656, 664, 695.
- John, officer in Glasgow, witness to the execution of a charge, 615.
- John, chamberlain of Kinneill, appointed a commissioner anent the plague, 118, 123.
- John, in Udstoun, witness to a document, 664.
- John, petitions against the Service-book, 712.
- Mark, macer, gets license to eat flesh during Lent, 699.
- Mr Patrick, minister at Innerwick, charged to appear as a witness, 617.
- Mr Patrick, writer to the Privy Seal, his appointment, 549.

- Hamilton, Doctor Robert, witness to a bond, 664.
- Robert, at the Mill of Forrest, charged with malicious damage to property, 107.
- Robert, bailie of Preston, appointed a commissioner anent the plague, 331.
- Susanna, wife of Robert Wodrow, complains of being cruelly dealt with by some persons, 267, 302, 588.
- Mr Thomas, debts owing to him, 87.
- Mr William, tutor of Bathgate, makes a complaint, 462.
- William, in Belhaven, charged with plundering a ship, 242².
- William, burgess of Linlithgow, prosecutes sellers of tobacco, 586.
- William, mariner, seeks to be ransomed from the Turks, 169.
- Hamilton, town of, the highway thither from Stirling obstructed by the fall of a bridge, 305.
- Hammermen, guild of, the Laird of Roslin is appointed judge and overseer to the, 306.
- Hampton Court, royal letters, etc., dated there, 132, 140, 141, 155, 277, 359, 369, 401, 423, 512, 538², 697.
- Hamptouns, John, in Dunnottar, charged with armed convocation and riot, 631.
- Hand, Robert, an Irishman, to be apprehended as a deserter, 533.
- Hanging, sentences of, 304, 334, 413, 427.
- Hannay of Kirkdaill, W., petitions against the Service-book, 712.
- Gilbert, in Aiohie, petitions against the Service-book, 714.
- John, in Kirkmabreck parish, petitions against the Service-book, 711.
- Richard, in Kirkmabreck parish, petitions against the Service-book, 712.
- William, in Kirkmabreck parish, petitions against the Service-book, 712.
- Hapland muir, lands of, 155.
- Harbert, William, in Ayr, supplicates that he may be ransomed from the Turks, 387.
- Harbertshyre, green of, 5.
- Harbour and quay for Portpatrick, 150-153, 368.
- Hardie, John, in Crichton, charged to appear as a witness, 613.
- William, sailor, charged with seizing a ship, 12.
- Harper, Alexander, in Potterrow, charged with harbouring persons coming from plague-stricken places, 438.
- Harper, Janet, sister to John Harper in Ryburn, charged with arson, 155.
- John, in Ryburn, and his mother, Margaret Brown, charged with arson, 155.
- Harrisoun, Dame Rachel, Lady Reay, *alias* Rachel Vintersell, her maintenance to be provided by Lord Reay, her alleged husband, 502-504, 688², 689, 693, 694.
- Harrowar, Peter, in Linktoun of Abbots-hall, some goods and writs delivered to him, 519, 520.
- Harroway, Peter, indweller in Linktoun of Abbotshall, complains of wrongful imprisonment, 395, 396.
- Harrowne, David, in Holme of Tantal-lochane, petitions against the Service-book, 713.
- Harrows, some burned, 51.
- Hart (Hert), Adam, in Ayr, supplicates that he may be ransomed from the Turks, 387.
- John, messenger, witness to the execution of a charge, 613.
- Hartsak, lands of, 616.
- Harvest : citing of persons and witnesses in harvest time to be sparingly done, 70.
- Harvie (Hervie), Alexander, writer in Edinburgh, witness to the execution of a charge, 599.
- Gilbert, elder, burgess of Aberdeen, complains of being assaulted, 347.
- Gilbert, younger, burgess of Aberdeen, complains of the spoiling and plundering of a ship, 180, 240.
- Hastie (Haistie), John, post in Edinburgh, witness to the execution of a charge, 601, 604.
- John, witness to the execution of a charge, 589.
- . . . , indweller in Edinburgh, witness to the execution of a charge, 649.
- Haswall, James, in Jedburgh, fined as a Border outlaw, 407.
- Haswell, James, surgeon, burgess of Jedburgh, charged to appear as a witness, 616.
- Hawick, town of, the weekly markets there postponed because of the plague, xiv, 292, 311, 429, 431, 682 ; proclamations at the market cross, 445, 473 ; minister there. *See* Mr Robert Cunningham.
- Hawsone, William, younger, skipper in Anstruther Easter, depones anent lights on the Isle of May, 574.
- Hay of Balhousie, Mr Francis, on a committee anent the bridge of Perth, 532.
- of Baro (or Lands), Sir John, Lord

- Clerk Register, a member of the Privy Council, viii, 121, 227, 288, 289, 583; disrespect shown to him, 53; on a committee of Council anent leather, 61; commission to him to sit during the vacation, 101; on a committee of Council anent disorders in the North, 120; appointed an assessor on an assize of error, 145; on a committee of Council anent the new Council house, 165; to keep a Register of Apprisings, 184-186; appointed to examine witnesses and prisoners, 207, 236, 243, 252, 276, 299, 336, 351, 355, 394; he is arbiter in a dispute, 214, 436; on a committee of Council anent the coinage, 256, 301, 380, 464, 509; on a committee of Council for examining the Marquis of Hamilton's accounts, 293; on a committee of Council for auditing the Treasurer's accounts, 312, 486; on a committee of Council anent the muster-master-general, 342; on a committee of Council anent the Leith hospital, 351, 654; on a committee of Council anent the estate of Foulis, 382; letter from the King for augmenting the fees of his office, 433, 434, 437, 438; on a committee of Council anent the Service-book, 511, 529; on a committee of Council to audit accounts, 518; present in Council, 1, 15, 19, 21, 23, 27, 31, 33, 37, 38, 43, 45, 47, 53, 57, 65^a, 72, 76, 79, 88, 91^a, 93, 94, 101, 102, 103, 111, 114, 117, 119, 125, 130, 131, 135, 137, 138^a, 139, 142, 147, 148, 149^a, 150^a, 156, 158, 159, 165, 167, 169, 170, 172, 176, 179, 183, 184, 189, 191^a, 193^a, 199, 200^a, 203, 206^a, 207, 210, 211, 213, 214, 215, 223, 231, 243, 247, 248, 249, 252^a, 256, 258, 259, 262, 268, 270, 271, 272, 276, 279^a, 286, 292, 295, 301, 303, 307, 310, 320, 321, 322, 324^a, 328, 330, 332, 334, 336, 340, 342, 345^a, 346, 351, 352^a, 356, 359, 360, 363, 364, 366, 369, 372, 373, 375, 378, 383, 386, 391, 394, 396, 398, 401, 404, 413, 415, 416, 418^a, 420, 421, 430, 432, 437, 442, 445, 449, 454, 456, 461, 464, 465^a, 466, 467, 471, 476, 477, 478, 481^a, 483, 484, 486^a, 489, 490^a, 508, 509, 510, 512, 515, 516, 521, 523, 530^a, 533, 534, 536, 541, 542, 545, 549^a, 553, 554; signs acts of Council, letters, etc., 288, 635, 684, 697^a; his deputy. *See* Mr Alexander Kinnear.
- Hay of Dalgetie, William, petitions for the safe keeping of some valuables belonging to Sir Alexander Hay, his father, 205.
- of Easter Kennet, Mr John, appointed a justice of peace for the shire of Clackmannan, 222.
- Hay of Fetterletter, William, prosecuted for remaining at the horn, 355.
- of Fosterseat, Sir Alexander, deceased, 620; debts owing to Alexander, his son, and Helen, Anna, and Elizabeth, his daughters, 620.
- of Keillour, George, on a committee anent the bridge of Perth, 532.
- of Kennet, Mr John, gets license to eat flesh during Lent, 699.
- of Leichlie, David, complaint by him, 493, 494.
- of Naughtoun, Mr Peter, appointed a justice of peace for the shire of Fife and Kinross, 131.
- of Park, Thomas, debts owing to him, 4.
- of Tourlands, James, prosecuted for remaining at the horn, 237; grants bonds, 656, 663, 664, 695.
- Sir Alexander, some valuables belonging to him to be inventoried, 205.
- Mr Alexander, debts owing to him, 206.
- Alexander, indweller in Leith, warded for indiscreet speeches, 53; charged with appropriating some papers and writes, 79; he appears as a procurator anent Leith hospital, 206, 494, 654; appointed an arbiter anent the Leith hospital, 82, 83, 570, 622^a, 625, 668; charged to appear before the Council, 651, 657, 673, 674, 696; cautioner in a bond, 663, 695.
- Andrew, grievance in Philorth, charged with carrying prohibited weapons, 391.
- Andrew, servitor to the Archbishop of St. Andrews, witness to a submission, 194; his signature, 195.
- Mr Francis, writer, 480; papers delivered to him, 228.
- Mr John, commissary of Moray, witness to a bond of caution, 27; appointed curator to Alexander Innes of Cokstoun, 61.
- Mr John, parson of Renfrew, appointed a justice of peace for the shire of Renfrew, 223; he complains against a disobedient person, 452, 453.
- John, bailie of Aberdeen, charged to appear before the Council, 173.
- John, caution for his indemnity, 93.
- Marjory, widow of Alexander Dunbar, sheriff-clerk of Nairn, complaint by her, 493.
- Captain Patriok, grants a bond, 656, 663^a, 695.

- Hay, Walter, advocate, 487; he appears as a procurator, 112.
- Mr William, clerk to the Teinds Commissioners, receives papers, etc., 534.
- William, in Peebles, prosecuted for carrying firearms, 51.
- William, caution for his indemnity, 93.
- Hedderweik, Mr Robert, notary in Edinburgh, witness to a document, 85.
- Hagie (Haiggie, Hegey, Heggins, Hygie), George, skipper in Leith, grants bonds, 80, 81, 656, 662; appears as a witness, etc., 572, 652, 662, 674; bonds granted to him, 661, 672, 680, 696.
- John, in Dysart, accusations made by him, 584.
- Thomas, farrier at the Dooks of Airth, witness to the execution of a charge, 610.
- Heggings pow, 58.
- Heich, William, messenger, executes a charge, 617.
- Hellie, Patriok, charged with illegal fishing, 272.
- Helmeta, reference to, 283.
- Henderson (Henryson) of Cleat, Henry, charged with malicious damage to property, 77; makes protestations, 275, 276, 589.
- of Holland, Mr Robert, and his son William, summoned to appear in a lawsuit, 582, 583, 584.
- William, charged with malicious damage to property, 77.
- of Meal (? Cleat), Henry, action against him for convocation, etc., 275, 295, 582, 584.
- of Tunniegask, Sir James, knight, deceased, 369; his son, Lieut.-Colonel James, now in Germany, seeks that the great seal may be appended to his certificate of birth, 369, 370.
- (Anderson), Agnes, wife of Francis Cruikshank, Burgess of Perth, charged with committing assault and theft, 18.
- Alexander, in Dynnabie, hanged as a Border outlaw, 407.
- Mr Andrew, 4.
- George, Burgess of Kirkcudbright, petitions against the Service-book, 714.
- George, servitor to Sir James Lundie, complains of being assaulted, 460, 461.
- George, skipper, to return with his ship to Holland during the plague, 126.
- James, in Karmon, charged to appear as a witness, 107.
- James, in Kirkmabreck parish, petitions against the Service-book, 712.
- Henderson, Mr John, servitor to the Earl of Traquair, commission to him to arrest defaulters in taxation, 227; admitted as a mace of Council, 324; he executes charges, 641, 649, 650, 651.
- John, in Anwoth parish, petitions against the Service-book, 712.
- John, portioner of Clett, petitions against the Service-book, 702.
- John, in Drumprie, prosecuted as a Border outlaw, 408.
- John, flesher in Jedburgh, appears as a witness, 635, 639*, 647.
- John, appears as a procurator, 206.
- Mr Robert, parson of Lochmaben, appointed a justice of peace for Annandale, 90; appointed to collect contributions, 149, 349.
- Robert, charged with assault, 517.
- Walter, a servant, complains of assault and robbery, 180.
- Mr William, servitor to Robert Pringle, W.S., writes a document, 197.
- William, Burgess of Jedburgh, called Harrellsuord, punished for passing to England during the plague, 608; charged to appear, 635, 647.
- William, flesher in Jedburgh, charged to appear as a witness, 647.
- William, merchant Burgess of Jedburgh, deceased, 329, 340, 341; his widow, Janet Strudgeon, prosecutes for the alleged slaughter of their daughter, Janet, 329, 340, 341, 609, 635-640.
- William, messenger, accused of ill-treating Janet M'Iroy, his wife, 427.
- William, messenger, witness to the execution of a charge, 607.
- William, servitor, witness to the execution of a charge, 584.
- William, witness to the execution of a charge, 641.
- Henrietta Maria, Queen of King Charles the First, a thanksgiving appointed for the birth of her daughter, 418.
- Henry (Hendrie, Henrie), Francis, in Forres, charged to appear as a witness, 382.
- George, charged with armed convocation and riot, 47.
- Gilbert, at Seamilnes, charged with deforcement, 451.
- James, charged with armed convocation and riot, 47.
- John, tailor in Edinburgh, fined for selling tobacco, 63.

- Henry, John, in Kiriemure, witness to the execution of a charge, 621.
- Robert, charged with wrongful imprisonment, 495.
 - Thomas, in Egliacarnie, tried and punished for sheep-stealing, 612, 618, 625-628.
 - Thomas, charged with sheep-stealing, to be scourged and burned in the cheek, 333, 648.
 - Thomas, in Kirkcudbright, petitions against the Service-book, 714.
 - William, writer in Edinburgh, charged to appear as a witness, 618.
 - William, in Irvine, fined for selling tobacco without license, 441.
 - William, in Largs parish, petitions against the Service-book, 707.
 - William, at Seamilnes, charged with deforcement, 451.
 - William, charged to appear before the Council, 649.
- Henryson. *See* Henderson.
- Hepburn of Alderston, George, appointed a justice of peace for the shire of Haddington, 477; accepts the office of sheriff of Haddington, and gives his oath, 522.
- of Beanstoun, Patrick, 181; his daughter, Jean, sues for the payment of a debt, 181; her husband, Michael Balfour, appears for her, 181.
 - of Bearfurd, James, charged with committing assault and robbery, at the instigation of Dame Margaret Preston, his mother, 109.
 - of Wauchtoun, Sir Patrick, commission to him to visit and report on the bridge of Linton, 237.
 - Mr Adam, writer to and deputy keeper of the Privy Seal, hands over the seal to the Chancellor, 446; his appointment, 549; act of caution by him, 93; license to him to eat flesh during Lent, 699.
 - Andrew, succeeds as heir to the estates of his brothers, slain in the French wars, 305, 603.
 - Colonel, recruits to be levied for his regiment, 140, 141, 157, 401, 402^a, 403, 481, 666.
 - Lieut.-Colonel James, killed in the French wars, 305, 603.
 - Colonel Sir John, killed in the French wars, 305, 603.
 - Robert, advocate, presents a bond for registration, 101.
 - Robert, license to him to eat flesh during Lent, 699.
- Heralds: to make a proclamation at the market cross, 483; feud over the displacement of a coat of arms, 360, 391-393; Islay herald. *See* Thomas Drysdale; Rothesay herald. *See* John Spence; Snowdoun herald. *See* James Law; Kintyre pursuivant, 1. *See also* William Stewart; Ormond pursuivant, 1.
- Heriot, Alexander, burghess of Edinburgh, 665; his son John, witness to a document, 665.
- Mr David, advocate, appears as a procurator, 181, 463.
 - Gavin, merchant burghess of Edinburgh, charged with wrongful imprisonment, 381.
 - George, in Brokisburne, charged with plundering a ship, 241.
 - Mr Robert, writer, witness to the execution of a charge, 599.
 - Thomas, skipper in Leith, depones anent erecting a light on the Isle of May, 562.
 - Thomas, skipper in Queensferry, depones anent erecting a light on the Isle of May, 563.
- Heriotmure (Hereot Moor), 333, 627, 628.
- Heron (Heroun, Herowne) of Kiruchtrie, Andrew, younger, petitions against the Service-book, 711.
- Archibald, in Bar, charged to appear as a witness, 587, 595.
 - Cuthbert, in Stalloch, charged to appear before the Council, 588, 596.
 - Cuthbert, charged to appear as a witness, 282.
 - Robert, in Mains, petitions against the Service-book, 714.
- Herries (Hereis, Herreis), Lord John, appointed a commissioner for the Borders, 161; charged to appear before the Council, 366.
- Agnes, in Barowleuch, action at her instance, 299.
 - Gilbert, wright in Kirkcudbright, petitions against the Service-book, 714.
 - Mr Robert, minister at Drysdale, appointed to collect contributions, 149, 349.
- Herring (Hering), Barbara, convicted of murdering her servant, 48.
- Herring fishery: a ship load of herrings to be disposed of, 6, 7, 8; some barrels of herring stolen, 18; the herring-drive at Dunbar, 490, 491, 498, 693.
- Hervie. *See* Harvie.
- Hessilheid, Laird of. *See* Montgomery.

Heuchane (Hewchane), Alexander, in Kirkmabreck parish, petitions against the Service-book, 712.

— John, merchant burghess of Kirkcudbright, petitions against the Service-book, 714.

— Patrick, in Kirkmabreck parish, petitions against the Service-book, 712.

— Robert, burghess of Kirkcudbright, petitions against the Service-book, 714.

— Robert, notary in Kirkcudbright, assists in signing a document, 714.

— William, merchant burghess of Kirkcudbright, petitions against the Service-book, 714.

— William, in Kirkcudbright parish, petitions against the Service-book, 712.

Hewart, John, in Thornton Loch, charged with plundering a ship, 242.

Hewchson, John, in Home, petitions against the Service-book, 711.

Heyman, Thomas, Englishman, under sentence of death for piracy, has the same commuted to banishment, 224, 225.

Hidelstoune, James, in Langtoun, prosecuted for payment of debts, 171.

High Commission, Court of, complaints against the Bishop of Galloway for certain decrees of the, 507.

Highlands and Islands: unsatisfactory conditions of matters there, xxxii-xl; many emigrants from Aberdeenshire and Inverness-shire to Ireland, xxiv; the Marquis of Huntly is sent home on promising to suppress the lawlessness of his clansmen, xxxiv-xxxvi, 9, 10, 14-16, 17; he fails, and is imprisoned in Edinburgh Castle, 101, 102, 211, 212; he expresses contrition for his failure and is allowed to go home, 244, 245; comparances of the Highland chieftains, 14, 15, 292, 300, 301; raiders on the lands of the Laird of Frendraught, 19, 20, 205, 251; prosecution of resettlers of the rebel James Grant, and others, xxxii, 21, 22, 23, 32, 33, 73, 116, 158, 210; proceedings against landlords and chieftains of clans as responsible for their tenants and followers, xxxii-xxxiii, 26, 27, 94, 95, 115, 132, 133, 148, 180, 218, 219, 466, 472, 473, 507; bonds of caution signed by some of them, 220, 221; the Islesmen are forbidden to molest the boats of the Fishing Association while fishing in their waters, 96, 97, 101; many of the Gordons put under caution for keeping the peace, 97, 98; appointment of a commission

for examining into the disorders in the North, 120, 121; capture of some of the notorious Macgregors, 207, 208; rewards paid for this service, 223, 224, 236; further proclamations against the Macgregor, Cameron, and Grant outlaws and others, and proceedings against them, 208-210, 321, 322, 327, 328, 337, 338, 362, 363, 364, 366, 375-377, 379, 398, 399, 410, 413, 416, 418, 419, 507; appointment of commissions for trying resettlers of the rebels in the North, and rebels themselves, 215-218, 231-236, 355; new ordinance for the suppression of outlaws, 234-236; the bishops are to furnish twice yearly a roll of residents in the diocese, 234; operation of the "Tascall" in the Highlands, xxxiv, 235; Gordon of Letterfowrie censured for remissness, 246, 250, 251; his prosecution by the Laird of Frendraught, 298; a reward of £1000 offered for the capture of Gilderoy, and another, 219, 220; sentence against the resettlers of Gilderoy and his followers, 257, 258; capture of Gilderoy by Lord Lorne, 256; arrangements for his trial, 276; he is sentenced to death, 301; Lord Kilpont apprehends two of Gilderoy's accomplices, 276, 351; some Gordons return from abroad to renew the disorders in the North, 281; capture of William Couper M'Allan, who is sent to Edinburgh, 289; the comparance of some of the Highland chieftains dispensed with, 300, 301; a band of rebels called the Light Horsemen, 379, 381, 383, 643, 649, 650; imprisonment of Grant of Ballindalloch and Gordon of Park for resettling the rebels, 383, 430, 434, 449.

Highways and roads: report upon one leading to the kirk of Natoun, 35; from Edinburgh to Biggar and Dumfries, 188; one obstructed by the fall of a bridge, 305, 318; from Edinburgh to the West, 482; objections to the removal of the post and stage from Wedderbie to York, 516. *See also* Bridges.

Hill, James, in Overtoun, charged with committing assault, 302.

— Robert, skipper in Queensferry, depones anent erecting a light on the Isle of May, 562.

— lands of, 525.

Hillow, Robert, petitions against the Service-book, 711.

Hilstoune, Isobel, widow of Patrick Hog, merchant in Edinburgh, and now spouse to

- Mr William Hog, sues for payment of a debt, 441.
- Hird, Katharine, a servant, charged with committing assault, 460, 461.
- Hird, William, master of a Kirkcaldy ship, forbidden to land anything until examination be made anent the plague, 127.
- Hirmanflatt, lands of, 612.
- Hislop, Alexander, in Heack, charged with malicious damage to property, 107.
- Andrew, in Edinburgh, witness to the execution of a charge, 698.
- Eupham, wife of James Law, mariner, burgess of Dysart, dies during his absence, 314, 315.
- John, charged with committing assault, 272.
- Robert, in Harrat, banished as a Border outlaw, 407.
- Thomas, in Branzholm Muir, hanged as a Border outlaw, 407.
- Hodge, John, witness to the execution of a charge, 610.
- Hog (Houg), David, in Thornton Mylne, and James, his son, charged with plundering a ship, 242^s, 243.
- David, witness to a bond, 229.
- John, in Drylaw, and Robert, his son, charged with armed convocation and riot, 214; debts owing by him and William, his son, 380.
- John, in Edinburgh, witness to the execution of a charge, 593.
- John, shipmaster in Kirkcaldy, depones anent lights on the Isle of May, 579.
- Patrick, merchant burgess of Edinburgh, deceased, 441; his widow, Isobel Hilstoun, seeks payment of debts, 441.
- Robert, potter in Potterrow, destroys some brass weights, 393.
- Mr William, advocate, appears as a procurator, 421.
- Mr William, 441; his wife, Isobel Hilston, seeks payment of debts, 441.
- William, in Crocehous, charged with plundering a ship, 242^s, 243.
- William, charged with armed convocation and riot, 214.
- Hoggart, Alexander, in Thornton, charged with plundering a ship, 241.
- Holborn (Hobbourne), Thomas, skipper in Anstruther, depones anent lights on the Isle of May, 574.
- Holland, 240, 378n; plague-infested ships from thence to be examined, 125, 137, 145; two Dutch ships seized at Dumbarton for customs, 591, 608, 612, 614, 615.
- Holland cloth plundered from a wrecked vessel, 241. *See also* Low Countries.
- Holy Island, 162.
- Holyroodhouse, Palace of, 206, 211, 212; meetings of the Council there, vii, 431, 483, 484^s, 486^s, 490, 498, 504, 506, 511, 515, 516, 517, 520, 541, 542, 693; documents dated there, 517, 694.
- chapel of, the communion to be celebrated there, 396, 471; the Service-book to be used there, 514.
- Home (Hume), Earl of, James, third, receives his patent, 262, 262n; his bailies and chamberlains ordered to try a case, 180; assumes the right of exacting customs at St. Boswells fair, 277, 589, 590.
- of Argatie, Harry, appointed a justice of peace for the shire of Perth, 203.
- of Beoparke, John, charged with plundering a ship, 241, 242, 243.
- of Blackadder, Sir John, accepts the office of sheriff of Berwickshire, and gives his oath, 138; to try a case of theft, 647.
- of Blackhills, Alexander, charged with committing assault, 527.
- of Cowdenknowes, Sir James, receives a patent of the Earldom of Home, 262, 262n. *See also* Earl of Home.
- of Cowistounne, Alexander, produced as a witness, 646.
- of Deringtounne, George, appointed a justice of peace for the shire of Berwick, 222.
- of Fouleshotlaw, Mr John, produced as a witness, 646.
- of Kennetsidehead, Abraham, produced as a witness, 646.
- of Manderston, Sir George, 276; prosecuted for violently seizing the house of Manderston, 300, 590.
- Sir Alexander, younger, his protection is extended, 276, 524, 696.
- of Polwarth, Sir Patrick, charged with opposing a decree of removing, 698.
- of Renton, John, written to by the Council, 270.
- of West Reston, Alexander, charged with committing assault, 526, 527.
- of . . . , John, produced as a witness, 646.
- Alexander, in Ayton, 526.
- Alexander, skipper in Leith, depones anent erecting a light on the Isle of May, 562.

Home, Dame Elizabeth, wife of James Maxwell of Knock, execution of summons against her, 587.

— George, in Whitehill, charged with plundering a ship, 241.

— George, a servant, charged with committing assault, 527.

— James, skipper in Leith, deceased, 87; treasurer or master of the Leith hospital, bonds granted to him, or by him, 79-82; proceedings against his widow, Violet Dawline, 79-84, 87, 570, 607, 622, 624, 628, 656-683, 690, 691, 694-696.

— Jasper, younger, in East Barns, charged with plundering a ship, 242^a, 243.

— John, merchant burghess of Edinburgh, debts owing to him, 519.

— Captain Robert, allowed to levy soldiers for foreign service, 401, 402.

Hood (Hud), George, in Salton, sits on an assize, 626.

— John, in Waderlie, sits on an assize, 626.

Hope of Craighall, Sir Thomas, King's Advocate, a member of the Privy Council, viii; on a committee of Council anent leather, 61; commission to him to sit during the vacation, 101; on a committee of Council anent disorders in the North, 120; on a committee of Council anent the new Council-house, 165; on a committee of Council anent the coinage, 256, 301, 380, 464, 509; protests anent payment of jailor-fees, 302; on a committee of Council for auditing the Treasurer's accounts, 312; on a committee of Council anent the muster-master-general, 342, 551; on a committee of Council anent Colonel Monro and the estate of Foulis, 363, 382, 383; on a committee of Council anent the Leith hospital, 382, 385, 657, 662; an arbiter in a dispute, 414; on a committee of Council anent the fees of the Lord Clerk Register, 433, 438; on a committee of Council anent the Service-book, 511, 514, 529; on a committee of Council to audit accounts, 518; appointed to examine witnesses and prisoners, 19, 23, 207, 236, 243, 252, 276, 299, 347, 351, 362, 377, 378, 383, 397, 419, 516; prosecutions at his instance, 5, 8, 12, 25, 30, 33, 34, 42, 46, 51, 52, 62, 64, 69, 73, 76, 77^a, 87, 88, 91^a, 92, 106, 111, 115, 145, 155, 167, 158^a, 190, 199, 212, 213, 229, 275, 283, 284, 294, 295, 302, 307, 313, 318, 320^a, 328, 333, 336, 344, 367, 375, 377, 380, 382, 383, 398, 424, 441, 466, 467, 476, 487, 488, 492, 499, 512, 513, 528, 540, 555,

582, 584, 585, 586, 598, 605, 606, 612^a, 614, 630, 631, 634, 648; papers delivered to him to advise, 72, 147, 186, 189, 304, 311, 357, 373, 454; produces documents, 110, 542; present in Council, 1, 9, 12, 14, 15, 19, 21, 23, 27, 31, 33, 37, 38, 43, 45, 47, 53, 57, 65, 76, 79, 88, 91, 93, 94, 101, 103, 111, 114, 117, 119, 125, 130, 131, 135, 137, 138^a, 139, 142, 147, 148, 150^a, 156, 158, 159, 165, 167, 169, 170, 172, 176, 179, 183, 184, 189, 191^a, 193^a, 199, 200^a, 203, 206^a, 207, 210, 211, 213, 214, 215, 223, 231, 243, 248, 249, 252^a, 256, 258, 259, 262, 268, 270, 271, 272, 276, 279^a, 292, 295, 301, 303, 307, 310, 316, 320, 321, 322, 324^a, 328, 330, 334, 336, 340, 342, 343, 345^a, 346, 351, 352^a, 356, 359, 360, 364, 366, 367, 372, 373, 375, 378, 383, 386, 391, 394, 396, 398, 404, 413, 416, 418^a, 420, 421, 430, 431, 432, 437^a, 442, 445, 449, 456, 461, 464, 465^a, 466, 467, 471, 476, 477, 481^a, 483, 484, 486^a, 490, 505, 508, 509, 510, 512, 515, 516, 521, 523, 530, 531, 533, 534, 545, 549^a, 553, 554; signs acts of Council, letters, etc., 11, 26, 288, 619.

Hope of Wester Granton, Sir Thomas, appears as a procurator, 503.

Horne, John, complains of wrongful ejection and imprisonment, 35.

Horsburgh, George, in Thornton Loch, charged with plundering a ship, 242^a, 243.

— James, burghess of Peebles, prosecuted for carrying firearms, 51.

— Robert, in Canongate, charged with wrongful imprisonment of a debtor, 89.

Horsemen, Light, the name of a band of raiders in the Highlands, 379, 381, 383.

Horses: maltreated, 75, 76; a fatal dispute about one, 340, 341.

Hospitals: protections are not to be granted in prejudice of donations to hospitals, 250; hospital of Leith. *See* Leith.

Houston (Howstoune) of Cultrecoche, William, prosecuted for remaining at the horn, 238.

— of that Ilk, Sir Ludovick, 496; appointed a justice of peace for the shire of Renfrew, 223; an arbiter in a dispute, 453.

— of Skelpie, John, his protection is extended, 160.

— Annas, wife of Alexander Maxwell, son of the Laird of Newark, driven from the place of Newark, 265.

— John, in Commounside, appearance made for him, 200^a.

- Houston, John, charged to appear before the Council anent the salt, 175.
- Howard (Hawart, Howart), Lord, William, appointed a commissioner for the Borders, 161; desired to send some Scotemen to be tried in their own country, 358.
- Sir Francis, appointed a commissioner for the Borders, 161.
- Howie, John, merchant in Edinburgh, witness to the execution of a charge, 605.
- William, charged with obstructing the leading of peats, 85, 109.
- Howieson (Howesone), Alexander, portioner of Cramond, 133; his sons, William and Alexander, complain of being assaulted, 133, 134.
- James, in Newbigging, charged to appear as a witness, 593.
- Jean, in Newbigging, seeks restoration of some victual, 592.
- . . . , in the Potterrow, charged with harbouring persons coming from plague-stricken districts, 435, 438.
- Howsbie, lands of, 77^a, 275, 582.
- Hugan, James, in Whorlawhill, his rent, 371.
- Hull, 145.
- Humbie, minister at. *See* Mr John Cookburn.
- lands and teinds of, 616, 617.
- Hundilshope (Hundilshop), barony of, 52.
- Hunter, Andrew, provost of Forfar, charged to exhibit a prisoner, 602.
- Andrew, in Menner, charged with carrying prohibited weapons, 53.
- Archibald, in Bettokburne, charged with committing assault, 267, 302; seeks suspension of horning, 588.
- Bessie, widow of Mungo Moffat, appears as informant, 142.
- John, smith in Edinburgh, charged to appear as a witness, 698.
- John, in Toux, charged with malicious damage to property, 107.
- Margaret, in Dumfries, prosecuted as a Border outlaw, 408.
- Patrick, merchant in Crail, favours the erecting of a light on the Isle of May, 569.
- William, notary in Minygaff, petitions against the Service-book, 711.
- William, skipper in Crail, depones anent lights on the Isle of May, 575.
- Hunterstoun, A., in Wester Kilbride, petitions against the Service-book, 705.
- Hunthill, Laird of, some stolen sheep in his bounds, 86.
- Huntly, Marquis of, George, viii, 28; petitions for the return of his houses, 3; commission to him to apprehend rebels in the North, xxxiv, xxxv, 9-11, 32; the Council's proceedings against him, 16; written to by the Council to receive the house of Rothemay, 19, 73, 74; he is reproved for his delay, 45; compares before the Council for reporting his service, 65, 72; his commission against rebels extended, 88; he apprehends rebels, 23; bonds of caution by him, 101, 246; charged with resetting rebels, 103; to be answerable for his tenants and servants, 122, 219, 298; the King authorises the Council to enlarge his ward, 211, 212; his lodging in the Canongate, 211, 212; writes an apology for neglecting to preserve peace in the Highlands, and promises to amend, 244, 245, 348; he is allowed to return home, 245; his death at Dundee, xxxv, 650.
- George, 472; appointed on a committee of Council anent the visitation of the colleges of Aberdeen, 479; he complains against the Laird of Frendraught, 552, 553; present in Council, 449, 451 (*misprinted* Hamilton on page 451); signs an Act of Council, 684; his bailie-depute. *See* . . . M'Pherson.
- Huntliehill, lands of, 168.
- Hutcheon (Hutcheoun, Hutcheoun), Andrew, skipper in Leith, appears anent the Leith hospital, 662.
- James, a servant, witness to the execution of a charge, 688.
- William, in Tilliduy, charged to appear as a witness, 554.
- Hutchison (Huchesone, Hutchesoune), Andrew, skipper in Leith, depones anent erecting a light on the Isle of May, 562.
- George, elder at Galston kirk, petitions against the Service-book, 705.
- Mr John, town-clerk of Glasgow, charged with wrongful imprisonment, 653.
- John, Burgess of Kirkcudbright, petitions against the Service-book, 714.
- William, in Girthaid, prosecuted as a Border outlaw, 408.
- Hutsoun, Andrew (or John), in Urquhill, prosecuted for carrying firearms, 42.
- Janet, in Whorlawhill, her rent, 371.
- John, messenger, directed to serve a summons, 603; he executes a charge, 612.
- Patrick, in Kilduff, his rent, 371.

Hutton, Andrew, town officer in Dysart, he and William, his son, sign a document as witnesses, 315; he is witness to the execution of a charge, 614.

— Anthony, appointed a commissioner for the Borders, 162.

— John, messenger, directed to serve a summons, 590.

— Robert, in Kilduff, his rent, 371.

IDEN, place of, 320.

Idington, Thomas, in Humble, charged with intruding on the lands of Humble, 616, 617.

Imprisonment, wrongful, cases of, 3, 64, 86, 89, 158, 180, 183, 381, 390, 495*, 601, 629.

Incest, cases of, 191.

Inch (in Galloway), minister of, 691.

— town of, 644, 645.

Inchaffray, Lady, a defaulter in the taxation, 580.

Inchcape (Inschcaip), 564, 565, 577.

Inchcolm (St. Colme's Inch), an anchorage for ships suspected of the plague, 273, 276.

Inchegrein, the roadstead of, in the Clyde, 313, 591.

Inchkeith (Inchkeathe), Isle of, 563.

Inchmartine, Laird of. *See* Ogilvie.

Indigo plundered from a wrecked vessel, 241.

Infanticide, cases of, 459, 471, 686*.

Inglestone, lands of, and their tenants, 85.

Inglis of Nether Cramond, James, charged to prevent the spreading of the plague there, 118; license to him to eat flesh during Lent, 698.

— John, merchant burgess of Edinburgh, debts owing to him, 206, 522, 523.

— John, merchant burgess of Lanark, craves exemption from all public offices owing to infirmity and old age, 268.

— Thomas, merchant burgess of Edinburgh, deceased, 548; debts owing to his widow, 548.

Ingram, Thomas, charged with armed convocation and riot, 47.

Innerkethnie, minister at. *See* Mr Robert Irvine.

Innerleith, Laird of. *See* Towers.

Innermerkie, Laird of. *See* Gordon.

— house of, to be rendered, 166, 417, 420.

Innerquharly, Laird of. *See* Ogilvie.

Innerowrie. *See* Inverurie.

Inverwick, minister at. *See* Mr Patrick Hamilton.

Innes of Balvenie, Sir Robert, 347; he submits to arbitration, 33, 37; demits an office of curatory, 61; summoned to answer for contempt, 65; relieved from being convener of the justices of peace for Banffshire, 349; charged with resetting rebels, 399, 404, 415; his protection extended, 466, 687; prosecuted for remaining at the horn, 494.

— Sir Walter, fiar, complains of being assaulted, 383; he appears for his father, and becomes cautioner for him, 399, 415.

— of Borrowstoun, Alexander, makes a complaint, 487.

— of Cokstoun, Alexander, his affairs, 43; curators appointed to him, 61.

— of Haltoun, Archibald, prosecuted for remaining at the horn, 494.

— of that ilk, Sir Robert, appointed curator to Alexander Innes of Cokstoun, 61.

— of Kincorth, Berold, appointed a justice of peace for the shire of Banff, 349.

— of Kinnermonie, David, charged with committing assault, 394.

— William, a debtor, charged with committing assault, 347.

— of Leuchars, John, submits to arbitration, 33; makes depositions, 37, 38; demits an office of curatory, 61.

— of Sandyside, William, sheriff-depute of Caithness, witness to a bond, 222; appears as a procurator, 503, 504.

— Mr Alexander, parson of Rothemay, appointed a justice of peace for the shire of Banff, 350.

— Elspet, wife of James Grant, the rebel, not to be reset, 170.

— Mr George, notary, witness to the execution of a charge, 590.

— George, at Boat of Fichliche, assaulted, 384.

— John, writer, witness to the execution of a charge, 599.

— Thomas, in Elgin, charged with resetting rebels, 112; prosecuted for remaining at the horn, 267.

Inns to be provided on the Portpatrick road, 152, 153*.

Inscriptions upon various coins, 296, 297.

Interruption, legal, method of making, 52.

Inveresk, town of, 13.

Inverkeithing, bailie of. *See* William Blaikburn.

- Inverness, town of, 199; charges to the magistrates, 474, 495; the provost and minister to report anent a case of theft, 474, 495; a document dated there, 27; the tolbooth, 474, 495; proclamations at the market cross, 95, 279, 280, 281, 581.
- provost of. *See* Duncan Forbes.
 - minister at. *See* Mr William Clogie.
 - commissary of. *See* Andrew Fraser.
 - shire of, appointment of justices of peace, xxiv, 182; commission to the sheriff to witness the subscription of the General Band by Lord Reay, 25.
- Inverurie (Innerrowrie), 30, 643.
- Ire, Agnes, widow, in the Muir, charged with resetting rebels, 216.
- Ireland (Ireland), John, barber in Canongate, complains of being molested by his fellow tradesmen, 619, 620.
- John, in Strongasle, petitions against the Service-book, 714.
 - John, charged with malicious damage to property, 183.
 - Robert, charged with carrying prohibited weapons, 53.
- Ireland, 212, 283, 533, 561, 570, 691; the passage thither by way of Portpatrick, 150-153, 368, 482; it is to be watched so that no persons pass on false pretences, 198; masterless men to be prevented from passing thither, xxi, 156; large numbers of persons from Scotland going to the Irish plantation, xxiii, xxiv, 198; petitions from Ireland and Scotland in favour of a harbour at Portpatrick for the Irish trade, xxv; Irish beggars, 304; passengers thither are to produce certificates, 316, 404; transportation of stolen goods thither forbidden, 325; a murder committed there, 279.
- Deputy of. *See* Thomas, Earl of Strafford.
- Irvine (Irving, Irwing) of Beltie, John, commission to him to apprehend resettlers of rebels, 217, 218, 232; he is appointed a justice of peace for the shire of Aberdeen, 202.
- of Carnel, Robert, sheriff-depute of Aberdeen, charged to restore a charter chest, 350.
 - of Drum, Sir Alexander, sheriff-principal of Aberdeen, 205; commissions to him to apprehend resettlers of rebels, 217, 218, 232, 472, 691; appointed to try a case, 278; he apprehends rebels, 357, 379, 472; presents a petition, 381; uplifts some fair duties, 480; his oath to be taken as sheriff of Aberdeen, 523, 524; license to him to eat flesh during Lent, 698.
- Irvine of Fedderat, Robert, act of caution by him, 34; appointed a justice of peace for the shire of Aberdeen, 202; execution of summons against him, 630¹, 642.
- of Kincowsie, Alexander, charged with committing assault, 181.
 - of Lenturk, Alexander, convened for an assize of error, 92, 346, 466, 468, 687.
 - of Monboddie, Robert, appointed a justice of peace for the shire of Kincardine, 223.
 - of Mowsknow, David, exempted from Nithsdale's jurisdiction, 421.
 - Alexander, in Brae of Fetteresso, charged with malicious damage to property, 106.
 - Andrew, writes a document, 665.
 - Arthur, petitions against the Service-book, 715.
 - Daniel, called of Kirkpatrick, prosecuted as a Border outlaw, 409.
 - Mr Francis, commissary clerk of Dumfries, his wife, Nicolas Johnstone, complains of an attempt to poison her, 159, 160.
 - Mr James, minister at Parton, petitions against the Service-book, 715.
 - James, prosecuted as a Border outlaw, 408.
 - Mr Robert, minister at Innerkethnie, appointed a justice of peace for the shire of Banff, 307.
 - Richard, called Hector's Richie, hanged as a Border outlaw, 406.
 - Richard, *alias* young Willeis Richie, prosecuted as a Border outlaw, 408.
 - William, charged with armed convocation and riot, 308.
- Irvine, burgh of, xviv, 224, 691; proclamation at the market cross, 279; prosecution of unlicensed sellers of tobacco there, 441; election of the magistrates, 533; the burgh petitions against the Service-book, 701.
- Islay herald. *See* Thomas Drysdale.
- Isles, the: the chieftains to make a yearly appearance before the Council, 53, 300, 478; members of the Fishing Association not to be molested in their fishing, xix, xx, 9, 286; a famine in the Isles, 300. *See also* Highlands.
- Bishop of, Neill (Campbell), ix; admitted as a member of the Privy Council, and gives his oath, vi, 549, 550; present in

- Council, 553; justiciary of the. *See* Archibald, Lord Lorne.
- Istone, William, in Wick, summons at his instance, 605.
- JACK, Alexander, in Brae of Fetteresso, charged with malicious damage to property, 106.
- John, in Hamilton, charged with resetting stolen goods, 687.
- Jacks, 53.
- Jackson (Jaksone), George, charged with armed convocation and riot, 214.
- Henry, burgess of Perth, charged with robbery, 362.
- Henry, charged with armed convocation and riot, 214.
- John, in Achindining, prosecuted as a Border outlaw, 409.
- John, merchant burgess of Edinburgh, deceased, debts owing to him and his daughters, Helen, Elizabeth, Rachel, and Janet, and their husbands, 48; Rachel Johnstone, his widow, afterwards married to Sir William Bruce of Stenhouse, 48, 50.
- Margaret, sister of Henry *supra*, charged with robbery, 362.
- Jaffrey (Jeoffrey) of Kingswalls, Mr Alexander, to be continued provost of Aberdeen, xxix, 144², 173, 174; commission to him to try a case, 278, 631; seeks payment of some victual, 314, 600, 611; he makes a report, 344; sues for payment of a debt, 420; seeks suspension of horning, 589.
- John, sailor, charged with seizing a ship, 12.
- Jailor fees, payment of, 205, 302.
- James the Third, King, his acts anent the election of magistrates, xxviii.
- the Fourth, King, founds the University of Old Aberdeen, 311, 469.
- the Fifth, King, his seventh Parliament, 406.
- the Sixth, King, his reign, xxviii; his ecclesiastical system overthrown, v; his new version of the psalms, ix; his grant to John, Earl of Mar, anent the tanning, xviii; his measures for quieting the Borders and Highlands, xxx, xxxii; his first and eleventh Parliaments, 406; his sixth Parliament, 452; his fourteenth Parliament, 208; his purpose to rebuild the bridge of Perth, xxii, 531.
- James, James, in Crauchesmylne, on an assize, 626.
- Jamieson (Jamesone), Allison, in Belhaven, charged with plundering a ship, 241.
- John, skipper in Crail, favours the erecting of a light on the Isle of May, 573.
- Jardane (Jerdane), Alexander, herd, payment to be made to him, 594, 596; assaulted, 266, 594, 595.
- William, officer in Jedburgh, acquitted from a charge of manslaughter, 329, 340, 341, 614, 635, 637.
- Jarsey. *See* Jersey.
- Jedburgh, town of, 614; the provost and bailies charged with wrongful imprisonment, 204; they are acquitted from a charge of manslaughter, 329, 340, 341, 609, 635-640; the fairs and markets postponed because of the plague, xiv, 292, 311, 429, 431, 432; other precautions, 491, 608, 640, 682, 693; the burgh court, 608; justice courts held there, 401, 404-409, 457; Hewis (Lyellis) hole, there, 609, 637; proclamations at the market cross, 94, 340, 445, 473, 608, 616; the tolbooth, 204, 340, 341, 407, 491; late provost. *See* Alexander Kirkton; provost of. *See* Mr John Rutherford; bailies of. *See* William Allison, Nicol Brown, William Elie, John Rutherford of Tounhead, and John Rutherford, Nether; kirk of, 613; minister there. *See* Mr James Burnet.
- parish of, precautions anent the plague, 445.
- Jedwart staves, 53, 107, 214, 451.
- Jersey (Jarsay), Isle of, 283.
- Jewels: petition of the goldsmiths of Edinburgh against infringers of their liberties, in trafficking in jewels, 501.
- Job, James, charged to appear as a witness, 599.
- Johne, Thomas, appears as a witness, 632, 633.
- Johneson, Robert, fined as a Border outlaw, 407.
- Johnstone (Jonstoun), Lord, James, empowered to sell lands for debt, 3, 48; appointed a commissioner for the Borders, 161; commission to him to apprehend an incestuous person, 191; obtains exemption from the jurisdiction of the Earl of Nithsdale, 337, 420, 421, 650²; as one of the Border Commissioners, he reports upon the ordinances made by the Commissioners for executing their commission, 404-409; advises about a petition, 413; complaint against him, 424; charged to exhibit criminals, 474, 475, 485.

- Johnstone of Beatoock, John, exempted from Nithsdale's jurisdiction, 421.
- of Brakinsyde, James, charged with illegal prosecution, 452.
- of Brigmure, William, prosecuted as a Border outlaw, 408.
- of Butterquhat, Richard, prosecuted as a Border outlaw, 408.
- of Caskieben or of that Ilk, Sir George, complaint by him, 158; a protection granted to him, 165; he is compelled to pay a debt, and find caution, 178, 188; he claims right to the customs of Bartill fair, 280, 480; ordained to be liberated under caution, 293, 294, 600.
- of Cleuchheida, John, caution for his indemnity, 394.
- of Corhead, James, complains of a tenant of his being assaulted, 424; appointed a commissioner anent the plague, 455, 685; he makes another complaint, 475; accepts the office of steward of Annandale, and gives his oath, 523.
- of Elphinstone, Samuel, a bond granted by him, 81, 691; charged to appear before the Council anent the salt, 175; appointed a commissioner anent the plague, 331.
- of Finglaud, Thomas, prosecuted for not presenting a Border outlaw, 408.
- of Foulshells, . . . , complains of being assaulted, 199.
- of Graitnay, John, prosecuted as a Border outlaw, 408.
- of Granton, James, deceased, 452; his son, James, charged with illegal prosecution, 452.
- of Girthhead, George, charged with carrying prohibited weapons, 424.
- of Gunmenbie, William, 394; his natural son, Hercules, caution for his indemnity, 394.
- of that Ilk, Sir George. *See*, of Caskieben, 158.
- of Kindleheid, Gilbert, exempted from Nithsdale's jurisdiction, 421.
- of Kirk, James, hanged as a Border outlaw, 408.
- of Kirktown, Andrew, and John, his son, caution for their indemnity, 394.
- of Lochhouse, Captain James, deceased, 141; his natural son, James, complains of being charged with manslaughter, 141, 142.
- of Mellumtæ, William, prosecuted as a Border outlaw, 408.
- of Petersmilne, Gilbert, seeks enlargement of his ward, 294, 600.
- Johnstone of Poldene, Ambrose, complains of being falsely accused of theft, 452.
- — Simon, fiar, complains of being falsely accused of theft, 452.
- of Staneres, John, charged with committing assault, 210.
- of Turnour, Andrew, exempted from Nithsdale's jurisdiction, 421; caution for him and John, Andrew, and George, his sons, 394.
- of Windholme, Walter, exempted from Nithsdale's jurisdiction, 421.
- Adam, in Nether Cramond, to remain in his house under suspicion of the plague, 153.
- Mr Alexander, advocate, charged with illegal prosecution, 452; appears as a procurator, 497.
- Alexander, violer, 618; his wife, Margaret Johnstone, charged with deforcement, 618.
- Mr Archibald, advocate, 621.
- Archibald, in Blakfuird, prosecuted as a Border outlaw, 407.
- Archibald, called of Catlynnnes, prosecuted as a Border outlaw, 408.
- Archibald, in Kilpatrick, 615; his son, Patrick, is witness to the execution of a charge, 615.
- Cornok, sheriff-officer of Caithness, charged with committing assault, 211.
- David, stabler in Edinburgh, witness to the execution of a charge, 599.
- David, in Staywood, charged with carrying prohibited weapons, 424.
- David, shoemaker in Wolmet, deceased, 186; his widow, Bessie Fethanis, makes a complaint, 186, 187.
- David, merchant in Halkerstoun's Wynd, fined for selling tobacco, 63.
- David, in Marlion's Wynd, fined for selling tobacco, 63.
- David, in Niddrie's Wynd, fined for selling tobacco, 63.
- David, witness to a submission, 195; his signature, 195.
- David, appears as a procurator, 583.
- Edward, in Earshag, prosecuted as a Border outlaw, 408.
- Edward, merchant burges of Edinburgh, his protection is extended, 599, 600.
- George, bailie of Aberdeen, charged to appear before the Council, 173.
- George, in Broomhill, prosecuted as a Border outlaw, 408.

- Johnstone, Gilbert, in Ayr, supplicates that he may be ransomed from the Turks, 387.
- James, in Broomhill, prosecuted as a Border outlaw, 408.
- James, in Earahag, prosecuted as a Border outlaw, 408.
- James, in Irvine, fined for selling tobacco without license, 441.
- James, indweller in Leith, witness to the execution of a charge, 652.
- James, maltman in Leith, appointed an arbiter anent the Leith hospital, and appears, 82, 83, 570, 622, 668, 673, 674.
- James, in Mossop, exempted from Nithsdale's jurisdiction, 421, 422.
- James, in Newbigging, seeks restoration of some victual, 592.
- James, in Willeis, hanged as a Border outlaw, 407.
- James, witness to a document, 663.
- Janet, in Cookburnspath, charged with plundering a ship, 241.
- John, in Achingen, some grain stolen from him, 213.
- John, in Crichton, charged to appear as a witness, 613².
- John, indweller in Edinburgh, charged to appear as a witness, 604².
- John, indweller in Edinburgh, witness to the execution of a charge, 613².
- John, in Nether Cramond, to remain in his house under suspicion of the plague, 153.
- John, in Pethheid, charged with plundering a ship, 242.
- John, called of Ricartris, prosecuted as a Border outlaw, 406, 409.
- John, notary, assists in signing a document, 315, 316.
- John, officer, charged with carrying prohibited weapons, 424.
- John, son-in-law to James Grahame in Correlaw, prosecuted as a Border outlaw, 408.
- John, ordained to be liberated, 306; Marion Moffat, his spouse, appears for him, 306.
- John, craves a protection, 601.
- John, witness to the execution of a charge, 615.
- Margaret, wife of Alexander Johnstone, violer, charged with deforcement, 618.
- Nicolas, wife of Mr Francis Irvine, commissary-clerk of Dumfries, complains of an attempt to poison her, 159, 160.
- Johnstone, Ninian, servitor to Mr John Alexander, witness to the execution of a charge, 634.
- Rachel, widow of John Jackson, merchant in Edinburgh, debts owing to her, 48, 50.
- Robert, provost of Aberdeen, charged to appear before the Council, 144, 173.
- Robert, flesher in Canongate, charged with deforcement, 552.
- Robert, in River, and his sons, banished as Border outlaws, 407.
- Robert, servant to Donypace, charged to appear as a witness, 605.
- Mr Samuel, gets license to eat flesh during Lent, 699.
- Simon, in Moffat, prosecuted as a Border outlaw, 408.
- Thomas, in Canongate, complains of illegal warding, 495.
- Thomas, called the Cleg, prosecuted as a Border outlaw, 408.
- Thomas, a child, alleged theft of cattle from him, 452.
- Walter, in Lighall, charged with carrying prohibited weapons, 424.
- William, in Ackinknow, and Martin, his son, charged with carrying prohibited weapons, 424; he is to be produced before the Council for trial, 474.
- William, oy to Cuddie of the Has, prosecuted as a Border outlaw, 408.
- William, called Langaide of the Gall, prosecuted as a Border outlaw, 408.
- William, in Newbigging, seeks restoration of some victual, 592.
- William, servitor to Mr George Douglas, witness to the execution of a charge, 593.
- Johnstones, exemptions in favour of, 356, 421, 422.
- Joukesone, James, indweller in Edinburgh, craves liberty to satisfy his creditors, 358.
- William, Burgess of Peebles, debts owing to him, 358.
- Jouslie, John, mariner, seeks to be ransomed from the Turks, 169.
- Junkin, David, merchant Burgess of Edinburgh, depones anent erecting a light on the Isle of May, 563.
- Jura, Isle of, 38.
- Justice, Mr William, minister at Gargunnock, and a justice of peace for Stirlingshire, complains of being reviled and assaulted, 496, 497; petitions against the Service-book, 716.

Justice, Lord Chief, or Justice General, the office and precedency of, 457; Sir William Elphinstone (*q.v.*) is appointed, on the resignation of Archibald, Lord Lorne, and Archibald, Earl of Argyle, 165, 166, 166n, 396, 397.

— Chief, of England, 457.

— Clerk. *See* Sir James Carmichael of that ilk; Sir John Cookburn of Ormiston; Sir George Elphinstone of Blythwood; and John Hamilton of Orbeston.

— — depute. *See* John Bannatyne.

— deputies appointed to examine prisoners, etc., 19, 336, 347, 351, 355, 377, 378, 383, 394, 397. *See also* Mr Alexander Colville of Blair and Mr James Robertson.

— courts, holding of, 92, 357, 493, 612, 625; one to be held at Melrose, 16; held at Dumfries, 355, 421; and at Jedburgh, 401, 404, 405-409, 491.

Justices of the peace, appointments of, 21, 56, 57, 71, 78, 90, 114, 131, 172, 182, 202, 203, 300, 307, 349, 350, 352, 390, 426^a, 427, 431, 449, 467, 477, 504, 535, 549; ordained to attend their courts and not to neglect their duties, 175, 176, 472; to grant certificates to *bona fide* passengers to Ireland, 316, 325; those of Aberdeenshire ordered to try a case, 181; those in the Border counties ordained to fix the prices of victual there, 439, 455; those of Haddingtonshire desire the bridge of Linton to be repaired, 237; of Perthshire, 278, 295; Roxburghshire, 340; those of Stirlingshire have difficulty in apprehending a riotous person, 496, 497.

Justiciar of the Isles. *See* Archibald, Lord Lorne.

KADMURE. *See* Cademure.

Kardikues, a French coin (quart d'ecu), 94.

Kay (Key), Hew, in Edinburgh, fined for selling tobacco, 63.

— James, skipper in Dundee and master of the barque *Isabell*, prosecuted for unlawful seizure of goods, 6, 7; depositions by him, 6, 7; his act of caution, 7; complaint by him, 7, 8.

— Margaret, concubine to Archibald Wilson, to be apprehended for theft, 13.

Keandu, . . . , a spy, charged with resetting rebels, 232.

Keir, James, in Stirling, writes a document, 105; his signature, 105.

— Ludovick, debts owing to him, 135. *See also* MacIntosh.

Keith (Keethe, Keyth) of Balmure, Alexander, prosecuted for remaining at the horn, 275, 441.

— of Coklaw, Nathaniel, prosecuted for remaining at the horn, 441; to restore a prisoner to ward, 604.

— of Duffus, Alexander, sits on an assize, 92.

— of Glakrischoe, John, appointed a justice of peace for the shire of Aberdeen, 202.

— of Logyruith, William, and Bessie Stirling, his wife, crave fulfilment of a marriage contract, 275, 604.

— of Ludquharne, Sir William, prosecuted for remaining at the horn, 275, 441; to restore a prisoner to ward, 604.

— of Pettie, John, imprisoned for debt, 604.

— Alexander, in Cautoun, charged with malicious damage to property, 107.

— Alexander, servitor to Mr James Gordon, witness to a document, 664.

— George, in Stonehaven, charged with malicious damage to property, 107.

— Hew, in Strangergill, prosecuted for molesting the tenants of Margaret Miller, his mother, 487.

— Janet, complains against Alexander Strachan of Glenkindie, 57.

— John, in Kintore, charged with armed convocation and riot, 344, 631.

— John, officer in Skene, sometime in Athrosk, charged with armed convocation and riot, 344, 631, 632.

— John, caution for his indemnity, 413.

— Robert, merchant Burgess of Edinburgh, debts owing to him, 204, 518, 519.

— Robert, sheriff-depute of Kincardine, makes a petition, 345.

— Robert, W.S., becomes a cautioner, 278.

— Robert, debts owing to him, 135.

— Robert, appears as a witness, 632, 633.

— William, in Achinoreiff, charged with armed convocation and riot, 344, 631.

Keith, parson of. *See* Mr Joseph Brodie.

— Over, lands of, 616.

Kellibuggs, a place called, 387.

Kellie (Kelly), George, shipmaster in Anstruther Wester, depones anent lights on the Isle of May, 575.

— William, in Dunbar, charged with plundering a ship, 241.

Kello, John, maltman in Leith, appointed an arbiter anent the Leith hospital, 82, 570.

— John, witness to a document, 663.

Kells, parish of, minister there. *See* John Dickson; the parishioners petition against the Service-book, 713^a, 714.

— Balmaclellan, the parishioners of, petition against the Service-book, 713, 714.

Kelso, Archibald, in Flatt, petitions against the Service-book, 707.

— Henry, bailie of Largs, appointed a justice of peace for the bailiary of Cunningham, 418.

Kelso, town of, the bailies are charged to deliver up certain prisoners, 317; proclamations at the market cross, 94, 445, 473; St. James's fair and the weekly markets are postponed because of the plague, xiv, 292, 311, 429, 431, 682.

— parish of, precautions anent the plague, 445.

Kemplands, lands of, 35.

Kemp (Kempt), John, messenger, executes a charge, 610; George, his son, is a witness thereto, 610.

— . . . , seeks suspension of horning, 109.

Ken, brig of, 390.

Kene (Keine), Hew, Irishman, to be apprehended as a deserter, 533.

— John, Irishman, to be apprehended as a deserter, 533.

— Patrick, in Crichton, charged to appear as a witness, 613^a.

Kemnay, Laird of. *See* Crombie.

Kenmay, Laird of, gets license to eat flesh during Lent, 699.

Kenmure, Viscount of, John Gordon, deceased, a charter granted to him, 398.

— — John Gordon, debts owing to him and Dame . . . Campbell, his mother, 4; his uncle, James Buittill, deceased, 136; petition by him, xxix, 397; he complains of decreets given by the Bishop of Galloway, 507.

— barony of, 398.

Kennedy (Kennedie) of Ardmillan, Thomas, cautioner in a bond, 665.

— of Blairquhan, . . . , warding of a servant of Lady Blairquhan, 523.

— of Culzeane, Sir Alexander, appointed convener of the justices of peace in the bailiary of Carrick, 131.

— of Garrihorne, Hew, deceased, 4.

— of Girvanmaynes, Hew, elder, debts owing to him, 48, 49.

— of Halleiths, John, seeks suspension of horning, 394.

Kennedy of Knockda, Fergus, cautioner in a bond, 665.

— Fergus, servitor to the Earl of Cassillis, witness to a bond, 665.

— George, brother to Halleiths, seeks suspension of horning, 394.

— 'Habbie, in Overplace of Halleiths, charged with committing assault, 517.

— Harbert, brother to Halleiths, seeks suspension of horning, 394.

— Janet, heir portioner to the deceased Hew Kennedy of Garrihorn, and Mr James Bower, minister, her spouse, debts owing to them, 4.

— John, late bailie of Ayr, appointed to collect contributions, 388.

— John, notary in Ayr, 692; his son, Hew, searches for a criminal, 692.

— John, bailie of Maybole, makes a protestation, 469.

— Quentin, writer, appears as a procurator, 261, 262, 290.

— Robert, in Edinburgh, witness to the execution of a charge, 698.

— Thomas, brother to Halleiths, seeks suspension of horning, 394.

Kennoway (Kennoquhy), parishioners of, petition against the Service-book, 705.

Kennowie, James, W.S., pursues an action in right of his brother-in-law, William Merser, 110.

— James, debts owing to him, 284, 285.

Kentie, George, at the Mill of Gourds, deceased, 377; his widow, Barbara Rait, sues for the payment of a debt, 377.

Ker of Ancrum, Sir Thomas, grants a bond, 80, 81, 656, 662, 695.

— — William, appointed bailie of the lordship of Dryburgh, 277.

— of Cavers, Sir Thomas, commission to him to apprehend a spreader of the plague, 269.

— of Chatto, James, cautioner in a bond, 695.

— of Graden, Robert, appointed a justice of peace for the shire of Roxburgh, 504.

— of Greenheid, Andrew, appointed a justice of peace for the shire of Roxburgh, 504.

— of Mersintoun, John, produced as a witness, 646.

— of Ormeston, George, complains of damage to his limekilns, and assault, 237, 238.

— of Over Chatto, James, cautioner in a bond, 80.

- Ker of Sinnella, William, cautioner in a bond, 80, 695.
- Andrew, in Stonehaven, charged with malicious damage to property, 107.
- Annabel, in Cromar, charged with resetting rebels, 216.
- Daniel, servant to Andrew Nimmo, witness to documents, 663, 664^a.
- Dame Elizabeth, Lady Broughton, complains of theft and miscarriage, 294, 597, 598, 599, 600; her action settled, 302.
- George, tailor, burgess of Edinburgh, obtains a decree of removing, 698.
- Isobel, widow of Mr Thomas Moir, parson of Morebattle, charged with disturbances regarding seats in the church, 606, 607.
- Mr John, minister at Salt Preston, to examine a ship anent the plague, 271, 272; he petitions against the Service-book, 708.
- John, in the Canongate, fined for selling tobacco, 63.
- John, in Newbigging, seeks restoration of some victual, 592.
- John, debts owing to him, 135.
- Thomas, burgess of Edinburgh, charged to appear as a witness, 603, 604^a.
- William, in Fedders, charged with malicious damage to property, 107.
- . . . , charged with theft, to be sent to the wars, 317.
- Keringtoun, Patrick, in Haddington, sits on an assize, 626.
- Kerse (Kers), John, in the Boyne, complains of being assaulted, 267.
- William, debts owing to him, 135.
- Kid (Kyde), Alexander, merchant burgess of Dundee, complains of injuries done to him, and of the desertion of his wife, Margaret Constable, 435, 436.
- John, skipper in Crail, depones anent lights on the Isle of May, 578.
- John, charged with obstructing the leading of peats, 85, 109.
- Kilbirnie, Laird of. *See* Crawford.
- parishioners of, petition against the Service-book, 705.
- Kilboyack, house of, to be rendered, 270.
- Kilbride, minister there. *See* Mr George Crawford.
- Wester, parishioners of, petition against the Service-book, 705.
- Kilduff, lands of, 371.
- Kilgour (Gilgour), David, in Stonehaven, charged with malicious damage to property, 107.
- Kilgour, Gilbert, in Stonehaven, charged with malicious damage to property, 107.
- James, in Old Aberdeen, witness to the execution of a charge, 630.
- John, messenger, executes a charge, 630^a.
- John, younger, in Old Aberdeen, witness to the execution of a charge, 630.
- Killelen, minister at. *See* Mr Matthew Brisbane.
- Kilmalcolm, some parishioners of, sign a certificate of inability to travel, 265.
- Kilmarnock, parishioners of, petition against the Service-book, 705.
- session-clerk of. *See* Richard Brown.
- Kilmaurs, parishioners of, petition against the Service-book, 705.
- Kilpatrick (Kirkpatrick), Archibald, officer in Jedburgh, acquitted from a charge of manslaughter, 322, 340, 341, 614, 637.
- Kilpont, Lord, John, apprehends rebels, 274; he apprehends John Roy McGregor, 351, 654.
- Kilravook (Kilraack), Baron of. *See* Rose.
- Kilrenny, report of the mariners there anent a light on the Isle of May, 567, 573, 576, 578.
- Kilrynnie, resetters of rebels there, 219.
- Kilwinning, parishioners of, petition against the Service-book, 706.
- Kincaid, Archibald, debts owing to him, 135.
- Mr George, minister, commission to him to report on some sheep, 267.
- George, in Chalkaroche, witness to the execution of a charge, 588; appears as a witness, 597.
- George, merchant burgess of Edinburgh, complains of wrongful imprisonment for debt, 89.
- Malcolm, a thief, ordained to suffer banishment, 428.
- Patrick, charged to appear as a witness, 585.
- Rebecca, wife of James Douglas in Lugton, complains of being assaulted, 339.
- Kincardine (Kincarne) on Forth, salt pans of, 58; precautions there anent the plague, 119, 123.
- parson of. *See* Mr David Bannatyne.
- shire of, appointment of justices of peace there, 222, 223; the sheriff to forward prisoners to Edinburgh for trial, 22, 24, 206, 230, 239, 328, 379; sheriff-principal of. *See* William, Earl of Marischal; sheriff depute of. *See* Robert Keith.

- King, James, in Mylnbowie, appears as a witness, 632^a, 633.
- James, advocate, presents a bond for registration, 27.
- William, merchant, charged with selling tobacco illegally, 63.
- Kinghorn (Kingorne), Earl of, John, a member of the Privy Council, viii; his attendance required as a commissioner for the teinds, 192; appointed to take the oath of the sheriff of Forfar, 524; on a committee anent the bridge of Perth, 532; present in Council, 27, 33, 37, 38, 43, 45, 53, 57, 65, 72^a, 76, 79, 87, 91^a, 103, 169, 170, 172, 213, 214, 215, 223, 252, 256, 270, 271, 276, 279^a, 286, 292, 301, 303, 415, 416, 418^a, 420, 421, 427, 449, 451, 456, 461, 467, 471, 476, 477, 478, 481^a, 484, 486^a, 488, 490^a, 504, 508, 509, 512, 515, 545, 549^a; signs Acts of Council, letters, etc., 582, 602, 603, 684.
- Adam, in Dysart, writes a marriage contract, 315.
- Mr David, notary, assists in signing a document, 315.
- Patrick, Burgess of Dunfermline, debts owing to him and Margaret Foster, his wife, 372.
- Kinghorn, burgh of, the bailies to forward prisoners to Edinburgh for trial, 328, 379, 380; proclamation at the market cross, 280.
- Kinglassie, parishioners of, petition against the Service-book, 706.
- Kinkell, parson of. *See* Mr John Cheyne.
- Kinmonth, *alias* Loure, David, in Woodwrae, complains of being assaulted, 367.
- Kinnaird (Kynnaird) of Cowbine, Walter, appointed curator to Alexander Innes of Cokstoun, 61; depredations on his lands, 338.
- of Inohisture, Patrick, appointed a justice of peace for the shire of Perth, 202.
- Patrick, and his wife, Ursilla Tulloch, charged to appear before the Council, 521.
- Kinnaird, place of, a bond dated there, 544.
- Kinnear (Kynneir), Mr Alexander, W.S., clerk-depute to the Clerk Register, sues for payment of a debt, 417; registers deeds, 580, 606.
- Mr Alexander, debts owing to him and Elizabeth Jackson, his wife, 48.
- Mr John, debts owing to him and Helen Jackson, his wife, 48.
- William, servitor to Alexander Lindsay, fiar of Edzell, witness to a bond of caution, 220.
- Kinneill, chamberlain of. *See* John Hamilton.
- Kinnell, parson of, appointed a justice of peace for the shire of Forfar, 131.
- Kinneth, minister at. *See* Mr James (John) Strachan.
- Kinninmonth, Colonel John, governor of Nettenburg in Russia, petitions for a certificate of his birth and family, 327.
- Kinnoull, Earl of, George, late Chancellor, 582; on a committee anent the bridge of Perth, 532.
- Kinross, shire of, appointment of justices of peace for, 131.
- Kintore, lands of, 30, 278, 643.
- Kintyre, Lord, James, all writs granted by him for the sale of his lands cancelled, 38, 39; he is witness to a bond of caution, 221.
- Kintyre pursuivants. *See* John Ritchie and William Stewart.
- Kintyre, lands, lordship, and barony of, 38, 39.
- Kippen, a market held there, 497; minister thereof. *See* Mr Harry Livingstone.
- Kirk, David, in Nether Carups, his rent, 371.
- James, in Carleton, petitions against the Service-book, 711.
- John, complains of wrongful ejection and imprisonment, 35.
- John, petitions against the Service-book, 711.
- William, complains of wrongful ejection and imprisonment, 35.
- Kirkcaldy (Kirkcaldie) of Grange, William, license to him to eat flesh during Lent, 699.
- Kirkcaldy (Churchaldye), burgh of, 93; report of their commissioners upon the state of the Firth of Forth, 57; precautions anent the plague there, 127, 320; a petition by one of them, 584; the mariners and burgesses there object to a light on the Isle of May, 566, 577, 579; proclamations at the market cross, 279, 280; the tolbooth, 395, 396; bailies of. *See* Alexander Law, John Palmer, William Simson, and John Williamson.
- Kirkcudbright, Lord, Robert, appointed a commissioner for the Borders, 161; he is charged to appear before the Council, 366.
- Kirkcudbright, burgh of, 507; proclamations at the market cross, 161; a road thence to Ayr obstructed, 183; town councillors of, 714; provost of. *See* William Fullarton; bailies of. *See* J. Carsane, John Ewart,

- and William Glendinning; minister there. *See* . . . , Glendinning; presbytery of, petitions against the Service-book, 709-715; stewartry of, 162; steward court of, 136, 299; appointment of justices of the peace, 182, 390; steward of. *See* Earl of Nithsdale; steward-depute of. *See* William Maxwell; procurator-fiscal of. *See* Paul Thomson; clerk of. *See* Robert Shennane.
- Kirkhope, George, a barber's servant in Edinburgh, charged with committing assault, 619, 620.
- Kirkinner, minister there. *See* Mr Andrew Anderson.
- Kirkliston, parish of, to contribute to the relief of plague-stricken people in Cramond, 154.
- Kirkmabreck, parish of, the parishioners petition against the Service-book, 711, 712; minister there. *See* Mr William Dalgleish.
- Kirkmichaell, parish of, the parishioners petition against the Service-book, 706.
— and Garvald, minister of. *See* Mr Francis McGill.
- Kirkoswald, parish of, the parishioners petition against the Service-book, 706; minister there. *See* Mr John Burn.
- Kirkpatrick. *See* Kilpatrick.
— Juxta, minister of. *See* Mr George Buchanan.
- Kirkton (Kirktown) of the Toure, Andrew, complains against some persons for illegally withholding his house and goods, 613, 614, 616.
— Alexander, late provost of Jedburgh, 616; his son, Thomas, is a witness to the execution of a charge, 616.
— Mr Andrew, minister at Oxnam, deceased, 638; his widow, Elizabeth Knox, releases a prisoner, 638.
- Kirktown, lands of, 598.
- Kirkurd, lands of, 254.
- Kirkwall, town of, in Orkney, 40; the bailies and councillors claim a right-of-way, 506; grammar school there, 506; proclamations at the market cross, 279, 280, 583; bailies of. *See* Thomas Lentron and Manse Taylor.
- Kirkwood, James, bailie of Dunbar, freed from a charge of illegal warding, 64.
- Knight (Knicht), John, late bailie of Ayr, appointed to collect contributions, 388.
— William, in Harthill, charged with carrying prohibited weapons, 643.
- Knights, the Lord High Chancellor is authorised to confer the dignity of knight on the eldest sons of baronets when they become of age, 262, 263.
- Knock, lands of, 266, 384, 595, 596.
- Knowes, Mr Christopher, minister at Coldingham, and justice of peace for Berwickshire, complains of being assaulted and abused, 526, 527.
- Knox of Ramferlie, Uchter, appointed a justice of peace for the shire of Renfrew, 223.
— of Shuterflytt, Robert, petitions against the Service-book, 702.
— Elizabeth, widow of Mr Andrew Kirkton, minister at Oxnam, releases a prisoner, 638.
- Kyle, bailiary and lordship of, 411, 703.
— Stewart, bailiary of, the office of bailie accepted by . . . Fullarton of Dreg-horn, 523, 524, 528.
- Kyll, John, servitor to John Lawson of Humber, execution of summons against him, 617, 619.
- LACHALL, John, Burgess of Kirkcudbright, petitions against the Service-book, 714.
- Lachop, place of, 653.
- Laing (Layng), Alexander, in Cushnie, charged with deforcement, 43.
— Elizabeth, widow of Mr Thomas Garden, minister at Tarves, seeks fulfilment of a contract, 295.
— John, messenger in Leith, act of caution by him, 7; appointed to make an inventory, 8; he complains of deforcement, 551, 552.
— Thomas, browster, in Achmuran, charged with resetting rebels, 216; to be set at liberty, 243.
— William, in Bareflat, complaint by him, 158.
- Lamb (Lambe), James, son of Andrew, Bishop of Galloway, some money owing to him, 4.
— James, minister at Bolton, petitions against the Service-book, 708.
— Sarah, daughter of Andrew, Bishop of Galloway, some money owing to her, 4.
— Mr Thomas, in Preston, some money owing to him, 4.
— William, in Crossmichael parish, petitions against the Service-book, 715.
- Lambilethan (Lammilethan), Laird of, license to him to eat flesh during Lent, 698.

- Lamertoune, house of, 467.
- Lamington, Laird of. *See* Baillie.
- Lammie, James, charged to appear as a witness, 554.
- John, in Milntoun of Moynes, charged to appear as a witness, 554.
- Lamont (Lawmont) of that Ilk, . . . , appointed a justice of peace for the shire of Argyle and Tarbet, 504.
- Lam. . . , Alexander, witness to the execution of a charge, 602.
- Lanark, burgh of, 268; the bailies ordained to liberate a prisoner, 316; some stone weights belonging to the burgh wrongfully destroyed, 393; the burgh petitions against the Service-book, 701; the tolbooth, 316; town-clerk of. *See* George Weir; kirk-session of, 701; their clerk. *See* Robert Meiklejohn.
- shire of, 411, 482, 483; appointment of justices of the peace, 21, 56, 57, 78, 378, 426, 449; appointment of Alexander Hamilton of Haggis as sheriff, 522; charges to him to exhibit criminals, 686, 687; the sheriff-court books, 316.
- Lances, references to, 53, 107, 214, 367.
- Landlords, Border, to take precautions anent the plague, 443, 444.
- Lands, James, merchant, some money owing to him, 4.
- Langland, Robert, servant to the Goodman of Bur, witness to the execution of a charge, 616.
- Langton, Laird of. *See* Cockburn.
- Lady. *See* Dame Helen Elphinstone, 172.
- Lanrick, Jean, wife of Alexander Dun, fleshier in Leith, charged with deforcement, 551.
- Largerie, Woodheid of, lands of, 183.
- Largo, parishioners of, petition against the Service-book, 706.
- Larga, burgh of, bailie of. *See* Henry Kelso.
- parish of, the parishioners petition against the Service-book, 707.
- Laroche, lands of, 75.
- Laud's Liturgy, v, 243n.
- Lauder (Lawder) of that Ilk, Robert, charged with committing assault, 69; cautioner in a bond, 665, 690.
- of Whitelaid, Gilbert, grants a bond, 656, 663, 665, 690.
- Gilbert, charged with spoliation of teinds, 146.
- Hew, messenger in Edinburgh, charged with committing assault, 339; witness to the execution of charges, 606, 649, 698; executes charges, 615, 621.
- Lauder, Lieutenant James, permitted to receive idle and masterless persons for the wars, 520.
- Sir Lewes, knight, act of caution by him, 11.
- William, brother of Robert, of that Ilk, charged with committing assault, 69.
- William, at the Cross, charged with committing assault, 69.
- Lauder, burgh of, 69, 370; the fairs and markets there postponed because of the plague, 437, 682, 684; charges to the bailies, 370; proclamation at the market cross, 437; the tolbooth, 370; minister there. *See* Mr James Burnet and Mr John Maitland.
- commissary of. *See* Mr Oliver Sinclair; commissary-clerk of. *See* Francis Wilkieson.
- Lauderdale, Earl of, John, a member of the Privy Council, viii; on a committee of Council for examining the Marquis of Hamilton's accounts, 293; appointed to examine witnesses and prisoners, 299; on a committee of Council for auditing the Treasurer's accounts, 312, 486; on a committee of Council anent Colonel Monro and the estate of Foulis, 363; on a committee of Council anent the fees of the Lord Clerk Register, 433, 438; on a committee of Council anent the coinage, 464; on a committee of Council anent the muster-master-general, 551; on a committee of Council anent the Leith hospital, 571, 641, 652; present in Council, 9, 12, 23, 38, 45, 72, 103, 111, 270, 271, 272, 279, 286, 292, 295, 301, 303, 307, 310, 316, 320, 321, 322, 324, 330, 332, 334, 343, 359, 360, 363, 364, 366, 373, 401, 418, 421, 432, 437^a, 456, 461, 464, 473, 476, 477, 481, 486^a, 516, 520, 536, 544, 545, 549^a; signs acts of Council, letters, etc., 582, 684.
- bailiary of, appointment of justices of peace for the, 426^a, 427; special meetings, 439; convener of. *See* Mr James Burnet and Mr John Maitland.
- Lauren fair at Selkirk, 694.
- Laurence, Archibald, at the Kirk of Fetteresso, charged with malicious damage to property, 107.
- Law of Bogges, Mr James, grants a bond, 655, 665, 690.
- Alexander, bailie of Kirkcaldy, charged to appear before the Council, 395.

- Law, Mr James, keeper of H.M. signet, complains of malicious damage to his lands and property, 254, 255.
- James, mariner, Burgess of Dysart, complains of the spoliation of his house after the death of Eupham Hialop, his spouse, 314, 315, 602, 614, 621.
- James, younger, skipper in Kirkcaldy, depones anent lights on the Isle of May, 579.
- James, Snowdon herald, executes a charge, 190.
- John, maltman, Burgess of Dysart, witness to a bond of caution, 315.
- Lawborrows, some cases of, 72, 283, 284, 285, 292, 394.
- Lavers, Laird of. *See* Campbell.
- Lawrie (Laurie), Alaster, in Derach of Abir-yeldie, charged with resetting rebels, 216.
- Alexander, notary, servant to the Marquis of Douglas, witness to a bond of caution, 102.
- Bessie, wife of Thomas McMurdie in Chaige, complains of being assaulted, 291.
- James, in Craighews, charged with resetting rebels, 216.
- John, a herdsman, complains of being assaulted, 384.
- Lawson of Humble, John, his factor molested and hindered from discharging his office, 616, 617.
- of Kirkland, Mr Robert, charged with intronitting with the office houses at Humble, 616, 617^a, 619.
- Mr George, appears as a procurator, 87.
- James, charged with carrying prohibited weapons, 53.
- Dame Janet, Lady Fawside, and widow of Sir John Edmonstone of Ednem, she and her son make a complaint, 107, 108; she is charged with wrongful ejection, 108.
- John, tenant to the Laird of Burgie, charged to appear as a witness, 554.
- John, officer, charged with oppression and wrongful imprisonment, 35.
- John, executes a charge, 583.
- Leadhills, 145.
- Lead ore, 145.
- Leaper (Lepar), John, provost of St. Andrews, merchant and shipowner, depones anent erecting a light on the Isle of May, 568^a.
- Thomas, in Stonehaven, charged with malicious damage to property, 107.
- Learmonth (Leirmount, Lermont), Mr Andrew, minister of Liberton, appointed a commissioner anent the plague, 326.
- Learmonth, James, in Linton, charged with armed convocation and riot, 214.
- John, writer, witness to the execution of a charge, 603.
- John, charge to him as a stentmaster, 228.
- Mr Robert, advocate, 620, 621; he and Mr John, his son, are charged with malicious damage to property, 648, 649; license to him to eat flesh during Lent, 698.
- Leather, tanning of, 20; the duties for sealing tanned leather to be considered by a committee of Council, 61; the barkers of leather in Selkirk are allowed to carry on their trade north of the Tweed, 475.
- Legal interruption, making of, 52.
- Legan, . . . , a vagabond, charged with committing assault, 357.
- Legget (Liggatt), Margaret, in Crocehill, a thief, sentenced to banishment, 522.
- Walter, in Crocehill, a thief, to be transported to the wars, 522.
- Leichlie, lands of, 494.
- Leighton (Lichtoun) of Dinninald, Patrick, submits to arbitration, 468.
- James, in Woodhead, charged to appear as a witness, 107.
- John, servitor to the Marquis of Huntly, charged with resetting rebels, 121.
- John, skipper in Leith, appears anent the Leith hospital, 662, 674.
- Leipleish. *See* Robson.
- Leips, lands of, 597.
- Leitch, Mr David, regent in King's College, Aberdeen, charged with abusing certain privileges, 469, 470.
- Mr D., minister at Rerrick, petitions against the Service-book, 711.
- Leith (Leyth, Lieth) of Coutisvallis (?), Alexander, witness to the execution of a charge, 586.
- of Harthill, John, is liberated under caution, 65, 66, 67, 167; caution for his compearing before the Council, 67, 68; he claims right to the customs of Bartil fair, 280, 480; deceased, 281; his son, Alexander, a rebel, is to be brought to trial, 281; charge against him of carrying prohibited weapons, 643^a, 644, 645.
- of Kirkton of Rayne, Patrick, act of caution by him, 67, 68; charged with carrying prohibited weapons, 643^a.

- Leith of Newlands, John, charged with carrying prohibited weapons, 642, 643*, 644, 645.
- of Overhall, George, charged with carrying prohibited weapons, 643, 645.
- of Threffield, George, charged to appear before the Council, 586.
- of, . . . , George, charged to appear before the Council, 586.
- Mr George, minister at Culsalmond, charged to appear before the Council, 586.
- George, son-in-law to Adam Abercromby of Aldrayne, prosecuted for resetting rebels, 55.
- John, in Kirkcoun of Oyne, charged to appear before the Council, 586; charged with carrying prohibited weapons, 643.
- Patrick, becomes a cautioner, 167.
- Mr William, charged to appear before the Council, 586.
- Leith, town of, 7, 9, 11, 13, 443, 551, 594; proclamations at the pier and shore of, 279, 280, 589; charges to the bailies, 8; they are to forward prisoners to Edinburgh for trial, 22, 24, 208, 230, 289, 328, 380; the thieves' hole there, 79; ships arriving thither from Holland to be examined anent the plague, 130, 132; is excepted from being a meeting-place of the Council, 546; documents dated there, 80, 81, 561, 575, 579, 663*, 664*, 665, 690*, 691*, 695, 696; bridge of, 130; the tolbooth there, 494; town-clerk of. *See* Mr Patrick Mawer.
- hospital of, its foundation charter, etc., 79-81; legal process by the masters and mariners of Leith against Violet Dawline and others, 80-84, 206, 207, 385, 386, 454, 561, 570-572, 579, 607, 651, 652, 654-665; the Council's decisions, 622-625, 628, 666-683; committees appointed to investigate matters and audit the accounts, 256, 257, 332, 351, 363, 372, 373, 382, 386, 641, 652, 654; list of bonds and sums of money due to the hospital, 655-657, 662-665, 688, 689-691, 694-696.
- links of, 79.
- ministers of, to oversee the administration of the Leith hospital funds, 332, 623, 628, 641. *See* Mr Andrew Fairfull, Mr William Morton, and Mr William Wishart.
- North Bridge of, kirk of, the Service-book to be used there, 514.
- parish of, a contribution to be taken for relief of the plague-stricken people of Cramond, 154.
- South, kirk and parish of, 83.
- Leith, Water of, 133.
- Lennox (Lenox), Archibald, in Dumbarton, fined for selling tobacco without license, 441.
- James, in Edinburgh, fined for selling tobacco, 63.
- Lennox (Lenox), Duke of, James, Lord High Admiral of Scotland, viii; cases dealt with by him, 6, 12, 13, 93, 242, 457; his commissioners to be heard in certain causes, 116; letter from the King in his favour anent the duties payable to him, 332, 335; complains of encroachment on his office as bailie of the regality of Glasgow, 492, 493; appointed commissioner to Court anent the Service-book, 529; present in Council, 523; his bailie at Glasgow. *See* Walter McAulay of Ardincaple.
- of Putralsfyt, Robert, misprinted for Robert Knox of Shuterfyt, *q.v.*
- Alexander, messenger, directed to serve summonses, and executes charges, 585, 587.
- Alexander, petitions against the Service-book, 712.
- John, Burgess of Kirkcudbright, petitions against the Service-book, 714.
- John, petitions against the Service-book, 712.
- John, petitions against the Service-book, 712.
- John, petitions against the Service-book, 712.
- Robert, petitions against the Service-book, 712.
- Robert, petitions against the Service-book, 712.
- Thomas, petitions against the Service-book, 712.
- Thomas, petitions against the Service-book, 712.
- Lent, proclamations forbidding the selling and eating of flesh during, 200, 386, 387; licenses granted to certain persons, 698, 699.
- Lentron (Lentroun), James, merchant in St. Andrews, depones anent erecting a light on the Isle of May, 568, 569.
- Thomas, bailie of Kirkwall, witness to the execution of a charge, 583.
- Lenturke, Laird of. *See* Irvine.
- Leonard (Leonart), John, officer to Alexander, Lord Spynie, charged with obstructing the leading of peats, 85, 109 (?)
- John, in Nether Bow, charged with

- obstructing the leading of peats, 55, 85, 100.
- Lepar. *See* Leaper.
- Leragan, lands of, 366.
- Leslie (Leslye) of Achintoull, Sir Alexander, appointed a justice of peace for the shire of Banff, 349, 350.
- of Anquhorteis, James, charged with committing assault, 74, 75; caution found for him, 75; debts owing to him as a cautioner, 300.
- of Balquhen, John, charged with committing assault, 74; he has in his keeping some jewels and valuables, 205; endeavours to quieten a riotous person, 496.
- of that Ilk, George, measures for his pecuniary relief, and payment of the debts owing to him, 111, 129, 130, 306, 417, 450, 454; appears as a procurator, 166; protections granted to him, 414, 621.
- of Mortoleugh, John, appointed a justice of peace for the shire of Perth, 202.
- of Newton, John, appointed a justice of peace for Fife and Kinross, 131.
- of Pitcaple, John, elder, no further protections to be granted to him, 300, 600.
- — John, younger, charged with committing assault, 74, 75; caution found for him, 75; his protection is extended, 214; no further protections to be granted to him, 300.
- of Ryhill, William, Helen Gordon, his spouse, and Patrick, their son, are charged with destroying a bond, 85, 86; they are prosecuted for preventing a sasine being taken, 134; they and Isobel, their daughter, are ordained to give up certain lands, 179; he appears as a cautioner, 130; he seeks suspension of horning, 261; he is charged as a cautioner for payment, 306; prosecuted for remaining at the horn, 417.
- of Wardes, Sir John, protections granted to him, 68, 69, 215; accused of delaying payment of his debts, 129, 176, 179, 215, 306, 414, 417; complains of violent intrusion to his tower of Wardes, 328, 329, 630, 642-645, 648; a charter-chest to be restored to him, 350; prosecuted for remaining at the horn, 417, 634.
- Sir Alexander, knight, a passport to be given to him, by the King's warrant, for his going abroad, 66.
- Alexander, brother to Anquhorteis, charged with committing assault, 74, 75; caution found for him, 75.
- Leslie, Alexander, in Achaber, prosecuted for resetting rebels, 55.
- Mr Andrew, in Braidhaugh, and George, his son, charged with carrying prohibited weapons, 467.
- Andrew, good-brother to Mr Andrew Logie, minister at Rayne, 643.
- Mr George, at Birsak Mill, 373; his son Alexander, petitions the Council, 373, 374; letters of caption against them, 412; they are charged with carrying prohibited weapons, 467.
- Mr George, appears as a witness, 632, 633.
- George, at Mill of Inch, appears as a witness, 643, 644.
- George, servitor to John Makesoun in Crail, writes a document, 569.
- Sir James, knight, gentleman of the privy chamber, and commissioner for the sale of tobacco, prosecutes illegal retailers thereof, xix, 62, 63, 69, 70, 72, 330, 441.
- James, messenger in Edinburgh, witness to the execution of a charge, 589, 607, 621, 649.
- James, messenger, executes a charge, 603.
- John, messenger, complains of being assaulted, 29.
- Lancelot, messenger in Inch, deprived of his office, but ordained to be reinstated, 428.
- Leonard, prosecuted for uttering false coin, 44, 46.
- Norman, brother to Ryhill, cautioner in a bond, 85.
- Patrick, merchant burghess of Aberdeen, petition by him, xxviii, 177, 178.
- Patrick, in [of] Legitsden, appears as a witness, 643^a, 644.
- Robert, indweller in Edinburgh, witness to the execution of a charge, 621.
- William, burghess of Elgin, sues for the payment of a debt, 188.
- William, in Mill of Inch, 643, 645; his son, George, appears as a witness, 642, 645.
- William, brewer in Stradoun, charged with resetting rebels, 216.
- *alias* Byres, Patrick, charged with committing assault, 357.
- Leslie, parish of, the parishioners petition against the Service-book, 707.
- Lessudden, fairs there postponed because of the plague, 473, 691.
- Lesterik. *See* Restalrig.

Letterfourie, Laird of. *See* Gordon.
 Leuchars, house of, 38.
 — parish of, the parishioners petition against the Service-book, 707.
 Lewis, Isle of, 280; fishing expeditions thither, 5; a ship and goods plundered there, xliii, 93, 561, 570^s; admiral-depute of the. *See* Thomas Lindsay in Crail.
 Leynar, Moreis, Irishman, to be apprehended as a deserter, 533.
 Liberton (Libbertoun), kirk of, 326; the Service-book to be used there, 514; minister of. *See* Mr Andrew Learmonth; parish of, precautions to be taken there anent the plague, 326.
 Licenses to the Lords of Council and others to eat flesh during Lent, 201, 387, 696, 699.
 Lichtoun. *See* Leighton.
 Liddell, James, indweller in Leith, grants bonds, 80, 655, 656, 665, 690.
 — Janet, wife of Walter Brown in Queensferry, seeks suspension of horning, 586.
 — John, in Dunbar, charged with plundering a ship, 241.
 Lidderdail, John, in Kirkcudbright, petitions against the Service-book, 714.
 Liddesdale, lordship of, 539.
 Liddoche of Skene, lands of, 344, 631-633.
 Lidington (Idington), James, in Abbots-hall, charged to appear as a witness, 605, 608.
 Lies, Andrew, charged with robbing a ship, 6.
 Ligertwod, . . . , to be apprehended as a spreader of the plague, 289.
 Ligertwood, lands and teinds of, 146.
 Liggat. *See* Legget.
 Lightbody, Marion, execution of summons against her, 653.
 Light Horsemen, the name of a band of rebels. *See* Highlands.
 Lights or beacons proposed to be set on the Isle of May, 59, 60, 111, 114, 155, 156, 157, 172, 176, 561-569, 572-579, 581.
 Lilburne, Fergus, in Kilnetray, charged to appear as a witness, 282, 588.
 Limekilns, damages sustained by some, 237.
 Limerick (Lumbreck), in Ireland, xliii, 283, 561, 570.
 Limlair, Goodman of. *See* Monro.
 Lindores, Old, lands of, 420.
 Lindsay (Lindsey, Lyndesay), Lord, John, on a committee of Council anent lights on the Isle of May, 59, 114, 562, 564, 566, 568, 576^s; appointed a justice of peace for Fife and Kinross, 131; license to him to eat flesh during Lent, 698.

Lindsay of Blairfidden, Harry, charged with obstructing the leading of peats, 55.
 — of Edzell, David, to be answerable for his tenants and servants, 95; bond of caution by him, 220.
 — — Alexander, younger, appointed a justice of peace for the shire of Forfar, 131; becomes a cautioner, 220.
 — of Wolmerstoun, Mr Patrick, 14; his son, John, to make assythement, 14.
 — Alexander, seeks suspension of horning, 109.
 — Bernard, in Leith, grants a bond, 655.
 — Mr David, servitor to the Bishop of Edinburgh, witness to a decret, 197; his signature, 198.
 — Mrs Elizabeth, wife of Robert Fletcher of Benshow, craves the restoration of a deed, 388, 389.
 — Henry, bailie of Alexander, Lord Spynie, charged with obstructing the leading of peats, 85.
 — Hew, servitor to the Lord Advocate, witness to the execution of a charge, 598, 599.
 — James, officer in Dumbarton, appears as a witness, 592, 615.
 — Sir Jerome, commissary of Edinburgh, 599.
 — Sir John, Knight of the Bath, grants a bond, 388.
 — John, a letter in his favour, 471.
 — Colonel Ludovick, grants an assignation, 388.
 — Captain Thomas, permitted to levy soldiers for foreign service, 45, 46.
 — Thomas, in Crail, admiral-depute in the Lewis and North Isles, prosecuted and warded for the seizure of a ship, 6-9; complaint by him, 12, 13, 457.
 — Thomas, skipper in Leith, depones anent erecting a light on the Isle of May, 562, 563.
 — Thomas, debts owing to him, 87.
 — Walter, servitor to David Lindsay of Edzell, witness to a bond of caution, 220.
 — William, post in Edinburgh, witness to the execution of a charge, 599.
 — William, indweller in Edinburgh, witness to the execution of a charge, 613, 619.
 Linlithgow (Lithgow), Earl of, Alexander, Vice-Admiral of Scotland, cases dealt with by him, 6, 12, 13; his debts, 415; he grants a bond, 661, 672, 680.

- Linlithgow, burgh of, 275; a Parliament held there in December 1585, 26; the provost and bailies of, appointed commissioners to deal with the plague, 118, 120, 123, 137, 254; they are to place some persons in quarantine, 126; to forward prisoners to Edinburgh for trial, 469; election of magistrates there, 533; meetings of the Privy Council appointed to be held there, v, xi, 537, 538, 547, 548; meetings of the Privy Council held there, viii, xii, 544, 545, 548; proclamations at the market cross, 94, 547; bailie of. *See* George Bell; minister there. *See* Mr John Cornwall.
- shire of, 169, 261, 286, 287, 330, 482, 483, 641; appointment of justices of peace there, 449; the sheriff prosecutes sellers of tobacco, 586; appointment of Thomas Dalziel of Manerstown as sheriff, 138; the office of sheriff accepted by Mr George Dundas of Maner, 523. *See also* Thomas Dalziel of Binna.
- Lint, Acts of Parliament anent, 419, 420.
- Linton, Lord. *See* John, Earl of Traquair.
- Fergus, hanged as a Border outlaw 407.
- Thomas, in Kirkcudbright, petitions against the Service-book, 714.
- Linton, bridge of, to be repaired, 237.
- Lintrathen, barony of, 686.
- Lisk, Nicol, in Orphir, charged with armed convocation and riot, 308.
- Lithgow. *See* Linlithgow.
- Litster (Litstar), James, in Gaitysde, charged with plundering a ship, 241.
- Robert, in Cockburnspath, charged with plundering a ship, 241.
- Little (Littell), Andrew, in Mittieholme, banished as a Border outlaw, 407.
- Edward, skipper in Queensferry, depones anent erecting a light on the Isle of May, 562.
- James, in Hutton, charged with carrying prohibited weapons, 424.
- John, acts as a procurator, 134.
- William, in Troupbeck, prosecuted for not presenting a Border outlaw, 408.
- Little France, house and lands of, 556.
- Littlejohn (Lyttiljohnne), Unicorn pursuivant, craves delivery of his coat-of-arms, 605.
- Liturgy, Laud's, 243n.
- Livingstone (Levingstoun, Lewingstoun) of Newbigging Mill, Hew, and William, his son, are charged to restore some victual, 592, 593¹.
- Livingstone of Westquarter, William, bailie of the regality of Callander, commission to him to apprehend James Adie in Jawcraig, 213; a fine due by him, 224; an arbiter in a dispute, 557.
- Alexander, in Marnoch, petitions against the Service-book, 711.
- Mr Harry, minister at Kippen, witness to a bond of caution, 105; his signature, 105.
- Hew, in Newbigging, complains of oppression, 493.
- James, mariner, seeks to be ransomed from the Turks, 169.
- John, merchant burges of Edinburgh, a protection granted to him, 415; he grants a bond, 656, 663, 690.
- John, petitions against the Service-book, 715.
- Mr William, notary in Keith, witness to the execution of a charge, 611.
- Mr William, portioner of Salton, a bond granted by him, 663, 690.
- . . . , sometime of Donypace, charged to appear as a witness, 605.
- Livingstone, parish of, 261, 286, 288.
- Lobane, John, servitor to Adam Abercromby of Auldrayne, prosecuted for resetting rebels, 55.
- Lochaber, lands of, 32; a haunt of rebels, 234.
- Lochbroom, minister at. *See* Mr Donald Ross.
- Lochbuy, Laird of. *See* McLean.
- Loch, East, lands of, 646².
- Lochgarrow, minister at. *See* Mr Alexander McKenzie.
- Lochinvar, Lord. *See* Viscount of Kenmure.
- Lochmaben, proclamations at the market cross, 94; the tolbooth, 199; minister there. *See* Mr Robert Henderson.
- presbytery of, ask for the apprehension of an incestuous person, 191.
- Lochmalony, Patrick, appears as a procurator, and signs, 688.
- Lochoir, James, skipper in Kinghorn, depones anent erecting a light on the Isle of May, 566.
- Martin, skipper in Kinghorn, depones anent erecting a light on the Isle of May, 566.
- Lochs, the water of, spoiled by laying lint therein, 419, 420.
- Lochwinnoch (Lochwhinzeoch), minister at. *See* Alexander Hamilton.
- Lockhart (Lockarte, Lokhart) of Balcolmie,

- Sir James, his attendance required as a commissioner for the teinds, 192.
- Lockhart of Bar, J., petitions against the Service-book, 705.
- of Carstairs, William, appointed a Justice of peace for the shire of Lanark, 426.
- of Duphoill, Hew, appointed to collect contributions, 388.
- of Lee, Sir James, elder, exempted from attendance on assises on account of his age and weakness, 156.
- — Sir James, apparent, his attendance required as a commissioner for the teinds, 192.
- of Tempill, George, petitions against the Service-book, 705.
- Sir James, signature in his favour, 15.
- John, in Boquhan, 496; his son, James, accused of reviling a minister, and other contempts, 496, 497.
- John, petitions against the Service-book, 715.
- Robert, 224; his son, William, owes payment of a fine, 224.
- Logan of Boig, George, petitions against the Service-book, 712.
- of that Ilk, William, petitions against the Service-book, 703.
- — George, fiar, petitions against the Service-book, 703.
- of Sheriffbrae, . . . , appointed a commissioner anent the plague, 125.
- Adam, smith in Maybole, and Gilbert, his son, complain of wrongful imprisonment, 469.
- Alexander, servant to the Laird of Cockburnspath, witness to the execution of a charge, 617.
- Barbara, grants a bond, 655.
- David, skipper in Leith, charged with seizing some papers and writs, 79; a bond granted to him, 80, 688; he is connected with the litigation anent the Leith hospital, 82-84, 561, 570, 622, 668; payments to be made to him, 666, 667; he is charged to appear before the Council, etc., 641, 651, 662; he grants a discharge, 694-696.
- (Lougoun), David, skipper in Leith, depones anent the erecting a light on the Isle of May, 562³.
- Mr James, minister at Smailholm, appointed a justice of peace for the shire of Roxburgh, 172.
- John, to cause his servants go to Cramond for cleansing the plague, 118.
- Logan, William, in Forres, charged to appear as a witness, 382.
- Laird of. See Maxwell.
- Loganebank, lands of, 36.
- Logie (Logy), Mr Andrew, parson of Rayne, witness to a bond, 68; charged to appear before the Council, 586; charged with carrying prohibited weapons, 642-645; also his son, John, 643, 644, 645.
- James, appears as a procurator, 53, 300.
- James, charged to appear before the Council, 580.
- Logyruiff, lands and moes of, 275.
- Lookup (Leuphope, Lukeup, Lukop), James, skipper in Leith, depones anent erecting a light on the Isle of May, 562.
- John, skipper in Leith, appointed an arbiter anent the Leith hospital, 82, 83, 570, 622, 668; charged to appear, etc., 741, 657, 662, 673, 674, 682, 696; depones anent erecting a light on the Isle of May, 562, 563.
- London, 127, 148, 169; documents dated there, 39, 503, 583; the plague there, 247, 249, 271; ships coming thence to be placed in quarantine, 277, 320.
- Lords, fines of, for eating flesh during Lent, 201, 386.
- Lordships: of Dryburgh, 277; Hailes, 553; Liddesdale, 539; Musselburghshire, 13; Torphichen. See Torphichen.
- Lorimer, John, witness to a bond, 229.
- Lorne, Lord, Archibald, justiciar of the Isles, ix, 38, 39, 603; to be answerable for his tenants and servants, 95, 221; cautionry by him, 103; he produces persons before the Council, 114, 221, 252; commended for capturing Gilroy McGregor, xxxix, 253, 254, 256; appointed an assessor for the trial of a jury, 145; on a committee of Council anent lights on the Isle of May, 155, 156; resigns his right to the office of Justice-general, 166, 397; but his hereditary justiciary in the Isles is reserved, 397; to investigate a shipping dispute, 213; commission to him to try a case, 265; on a committee of Council for auditing the Treasurer's accounts, 312; appointed arbiter in a dispute, 314; on a committee of Council anent the coinage, 464; on a committee of Council for surveying the forest of Glenalmond, 499, 517; appointed to examine witnesses and prisoners, 252³, 257, 299, 347, 351, 377, 378, 383, 394, 397;

- present in Council, 33, 37, 38, 45, 103, 111, 114, 117, 119, 142, 147, 148, 150, 156, 158, 159, 169, 176, 179, 183, 184, 189, 191, 193, 199, 200, 213, 252^a, 258, 259, 262, 268, 279, 286, 292, 295, 301, 303, 310, 320, 322, 324, 345, 346, 351, 372, 375, 378, 383, 386, 391, 394, 396, 398, 476, 477, 481, 483, 484, 486, 488, 490, 504, 508, 509, 512, 515, 545, 549^a, 553, 554; signs an act of Council, 238.
- Lorne, district of, a haunt of rebels, 234.
- Lorraine, duchy of, 296.
- Lose, Janet, widow of . . . , Paterson, burgess of Inverness, and Mr Walter Ross, now her spouse, complain of being assaulted, 187.
- Lothian (Lowthiane), Earl of, William, appointed a commissioner anent the plague, 431, 442-445, 455, 681.
- Andrew, merchant burgess of Edinburgh, grants a bond, 656, 663^a, 695.
- Lothian, 169, 535, 621.
- West. See Linlithgowshire.
- Loudoun, Lord, John, 477, 505, 691.
- John, younger, elder at Galston kirk, petitions against the Service-book, 705.
- Loudoun, place of, 691.
- Loure. See Kinmonth.
- Lovat, Lord, . . . , deceased, appointed to build part of a churchyard wall, 391.
- — Hew, bond of caution by him, 102; has a dispute with Colonel Monro anent the estate of Foulis, 382; but submits to arbitration, 402, 422; an agreement made, 422, 423; he complains of encroachment upon his property, 392, 393.
- Low, Robert, in Drumblour, charged with committing assault, 180.
- Low countries: some towns infested with the plague, whence it came to the Firth of Forth, 118, 119, 120, 125, 127; ships coming thence to be examined before being permitted to set any freight ashore, 123-127, 130; levies of recruits to be made for regiments serving there, xli, 225, 226; at peace with Britain, 313. See also Holland.
- Lewis, Alexander, merchant, debts owing to him, 87.
- John, prosecuted for carrying firearms, 52, 53.
- Lowlands, the, infested with Highland rebels, 219.
- Lowrie (Lourye), James, skipper in Queensferry, depones anent erecting a light on the Isle of May, 562.
- Lowrie, John, burgess of Kirkcudbright, petitions against the Service-book, 714.
- Ludquharne, Laird of. See Keith.
- Lutlaw, Simeon, skipper in Largo, depones anent erecting a light on the Isle of May, 564.
- Lumbreck. See Limerick.
- Lumsden (Lumisdén), Christian, widow of Alexander Duff in Terrisoull, sues for the payment of debts, 129, 306, 417.
- Christian, in Cockburnspath, charged with plundering a ship, 241.
- Mr Matthew, bailie of Aberdeen, prosecuted for wilful error on an assize, 92; charged to appear before the Council, 173; seeks suspension of horning, 590; his son, Thomas, is witness to the execution of a charge, 590.
- Richard, charged with robbing a ship, 6.
- Mr Thomas, witness to a bond of caution, 27.
- William, burgess of Aberdeen, witness to the execution of a charge, 586.
- Lund, Henry, merchant and shipowner in Yarmouth, illegal seizure of his ship, 5, 8.
- Lundie (Lundin) of Achtermearnie, David, complained of by his wife, Mary Cockburn, for ill-treating her, 68; and ordained to pay aliment, 68.
- of that ilk, John, appointed a justice of peace for Fife and Kinross, 131.
- George, burgess and clerk of Dysart, charged with wrongful intromission, 315, 614.
- George, notary, assists in signing a document, 316.
- Sir James, complaint by him, 460.
- John, in Langraw, and . . . Ramsay, his wife, charged with committing assault, 460, 461.
- Thomas, skipper in Leith, appears anent the Leith hospital, 662.
- Walter, burgess of Dysart, witness to a bond of caution, 315.
- William, charged with malicious damage to property, 106.
- Luthrie, Sir John, knight and counsellor, appointed a commissioner for the Borders, 161.
- Lyall, George, in Cantie, charged with malicious damage to property, 107.
- William, tacksman of the Mains of Ednam, charged with refusing admittance to the house of Ednam, 108.
- Lyll, Cudbert, in Thornton Loch, charged with plundering a ship, 242^a, 243.

- Lyll, . . . , a plague-stricken person, set ashore, 119.
- Lymkills, precautions anent the plague, 119, 123.
- Lyon (Lyoun) of Aldbar, James, appointed a justice of peace for the shire of Forfar, 131; relieved of a cautionry, 389.
- of Muresk, Alexander, complains of assault and robbery, 180, 181; charged to find caution, 350, 352.
- Arthur, charged to appear as a witness, 554.
- John, in Levan, witness to the execution of a charge, 588.
- William, in Brechin, charged to appear as a witness, 693.
- Lyon King of Arms deprives a messenger, 303. *See also* Sir James Balfour of Kinnaird.
- MACABROCH, Alaster Bayne, in Tillihuntly, charged with resetting rebels, 375.
- MacAchine, VcFingone, Donald, in Coill, witness to the execution of a charge, 580^a.
- MacAchyle, Alaster, a rebel, is to be brought to trial, 366.
- John, a rebel, is to be brought to trial, 366.
- MacAdam (McCadame) of . . . yltoun, Quentin, petitions against the Service-book, 713.
- Alexander, in Craigmichell, petitions against the Service-book, 714.
- Alexander, charged with malicious damage to property, 183.
- Andrew, in Brownhill, petitions against the Service-book, 713.
- George, in Holme of Dalquharne, petitions against the Service-book, 713.
- George, in Waterheid, petitions against the Service-book, 713.
- George, charged with malicious damage to property, 183.
- Gilbert, in Smeton, petitions against the Service-book, 712.
- James, in Smeton, petitions against the Service-book, 712.
- John, merchant in Clachan, petitions against the Service-book, 713.
- John, in Knockinguroche, petitions against the Service-book, 713.
- John, notary, assists in signing a document, 713.
- Quentin, in Bowe, petitions against the Service-book, 713.
- MacAdam, Quentin, in Darnsbawe, petitions against the Service-book, 713.
- Robert, in Smitoune, petitions against the Service-book, 712.
- Roger, in Bowe, petitions against the Service-book, 713.
- William, in Brownhill, petitions against the Service-book, 713.
- William, of Waterheid, petitions against the Service-book, 713.
- MacAgie (McEgie), John, at the Boat of Fiddich, charged with resetting rebels, 112.
- Thomas Bayne, rebel, his head produced before the Council, 170.
- MacAirtor, Donald, his maintenance and jailor fee to be paid, 205.
- MacAlaster of Dounie McGlashe, Farquhar, to be answerable for his tenants and servants, 132.
- Duncan, in Camselacht, a rebel, is to be brought to trial, 366.
- MacAllan, John, charged with plundering a ship, 284; charged to appear before the Council, 580.
- Rorie, charged with plundering a ship, 284; charged to appear before the Council, 580.
- VicEan. *See* McDonald.
- MacAlpeine (McCalpene), Adam, session-clerk of Roseneath, petitions against the Service-book, 707.
- Donald, tailor in Dumbarton, witness to the execution of a charge, 591.
- MacAngra, VicDowill Roy, Angus, charged with plundering a ship, 284.
- MacAngus. *See* McDonald.
- MacArthure, Neill, *alias* McGregor, a rebel, not to be reset, 209; to be apprehended and tried, 321.
- MacAulay (McCawlay) of Ardincaple, Walter, bailie to the Duke of Lennox, to be answerable for his tenants and servants, 78, 95, 220; license to him to eat flesh during Lent, 598.
- Patrick, notary, executes a charge, 591.
- MacAuld, John, in Findret, charged with resetting rebels, 112.
- MacBarnet, Farquhar, at Kirkton of Murtliche, 383, 384.
- MacBrair of Almigill, Robert, debts owing to him, 86; appointed a justice of peace for the shire of Dumfries, 300.
- MacBrek, Alexander, notary in Edinburgh, witness to the execution of a charge, 605.

- MacBrian, VicWurrt, Donald, charged with plundering a ship, 283; charged to appear before the Council, 580.
- VicWurrt, John, charged with plundering a ship, 283; charged to appear before the Council, 580.
- MacBroyne (McBrome), David, in Knock, charged with committing assault and robbery, 384.
- David, in Knock, charged to appear as a witness, 587.
- MacBurnie, Thomas, in Lagan, petitions against the Service-book, 714.
- MacCairliche, John, at the kirk of Port, letters of caption at his instance, 603.
- MacCall, David, in Edinburgh, gives his opinion anent the coinage, 465.
- MacCartney, James, petitions against the Service-book, 711.
- MacCaw, Thomas, in Garochie, petitions against the Service-book, 714.
- MacChesnye (McChesnie, Makchesnie), Andrew, petitions against the Service-book, 712.
- James, in Kirkmabreck parish, and John, his son, petition against the Service-book, 712.
- John, in Kirkmabreck parish, petitions against the Service-book, 711.
- Richard, in Kirkmabreck parish, petitions against the Service-book, 711.
- Thomas, in Kirkmabreck parish, petitions against the Service-book, 711.
- William, in Kirkmabreck parish, petitions against the Service-book, 711.
- MacChisten, Alaster, in Dilhandie, charged with resetting rebels, 215.
- MacCijor, James, burges of Kirkoudbright, petitions against the Service-book, 714.
- MacClaive (Makclaive), Archibald, burges of Minygaff, petitions against the Service-book, 711.
- MacClellan of Auchinguill, John, petitions against the Service-book, 711.
- of Barsobbe, William, petitions against the Service-book, 711.
- of Collin, Thomas, petitions against the Service-book, 711.
- James, in Waterheid, petitions against the Service-book, 713.
- James, petitions against the Service-book, 712.
- John, cordiner in Kirkoudbright, petitions against the Service-book, 714.
- Robert, petitions against the Service-book, 712.
- MacClennan, Mr Farquhar, minister at Stornoway, informs anent a shipping dispute, 13.
- MacClewoche, John, in Nether Clewoche, petitions against the Service-book, 713.
- MacCley (Macley, Makklene), David, garitor of Dumbarton Castle, appears as a witness, 591, 615.
- Hector, barber's servant in Edinburgh, charged with committing assault, 619, 620.
- MacClonochie (McClynnowhy), William, messenger, presents a deed for registration, and executes a charge, 588².
- MacClumfa, William, in Knock, witness to the execution of a charge, 588.
- MacClure (Makcluir), James, in Keremonoch, petitions against the Service-book, 711.
- MacColme, Umphra, charged with committing assault and rape, 463.
- MacComas, Donald, maltman in Inverness, witness to the execution of a charge, 634.
- MacComb (McCome), George, in Auchray, petitions against the Service-book, 712.
- James, in Achinhannay, petitions against the Service-book, 713.
- MacComie, John, in Nether Rivens, charged with resetting rebels, 216.
- John, produced before the Council for trial, 258.
- . . . , not to be reset, 209.
- MacConchie (Makconchie), Alexander, in Kirkmabreck parish, petitions against the Service-book, 711.
- Thomas, in Kirkmabreck parish, petitions against the Service-book, 711.
- William, in Anwoth parish, petitions against the Service-book, 712.
- MacCondochie (McOndochie), Alaster, in Edinglassie, complaint by him, 112.
- John Roy, in Rannoch, a rebel, is to be brought to trial, 366.
- Neill, a rebel, is to be brought to trial, 366.
- VcAlaster, Malcolm Our, a rebel, is to be brought to trial, 366.
- VcEane Duy, Patrick, in Camsellacht, a rebel, is to be brought to trial, 366.
- MacConochie (McConnochie), George, a servant in Inverness, to be tried for theft, 474, 495.
- VcThomas Grassich, Alaster, produced before the Council for trial, 377.
- MacCornok (Macornok) of Barley, Gilbert, charged with malicious damage to property, 183; petitions against the Service-book, 711.

MacCormok of Polmadie, Thomas, charged with malicious damage to property, 183.
 — John, in Barley, petitions against the Service-book, 713.
 — John, in Garvar, petitions against the Service-book, 714.
 — William, in Cornawik, petitions against the Service-book, 712.
 MacCoull, John, in Mardrochatt, petitions against the Service-book, 713.
 — John, flesher, witness to the execution of a charge, 603.
 — Robert, in Knockinguroche, petitions against the Service-book, 713.
 — Thomas, in Mardrochatt, petitions against the Service-book, 713.
 MacCowie, Patrick, in Knock, appears as a witness, 595.
 MacCubine (McCubaine), Alexander, in Manguhill, complains of wrongful imprisonment, 390.
 — John, in Clachrawar, petitions against the Service-book, 713.
 MacCulloch (McCulloch, McCulloch) of Ardwell, John, complains of illegal prosecution and craves payment for pasturage, 266, 282, 585, 586, 587, 588, 593-597.
 — Thomas, and William, his son, petition against the Service-book, 712.
 — of Gutters, David, appointed a commissioner anent the plague, 326.
 — of Lamba, James, charged to appear as a witness, 282; charged to appear before the Council, 588.
 — Agnes, wife of William Maxwell of Monreth, complains of being assaulted, 384.
 — Alexander, in Mertoun, dispute about some sheep bought from him, 266.
 — Alexander, post in Vehaistie, witness to the execution of a charge, 587.
 — Alexander, charged to appear as a witness, 585^a, 587.
 — Archibald, in Carholloch, charged to appear as a witness, 587, 594.
 — Archibald, witness to the execution of a charge, 585, 587.
 — George, in Knok, charged with committing assault and robbery, 384; charged to appear as a witness, 587, 595.
 — James, in Lemberik (Lambuck), witness to the execution of a charge, 588; appears as a witness, 596.
 — John, in Chrystoun, charged with committing assault, 378.
 MacDonach, Kair, . . . , at Bridge of

Kairne, charged with resetting rebels, 232.
 MacDonald (McDonnald), of Glencoe, Alaster, compares before the Council and is warded, 15, 77.
 — MoAllan VoEan of Iantyrum, John Moydertache, Captain of Clanranald, his yearly compearance before the Council, 53, 252, 300; he is to assist the Fishing Association, 97; charged with plundering a ship, 283, 570^a; charged to appear before the Council, 580.
 — of Keppoch, Rannald, fiar, to be answerable for his tenants and servants, 337, 338; he is allowed to return home, 359, 655; caution for his observing the laws and compearing before the Council when required, 358. *See also* McRanald.
 — of Slait, Sir Donald, he is to assist the Fishing Association, 96; caution for him and for his indemnity, 102, 103; he makes his yearly appearance before the Council, 53; excused therefrom, 300.
 — Donald McAlaster Uriok, to be produced before the Council for trial, 338.
 — Duncan McAlaster VoEane, to be produced before the Council for trial, 338.
 — Violnes VicAllan, John, charged with plundering a ship, 284; charged to appear before the Council, 580.
 — Ure, Donald, execution of summons against him, 581.
 MacDonell (McDoneill), John, piper, charged with plundering a ship, 284; execution of summons against him, 580.
 — Gorme VicEan, . . . , charged with plundering a ship, 283; charged to appear before the Council, 580.
 — Roy Vicondochie Bayne, Dougall, charged with plundering a ship, 284; charged to appear before the Council, 580.
 MacDougall (McDowgall) of Garthland, Sir John, empowered to sell lands for debt, 3, 48.
 — David, in Clachan, petitions against the Service-book, 713.
 — Patrick, servitor, charged to appear as a witness, 585.
 MacDowall (McDouell, Makdowell) of Logan, Alexander, debts owing to him, 4.
 — Alexander, in Kirkmabreck parish, petitions against the Service-book, 712.
 — James, petitions against the Service-book, 711.
 — John, in Kirkmabreck parish, petitions against the Service-book, 712.

- MacDowall, John, in Kirkmabreck parish, petitions against the Service-book, 712.
- MacDuffie, Donald Gorin, charged with plundering a ship, 284; charged to appear before the Council, 580.
- Dougall, execution of summons against him, 581.
- MacEane (Makeane), Patrick, in Dumbarton, charged with attacking a ship, 313.
- Patrick, coördiner in Dumbarton, execution of summons against him, 614.
- Dow VicAllaster VicEan Moydertiche, John, charged with plundering a ship, 283; charged to appear before the Council, 580.
- Duy. *See* Cameron.
- Duy, Gregour, in Strathawin in Aohnakyle, charged with resetting rebels, 216.
- Duy Voir, Alaster, in Camseacht, a rebel, is to be brought to trial, 366.
- Gir VoDuill Roy, Angus, execution of summons against him, 580.
- Lair, . . . , at the boat of Pitchais, charged with resetting rebels, 232.
- Staliehe, . . . , charged with plundering a ship, 283; charged to appear before the Council, 580.
- Ure VicDonald Gorin, Allan, charged with plundering a ship, 284; charged to appear before the Council, 580.
- Ure VicDonald Gorine, John, charged with plundering a ship, 284; charged to appear before the Council, 580.
- Ure VicEan, John, charged with plundering a ship, 283; charged to appear before the Council, 580.
- VicAllaster, Donald, charged with plundering a ship 284; execution of summons against him, 580.
- VicDoneil Dow VicNeil, Allaster, charged with plundering a ship, 284; execution of a summons against him, 580.
- VicDonochie, Dougall, charged with plundering a ship 284; execution of summons against him, 580.
- VicInlay, John Bayne, charged with spoiling a ship, 212; charged with plundering a ship, 283; charged to appear before the Council, 580.
- VicNeil, Finnowne, charged with plundering a ship, 284; charged to appear before the Council, 580.
- VicNeil VicFungone, Lachlan, charged with plundering a ship, 284; charged to appear before the Council, 580.
- MacEley. *See* McCley.
- MacEuchlie, Bremer Moir, charged to appear as a witness, 112.
- MacEwan (McEwene, McKewane, Mukewn) of Grimet, John, cautioner in a bond, 665.
- Donald McAlaster Vrich, in Camseacht, a rebel, is to be brought to trial, 366.
- Robert, in Kirkmabreck parish, petitions against the Service-book, 711.
- MacFadriok Voir, Callum, uncle to Gilroy McGregor, to be apprehended, 321.
- MacFadzeane, Thomas, coördiner in Kirkcudbright, petitions against the Service-book, 714.
- MacFagan (McFaggane, Makfaggan), John, in Kigeacoh, charged to appear as a witness, 585.
- John, charged to appear as a witness, 599.
- MacFarlane of Arroquhar, John, elder, bonds of caution by him, 221, 319; to be answerable for his tenants and servants, 34, 78^a.
- Walter, fiar, bond of caution by him, 221, 319; to be answerable for his tenants and servants, 34, 78^a.
- John, younger, apprehends rebels, 138.
- of Gartavertane, Malcolm, 104, 319; he and Walter, his son, are to be answerable for their tenants and servants, 34, 73; his sons, Robert and Malcolm, are apprehended, 104; their trial postponed, 116; Dougal, his natural son, goes into exile, 319.
- Andrew Moir, deceased, 104; his son, Robert, apprehended as a rebel, 104, 105.
- Dougall, natural brother of the Laird of McFarlane, produced before the Council for trial, 139.
- Gillespick, a rebel, is brought to trial, 252; he is to be hanged, 304.
- John, at Brigend of Turk, caution by and signature of, 104, 105.
- *alias* McGrimmon, John, a prisoner, to be sent to the wars, 272.
- MacFerquhar of Deache, Alexander McOnnell, to be answerable for his tenants and servants, 132.
- MacFingon. *See* MacKinnon.
- MacFinlay, John McAlaster, a rebel, is to be brought to trial, 366.
- MacGaichen, Archibald, in Bar, petitions against the Service-book, 713.
- James, in Todistoun, petitions against the Service-book, 713.
- MacGeorge. *See* McCijor and McJore.

- MacGhie, Mr Hew, minister at Balmaghie, petitions against the Service-book, 715.
- Hew, petitions against the Service-book, 715.
- MacGill (Mackgill, Makgill) of Cranston Riddell, Sir James, knight baronet, prosecutes defaulters in payment of taxation, 580, 661.
- of Rankellor Nether, Mr James, makes a protestation, 420.
- Mr Francis, minister of Kirkmichael and Garvald, appointed a justice of peace for the shire of Dumfries, 257, 258.
- Hew, indweller in Edinburgh, witness to a document, 663.
- Mr John, petitions against the Service-book, 708.
- Mr J., petitions against the Service-book, 711.
- Mr Lawrence, advocate, 238; presents bonds for registration, 101, 102; appears as a procurator, 294.
- R., burges of Kirkcudbright, petitions against the Service-book, 714.
- William, in Auldhamsstocks, charged with plundering a ship, 241.
- MacGillevoriche, William, in Glenbuchet, a rebel, is to be brought to trial, 281.
- MacGillichonill, John Roy, and Duncan, Donald, and William, his sons, charged to keep the peace, 410.
- MacGilliechryst, James, in Corries, charged with resetting rebels, 111.
- MacGillimichaell, Kenneth, rebel, his head exhibited to the Council, 170.
- MacGlainroche, Andrew, in Urquhar, petitions against the Service-book, 714.
- James, in Leyis, petitions against the Service-book, 713.
- MacGorrie, Alaster, charged with plundering a ship, 283; charged to appear before the Council, 580.
- MacGowne, James, petitions against the Service-book, 715.
- William, burges of Kirkcudbright, petitions against the Service-book, 714.
- MacGrassich, John Buy, in Rihallach, and Alaster and John, his sons, charged with resetting rebels, 376.
- MacGregor (McGregour), *alias* Murray, of Glenstrae, John, acts of caution by him, 14; ordered to exhibit some of his tenants and servants, 337, 338.
- Alaster, in Bamurrell, charged with resetting rebels, 215.
- MacGregor, Alaster Roy, in Strathawin, charged with resetting rebels, 216.
- Donald, at Auchtie in Braemurrey, charged with resetting rebels, 216.
- Donald, in Glenrinnnes, charged with resetting rebels, 216.
- Donald Hoy, to be produced before the Council for trial, 338.
- Duncan, a rebel, is to be brought to trial, 366; his trial, 410, 413.
- Duncan Abroch, his reset, 385.
- Duncane Roy Dick, to be sent to Edinburgh for trial, 207.
- Gilroy. *See* Patrick Gilroy.
- Gregour, in Kinabrok, charged with resetting rebels, 215.
- James, a rebel, is to be brought to trial, 366.
- John, to be sent to Edinburgh for trial, 207.
- John, to be produced before the Council for trial, 338.
- John Beg, in Stradoun, charged with resetting rebels, 216.
- MacGregour, John Dow Gair, a rebel, xxxix, xl; not to be reset, 128, 209, 215, 218, 219^a; prosecution of his resetters and accomplices, 231-234, 236, 363, 364, 366, 376; his apprehension, 321, 327; charged with slaying John Stewart of Drumquhen, 266, 367.
- John Dow Roy, a thief and rebel, brother to Patrick Gilroy, his apprehension and trial, 321, 351, 383, 397, 410, 413, 416, 419; to be hanged, 427; prosecution of his accomplices, 363, 364, 376.
- John Glas, a rebel, is brought to trial, 252.
- John Ussan, to be sent to Edinburgh for trial, 207.
- Malcolm, in Kinclachar, a rebel, is to be brought to trial, 366.
- Patrick, in Dundurours, charged with resetting rebels, 231, 232.
- Patrick Dow, in Tulloch, charged with resetting rebels, 376.
- Patriok Gilroy (Gilderoy), a rebel, xxxviii, xxxix, 346, 347; not to be reset, 128, 207, 209, 215, 218, 219^a; prosecution of his resetters and accomplices, 207, 231-234, 236, 253, 257, 274, 304, 321, 327, 363, 364, 376, 379; his apprehension and exhibition, 219, 223, 252, 256, 308; his trial, 258, 276; sentenced to death, 301.
- Patrick Glas, to be sent to Edinburgh for trial, 207.

- MacGregour, Robert McFadrick Voir, to be produced before the Council for trial, 338.
- Rob Roy, xxxviii, xxxix.
- . . . , McInstalker, a rebel, not to be reset, 128.
- . . . , brother to Gilroy, not to be reset, 209.
- . . . , charged with resetting rebels, 215.
- *alias* Murray, Patrick, caution for his compearing before the Council, 25, 229.
- McEane McPatrik, Robert, not to be reset, 209.
- VoPatrik, Alaster Dow, in Camselacht, a rebel, is to be brought to trial, 366.
- VoPatrik, John Dow, a rebel, is to be brought to trial, 366.
- VoPatrik, Patrick Doude, in Tulloch, a rebel, is to be brought to trial, 366.
- *See also* McArthur.
- *See also* Murray.
- MacGregors: many of the clan change their names because of the Acts against them, xxxviii, 226; the stigma of their name put upon a man called Greg, 348.
- MacGrimmon. *See* McFarlane, John.
- MacGrinnan, John Beg McAllan, vagabond, not to be reset, 170.
- Finlay, deceased, 170; his son, John, not to be reset, 170.
- MacGrow, *alias* Shaw, John, his sentence of death commuted to banishment, 385.
- MacGuarie, Eowin, execution of summons against him, 581.
- MacGuffok (Makguffok), Alexander, in Anwoth parish, petitions against the Service-book, 712.
- Andrew, in Knok, charged to appear as a witness, 587.
- Robert, in Anwoth parish, petitions against the Service-book, 712.
- MacHamerlie, Alexander, in Urquhill, prosecuted for carrying firearms, 42.
- MacHardie, Alaster, in Acrichachen, charged with resetting rebels, 216.
- John, in Acrichachen, charged with resetting rebels, 216.
- MacHomish, Alaster McDuncan, in Tulloch, charged with resetting rebels, 376.
- MacIldowie, Allan. *See* Cameron.
- William, in Stragernick, charged with resetting rebels, 216.
- MacIldowny, Robert, tailor in Mukeroft, charged to appear as a witness, 629^a.
- Robert, in Mukeroft, charged to appear as a witness, 629^a.
- MacIllereoch, Gillicallum, and John, his son, charged with plundering a ship, 284; execution of summons against them, 580.
- MacIllfatrik, Richard, in Kirkmabreck parish, petitions against the Service-book, 712.
- MacIlheuche, Andrew, charged with malicious damage to property, 75.
- MacIlheuk, Andrew, in Garrorie, charged with committing assault and robbery, 384.
- MacIlleith, Donald, his slaughter, 363, 376.
- MacIlmorrow (Makillmorrow), Alexander, in Anwoth parish, petitions against the Service-book, 712.
- John, in Anwoth parish, petitions against the Service-book, 712.
- MacIllnae (Makillnae), Hew, in Kirkmabreck parish, petitions against the Service-book, 712.
- John, a herdsman, complains of being assaulted, 384.
- MacIlraith, John, servitor to Thomas Coutts, writer, witness to a bond, 665.
- MacIlroy, Janet, complains against William Henderson, messenger, her husband, for ill-usage, 427.
- MacIndell, George, charged to appear as a witness, 282.
- MacInester, Donald, in Logiealmond, charged with committing assault and rape, 463.
- MacInlun, Alaster, at Boat of Pitchase, charged with resetting rebels, 216.
- MacInnes, Isobel, condemned for the murder of William Bernet, her husband, by poisoning, 686.
- John, his maintenance and jailor fee to be paid, 205.
- Roy, Donald, charged with spoiling a ship, 212, 283; charged to appear before the Council, 580.
- Roy, John, execution of summons against him, 581.
- VicAllan, Donald Gorine, charged with plundering a ship, 284; charged to appear before the Council, 580.
- VicDougall, John, charged with plundering a ship, 284.
- VoDougall McDuphie, John, charged to appear before the Council, 580.
- VicDowill, John, charged with plundering a ship, 283; charged to appear before the Council, 580.
- MacInrawer, John Dow, charged with resetting rebels, 390.
- MacInriache (McInrache, McInrioche), Alaster, vagabond, not to be reset, 170.

- MacInriache, Farquhar, charged to appear as a witness, 112.
- James, deceased, 170; his son, John, a vagabond in Stradoun, not to be reset, 170.
- Janet, charged with resetting rebels, 112.
- Robert, in Achriachine, charged with resetting rebels, 112.
- MacInroy, Robert Finlay, in Glenmoriston, and his wife, Isobel Grant, and his son not to be reset, 170.
- MacInstalker, John, a rebel, not to be reset, 209; his apprehension and exhibition, 321, 327, 328, 634; his trial, 347, 362, 383, 397, 402, 413, 419, 434.
- MacIntagart, John, in Urquhill, prosecuted for carrying firearms, 42.
- MacIntosh of Borlum, Lachlan, charged with oppression, 476.
- of Stron, Lachlan, to be answerable for his tenants and servants, 132.
- of Torcastell, William, caution for his compearing before the Council, 28; to be answerable for his tenants and servants, 132; complains of malicious damage, 476.
- James Glas, in Rothimurchus, charged with resetting rebels, 232.
- *alias* Keir, John, in Mukooull, complains of malicious damage, 476.
- MacIntyre (McInteir), Donald, execution of summons against him, 581.
- James, in Dumbarton, fined for selling tobacco without license, 441.
- Patrick, in Glenconglas, charged with resetting rebels, 112.
- MacJames, McAlaster Vorioh, in Rothimurchus, charged with resetting rebels, 232.
- MacJohnne Gwy, Alaster, produced before the Council for trial, 377.
- Gowy, John, produced before the Council for trial, 377.
- MacJokkie (McJokie), Alaster Beg, in Tulloch, charged with resetting rebels, 376.
- John McPhatrik, in Tullich, and John and Patrick, his sons, charged with resetting rebels, 231.
- John, a rebel, his trial, 397, 410, 413*, 416, 418, 419.
- VoJokkie, Alaster McJames, produced before the Council for trial, 377.
- VoJokkie, John, a rebel, is to be brought to trial, 366.
- VoJokkie, Patrick, a rebel, is to be brought to trial, 366.
- MacJokkie. *See also* Grant.
- MacJore (McJoir, Makgore, Makjore), David, in Kirkmabreck parish, petitions against the Service-book, 712.
- Fergus, merchant burgess of Kirkcudbright, petitions against the Service-book, 714.
- James, in Anwoth parish, petitions against the Service-book, 712.
- James, burgess of Kirkcudbright, petitions against the Service-book, 714.
- John, councillor of Kirkcudbright, petitions against the Service-book, 714.
- MacKardie, Finlay, in Corribe in Stradone, charged with resetting rebels, 216.
- MacKay (McKy), Donald, son of Lord Reay, question of his maintenance, 502.
- John, in Thurso, brother-in-law to Olipher Mowat in Stornoway, 5; seizes a ship illegally, 5, 7.
- MacKeand (Makeand), James, in Kirkmabreck parish, petitions against the Service-book, 712.
- Thomas, in Kirkmabreck parish, petitions against the Service-book, 711.
- Thomas, in Kirkmabreck parish, petitions against the Service-book, 712.
- William, in Kirkmabreck parish, petitions against the Service-book, 712.
- MacKenzie (McKeinyie) of Applecroce, Rorie, appointed a justice of the peace for the shire of Inverness, 182.
- of Dalmoir, Thomas, deceased, 321; commission to his son, Thomas, to apprehend rebels, 321.
- of Garloch, Alexander, appointed a justice of the peace for the shire of Inverness, 182; grants a bond, 13; to be answerable for his tenants and servants, 95.
- of Tarbet, John, his servant assaulted, 145, 146.
- Mr Alexander, minister at Lochgarrow, appointed a justice of the peace for the shire of Inverness, 182.
- Alexander, grants a bond, 5.
- Mr Colin, minister at Tulloch, examines a rebel, 377.
- Kenneth, at Lochgarrow, appointed a justice of the peace for the shire of Inverness, 182.
- Rorie, at Lochbroom, appointed a justice of the peace for the shire of Inverness, 182.
- MacKerein, Patrick, in Kethacks, charged with resetting rebels, 399.

- MacKewre, John, in Crossmichael parish, petitions against the Service-book, 715.
- MacKie (Makie) of Balclewche, John, petitions against the Service-book, 713.
- of Broche, William, petitions against the Service-book, 712.
- of Larg, Sir Patrick, complained against for raising an action, 135, 136; uplifts an impost for maintaining and repairing a bridge, 482; commission to him to try a case of manslaughter, 507; he petitions against the Service-book, 711.
- of Mertoun, . . . , to be deprived of his office and banished, 178.
- Alexander, mason, appears as a witness, 641.
- Alexander, petitions against the Service-book, 711.
- Archibald, in Kirkmabreck parish, petitions against the Service-book, 711.
- Bessie, widow, in Edinburgh, debts owing to her, 621.
- Isobel, in Burntisland, fined for selling tobacco without a license, 380.
- John, merchant, signs a document as a witness, 315.
- Ninian, in Killnetray, witness to the execution of a charge, 588.
- Patrick, bailie of Minygaiff, petitions against the Service-book, 711.
- Robert, in Knock, charged to appear as a witness, 587, 595.
- Thomas, notary in Wigton, and sheriff-clerk there, his trial delayed, 157; to be deprived of his office and banished, 178.
- Thomas, in Thornton Loch, charged with plundering a ship, 242^a, 243.
- William, debts owing to him, 4.
- William, in Dumbarton, fined for selling tobacco without a license, 441.
- . . . , execution of summons against him, 614.
- MacKieson (McKiesone, Mackisone, Makesoun), Eliezer, chorister of the Chapel Royal, to give up some keys, 3; seeks payment of his salary, 110; ordained to receive payment, 166.
- John, clerk of Crail, 569.
- John, merchant in Crail, depones anent lights on the Isle of May, 578.
- MacKill (McKeill), David, in Carmonock, petitions against the Service-book, 712.
- David, in Cloch, petitions against the Service-book, 712.
- Robert, in Clachan, petitions against the Service-book, 712.
- MacKindell (McKinnell), George, in Stalloch, charged to appear before the Council, 588, 596.
- MacKinnay, Thomas, in Kirkmabreck parish, petitions against the Service-book, 712.
- MacKinnon (McFingon, McKynnon), of Coill, . . . , excused from his yearly appearance before the Council, 300.
- of that ilk, . . . , to assist the Fishing Association, 97; excused from his yearly appearance before the Council, 300.
- Alexander, execution of summons against him, 630.
- William, appears as a witness, 632^a, 633.
- MacKir, Robert, in Knock, charged with committing assault and robbery, 384.
- MacKirmish, Patriok, in Tullich, charged with resetting rebels, 216.
- MacKittrik, Thomas, in Kirkmabreck parish, petitions against the Service-book, 712.
- MacLachlan (McLauchlane), VeEowin Ure, Eowine Dow, in Illera, execution of summons against him, 581.
- VicInnee, Angus, charged with plundering a ship, 284; charged to appear before the Council, 580.
- VicWurrycht, Donald, charged with plundering a ship, 284; execution of summons against him, 580.
- MacLaren (McLaran), John, in Wester Finnich, charged to keep the peace, 410.
- MacLean (McClaine, McClene, McLaine, Makcleane), of Coill, . . . , to assist the Fishing Association, 97.
- of Finnan, Charles, and his father, Allan, complaint by them, 147, 148.
- of Lochbuy, Murdoch, to assist the Fishing Association, 101, an action at his instance, 147, 148.
- of Morvern, Sir Lachlan, makes his yearly appearance before the Council, 53; excused therefrom, 300; ordained to attend the Fishing Committee, 76; acts of caution by him, 102, 103.
- Alexander, in Casduchane, charged with malicious damage to property, 75, 76.
- Alexander, in Kirkmabreck parish, petitions against the Service-book, 712.
- Andrew, in Kirkmabreck parish, petitions against the Service-book, 712.
- James, in Kirkmabreck parish, petitions against the Service-book, 711.

- MacLean, John, petitions against the Service-book, 711.
- . . . , brother of Charles, *supra*, complaint by him, 147.
- MacLeod (McCleud, McCloud), *alias* Neilson, of Assint, Donald, and Donald and Angus, his sons, to be answerable for their tenants and servants, 410.
- of Coygath, . . . , to be answerable for his tenants and servants, 95.
- of Dynvegane, John, 102, 103; to assist the Fishing Association, 96.
- of Harris, John, to assist the Fishing Association, 292; he makes his appearance before the Council, 292.
- Rorie, brother to Dunvegan, caution for him and for his indemnity, 102, 103.
- MacLinnan, Mr Murdoch, minister at Garloch, appointed a justice of the peace for the shire of Inverness, 182.
- MacMartine, Donald, produced before the Council for trial, 139.
- MacMathe, Nicolas, widow of Mr Patrick Ballantyne, clerk of Duns, some money owing to her, 4.
- MacMichall (Makmichaell), George, in Corbay, petitions against the Service-book, 713.
- James, in Lorgfit, petitions against the Service-book, 713.
- John, at the Brig of Ken, 390.
- Robert, notary, assists in signing a document, 712; he petitions against the Service-book, 712.
- Thomas, in Marbrek, petitions against the Service-book, 713.
- MacMichen, William, councillor of Kirkcudbright, petitions against the Service-book, 714.
- MacMillan (McMilane, McMillen, Makmillane) of Ardoch, James, petitions against the Service-book, 711.
- of Arndarach, John, petitions against the Service-book, 712.
- of Broklocht, John, petitions against the Service-book, 711.
- of Drumnes, Cuthbert, petitions against the Service-book, 713.
- Alexander, in Dunveoche, petitions against the Service-book, 7 14.
- Alexander, in Holme of Tantallochane, petitions against the Service-book, 713.
- Alexander, charged with malicious damage to property, 183.
- George, in Cairsfairne, petitions against the Service-book, 713.
- MacMillan, George, in Minygaff, petitions against the Service-book, 711.
- George, in Morskalloche, petitions against the Service-book, 713.
- George, in Over Knokgray, petitions against the Service-book, 713.
- James, in Minygaff, petitions against the Service-book, 711.
- James, petitions against the Service-book, 712.
- John, in Bank, petitions against the Service-book, 713.
- John, in Barr, petitions against the Service-book, 713.
- John, in Clachan, merchant, petitions against the Service-book, 713.
- John, in Clapans, petitions against the Service-book, 711.
- John, Burgess of Minygaff, petitions against the Service-book, 711.
- John, in Morskalloche, petitions against the Service-book, 713.
- Robert, in Arie, petitions against the Service-book, 714.
- William, in Bridinloch, petitions against the Service-book, 713.
- . . . , in Porbreklay, charged with illegally raising an action, 135, 136.
- MacMollane, William, merchant Burgess of Kirkcudbright, petitions against the Service-book, 714.
- MacMorran (Makmorran), John, in Kirkmabreck parish, petitions against the Service-book, 712.
- John, in Kirkmabreck parish, petitions against the Service-book, 712.
- William, in Kirkmabreck parish, petitions against the Service-book, 712.
- MacMorreis, William, in Crossmichael parish, petitions against the Service-book, 715.
- MacMurdie, Thomas, in Chaige, and Bessie Laurie, his wife, and Thomas and Bessie, their children, complain of being assaulted, 291, 585, 599.
- MacMyn, Andrew, in Crossmichael parish, petitions against the Service-book, 715.
- MacNacht (McKnaycht, Maknacht), Alexander, in Cullercaltoun, petitions against the Service-book, 713.
- Angus, charged with malicious damage to property, 183.
- Cuthbert, in Anwoth parish, petitions against the Service-book, 712.
- Cuthbert, in Kirkmabreck parish, petitions against the Service-book, 712.

- MacNacht, George, in Lukeonen, petitions against the Service-book, 712.
- Mr John, minister at Simprim, appointed a justice of peace for the shire of Roxburgh, 467.
- John, in Kirkmabreck parish, petitions against the Service-book, 712.
- Robert, in Crossmichael parish, petitions against the Service-book, 715.
- Roger, mealman in Kirkcudbright, petitions against the Service-book, 714.
- MacNair, James, servitor to John Stewart of Drumquhen, commission to him to apprehend rebels, 321.
- John, a rebel, his trial, 418.
- MacNeill (McKneill) of Bara, . . . , to assist the Fishing Association, 97.
- John, skipper in Ayr, supplicates that he may be ransomed from the Turks, 387.
- Lachlan, charged with plundering a ship, 283.
- MacNeish, Andrew, charged with committing assault and rape, 463.
- MacNiolf, James, charged with plundering a ship, 284; execution of summons against him, 580.
- MacOneill (McConeil, McOnill, Macconnel), John, petitions against the Service-book, 711.
- McAlaster. *See* Grant.
- Vaine, Donald, in Croknemair, prosecuted for carrying firearms, 42.
- MacParik Dow, Duncan (or John), in Lettoch, prosecuted for carrying firearms, 42.
- MacPhaill of Kinkell, Angus, to be answerable for his tenants and servants, 132.
- Paul, servitor to Lord Reay, witness to the execution of a charge, 688.
- *alias* Cameron, John Dow, a rebel, is brought to trial, 138, 139, 319, 385, 418; sentenced to death, 210.
- MacPhatrik, Neill, to be sent to Edinburgh for trial, 207.
- Voir, Robert (John), a rebel, to be produced for trial, 363, 364, 376, 377.
- VoPatrik Voir, Robert McJohn, in Kelliechundane, a rebel, is to be brought to trial, 366.
- MacPherson (McFerson) of Grange, Andrew, to be answerable for his tenants and servants, 132.
- Alexander, messenger in Inverness, executes a charge, 581.
- . . . , bailie-depute to the Marquis of Huntly, to be exhibited before the Council, 88.
- MacQuain of Corribroche, Angus, to be answerable for his tenants and servants, 132.
- MacQuha (Makquha), John, in Anwoth parish, petitions against the Service-book, 712.
- MacQuhargin, John, in Kerovcastell, and John, his son, petition against the Service-book, 711.
- MacQuhat (Makquhat), Thomas, indweller in Gousknowes, witness to the execution of a charge, 612.
- MacQuhirrie, John Dow, charged with plundering a ship, 283.
- MacRannald, McAllan VcEan Rannald, of Castleborrow, is charged with spoiling a ship, 212, 283; he is charged to appear before the Council, 580.
- VicAllan VicEane, Angus, son of Castleborrow, charged with plundering a ship, 283; charged to appear before the Council, 580.
- VicAllan VicEane, Rorie, son of Castleborrow, charged with plundering a ship, 283, 284; charged to appear before the Council, 580.
- McAngus of Glengarry, Donald, to be answerable for his tenants and servants, 95.
- — Angus, to be answerable for his tenants and servants, 113, 168.
- of Kepache, Rannald, allowed to return home under caution, 203.
- of Lundie, Allan, charged with resetting rebels, 112, 113; to be produced before the Council for trial, 168.
- of that ilk, Rannald, fiar, to be produced before the Council, 45, 72; to be answerable for his tenants and servants, 77.
- of Morar, Allan, execution of summons against him, 581.
- Alaster, natural son of Donald Gorme McRannald, *in/ra*, to be answerable for his tenants and servants, 25.
- Donald Glas, brother to young McRannald, to be exhibited before the Council, 88.
- Donald Gorme, in Knoydart, to be answerable for his tenants and servants, 25.
- John, writer in Edinburgh, witness to a bond of caution, 358.
- John, in Invergarry, to be answerable for his tenants and servants, 25.

- MacRannald**, John, acts as a procurator, 113.
 — **Bowie** **VicAllaster**, Donald Gorum, charged with spoiling a ship, 212; charged to appear before the Council, 580.
 — **VoAllan** **Ure**, Angus, charged with plundering a ship, 283; charged to appear before the Council, 580.
 — *See also* McDonald.
MacRichie, William, charged with resetting rebels, 257.
MacRobert (**McRobert**), John, in Mure, charged to appear as a witness 282.
 — John, in Mure, charged to appear before the Council, 588, 596.
 — **Abrich**, Duncan, in Sunmar, a rebel, is to be brought to trial, 366.
MacRobie (**Mackerobie**), James, in Tullich, charged with resetting rebels, 216.
MacRorie, Neill, Irishman, to be apprehended as a deserter, 533.
MacRummie, Patrick, a rebel, to be produced before the Council for trial, 477.
MacTagart, John, petitions against the Service-book, 715.
MacWhirrie, John Dow, charged to appear before the Council, 580.
MacWilliam, Duncan, in Larie, charged with resetting rebels, 216.
 — **VoCoull**, Ago, in Mukocull, complains of malicious damage, 476.
 — **VoCoull**, Dougal, a thief, intrudes upon some lands, 476.
 — **Voir**, Thomas **McAlaster**, in Glenconiglas, not to be reset, 170.
MABANE, . . . , charged with theft, to be sent to the wars, 317.
Mabie, John. *See* Thomas Malice.
Macers of Privy Council, their admissions, 324. *See* Privy Council; *also* James Douglas and John Douglas.
Machan, John, in Muirhouse, complains of being assaulted, 318, 612.
Mack, John, charged with spoliation of teinds, 146.
Madder plundered from a wrecked vessel, 241.
Mader, James, notary, charged with wrongful ejection, 108.
 — John, burgoes of Jedburgh, charged to appear as a witness, 647.
Maderstoun. *See* Anderstoun.
Madertie, Lord, . . . , and others, being at feud with William Murray, chamberlain to Tullibardine, and others, they are charged to keep the peace, 410.
Madertie, Master of, . . . , charged to keep the peace, 410.
Maill, John, and his wife to be allowed to land, but to be in quarantine for six weeks, 126.
Maitland (**Matlane**), Mr John, minister at Lauder, appointed convener of the justices of peace for the bailiary of Lauderdale, 426^a, 427.
 — Mr Richard, minister at Aberchirder, appointed a justice of peace for the shire of Banff, 350; license to him to eat flesh during Lent, 698, 699.
Malcolm (**McColme**, **Macolme**), John, petitions against the Service-book, 712.
 — Robert, in Edinburgh, charged with selling tobacco illegally, 63.
 — Mr William, minister, appointed a justice of peace for the shire of Forfar, 131.
Malice, Thomas, barber's servant, in the Canongate, complains of assault, 619, 620 [where the name is misprinted John Mabie].
Malloh, William, baker, burgoes of Canon-gate, complains of wrongful imprisonment, 451; his son, John, owes a debt, 451.
Man, Alexander, in Dundurcus, to be sent to Edinburgh for trial, 21, 22.
 — David, charged with obstructing the leading of peats, 85, 109.
Manderstoun, place of, 300, 590.
Mansoun, Thomas, notary public, witness to a bond of caution, 27.
Mantache, John, tenant to Ballindallaoh, charged with resetting rebels, 231.
Manuell, Andrew, in Ladyflat, complains of being oppressed in seeking payment of a debt, 171.
Mar, Earl of, late, viii; he disposes the right of some customs, 277.
 — John, a member of the Privy Council, 215, 630, 650; appointed to examine witnesses and prisoners, 19, 394, 413, 419; he prosecutes refractory persons who will not adopt his new Tanning Reform scheme, xviii, 20, 21; the King's letter in favour thereof, 37, 65; other references, 72; on a committee of Council anent lights on the Isle of May, 59, 114, 561, 566, 576; to discuss the sealing of leather and the duties payable, 61; to be answerable for his tenants and servants, 93, 219; appointed a commissioner anent the plague, 119, 123; on a committee of Council anent disorders in the North, 120;

- written to by the Council to attend a meeting, 130 ; appointed a justice of peace for the shire of Clackmannan, 222 ; letters of horning at his instance, 328 ; acts as an arbiter in a dispute, 365 ; to report on documents, 404 ; as sheriff of Stirling, he is written to by the Chancellor anent a riotous person, 496 ; present in Council, 9, 12, 14, 13, 27, 31, 33, 38, 43, 45, 47, 53, 55, 65, 72, 76, 79, 87, 91^s, 93, 103, 111, 114, 117, 142, 147, 148, 149, 150, 156, 165, 166, 167, 169, 170, 172, 176, 207, 210, 211, 213, 214, 215, 286, 292, 295, 301, 303, 307, 310, 320, 321, 322, 324, 367, 369, 372, 373, 375, 378, 383, 386, 391, 394, 396, 398, 401, 404, 413, 415, 416, 418^s, 420, 421, 427 ; signs acts of Council, letters, etc., 11, 26, 603, 625.
- Mar (Marr), Alexander**, in Stonehaven, charged with malicious damage to property, 107.
- **John**, charged with oppression and wrongful imprisonment, 35.
- **Patrick**, burgess of Aberdeen, complains of the robbing of his ship, 180.
- **Patrick**, charged with oppression and wrongful imprisonment, 35.
- Mar, Braes of**, a haunt of rebels, 234.
- **lands of**, 338.
- Marbottle**. *See* Morebattle.
- Marche, Francis**, chorister of the Chapel Royal, ordained to receive money, 166.
- Mariners** consulted anent lights required on the Isle of May, 59, 60, 155, 156, 157, 562-569, 572-579, 581.
- Marischal, Earl, William**, sheriff of Kincardine, a member of the Privy Council, viii, 620, 632 ; caution for him and for his indemnity, 72 ; appointed a justice of peace for the shire of Kincardine, 223 ; on a committee of Council anent the visitation of the Colleges of Aberdeen, 479 ; petitions the Council anent the maintenance of a distracted person, 345, 572 ; present in Council, 9, 12, 37, 43, 45, 47, 53, 57, 65, 72, 76, 79, 87, 91^s, 103, 111, 114 ; signs an act of Council, 11.
- **Countess of**. *See* Dame Mary Erskine.
- Marjoribanks, Thomas**, customer at Portpatrick, appointed to collect contributions, 151.
- Markets** in the shires of Roxburgh, Berwick and Selkirk not to be held for fear of the plague, xiv, 292, 303, 304, 310, 311, 429, 431, 437, 444, 454, 455, 473.
- Market crosses, proclamations at**. *See* under the several burghs.
- Markinoh (Merkinoh)**, the minister there appointed a justice of peace for the shire of Fife and Kinross, 131.
- Marna**. *See* Mearns.
- Marriages, convocation at**, during the prevalence of the plague forbidden, 439, 444, 453 ; an assault committed after a marriage, 74 ; burning of a contract of marriage, 315.
- Marshall (Marchell, Merschell), Duncan**, servitor to the Laird of Galston, witness to the execution of a charge, 629.
- **Francis**, chorister of the Chapel Royal, seeks payment of his salary, 110.
- **James**, messenger, executes a charge, 605.
- **Robert**, miller at Newbigging Mill, charged to appear as a witness, 593.
- Martin (Mairteine, Mairtyne, Martene), David**, servitor to the Laird of Balliachan, his name borrowed to a lawsuit, 348.
- **Florence**, skipper in Leith, depones anent erecting a light on the Isle of May, 562, 563 ; charged to appear anent Leith hospital, 651, 662.
- **James**, in Innerwick, charged with plundering a ship, 242^s, 243.
- **James**, merchant burgess of Kirkcubright, petitions against the Service-book, 714^s.
- **James**, in Thornick, banished as a Border outlaw, 407.
- **James**, petitions against the Service-book, 711.
- **John**, skipper in Anstruther Easter, depones anent lights on the Isle of May, 578.
- **Thomas**, shipmaster in Anstruther Easter, depones anent lights on the Isle of May, 577.
- **Thomas**, in Anwoth parish, petitions against the Service-book, 712.
- Mary, Queen of Scots**, disposes the lordship of Torphichen to James, Lord St. John, 287.
- Mason (Maisoun), David**, in Stonehaven, charged with malicious damage to property, 107.
- **George**, clerk of Ayr, appointed to collect contributions, 388.
- **Gilbert**, in Stonehaven, charged with malicious damage to property, 107.
- **James**, in Oldhamstocks, charged with plundering a ship, 242^s, 243.

- Mason, James, a thief, sentenced to be sent to the wars, but afterwards to be scourged, 275.
- Thomas, in Brae of Fetteresso, charged with malicious damage to property, 106.
- William, in Migvie, charged with resetting rebels, 216.
- Massie, Mr Andrew, minister at Drumblade, appointed a justice of peace for the shire of Aberdeen, 349.
- Master of Works, H.M. *See* Sir Antony Alexander.
- Masterton (Maistertoun, Mestertone), Alexander, skipper in Leith, depones anent erecting a light on the Isle of May, 563.
- Archibald, skipper in Leith, depones anent erecting a light on the Isle of May, 562; appears anent the Leith hospital, 662, 674, 696.
- Robert, merchant in Edinburgh, grants bonds, 80, 656, 662, 696.
- Mathie, Alexander, deceased, his charter and sasine abstracted, 520.
- John, citizen in Brechin, charged to appear as a witness, 693.
- John, his charter and contract abstracted, 520.
- Margaret, a servant in Leith, charged with deforcement, 551.
- Mathieson (Mathesone), Christian, spouse to . . . Wilkie, charged with raiding a house, 315, 614.
- James, elder, maltman in Leith, witness to documents, 83, 84.
- James, charged with carrying prohibited weapons, 53.
- James, supplication by him for relief, 697.
- Mattocks, 53.
- Mauchline (Machlene), town of, documents dated there, 468, 685; bailie of. *See* Mr Andrew Dalrymple; kirkyard of, 685.
- Maule (Mauld) of Dumbarro, Henry, appointed a justice of peace for the shire of Forfar, 131.
- of Panmure, Patrick, appointed a justice of peace for the shire of Forfar, 131.
- Patrick, indweller in St. Andrews, an assythment to be paid to him, 14.
- Mawer, Mr Patrick, town-clerk of Leith, grants a bond, 656, 663*, 695.
- Robert, brother of Mr Patrick *supra*, witness to a document, 663.
- Maxwell (Maxwall) of Calderwood, Sir James, apprehends an alleged criminal, 316, 603.
- Maxwell of Castlemilk, John, grants a bond, 228.
- of Conhaith, Sir John, an arbiter in a dispute, 183.
- of Housbie, Malcolm, and James Maxwell, his father, fail to appear to pursue an action, 275; they are ordered to pay expenses, 276.
- of Knock, James, and his wife, Dame Elizabeth Home, charged with refusing to pay for pasturage, 266, 282, 585, 586, 587, 588, 593–597; he is charged with committing assault and robbery, 384, 385.
- of Knockdolian, Alexander, cautioner in a bond, 664, 695.
- of Logane, Thomas, charged with illegal prosecution, 299; he and others are at feud with James Buittill, deceased, 136.
- of Marykirk, James, and Malcolm, his son, complaint by them of malicious damage, 77; and counter-complaint, 77; action by him and Matthew and Malcolm, his sons, 582, 583.
- of Monreith, William, and Agnes McCulloch, his wife, complain of being assaulted and robbed, 384, 385.
- of Newark, Patrick, to be answerable for his tenants and servants, 78; his wife, Margaret Crawford, complains of his harsh treatment, and seeks aliment, 264, 265; he ejects Alexander, his son, and Annas Houston, his spouse, 265.
- — Patrick, younger, appointed a justice of peace for the shire of Renfrew, 223.
- of Pollok, Sir John, appointed a justice of peace for the shire of Renfrew, 223.
- of Southbar, John, appointed a justice of peace for the shire of Renfrew, 223.
- Agnes, wife of Cuthbert Hamilton of Cander, presents a petition, 604.
- Alexander, in Knock, charged to appear as a witness, 587, 593, 594, 595.
- Alexander, and his mother, Janet Douglas in Laroche, complain of assault and robbery, 75, 76, 384.
- Alexander, witness to the execution of a charge, 587, 649.
- David, litster in Dunfermline, complains of illegal warding, 495, 496.
- George, called of Logan, steward-depute of Kirkcudbright, and brother to the Laird of Logan, refused as judge in a case, 299.
- Homer, in Clauchen, petitions against the Service-book, 712.

- Maxwell, James, father of Malcolm Maxwell of Housbie, fails to appear for pursuit of an action, 275, 295, 582, 583, 584; he is ordered to pay expenses, 276.
- John, skinner, burges of Glasgow, 615.
- John, bailie of Glasgow, charged with wrongful imprisonment, 3.
- John, steward-depute of Kirkcudbright, and brother of the Laird of Logan, refused as judge in a case, 299.
- John, burges of Minygaiff, petitions against the Service book, 711.
- Malcolm, in Marykirk, complaint by him of malicious damage, 77; and counter-complaint, 77.
- Matthew, in Marykirk, complaint by him of malicious damage, 77; and counter-charge against him, 77.
- Mr Patrick, servitor to Andrew Nimmo, witness to and writer of documents, 664, 665.
- Robert, and his mother, Janet Douglas in Laroche, complain of assault and robbery, 75, 76.
- Thomas, in Kirkmabreck parish, petitions against the Service-book, 712.
- Mr William, advocate, appears as a procurator, 212, 265, 300; he signs a document, 570.
- William, brother to the Laird of Logan, and steward-depute of Kirkcudbright, an action advocated from him to the Lords of Council, 135, 136; refused as judge in a case, 299.
- William, witness to the execution of a charge, 649.
- May, Robert, in Easter Both, complains against a deprived messenger, 303, 600.
- May, Isle of, measures for the placing of a beacon thereon, xxiv, 59, 60, 111, 114, 154, 155, 156, 157, 172, 176, 561-569, 572-579, 581.
- Maybole, parish of, the parishioners petition against the Service-book, 707.
- town of, 469; bailies of. *See* John Kennedy and James Smith; minister there. *See* Mr James Bonar.
- Meany, Andrew, in Old Rayne, appears as a witness, 643, 644.
- Daniel, in Ardoyne, and Patrick and Robert, his sons, charged with carrying prohibited weapons, 642, 645.
- Mearnes (Marns), John, in Elcho, charged with obstructing the leading of peats, 85, 109.
- Meek (Meik), George, merchant burges of Kirkcudbright, petitions against the Service-book, 714.
- Meggat, Janet, tenant to Lady Broughton, a young horse stolen from her, 294, 597, 599; her action is settled, 302.
- Meikle (Mekill), Alexander, in Edinburgh, witness to the execution of a charge, 621.
- Meiklejohn (Meiklejohnne, Janet, in Burnt-island, fined for selling tobacco without a license, 380.
- John, grants a bond, 496.
- Robert, session-clerk of Lanark, petitions against the Service-book, 701.
- Meklewoode, lands of, 35, 36.
- Meldrum of Haltoun, William, appointed a justice of peace for the shire of Aberdeen, 349.
- of Iden, Patrick, imprisoned for not paying his debts, 220; prosecuted for remaining at the horn, 320, 622.
- Robert, at the Mill of Rothay, charged with armed convocation and riot, 488.
- Mr William, charged with armed convocation and riot, 328; execution of summons against him, 630, 642.
- Meller (Mailler), Thomas, tailor, burges of Jedburgh, witness to the execution of a charge, 635.
- Melrose, regality of, 15; bailie-depute of. *See* James Pringle of Buckholme.
- town of, fairs and markets postponed because of the plague, xiv, 303, 304, 311, 429, 431, 682; proclamations at the market cross, 303, 445, 473; the tolbooth, 16.
- Melville (Melvill, Melvin), Lord, Robert, younger of Monimaill, 17n.
- of Raith, John, served heir to Robert, Lord Melville, and became third Lord Melville, 17, 17n; charged with assuming the title of Lord of Raith, 17, 26.
- James, tenant on the lands of Achtermearnie, 68.
- Robert, late bailie and burges of Aberdeen, witness to the execution of a charge, 586.
- Mr, produces a document, 138.
- Menteith (Monteith) of Egilechaw, Robert, concerned in a right-of-way dispute, 506.
- Mr Alexander, debts owing to him, 86.
- Archibald, in Forfar, charged to appear as a witness, 601, 602.
- James, baker, burges of Edinburgh, craves his liberty that he may satisfy his creditors, 206.
- James, debts owing to him, 86.

- Menteith, John, in the Seat of Dallegarroun, charged with resetting rebels, 216.
- Menteith, stewardry of, appointment of justices of peace for, 202, 203; steward-depute of. *See* James Stewart.
- Doune of, 143.
- Menzies (Meinzeis, Menzeis) of Carlops (Carlingkips), John, supplicates for the continuance of a toll on the bridge at Carlops, 188.
- of Pitfoddells, Gilbert, bailie of Aberdeen, bond of caution by him, 27; charged to appear before the Council, 144, 173; license to him to eat flesh during Lent, 698.
- of Weyme, Sir Alexander, 348, 358; to be answerable for his tenants and servants, 95, 115, 148, 366, 367; he is excused, 180; seeks to be exempted from the office of a justice of the peace, 295, 600; his son, Alexander, becomes a cautioner, 348; his son, George, is witness to a bond of caution, 358.
- . . . , far, to be answerable for his tenants and servants, 148, 180, 367.
- Alexander, witness to a bond of caution, 27.
- Francis, in Newbigging, charged to appear as a witness, 593.
- George, in Aberdeen, charged to appear before the Council, 144, 173.
- Gilbert, burges of Aberdeen, complains of being assaulted, 181.
- John, his maintenance and jailor fee to be paid, 205.
- Margaret, debts owing to her, 290, 593.
- Sir Paul, late provost of Aberdeen, charged to appear before the Council, xix, 144, 173.
- Paul, younger, in Aberdeen, charged to appear before the Council, 144, 173.
- Mr William, minister at Sendmore, signs a certificate of inability to travel, 425.
- Mercer (Merser) of Aldie, Laurence, appointed a justice of peace for the shire of Perth, 202.
- George, in Old Aberdeen, deceased, 295; his widow, Elizabeth Garden, seeks fulfilment of a contract, 295.
- John, indweller in Edinburgh, charged with committing assault and deforcement, 420, 421.
- Robert, messenger, executes a charge, 589.
- Robert, notary, prevented from giving a sasine, 134.
- Mercer, William, in Achronie, charged with armed convocation and riot, 344, 631.
- William, brother-in-law of James Kennowie, W.S., 110.
- Merkinch. *See* Markinch.
- Mersington, Laird of, 363.
- Mertoun of Pittowry, Arthur, merchant in Crail, favours the erecting of a light on the Isle of May, 573.
- Mertoun, lands of, 593, 594, 595, 596.
- Messengers: one deprived and recommended to be restored, 93; one continues to use his office after being deprived thereof, 303; blazon taken from one, 649; Thomas Allan in Edinburgh, 380, 617, 619, 630; George Anderson, 601, 602; John Anderson, 634; Robert Anderson, 688; Thomas Black, 35; James Bisset in Edinburgh, 618; Robert Boyle, 607; John Brown in Dunfermline, 526; John Brown, 608, 611; Walter Brown, 592, 593; James Bruce, 570, 580; John Bryson, burges of Glasgow, 629; Thomas Coutts, 587; Robert Dalgleish, 664, 665; Patrick Dennistoun, 586; Thomas Ewing, 583; James Forrest, 582; Patrick Galbraith in Vennell, 384, 586, 588; Andrew Garden, 332; John Garden, 586; Alexander Garioch, 589; John Gellie in Edinburgh, 598, 599, 603*, 620; Robert Glen in Dumbarton, 592, 615; George Gordon, 428, 585, 587, 599, 698; J. Gordon, 606, 607; Andrew Graden, 614, 634, 635, 647*; James Grahame, 634, 652, 698; . . . Grahame in Edinburgh, 630; Robert Gray, 601, 602; George Greir, 589; James Hamilton, 618*; William Heich, 617; William Henderson, 427, 607; John Hert, 613; John Hutson, 603, 612; John Hutton, 590; John Kempt, 610; John Kilgour, 630*; John Laing in Leith, 551; John Laing, 7, 8; Hew Lauder in Edinburgh, 339, 606, 615, 621, 649, 698; Alexander Lennox, 585, 587; James Leslie in Edinburgh, 589, 603, 607, 621, 649; John Leslie, 29; Lancelot Leslie in Inch, 428; William McClonochie, 588*; Alexander McPherson in Inverness, 581; James Marshall, 605; Robert Mercer, 589; Thomas Mitchell, 585; William Monipenny, 77*, 582; Thomas Mowat in Edinburgh, 603, 604, 613; William Mowat in Edinburgh, 604, 611, 613, 634; James Mudy, 614; George Neill, 603; James Neven, 582, 618; William Norie, 611; John Oliver, elder, 601; John Oliver,

- younger, 630, 649; James Pendrich, 590; Robert Pentland, 617; Alexander Porteous in Edinburgh, 63, 339, 420, 611, 613; John Richardson, 611, 617; John Ridpeth, 214; Duncan Ritchie in Edinburgh, 583, 599; James Robertson, 582; William Rutherford, 616; George Soot, 451; William Simson, 158, 630^a, 643; Richard Stark, Burgess of Glasgow, 629; Robert Stirk, 93, 526; John Stirling, 598, 599; William Stirling in Glasgow, 653; William Stirling, 629; Patrick Strachan, 474, 495; Andrew Strang, 582, 583, 584; Alexander Stuart in Tulliallan, 303; John Taylor in Dysart, 315; John Taylor, 602, 605, 608, 614; Alexander Thomson in Haddington, 612; John Thomson, 619; James Troop in Keith, 611; William Wallace, 589; John Wardlaw, 590; Alexander Watson, 589; Angus Williamson in Dornoch, 688; David Wilson, 601, 602; Thomas Young, 580.
- Michie (Mitchie), John, in Racharrachrie, charged with resetting rebels, 231.
- John, in Tullich, charged with resetting rebels, 216.
- Patrick, at Whitehouse in Cromar, charged with resetting rebels, 231.
- Thomas, in Glencarnie, charged with resetting rebels, 215, 231.
- Thomas, in Stradoun, charged with resetting rebels, 216.
- Thomas, in Tullich, charged with resetting rebels, 216.
- William, in Delbadie, charged with resetting rebels, 215.
- Middilasches, lands of, 620.
- Middle Quarter, 199.
- Middle Shires. *See* Borders.
- Middleton (Middiltoun) of Caldham, Robert, appointed a justice of peace for the shire of Kincardine, 223.
- James, in Conyeord, charged with resetting rebels, 216.
- Milburne, Lyell, an Englishman, prosecuted as a Border outlaw, 408.
- Milke, water of, in Annandale, a bridge to be built over it, xxi, 148, 149, 349.
- Mill (Myll), Mr Andrew, parson of Fetteresso, appointed a justice of peace for the shire of Kincardine, 223.
- George, skipper in Anstruther Easter, depones anent lights on the Isle of May, 574.
- George, in East Barns, charged with plundering a ship, 242.
- Mill, John, in East Barns, charged with plundering a ship, 242^a, 243.
- Millar (Miller), Allan, merchant in Crail, favours the erecting of a light on the Isle of May, 569.
- Andrew, boatman in Seamilnes, makes a complaint, 451.
- Mr Edward, chorister of the Chapel Royal, seeks payment of his salary, 110; ordained to be paid, 166.
- Mr James, advocate, presents a bond for registration, 315.
- James, in Linton, charged with armed convocation and riot, 214.
- James, in Thornton, charged with plundering a ship, 241.
- John, notary, assists in signing a document, 359.
- John, writer, 359; appears as a procurator, 303.
- Joseph, advocate, sues for the payment of a debt, 314, 606, 611.
- Margaret, in Strangergill, and Alexander Innes of Borrowstoun, her spouse, complain of assault and molestation at the hands of Hew Keith, her son, 487.
- Patrick, merchant in Anstruther Easter, depones anent lights on the Isle of May, 577.
- Patrick, merchant in Crail, favours the erecting of a light on the Isle of May, 569.
- Thomas, charged with violent occupation of a house, 613, 616.
- (Milne), Thomas, younger, at the Kirk of Arbrone, charged with armed convocation and riot, 64, 65.
- Milligane, James, in Arndarroche, petitions against the Service-book, 713.
- John, in Cairnmonow, petitions against the Service-book, 713.
- John, in Crossmichael parish, petitions against the Service-book, 715.
- Richard, in Crossmichael parish, petitions against the Service-book, 715.
- Robert, in Broigmarke, petitions against the Service-book, 712.
- Robert, in Holme of Dalquharne, petitions against the Service-book, 713.
- Roger, in Arndarroche, petitions against the Service-book, 713.
- Roger, petitions against the Service-book, 712.
- Milne (Myne), Andrew, in Toux, charged with malicious damage to property, 107.
- George, bailie of Anstruther Easter,

depones anent lights on the Isle of May, 577.

Milne, George, in East Barnis, charged with plundering a ship, 241.

— James, in Blairmadie, charged with armed convocation and riot, 488.

— John, bailie of Forfar, charged to exhibit a prisoner, 601, 602.

— Margaret, in Riasche, charged with committing assault, 180.

— Thomas, in Grange, charged to appear as a witness, 382.

— See also Millar.

Milntoune, lands of, 52, 597.

— of Dornoch, house of, to be rendered, 417.

Minerals and metals, a patent of all, in Scotland granted to the Earl of Stirling, 23.

Ministers : their petition against the Service-book, 553, 554; taxation levied for the stipends of those of Edinburgh, 478; those in the North are to present twice yearly to the bishops a roll of residents in their parishes, xxxiii, 234; Mr William Abernethy at Thurso, 222; Mr Harry Aikinhed at North Berwick, 708; Mr Andrew Anderson at Kirkcinner, 4; Mr William Arthur, 86; Mr Robert Balcanquhall at Tranent, moderator of the presbytery of Haddington, 339, 708; Mr . . . Balfour at Abdie, 419; Mr David Bannatyne, parson of Kincardine, 549; Mr William Barclay at Falkland, 686; Mr Robert Baron at Aberdeen, 222; Mr Robert Biggar, 467; Mr Alexander Bisset at Brechin, 131; Mr Andrew Blackhall at Aberlady, 708; Mr James Blair at Portpatrick, 151, 368; Mr James Bonar at Maybole, 707; Mr James Bower, 4; Mr Matthew Brisbane at Killelen, 223; Mr Joseph Brodie, parson of Keith, 64, 65; Mr John Brown at Twynholm, 711; Mr George Buchanan at Kirkpatrick-juxta, 149; Mr George Buchanan, parson of Moffat, 349, 424; Mr John Burn at Kirkoswald, 706; Mr James Burnet, late at Lauder, now at Jedburgh, 426², 427, 613, 614, 616; Mr Alexander Callender at Denny, 716; Mr John Cheyne, parson of Kinkell, 549; Mr William Clogie at Inverness, 187; Mr John Cockburn at Humble, 617, 708; Mr John Cornwall at Linlithgow, 486; Mr John Craingelt at Alloa, 222, 716; Mr George Crawford at Kilbride, 705; Mr Cunninghame at Cumnock, 703; Mr Robert Cunninghame at Hawick, 504;

Mr William Dalgleish at Kirkmabreck, 711; Mr William Davidson at Auchindore, 202; Mr William Davidson at Rothen, 475; John Dickson at Kells, 711; Mr William Douglas at Aboyne, 178; Mr Gavin Dunbar, chantor of Moray, 336, 374, 389; Mr James Edmonstone at St. Ninians, 716; Mr Andrew Fairfull at Leith, 652; James Fairlie in Edinburgh, 511n; Mr James Fleming at St. Bathans, 708; Mr John Forbes, parson of Auchterless, 349; Mr James Fullarton at Beith, 702; Mr John Galbraith at Bothkennar, 716; Mr Thomas Garden in Tarves, 295; Mr Robert Glendinning, 4; Mr . . . Glendinning at Kirkcudbright, 507; Doctor William Guild at Aberdeen, 222; Mr J. Guthrie at Stirling, 716; Alexander Hamilton at Lochwinnoch, 223; Mr Patrick Hamilton at Innerwick, 617; Mr John Hay, parson of Renfrew, 223, 452; Mr Robert Henderson, parson of Lochmaben, 70, 149, 349; Mr Robert Hereis at Drysdale, 149, 349; Mr Alexander Innes, parson of Rothemay, 350; Mr James Irvine at Parton, 715; Mr Robert Irvine at Inverkethnie, 307; Mr William Justice at Gargunnoch, 496, 497, 716; Mr John Ker at Preston, 271, 272, 708; Mr George Kincaid, 267; Mr Andrew Kirkton at Oxnam, 638; Mr Christopher Knowes at Coldingham, 526; James Lamb at Bolton, 708; Mr Andrew Learmonth at Liberton, 326; Mr D. Leitch at Rerrick, 711; Mr George Leith at Culsalmond, 586; Mr Harry Livingstone at Kippen, 105; Mr James Logan at Smailholm, 172; Mr Andrew Logie, parson of Rayne, 68, 586, 642-645; Mr Farquhar McClellan at Stornoway, 13; Mr Hew McGhie at Balmaghie, 715; Mr Francis McGill at Kirkmichael and Garvald, 257, 258; Mr Alexander McKenzie at Lochgarrow, 182; Mr Colin McKenzie at Tulloch, 377; Mr Murdo McLinnan at Gairloch, 182; Mr John McNacht at Simprim, 467; Mr John Maitland at Lauder, 426², 427; Mr Richard Maitland at Aberchirder, 350; Mr William Malcolm, 131; Mr Andrew Massie at Drumblade, 349; Mr William Menzies at Sendmore, 425; Mr Andrew Mill, parson of Fetteresso, 223; Mr Thomas Mitchell, parson of Turreff, 29; Mr Thomas Moir, deceased, late parson of Morebattle, 606; Mr Robert Monro at Far, 222; Mr William Morton at Leith,

- 652; Mr Robert Murray at Balmaclellan, 711; Mr David Ogill at Baro, 708; Doctor William Ogstoun, at Colinton, 431; Mr John Oswald at Pencaitland, 708; Mr William Penman at Morebattle, 606, 607; Mr P. Primrose at Crossmichael, 711; Mr David Rodgers at Tundergarth or St. Mungo, 149, 349; Mr Harry Pollok in Edinburgh, 171; Doctor Alexander Ross at Aberdeen, 222; Mr Donald Ross at Lochbroom, 182; Mr John Ross of Easter Cluny, parson of Birse, 217, 218, 232; Mr William Row at Forgandenny, 278, 590; Mr A. Rynd at Tillicoultry, 716; Mr William Scot at Cupar, 699; Doctor James Sibbald at Aberdeen, 222; Mr Walter Stewart in Orkney, 507; Mr James (John) Strachan at Kinneth, 223, 345; Mr Thomas Strachan at Dollar, 223, 716; Mr Alexander Thomson in Edinburgh, 513, 514, 515; Mr Thomas Turnbull at Morham, 708; Mr William Umphra at Bressay, 40; Mr Alexander Wallace at Galston, 705; Mr William Watson at Duthell, 377; Mr John Wemyss at Duns, 425; Walter Whiteford at Monkland, 253n; Mr William Wishart at Leith, 641; Mr Edward Wright at Clackmannan, 222, 716.
- Minors, actions in the Council with regard to, 400, 401, 440, 441, 462, 500*.
- Mint: an inventory of the implements and utensils there, 99-101; the General makes a protestation, 466; temporary appointment of Nicolas Briot as master, xv, 270, 271; the officers are to give their opinion as to the coinage, 465; Masters of the Mint. *See* Thomas Acheson, George Foulis, and Nicolas Briot. *See also* Coin.
- the English, 259, 297.
- Minto, Laird of. *See* Stewart.
- Mirrines, lands of, 239.
- Mitchell (Michelle, Mitchell) of Westwood, William, and his son, charged with committing assault, 87.
- Andrew, skipper in Leith, appears anent the Leith hospital, 662.
- David, merchant, debts owing to him, 86.
- John, sailor in Dumbarton, charged with attacking a ship, 313; execution of summons against him, 615.
- Matthew, smith, appears as a witness anent the Leith hospital, 572.
- Patrick, in Dumbarton, charged with attacking a ship, 313.
- Patrick, appears as a witness, 592, 615.
- Mitchell, Mr Thomas, parson of Turriff, charged with committing assault, 29.
- Thomas, in Easter Gellats, debts owing to him, 285.
- Thomas, messenger, directed to serve a summons, 585.
- Thomas, a servitor, witness to the execution of a charge, 587.
- William, in the Boig in Cromar, charged with resetting rebels, 231.
- . . . , a person suspected to be plague-stricken, 121.
- Mitchelsone, Archibald, in Kirkcaldy, some goods stolen from him, 395.
- Jean, in Skaitraw, charged with plundering a ship, 242.
- John, in Skaitraw, charged with plundering a ship, 241.
- William, bailie in Linktoun of Abbots-hall, 519; charged with wrongful imprisonment, 395, 396; his son, Archibald, seeks suspension of horning, 519.
- Moffat (Moffet) of Meikle Holmesyde, John, charged with wrongful prosecution, 141.
- Henry, servitor to John Cockburn, witness to the execution of a charge, 612.
- James, in Hilhous, charged with wrongful prosecution, 141.
- James, indweller in Moffat, charged with wrongful prosecution, 141.
- John, and his wife, Janet Moffat, make a complaint, 141, 142.
- Marion, wife of John Johnstone, appears on his behalf, 306.
- Mungo, deceased, his death, 141, 142; his widow, Bessie Hunter, his sons, James, William, Thomas, and Walter, also his daughter, Janet, her spouse, John Moffat, and his daughter, Margaret, all prosecute the alleged slayer, 141, 142.
- Robert, indweller in Moffat, charged with wrongful prosecution, 141.
- Major Thomas, gets license to transport soldiers for foreign service, 65, 66.
- Moffat, town of, 424; the fair postponed because of the plague, 454, 455, 685; the town flat, 475; the prison, 141; a regality court held there, 141.
- barony of, 141.
- parish of, the parson there. *See* Mr George Buchanan; the rector. *See* Walter (Whiteford), Bishop of Brechin.
- regality of, 141; bailie thereof. *See* James Wauch.
- Moir, Archibald, in Quhinnes, charged with committing assault, 180.

Moir, James, in Barvine, charged with committing assault, 180.
 — Patrick, burghess of Aberdeen, complains of the spoiling and plundering of a ship, 240.
 — Robert, his maintenance and jailor fee to be paid, 205.
 — Mr Thomas, deceased, late parson of Morebattle, 606; his widow, Isobel Ker, and their sons, Mr William and John, charged with disorderly conduct regarding seats in the church, 606, 607.
 — William, caution for his keeping ward, 378.
 Moncrieff (Moncreiff) of Kinmonth, Sir John, knight, former sheriff-depute of Perthshire, complains of being oppressed for payment of taxation, 31.
 — of that Ilk, Sir John, knight, on a committee anent the bridge of Perth, 532.
 — J., moderator of the presbytery of Cupar, petitions against the Service-book, 708.
 — Nicol, portioner of Auchtermuchty, grants bonds, 80, 81, 655, 656, 665, 690, 691.
 Money: a quantity lost by fire, 51; some plundered from a wrecked vessel, 241; cases of theft of money, 474, 495.
 Mouga, James, merchant in Inch, appears as a witness, 643, 644.
 Monkland, minister there. *See* Walter, Bishop of Brechin.
 Monorgan of that Ilk, James, elder, charged with deforcement, 451.
 — — Gilbert, fiar, charged with deforcement, 451.
 — Andrew, at Seamilnes, charged with deforcement, 451.
 Monro (Munro) of Foullis, Robert, deceased, the succession to his estates disputed, 423.
 — — Sir Hector, deceased, a dispute about his estates, 382, 383, 423; his son, Hector, succeeds to the estate of Foullis, 423.
 — — . . . , to be answerable for his tenants and servants, 95.
 — of Limlair, John, appointed a justice of the peace for the shire of Inverness, 182; he has a dispute with Colonel Monro, 382, 383.
 — Daniel, servitor to a writer, witness to a bond of caution, 359.
 — John, factor to William Dick of Braid, debts owing to him, 86, 135, 228, 451, 619.

Monro, Colonel Robert, gentleman of his Majesty's privy chamber, a trustee on the estate of Foullis, 363, 382^a, 383, 402, 422, 423; he intends publishing a book on the wars of Germany, xlvii, 423, 424; he is allowed to levy soldiers for foreign service, 458, 459, 686.
 — Mr Robert, minister of Far, witness to a bond, 222.
 Monteith. *See* Menteith.
 Montgomerie of Cokilbie, John, appointed to collect contributions, 151, 368.
 — of Goffing, Henry, appointed a justice of peace for the bailiary of Cunningham, 481.
 — of Hessilheid, R., petitions against the Service-book, 702.
 — of Langshaw, Neill, appointed a justice of peace for the bailiary of Cunningham, 481.
 — of Skelmurle, . . . , petitions against the Service-book, 707.
 — Alexander, servant to John McKenzie of Tarbet, complains of being assaulted, 145, 146.
 Montgrenane, Laird of. *See* Cunningham.
 Montrever, Lord Henry, appointed a commissioner for the Borders, 161.
 Montrose, Earl of, James, afterwards Marquis, 378n; on a committee anent the bridge of Perth, 532.
 Montrose, burgh of, proclamations at the market cross, 279, 280.
 Monygaff (Monygoff), parish of, xxi, 135; bailies of. *See* Patrick McKie and James Stewart.
 Monypennie, William, messenger, charged with malicious damage to property, 77; makes a counter-complaint, 77; charged to appear before the Council, 582.
 Monzievaird (Monyvaird), house and place of, 240; Laird of. *See* Tosheoch.
 Moor, Alexander, petitions against the Service-book, 712. *See also* Muir.
 Moray (Murray), Bishop of, John Guthrie, a member of the Privy Council, viii; commission to him against forgers of false coin, 2; commission to him to deal with a dispute, 60; appointed curator to Alexander Innes of Cokstoun, 61; on a committee of Council anent disorders in the North, 120; on a committee of Council anent the trial of an assault, 188; his attendance required as a commissioner for the teinds, 192; appointed to examine witnesses and prisoners, 199, 276, 347,

- 586; on a committee of Council anent the privileges of Aberdeen University, 311; on a committee of Council anent the visitation of the colleges of Aberdeen, 479; papers to be delivered to him, 484; on a committee of Council anent the Leith hospital, 641, 652, 654; present in Council, 1, 268, 271, 274, 276, 279*, 286, 292, 295, 301, 303, 307, 343, 345*, 346, 351, 466, 467, 471, 476, 477, 478, 481*, 483, 484, 486*, 488; signs an act of Council, 604.
- Moray, the Brae of, a haunt of rebels, 234.
- chantor of. *See* Mr Gavin Dunbar.
- commissary of. *See* Mr John Hay.
- district of, 30.
- Earl of, James, second, his slaughter at Donibristle, xxxv.
- — James, third, a member of the Privy Council, viii; commission to him to deal with a dispute, 60; on a committee of Council anent the trial of an assault, 187; he is appointed to examine witnesses, 199; present in Council, 9, 12, 19, 38, 43, 45, 47, 53, 57, 65, 72, 76, 79, 87, 165, 166, 167, 169, 170, 172, 191, 206; he signs an act of Council, 11.
- sheriff of, 498, 554; to forward prisoners to Edinburgh for trial, 327; the widow of the deceased sheriff marries Thomas Dunbar of Boghall, 522.
- More, John, in Crossmichael parish, petitions against the Service-book, 715.
- Morebattle (Marbottle), kirk of, dispute regarding seats therein, 606, 607, 608; ministers there. *See* Mr Thomas Moir and Mr William Penman.
- Morgan (Morgen), William, in Kirkcoun of Cushnie, charged with resetting rebels, 231.
- William, browster in Tilliehandies land, charged with resetting rebels, 215.
- Morham (Morum), lands of, 535, 553.
- parish of, minister there. *See* Mr Thomas Turnbull.
- Morocco, seamen carried as slaves to, xli.
- Morphie, Laird of. *See* Grange.
- Morris (Moreis), Alexander, in Belhaven, charged with plundering a ship, 242*, 243.
- John, at the Kirk of Glass, charged with armed convocation and riot, 64, 65.
- Robert, in Belhaven, charged with plundering a ship, 242*, 243.
- Morrison (Moresone) of Bognie, Alexander, appointed a justice of peace for the shire of Aberdeen, 349.
- Morrison, George, bailie of Aberdeen, charged to appear before the Council, 173.
- George, burgess of Aberdeen, sues for the payment of debts, 261, 262, 290, 291, 585, 600.
- James, indweller in Campsie, complains of illegal warding and harsh treatment, 629.
- Morter. *See* Mortimer.
- Mortimer (Morter), Andrew, charged with obstructing the leading of peats, 85, 109.
- Thomas, bailie of Aberdeen, appears as a procurator, 472.
- Morton, Earl of, William, Lord High Treasurer of Scotland, a member of the Privy Council, viii; resigns his proprietorship of the barony of Moffat, 141; on a committee of Council anent disorders in the North, 120; appointed a justice of peace for Fife and Kinross, 131; appointed a justice of peace for the shire of Forfar, 131; bonds of caution by him, 132, 133, 221; to pay rewards to capturers of rebels, 170; he consents to a signature, 184; appointed a justice of peace for the shires of Clackmannan, Kincardine, and others, 222, 223; he resigns the Treasurership, 243n, 244; payments to be made to him, 34; and by him, 74, 199, 224; papers delivered to him, 94, 186, 189; and produced by him in Council, 184; petition by him, 397; present in Council, 310, 320, 324, 512, 515, 516, 520; signs acts of Council, letters, etc., 581, 582.
- Morton, Mr William, minister at Leith, writes to the Clerk of Council, 579*; charged to appear anent the Leith hospital, 652.
- William, in Kirkcudbright, petitions against the Service-book, 714.
- William, servant to Patrick Sands, notary, complains of being assaulted, 255.
- Mortonhall, lands of, 597; Laird of. *See* Ellice.
- Moscrope, Robert, burgess of Jedburgh, to be examined as a witness, 634, 640, 647.
- Mosheid, lands of, 197, 239.
- Mosses: questions regarding, 475, 488, 493; the Ridmoss of Ballinsho, 85, 109; Frok moss, 493.
- Mow, Walter, in Oldisheuche, hanged as a Border outlaw, 407.
- Mowat, Alexander, councillor of Kirkcudbright, petitions against the Service-book, 714.
- of Fawsyde, James, W.S., sues for the payment of a debt, 270.

- Mowat, James, in Muttonhole, charged with plundering a ship, 242*, 243.
- John, in Aquhirries, deceased, 295, 585; his son, Mr James, seeks fulfilment of a contract, 295, 585.
- Olipher, in Stornoway, seizure of a ship illegally by him, 5.
- Mr Roger, advocate, appears as a procurator, 67, 68; seeks relief as a cautioner, 300; he seeks fulfilment of a contract, 295.
- Thomas, messenger in Edinburgh, charged to appear as a witness, 603; he executes a charge, 613.
- William, messenger, witness to the execution of a charge, 604, 634; he complains of deforcement, 611, 613.
- Mowis, John, in Thornton, charged with plundering a ship, 241.
- Thomas, in Thornton, charged with plundering a ship, 241.
- Moyne, John, charged with committing assault, 272.
- Mudie (Muddie, Mudy), James, in Bettokburn, charged with committing assault, 287, 302; he seeks suspension of horning, 588.
- James, messenger, executes a charge, 614; his son, John, is a witness, 615.
- John, writer, acts as a procurator, 112.
- Thomas, portioner of Saughtonhall, appointed to collect contributions, 482.
- William, merchant burghess of Edinburgh, sues for the payment of a debt, 237.
- William, skipper, charged with setting ashore plague-stricken persons, 119; to be placed in the stocks till he be examined, 120, 126.
- Muir (Mur, Mure) of Caldwell, Robert, appointed a justice of peace for the shire of Renfrew, 223.
- of Cassincharie, Richard, appointed a justice of peace for the stewartry of Kirkcudbright, 182; he petitions against the Service-book, 711.
- of Glanderstoun, William, appointed a justice of peace for the shire of Renfrew, 223.
- Abraham, hammerman in Glasgow, witness to the execution of a charge, 629.
- Abram, in Kirkmabreck parish, petitions against the Service-book, 711.
- Alexander, in Anwoth parish, petitions against the Service-book, 712.
- Alexander, in Balfour, witness to the execution of a charge, 602.
- Muir, Alexander, in Peebles, prosecuted for carrying firearms, 51.
- George, bailie of Glasgow, charged with wrongful imprisonment, 3.
- Gilbert, in Kirkmabreck parish, petitions against the Service-book, 712.
- John, in Newbigging, seeks restoration of some victual, 592.
- John, in Peebles, prosecuted for carrying firearms, 51.
- Ninian, a sasine belonging to him, 520.
- William, in Glenburchet, charged with resetting rebels, 215.
- William, elder, in Kirkcudbright, petitions against the Service-book, 714.
- William, younger, in Anwoth parish, petitions against the Service-book, 712.
- Muirhead (Mureheid) of Lachope, James, apparent, appointed a justice of the peace for Lanarkshire, 21; complains of non-payment of debts, 653.
- David, in Thorniehill, charged with wrongful imprisonment, 114.
- William, servitor to Hew Ross, writer, writes a document, 50.
- Muirhous (Murre), house of, 556; Miln of, 617.
- Mukcoull, lands of, 476.
- Mullikin, . . . , in Portpatrick, 692.
- Mundell, John, complains of wrongful ejection and imprisonment, 35.
- Mungill, Helen, in Nether Cramond, to remain in her house under suspicion of the plague, 153.
- Murder and manslaughter, cases of, 48, 139, 141, 142, 143; William Barnet in Lintathen, 686; Mr Alexander Burrows in Ireland, 279; John Dow in Bogholl, 336, 374, 389, 479, 554; Robert and Ninian Dunbar, brothers to Hemprigs, 382; Peter Duncan, 507; Janet Henderson in Jedburgh, 329, 340, 341; Donald McIlleith, 363, 376; Margaret Scot in Leith, 494; John Stewart of Drumquhen, 363, 366, 376, 378, 418*, 419, 497; Andrew Strodie, 572; David Tosheoch of Monzievaird, 121, 194-198.
- Murdoch (Moredoch, Murdohe), James, petitions against the Service-book, 715.
- John, in Glenlie, petitions against the Service-book, 714.
- John, burghess of Minygaiff, petitions against the Service-book, 711.
- John, in Polmadie, charged with malicious damage to property, 183.
- John, complaint by him, 179.

- Murdoch, Marion, wife of Charles Murray of Barnhowrie, appears for him, 4, 5.
- Muresone, James, in Blairmadie, charged with armed convocation and riot, 488.
- Thomas, in Blairmadie, charged with armed convocation and riot, 488.
- Murray (Moray, Murray) of Abercairney, . . . , appointed a justice of peace for the shire of Perth, 202; gets a protection, 29, 486.
- of Balvaird, Sir Andrew, appointed convener of the justices of peace for the shire of Fife and Kinross, 131.
- of Barnhowrie, Charles, intromits with some grain, 4, 5; Marion Murdoch, his wife, appears for him, 4.
- of Blackbarony, . . . , 646².
- of Blairfinday, George, charged with resetting rebels, 111.
- of Buchantie, David, appointed a justice of peace for the shire of Perth, 203; he and Robert, his son, charged to keep the peace, 410.
- of Drumcarnie, Sir Mungo, charged to preserve the forest of Glenalmond, 448.
- of Elibank, Sir Patrick, commission to him to visit and report on the bridge of Linton, 237.
- Sir Patrick, license to him to eat flesh during Lent, 698.
- of Falahill, Sir James, knight, appointed a commissioner for the Borders, 161.
- *alias* McGregor of Glenstrae, John, acts of caution by him, 14; and for him, 73, 77, 229.
- of Kinkell, David, appointed a justice of peace for the shire of Perth, 202.
- of Leacock, William, charged to keep the peace, 410.
- of Moriquhat, Andrew, appointed a justice of peace for Annandale, 90.
- of Natoun, William, empowered to sell lands for debt, 3, 48.
- of Ochertyre, Mr Patrick, fiar, appointed a justice of peace for the shire of Perth, 202.
- of Philiphaugh, Sir John, convener of the justices of peace for Selkirkshire, complains against the bailies of Selkirk for neglecting precautions anent the plague, 439, 440, 453, 454; supplication by him, 475.
- of Stanhope, Sir David, obtains right to some lands, 581.
- of Touchadam, Sir William, his right to the house of Ednam, 107.
- Murray, Alexander, servitor to Mr William Napier, advocate, witness to the execution of a charge, 603.
- David, in Edinburgh, charged with selling tobacco illegally, 63.
- Gregour, formerly McGregor, warrant for his release, 226.
- Isobel, wife of John, Bishop of Caithness, charged with violent occupation of a house, 613, 616.
- James, brother to the Earl of Athole, witness to a bond of caution, 101.
- James, in Selkirk, prosecuted for neglecting the ordinances anent the plague, 439, 440, 453, 454.
- James, merchant, gets license to eat flesh during Lent, 698.
- James, servant to Gilbert Neilson, advocate, witness to documents, 50, 688.
- Mr John, tutor of Strowan, to be answerable for his tenants and servants, 25; acts of caution by him, 93, 101.
- Mr John, petitions against the Service-book, 708.
- John, merchant burghers of Edinburgh, sues for the payment of a debt, 332, 634, 635.
- John, in Troquhaine, petitions against the Service-book, 712.
- John, husband of Elspet Tosheoch, the Laird of Monzievaird's sister, to sign a letter of slains, 239.
- John, brother of Patrick McGregor, caution for his compearing before the Council, 26, 229.
- John, caution for his keeping the peace, 590.
- John Dow, in Wester Finnich, charged to keep the peace, 410.
- Patrick, brother of John Murray, *alias* McGregor of Glenstrae, caution for his compearing before the Council, and signing the General Band, 14, 73, 77, 229; a warrant for his release, 226.
- Patrick, caution for his keeping the peace, 590.
- Mr Robert, minister at Balmaclellan, petitions against the Service-book, 711.
- Ranald, cautioner in a bond, 665.
- Robert, servitor to Balmuto, charged to appear as a witness, 605; witnesses the execution of a charge, 608.
- Ronald, merchant burghers of Edinburgh, cautioner in a bond, 690.
- Thomas, tenant on the lands of Kirkurd, molested in building a house, 254, 255.

Murrey, Umphra, in Comchill, charged to keep the peace, 410.

— Walter, in Kirkmabreck parish, petitions against the Service-book, 711.

— William, chamberlain to the Earl of Tullibardine, and others, being at feud with Lord Madertie and others, are charged to keep the peace, 410, 425.

— William, in Edinburgh, fined for selling tobacco, 63.

— See also McGregor and Moray.

Murres. See Muirhouse.

Murrines, lands of, 197.

Murson, John, in Wick, execution of summons against him, 605.

Musgrave, Sir William, knight, appointed a commissioner for the Borders, 161.

Muschet (Muschet) of Burnbank, Sir George, appointed a justice of peace for the shire of Perth, 203.

Muskets, references to, 313, 366.

Musselburgh, town of, markets not to be held for fear of the plague, 330, 331; this restriction removed, 354, 655.

Musselburghshire, lordship of, 13.

— regality of, the bailies of the, 13, 14.

Muster-master-general, appointment of General Patrick Ruthven as, 356, 551.

NAIRN (Narne) of Sandfurde, Alexander, appointed a justice of peace for the shire of Fife and Kinross, 131.

— Duncan, in Dalbadyie, charged with resetting rebels, 257.

— George, bailie of St. Andrews, depones anent the light on the Isle of May, 568.

— John, servitor to Mr John Paip, witness to a document, 665.

— John, servitor to William Semple in Londonderry, witness to the execution of a charge, 580.

— Mr Robert, advocate, cautioner in a bond, 665, 690.

— Robert, indweller in Stronsay, witness to the execution of a charge, 584.

— William, in Nether Rivens, charged with resetting rebels, 216.

Nairn, burgh of, proclamation at the market cross, 281.

— shire of, the sheriff. See John Campbell, fiar of Calder; the sheriff-clerk. See Alexander Dunbar; the sheriff-depute. See Colin Campbell.

Naismith, Gavin, jailor of the tolbooth of Glasgow, signs a document, 20.

— Thomas, servitor to Mungo, Viscount

Stormont, witness to a bond of caution, 101.

Napier (Naper) of Merchiston, Lord, Archibald, a member of the Privy Council, ix; appointed to examine witnesses and prisoners, 6², 8, 19, 377, 378, 383, 394, 397, 413, 419, 650; to be answerable for his tenants and servants, 95; on a committee of Council anent the muster-master-general, 551; present in Council, 1, 6, 7, 8, 14, 15, 19, 23, 27, 31, 33, 37, 38, 43, 45, 47, 53, 57, 65, 72, 76, 77, 79, 88, 91, 301, 303, 310, 316, 322, 323, 334, 336, 342, 343, 345², 346, 351, 352², 356, 360, 364, 366, 367, 369, 372, 373, 375, 378, 383, 386, 391, 394, 396, 398, 401, 404, 413, 414, 415, 416, 418, 420, 421, 427, 430, 431, 435, 437, 445, 449, 456, 461, 466, 467, 471, 476, 477, 478, 481², 484, 486², 489, 490, 516, 520, 545, 549², 553, 554; signs acts of Council, etc., 26, 650.

— Robert, servant to Barbara Herring, murdered, 48.

— Mr William, advocate, 603.

Natoune, kirk of, 35.

Neill, George, messenger, complains of being deforced, 603.

— John, in Thornton Loch, charged with plundering a ship, 242².

Neilson (Nilson) of Craigcaffie, Gilbert, advocate, becomes a cautioner, 623, 651; he is witness to a bond, 665; he appears as a procurator in the Leith hospital case, 48, 49, 657, 668, 669, 672, 673, 696; he grants a discharge, 688.

— Alexander, at the Kirk of Fetteresso, charged with malicious damage to property, 106.

— George, in Oldhamstooks, charged with plundering a ship, 242², 243.

— Gilbert, merchant burgess of Kirkcudbright, petitions against the Service-book, 714.

— James, at Fetteresso, charged with malicious damage to property, 106.

— John, in Crossmichael parish, petitions against the Service-book, 715.

— John, a servant, charged with infanticide, 686.

— John, petitions against the Service-book, 705.

— William, bailie of Glasgow, charged with wrongfully freeing a debtor, 653.

— William, writer, appears as a procurator, 89.

- Nein, Elspet, in Inverness, to be tried for theft, 473.
- Nell, William, officer, charged with carrying prohibited weapons, 391.
- Neorne, Duncan, in Delbadie, charged with resetting rebels, 215.
- Nettenburg in Russia, 327.
- Neven. *See* Niven.
- Newark, Laird of. *See* Maxwell.
- Lady. *See* Margaret Crawford.
- place of, 264.
- Newbigging, near Musselburgh, 13.
- lands of, 493, 592.
- Newburgh, lands of, 63.
- Newburn (Newbirne), parishioners of, petition against the Service-book, 707.
- Newcastle, town of, infested with the plague, 127, 246, 247, 249, 292; ships coming thence to be examined, 127.
- Newhaven, town of, precautions there anent the plague, 125; the cleansers are to be permitted to return thither, 154.
- Newmarket, royal letters, etc., dated there, 334, 335, 337, 342, 343, 353, 379; the King there, 583.
- Newmylne, the, 204.
- Newton (Newtoun), George, tailor, indweller in Jedburgh, witness to the execution of a charge, 614, 635² [in one instance misprinted Veatch], 647.
- Robert, indweller in Crichton, to be apprehended for not paying a debt, 611.
- Newton, Laird of. *See* Edgar and Gordon.
- house of, to be rendered, 417; lands of, 113; a charter of the lands forged, 521.
- Nicoll (Nicol), Andrew, charged to appear as a witness, 599.
- John, elder, writer, appears as a procurator, 147, 148; witness to the execution of a charge, 615.
- John, younger, writer, writes a document, 38; witness to the execution of a charge, 615.
- John, notified of a decree, 478.
- Patrick, in Elcho, charged with obstructing the leading of peats, 85.
- Nicolson (Nicolson) of Colbrandspeth, Sir James, a justice of peace for Berwickshire, complains of being insulted and threatened, 610, 611, 617.
- Mr Alexander, advocate, appears on behalf of his sister, Katherine, 414.
- George, in Prestonpans, his ship suspected of the plague, 273; he is prosecuted for disregarding the Acts anent the plague, 277.
- Nicolson, James, notary, writes a document, 222.
- Katherine, wife of Alexander Gordon of Abergeldie, submits to arbitration, 414.
- Mr Thomas, acts as a procurator, 374; he is notified of a decree, 478; license to him to eat flesh during Lent, 698.
- Mr Thomas, younger, advocate, presents a bond for registration, 358; appears as a procurator, 8, 87, 452, 488.
- Thomas, caution for his indemnity, 93.
- Thomas, his witnesses to be paid, 101.
- Nimmo (Nemo), Andrew, writer, witness to, and writer of documents, 663², 664², 665, 678, 679.
- Nisbet (Nisbitt) of the Dean, Sir William, accepts the office of sheriff of Edinburgh, and gives his oath, 523.
- of Murres, Mr Gavin, deceased, 556; his widow, Margaret Chalmers, makes a complaint, 556, 557.
- George, in Gaityside, charged with plundering a ship, 241.
- Henry, merchant, debts owing to him, 523.
- Hew, assists in searching for a criminal, 692.
- James, in Craigmillar, charged with molesting and starving a widow woman, 556, 557.
- Mr John, advocate, appears and acts as a procurator, 181, 452, 571, 641, 654, 668, 674.
- John, in Coldingham, prosecuted as a refractory tanner, 21.
- John, younger, in Belhaven, charged with plundering a ship, 242², 243.
- Mr Patrick, license to him to eat flesh during Lent, 699.
- Nisbet Mill, the plague there, 681.
- Nithsdale (Nithidisdaill), Earl of, Robert, steward of Kirkcudbright, an action advocated from him to the Lords of Council, 135, 136; commission to him to try a case of poisoning, 160; appointed a commissioner for the Borders, 161, 164; exemption of the Johnstones from his jurisdiction, 337, 413, 420, 421; he is charged to appear before the Council, 299, 366, 590; he reports upon the ordinances made by the commissioners for executing their commission, 401, 404-409.
- . . . , Countess of, 3.
- Niven (Neven, Nevin), James, messenger,

- executes a charge, 582; he complains of being deforced, 618.
- Noble (Nobill), William, in Dumbarton, charged with attacking a ship, 313.
- William, treasurer of Dumbarton, claims payment of customs from Dutch vessels in the Clyde, 591, 514.
- Noblemen of Scotland, their petition against the Service-book, 553, 554.
- Norham, village and parish of, 162.
- Norie (Nory), Alexander, in Liddoch of Skene, charged with armed convocation and riot, 631, 633.
- Alexander, in Riddoch, charged with armed convocation and riot, 344.
- David, in Brechin, charged to appear as a witness, 693.
- Duncan, in Haddington, on an assize, 626.
- William, mariner, seeks to be ransomed from the Turks, 169.
- William, messenger, executes a charge, 611.
- North Berwick, minister at. *See* Mr Harry Aikenhead.
- North Isles, admiral-depute of the. *See* Thomas Lindsay in Crail.
- Northumberland, Earl of, Algernon, K.G., appointed a commissioner for the Borders, 161.
- county of, 86, 162.
- Norway, timber brought from, 462.
- Notaries: James Airth, 573, 574, 575; Robert Aissoun at Crieff, 530; Thomas Allan, 520; Thomas Allan in Jedburgh, 647; David Anderson in Leith, 83, 84; David Bennet in Kirkcaldy, 315, 605, 608; Andrew Burn, 83; George Campbell, 468, 685; Hector Campbell in Galston, 705; Mungo Campbell, 685; Alexander Cass, 359; Andrew Chalmer, 713, 714; Mr John Chalmer, 632, 633; John Crichton in Sanquhar, 523; Alexander Cumming in Elgin, 521; Walter Dalglish, 116; George Deans, 665; Alexander Don, 682; Robert Farquhar, 522; James Fleming in Glasgow, 629; Mr David Forrester, 105; William Forsyth, 113; Robert Gibson in Dumfries, 416; Robert Glassford, 664; Robert Glendinning in Kirkcudbright, 714; James Gordon in Kirkmabreck parish, 711, 712; Mr Robert Hedderwick in Edinburgh, 85; Robert Heuchane in Kirkcudbright, 714; William Hunter in Minygaiff, 711; Mr George Innes, 590; John Johnstone, 315, 316; John Kennedy in Ayr, 692; Mr David Kinghorn, 315; Alexander Lawrie, 102; Mr William Livingstone in Keith, 611; George Lundie, 316; John McAdam, 713; Patrick McAulay, 591; Alexander McBreck in Edinburgh, 605; Thomas McKie in Wigton, 157; Robert Makmichaell, 712; James Mader, 108; Thomas Manson, 27; Robert Mercer, 134; John Miller, 359; James Nicolson, 222; Thomas Ramsay, 220; David Robertson, 602, 664; David Robeson in Leith, 575; Archibald Rutherford in Jedburgh, 647; John Rutherford in Jedburgh, 329, 340, 341, 614, 638, 639; Patrick Sands in Leith, 255; James Thomson, 612; James Troop in Keith, 611; James Turner, 715; William Watson in Glasgow, 528; John Williamson, 105.
- Notman, James, smith, charged with carrying prohibited weapons, 53.
- Robert, officer, debts owing to him, 518.
- Nutmegs plundered from a wrecked vessel, 241.
- OATH, form of, to be taken by bishops at their consecration, 511, 512.
- Oatlands, royal letters, etc., dated there, 66, 280, 509, 521, 541.
- Ochiltree (Uchiltrie), kirk of, 691.
- Ogill, Mr David, minister at Baro, petitions against the Service-book, 708.
- Ogilvie (Ogilbe, Ogilwie) of Airlie, Lord, James, 686, 693; to be answerable for his tenants and servants, 95, 115; appointed a justice of peace for the shire of Forfar, 131; being at feud with James, Lord Deskford, he is charged to keep the peace, 415; he becomes a cautioner, 428, 665; license to him to eat flesh during Lent, 698.
- Master of, James, charged to keep the peace, 415; caution for him, 428; he submits a dispute to arbitration, 481; being at feud with James, Lord Deskford, he is charged to keep the peace, 692, 693.
- of Banff, Sir George, knight baronet, accepts the sheriffship of Banff, and gives his oath, 165; pardon obtained for a wrong done to him, 372; he is charged to keep the peace, 415.
- of Carnowseis, Sir George, protection granted to him, and extended, 76, 128, 129.
- of Culbirnie, William, is assoilized from a complaint, 89.

- Ogilvie of Glassachie, John, prosecuted for wilful error on an assize, 92.
- of Inchmartine, Sir Patrick, charged to keep the peace, 415; becomes a cautioner, 428; on a committee anent the bridge of Perth, 532; being at feud with James, Master of Ogilvie, he is charged to keep the peace, 692, 693.
- of Inverquharitie, Sir John, appointed a justice of peace for the shire of Forfar, 131; he is charged to appear as a witness, 693.
- of Inschewin, John, charged to appear as a witness, 693.
- of Kempearne, Alexander, appointed a justice of peace for the shire of Banff, 350.
- of Milntoun, John, prosecuted for remaining at the horn, 314, 600, 611.
- of Newgrange, James, fiar, appointed a justice of peace for the shire of Forfar, 352; charged to appear as a witness, 416; put under caution for keeping the peace, 692.
- of Peill, . . . , younger, charged to appear as a witness, 416; put under caution for keeping the peace, 692.
- of Pitmowie, . . . , put under caution for keeping the peace, 692.
- Alexander, writer, presents a deed for registration, 590.
- David, in Meikle Kennie, charged with oppression and wrongful imprisonment, 601, 602; his son, William, is a witness, 602.
- George, in Craigie, charged with malicious damage to property, 106.
- George, in Kirkton of Rayne, charged with carrying prohibited weapons, 643.
- John, in Meikle Kennie, charged with oppression and wrongful imprisonment, 601, 602.
- John, at Seamilnes, charged with de-forcement, 451.
- Patrick, in Cadgerglak, charged with oppression and wrongful imprisonment, 601, 602; put under caution for keeping the peace, 692.
- Patrick, in Meikle Kennie, charged with oppression and wrongful imprisonment, 601, 602.
- Walter, in Forstan, and Walter and Alexander, his sons, charged with armed convocation and riot, 488.
- William, in Littilkenie, and Oliver, his son, charged with illegal warding, 601, 602.
- Ogilvie, William, in Lungare, charged with malicious damage to property, 106.
- Ogatoun, Dr William, minister at Colinton, appointed a justice of peace for the shire of Edinburgh, 431.
- Mr William, in Ceah, complains of being assaulted, 29.
- Mr William, charged with committing assault, 29.
- Oig, Allan, charged with resetting rebels, 232.
- Callum, in Balquhiddie, charged with resetting rebels, 231.
- John, in Bellastrad, charged with resetting rebels, 216.
- Oir, John, in Mains, petitions against the Service-book, 714.
- Oliphant of Bachiltoun, John, debts owing to him, 86; on a committee anent the bridge of Perth, 532.
- of Gask, Laurence, debts owing to him, 87.
- of Kirkhill, Mr William, advocate, witness to a bond, 68; complains of wrongful imprisonment for debt, 86, 87; craves liberty that he may satisfy his creditors, 620.
- H., warden of the Mint, signs a document, 101.
- Sir James, brother of Mr William Oliphant of Kirkhill, debts due by him, 86.
- Mr John, sheriff-clerk of Edinburgh, witness to a bond of caution, 102.
- Mr John, sheriff-depute of Haddington, tries a case of sheep stealing, 625.
- Oliver (Olifer), John, younger, messenger, executes a charge, 630, 649.
- John, merchant in Jedburgh, charged to appear as a witness, 635.
- Onions, a ship load of, not to be landed during the plague, 126.
- Or, James, miller at Daff Mill, charged with committing assault, 267, 302; seeks suspension of horning, 588.
- Orbiston, Laird of. *See* Hamilton.
- Ord, William, wright in Aberdeen, witness to the execution of a charge, 590.
- Orkney and Shetland, 279, 280, 506; famine there, xl; appointment of commission to deal with the distress, 39-41; dispute about some lands there, 367-310; the decrees of the sheriff condemned, 308; he is commissioned to act in a right-of-way dispute, 507; he grants a bond, 655; the sheriff-clerk. *See* John Aitken; the sheriff-depute. *See*

- Thomas Buchanan ; sheriff-court books of, 310, 583.
- Orkney, Bishop of, George, 463 ; commission to him to deal with the famine in Orkney and Shetland, 39 ; the lands and teinds belonging to him reserved, 41 ; commission to him to act in a right-of-way dispute, 507.
- bishopric of, 359n.
- commissary of. *See* Mr Harry Aitken.
- Orme, Mr J., petitions against the Service-book, 708.
- Ormond pursuivant. *See* James Curry.
- Oswald (Osual, Osuald), George, writer in Jedburgh, and William, his only son, prosecute for the alleged slaughter of Janet Henderson, spouse of the former, 329, 340, 341, 609, 614, 616, 634, 635-640, 647.
- Mr John, minister at Pencaitland, petitions against the Service-book, 708.
- William, in Jedburgh, charged to appear before the Council, 614, 634.
- Oustian, George, merchant burges of Edinburgh, deceased, 284 ; George, his son and heir, to re-enter in ward, 193 ; he complains of being wrongfully detained in ward, 284, 285, 286.
- Gilbert, burges of Edinburgh, seeks to be relieved of his cautionry, 193 ; his wife, Susanna Watson, appears on his behalf, 193.
- Isobel, in Burntisland, fined for selling tobacco without a license, 380.
- Over Sander, lands of, 308.
- Over Sandie, lands of, 309.
- Oxford, 317.
- Oxnam, minister at. *See* Mr Andrew Kirkton.
- PAIP (Paip), Gilbert, portioner in Culcallane, prosecuted for remaining at the horn, 414.
- Mr John, elder, W. S., 615 ; appears as a procurator, 366 ; witness to a discharge, 696.
- Mr John, younger, advocate, presents bonds for registration, 116, 220, 221, 229.
- Paisley, bailiary of, appointment of justices of peace for the, 222, 223 ; the bailie. *See* Bryce Semple of Cathcart.
- burgh of, a document dated there, 589.
- regality of, appointment of Bryce Semple of Cathcart as sheriff, 522.
- Palace of Holyroodhouse, 206, 211, 212.
- Palmer, James, master of a Kirkcaldy ship, forbidden to land his cargo until examination be made anent the plague, 127.
- Palmer, John, bailie of Kirkcaldy, charged to appear before the Council, 395.
- Lachlan, in Dumbarton, charged with attacking a ship, 313 ; execution of summons against him, 614.
- Palnure Burn, bridge over the, xxi.
- Panns, the. *See* Prestonpanns.
- the schoolmaster there gets license to eat flesh during Lent, 699.
- Panter of Fryok, David, witness to the execution of a charge, 603.
- Pardon granted to John, Lord Balmerino, 334. *See also* Remissions.
- Parishes : every parish to possess two copies of the Service-book, 336, 353, 448, 449 ; Abdie, 419 ; Ancrum, 445 ; Bowdoun, 445 ; Corstorphine, 154 ; Crailing, 445 ; Cramond, 125 ; Dalmeny, 154 ; Denny, 5, 305, 318 ; Dinmure, 239 ; Edinburgh, 154 ; Jedburgh, 445 ; Kelso, 445 ; Kirkliston, 154 ; Leith, 154 ; Liberton, 326 ; Livingstone, 261, 286, 288 ; Rathen, 392 ; Restalrig, 83 ; St. Cuthberts, 154 ; South Leith, 83 ; Sprouston, 445 ; Torphichen, 261, 286, 288.
- Park of Glenluce, William, seeks aid in his necessities, his house having been burned, 50, 51 ; he seeks extension of his protection and a contribution for his relief, 302, 601.
- Laird of. *See* Gordon.
- house of, to be rendered, 420.
- Parker (Perkar), Andrew, reviled by his son, John, *infra*, 19.
- George, in Balcraig, charged to appear as a witness, 282.
- George, in Balcraig, charged to appear before the Council, 588, 596.
- James, elder at Galston kirk, petitions against the Service-book, 705.
- John, son of Andrew *supra*, cordiner, burges of Glasgow, prosecuted for falsely accusing the magistrates, 19, 20.
- Parliament of Scotland : the Service-book objected to because it is not ratified by Act of Parliament, 699-716 *passim* ; seventh parliament of King James the Fifth, 406 ; first and eleventh, of King James the Sixth, 406 ; sixth, of King James the Sixth, 452 ; fourteenth of James VI., anent landlords and masters being answerable for their tenants and servants, 208 ; one held at Edinburgh in 1475, 91 ; at Edinburgh in December 1567, 26 ; in July

- 1587, 27; in June 1594, 27; at Linlithgow in December 1585, 26; at Edinburgh in June 1617, 447; at Edinburgh in 1633, 95, 142, 177, 183, 287, 710.
- Parliament, Acts of: anent landlords and chieftains of clans being answerable for their vassals, 26, 27; anent abuses at ferries, 304; anent intercourse with rebels, 336; anent colliers and salters, 365²; against resettlers of stolen goods, 406; anent lint laid in lochs, 419; for preservation of game in the royal forests, 447; anent treason, 452; for the taxation of the inhabitants of Edinburgh for their ministers' stipends, 478; registration in the books of, 288, 289.
- Partoune, Laird of. *See* Glendinning.
- parish of, the parishioners petition against the Service-book, 715; minister there. *See* Mr James Irvine.
- Passport, one granted to Sir Alexander Leslie, 66.
- Pasturage, a question of, 266, 282.
- Patents: to William, Earl of Stirling, and John Alexander, his son, of the minerals and metals in Scotland, 23; for licensing the sale of tobacco, 62, 69, 380; to John, Earl of Traquair, of the office of Lord High Treasurer of Scotland, 243, 244; of the earldom of Home, 262; to the eldest sons of baronets as knights, 262, 263; for the pardon of John, Lord Balmerino, 334; of the office of Keeper of the Privy Seal, 446.
- Paterson (Patterson), Alexander, merchant burgess of Inverness, witness to the execution of a charge, 581.
- David, mariner in Leith, 494; his wife, Janet Scot, prosecuted for manslaughter, 494.
- David, weaver in Nether Cramond, to remain in his house under suspicion of the plague, 153.
- James, in Haddington, sits on an assize, 626.
- James, in Tullich, charged with resetting rebels, 216.
- John, clerk to the kirk-session of Largs, petitions against the Service-book, 707.
- John, in Torrieburn, appointed to collect contributions, 330.
- John, in Tullich, charged with resetting rebels, 216.
- John, 471; his daughter, Margaret, servitrix to the Lord Lyon, charged with child-murder, 459, 460, 471, 686.
- Paterson, John, appears as a witness, 89.
- Thomas, bailie of Peebles, charged with armed convocation and riot, 52.
- William, in Peebles, prosecuted for carrying firearms, 51.
- . . . , burgess of Inverness, deceased, 187; his widow, Janet Lose, and their son, Alexander, complain of being assaulted, 187.
- Paton (Pattoune), Andrew, in Brodeishill, charged to appear as a witness, 382.
- Archibald, charged with committing assault, 357.
- David, skipper in Anstruther Easter, depones anent lights on the Isle of May, 573.
- James, servitor to Thomas Brown, locksmith, charged with malicious damage to property, 649.
- John, in Warnokland, charged with committing assault, 271.
- . . . , a vagabond, charged with committing assault, 357.
- Patrik, . . . , in Colchestlein, charged with resetting rebels, 232.
- Paull, Henry, skinner, burgess of Perth, complains of assault on his children, Charles, Patrick, and Janet, and of theft, 18.
- Peacock, John, in the West Maynes, charged with obstructing the leading of peats, 85, 108.
- Pearson (Peirsoun, Person) of Balmadeis, Alexander, appointed a justice of peace for the shire of Forfar, 352; charged to appear as a witness, 416; charged to appear as a witness, 693.
- Mr James, fiar, acts as a procurator, 115; he is appointed sheriff-depute of Forfar for life, and gives his oath, 343, 651; appointed a justice of peace for the shire of Forfar, 352.
- Mr David, clerk of Forfar, charged to appear as a witness, 693.
- James, clerk of Forfar, charged to appear as a witness, 416.
- James, servitor to Hew Tod, W.S., complains of being molested in seeking payment of debts, 214; submits to arbitration, 214.
- James, writer, prosecutes a lawsuit, 436.
- Peas plundered from a wrecked vessel, 241.
- Peats, disputes as to the casting and leading of, 42, 43, 55, 56, 85, 107, 183, 475, 485, 488, 493.

- Peatt, John, shipmaster in Anstruther Easter, depones anent lights on the Isle of May, 577.
- Peddie (Peadie, Pælie), David, in Dysart, 315, 614; his spouse, Margaret Richardson, charged with raiding a dwelling-house, 315, 614.
- Pedigree of Claud de la Soot, 436.
- Peebles (Peblis) of Maynashill, Robert, petitions against the Service-book, 702.
- Peebles, burgh of, 89; the bridge there, xlv; the provost and bailies are charged with armed convocation and riot, 51; counter-complaint by them, 52; cautions for and by them, 52, 53; they are ordained to liberate a debtor, 89; proclamations at the market cross, 161, 473; the tolbooth, 89; the provost. *See* James Williamson; the bailies. *See* Thomas Paterson and David Plenderleith; treasurer of. *See* John Thomson.
- shire of, 162; special meetings of the justices of the peace, 439.
- Peffer ford, 214.
- Pencaitland, minister at. *See* Mr John Oswald.
- Pendreich (Pendriche), James, messenger, witness to the execution of a charge, 590.
- Penman, Andrew, burgess of Jedburgh, charged to appear as a witness, 634, 635, 638, 639, 640, 647².
- Mr William, minister at Morebattle, seeks redress regarding seats in the church, 606, 607.
- Pennango, Robert, in Cockburnspath Tower, charged to appear as a witness, 617.
- Pennyland, lands of, 588.
- Pentland, Robert, messenger, executes a charge, 617; his son, Alexander, witnesses the same, 617².
- Pepper plundered from a wrecked vessel, 241.
- Peries, Alexander, burgess of Canongate, becomes a cautioner, 93.
- Perth, Earl of, John, a member of the Privy Council, viii; to be answerable for his tenants and servants, xxxii, 95; written to by the Council to attend meetings, 131²; acts as an arbiter in a dispute, 365; commission to him to apprehend a disturber of the peace, 396; on a committee of Council for surveying the forest of Glenalmond, 499, 517, 529, 535, 536, 697; on a committee anent the bridge of Perth, 532; on a committee of Council anent the muster-master-general, 551; present in Council, 27, 31, 33, 37, 137, 138², 139, 142, 147, 148, 210, 268, 270, 301, 303, 310, 316, 320, 321, 322, 391, 394, 396, 401, 467, 471, 476, 477, 478, 486², 498, 504, 508, 516, 520, 544, 545, 549²; signs acts of Council, letters, etc., 26, 603.
- Perth, burgh of, 18, 139, 240, 362; the Five Articles of, xxii; a case remitted to the provost and bailies for trial, 19; the Commissioners for the Burghs meet there, 57; no sufficient bridge there between 1621 and 1722, xxii; a committee appointed anent the rebuilding of the bridge, xxii, 531, 532, 697; election of the magistrates, 533; are on a committee anent the bridge of Perth, 532; proclamations at the market cross, 95, 143, 238, 447; kirk of, 238.
- presbytery of, petitions against the Service-book, 715.
- shire of, 197, 239; the taxation there, 31; appointment of justices of peace for, 71, 202, 203, 278, 295; appointment of Sir Thomas Blair of Balthayock as sheriff, 523, 524; charge to the sheriff, 121; sheriff-depute of. *See* Sir John Moncrieff of Kinmonth.
- Pest, the. *See* Plague.
- Peter, John, in Delbadie, charged with resetting rebels, 215.
- John, writer, some money owing to him, 4.
- Petrie, Mr Robert, writer in Edinburgh, appears as a procurator, 278, 314, 355, 377, 420, 584, 631, 632, 633.
- Petticrue, Andrew, in Skaitraw, charged with plundering a ship, 242².
- George, in Skaitraw, charged with plundering a ship, 242², 243.
- Pettie, kirk of, 199.
- Phillop, Malcolm, tailor, charged with carrying prohibited weapons, 53.
- Phillorth, Laird of, his arms, 391. *See also* Fraser.
- Picks, reference to, 53, 283.
- Pillour, John, a spy, to be sent to Edinburgh for trial, 207.
- Pilsworth, Robert, a murderer, to be apprehended, 279.
- Pipes plundered from a wrecked vessel, 241.
- Piracy, cases of, 224, 225; proceedings against pirates, 130.
- Pirie (Pirrie), Thomas, indweller in Glasgow, witness to the execution of a charge, 615.
- Pistols, cases of illegal carrying and using,

- 6, 31, 42, 47, 77, 107, 158, 275, 313, 318, 329, 336, 344, 384, 488. *See also* Hagbute.
- Pitcairne of that Ilk, David, appointed a justice of peace for the shire of Fife and Kinross, 131; on the commission anent the Isle of May, 568.
- Patrick, charged with wrongful imprisonment, 495.
- Pitfoddels, Laird of. *See* Menzies.
- Pitaligo, Lord, Alexander, commission to him to apprehend ressetters of rebels, 217, 218, 232; deceased, his minors and their tutory, 400, 401, 440, 441, 500, 684.
- Lady, an inventory of writs delivered to her, 500, 693.
- Mains of, 500.
- Pittenweem, burgh of, report of the mariners there anent a light on the Isle of May, 567, 575, 576, 578, 579; proclamations at the market cross, 279, 280.
- Plague, the; xii-xv, xxvii; references to its being in the North of England, 246, 247, 249, 268, 269, 292, 293, 303, 310, 311, 340, 429, 431, 442, 444, 682; and in the Borders of Scotland, xiii-xv, 431, 432, 435, 438, 439, 442-445, 453, 454-456, 473, 490, 498, 681², 682, 684, 685; measures to be taken for helping those in distress thereby, 442-445, 455; measures for prevention in the Firth of Forth, 116, 117, 118, 119, 124-127, 130, 153, 154, 168, 246-249, 254, 271, 277, 320, 354, 355, 362; precautions to be taken at the herring-drave at Dunbar, 490, 491, 498, 693; suspected to be in Liberton parish, 326; at Nether Cramond, xii, xiii, 581; in Newcastle and Tynemouth, 127, 246, 247, 249; at Preston and Prestonpans, 330, 331, 332, 339, 354, 355, 647,² 655.
- Plantation of Ulster, large numbers of persons passing thither from Scotland, 198.
- Plenderguest (Plandergist), Janet, in Lauder, charged with committing assault, 370.
- Plenderleith, David, bailie of Peebles, charged with armed convocation and riot, 52.
- Plymouth, 387.
- Poisoning, cases of attempted, 159, 160, 686.
- Polgarrok, lands of, 367.
- Pollok (Pooke) of that Ilk, Robert, appointed a justice of peace for the shire of Renfrew, 223.
- Alexander, mediates in a quarrel, 110.
- John, hanged as a Border outlaw, 407.
- Polmais, Laird of, gets license to eat flesh during Lent, 698.
- Polnewer, water of, 482.
- Polwarth (Polwart) of Ariwell, Henry, deceased, 462; his daughter, Katherine, to be restored to her curators, 462.
- of Caldlaw, James, and Katharine, his daughter, charged with detaining a young lady from her curators, 462, 486, 500.
- James, servitor to Archibald Bladder of Tulliallan, witness to the execution of a charge, 575.
- Pooke. *See* Pollok.
- Popery, tendencies of the Service-book towards, 699-716 *passim*. *See also* Roman Catholics.
- Porteous of Glenkirk, Alexander, fiar, a protection granted to him, 581.
- Alexander, messenger in Edinburgh, executes a charge, 63; charged with committing assault, 339; complains of being deforced, 420, 421, 611, 613.
- Janet, charged with illegal prosecution, 452.
- William, in Bonaley, charged to appear as a witness, 599.
- Porterfield of Greenend, John, charged with deforcement and riot, 452, 453; he submits his case to arbitration, 453.
- of Hapland, Gabriel, complains against some tenants for burning a house, 155; he is appointed a justice of peace for the bailiary of Cunningham, 481; he petitions against the Service-book, 704.
- of that Ilk, Alexander, appointed a justice of peace for the shire of Renfrew, 223.
- John, burgess of Renfrew, witness to the execution of a charge, 588.
- Porterfield Deors, lands of, 453.
- Portincross, R., in Wester Kilbride, petitions against the Service-book, 705.
- Portpatrick, xxv, 691, 692; as the chief passage to Ireland, it requires a harbour, 150; a contribution is to be raised to provide one, 151-153, 368; it is only supplied with a harbour in 1821, xxvi; masterless men to be prevented from passing to Ireland there, 156; the ferrymen there, 304; customer there. *See* Thomas Marjoribanks; minister of. *See* Mr James Blair.
- Posting, the stage to be removed from Wedderbie to York, 516.
- Pott, Andrew, son-in-law to the Cleg, prosecuted as a Border outlaw, 408.

- Potter (Poter), Robert, charged with oppression and wrongful imprisonment, 35.
- Pourie-Fotheringham, Laird of. *See* Fotheringham.
- Powder plundered from a wrecked vessel, 241.
- Precedence, questions of, in Council, 397, 457, 471.
- Preceptory of Torphichen, 288.
- Precognition, actions of, 329, 336, 340, 341, 374.
- Presbyteries: ordered to see that copies of the Service-book are obtained and used in their parish churches, 448, 449; several petition against the book, 707-716; Cupar, 707, 708; Haddington, 708; Kirkcudbright, 709; Lochmaben, 191; Perth, 715; Stirling, 715; Stranraer, 51.
- Preston of Airdrie, Sir John, appointed a justice of peace for Fife and Kinross, 131.
- of Craigmillar, Robert, reports anent a highway, 35.
- of Valleyfield, Sir John, appointed a commissioner anent the plague, 119, 123; charged to appear before the Council anent the salt, 175.
- of Whitehill, David, charged to appear before the Council anent the salt, 175; complains of trespass upon some of his coal-workings, 476, 477, 525.
- Dame Margaret, mother of James Hepburn of Bearford, charged with instigating assault and robbery, 109.
- Preston and Prestonpans (The Pannys): the bailies to take precautions anent the plague and prevent its spreading, 247, 248, 271, 272, 273, 330, 331, 339, 354, 362, 647^a, 655; the town endangered by some passengers from a ship infected with the plague, 277; the markets not to be held, 330, 331; this restriction removed, 354, 355, 655; a ship belonging thereto believed to be infected with the plague, 271, 272, 273; bailie of. *See* Robert Hamilton; market cross of, 248; the celebration of the communion in the kirk to be deferred because of the plague, 247, 248; the minister there appointed a commissioner anent the plague, 331. *See also* Mr John Ker.
- Primrose (Primrois, Prymrose), Archibald, son of Mr James, Clerk of the Privy Council, writes documents, 27, 54, 101, 102, 220, 221, 229, 585 [where Gilbert should be Archibald. In this deed he signs as Clerk of the Council], 590, 650, 688, 691.
- Primrose, Mr David, advocate, acts as a procurator, 54, 193, 194, 197, 239, 365, 561; license to him to eat flesh during Lent, 699; protestation by him, 630.
- Mr Gilbert, Clerk of the Privy Council, appointed clerk to the committee of Council anent disorders in the North, 121; he signs documents, 561, 585 [this is a mistake for Archibald. *See supra*], 606, 630^a, 648, 666^a, 686^a, 688.
- Mr James, Clerk of the Privy Council, 27, 54, 68, 86, 99, 101, 102, 151, 228, 358, 372, 373, 388, 529, 544, 628, 649, 666; documents, etc., delivered to him and in his keeping, 9, 38, 39, 240, 261, 343, 484, 581, 628, 650, 655, 659, 660, 688, 689, 691, 694, 696; two letters written to him anent the Leith hospital case, 579^a, 582, 583; he signs documents, 569^a, 570, 571, 580, 581, 582, 583, 584, 585^a, 586^a, 588, 589^a, 590^a, 593, 598, 600^a, 601, 602, 603, 605, 606, 608, 610, 611, 612^a, 614, 617, 618, 619, 621, 629, 634^a, 635, 651, 653, 684, 697, 698.
- Mr Patrick, advocate, presents a bond for registration, 81, 83, 84.
- Mr Peter, minister at Crossmichael, petitions against the Service-book, 711.
- Robert, petitions against the Service-book, 711.
- Pringle (Pringill) of Buckholme, James, bailie-depute of the regality of Melrose, commission to him to try thieves, 15, 16.
- David, barber's servant in Edinburgh, charged with committing assault, 619, 620.
- George, sheriff-depute of Haddington, delivers a message, 618; he tries a case of sheep-stealing, 625.
- James, servitor to Robert Pringle, W.S., writes a document, 315.
- John, deacon of the barbers of Edinburgh, charged with committing assault, 619, 620.
- John, in Peebles, prosecuted for carrying firearms, 51.
- John, in Sheill, prosecuted for carrying firearms, 51.
- Robert, W.S., 197, 315.
- William, in Hownem, hanged as a Border outlaw, 407.
- Printers in England, arrangement with, for publishing a book, xlvii, 424.
- Privy Council of Scotland: its composition and important position in relation to events in Scotland, v-xlvii; names of the

councillors, with their average attendances, viii, ix; order of the votes at the Council table, 45^a; the King's letter thereanent, 45; assaults committed within a mile of the residence of the Council forbidden, 74; the councillors are to subscribe the General Band, 87, 106²; the Lords of Council advocate actions to themselves, 135, 136; the magistrates of Edinburgh propose to erect a new Council-house, 165; the Lords are permitted to eat flesh during Lent, 201, 387, 698; the Lords are appointed justices of peace for the shires of Forfar, Clackmannan, Kincardine, and others, 131, 222, 223; appointment of John, Earl of Traquair, as Lord High Treasurer, vii, 243, 244; the Lords commute a sentence of death to one of banishment, 385; a question debated whether the Council may amend or explain an Act of the Estates of Parliament, 476; the meetings of the Council to be in Holyroodhouse, vii, 484, 693; proclamation against all persons reviling or maligning the members of Council, 487; the Council is forbidden by the King to meddle further in the Church question, 537, 538; the place of meeting changed, v, viii, xi, xii; to Linlithgow, 537, 538, 547; to Stirling, 546, 547; to Dalkeith, 546-548; and to Dundee, 697; the absence of the Chancellor, 541; proclamation against convocations and tumults anent Church affairs, 542, 544, 545; letters to members for a full attendance, 545; appointment of special days of meeting, 14, 229, 249, 488, 510, 521: Committees of the Council for special purposes—for examining witnesses and prisoners, 19, 57, 81, 207, 236, 243, 252^a, 256, 257^a, 276, 299, 336, 347, 351, 355, 362, 377, 378, 383, 394, 397, 413, 419, 586, 647, 650; anent the coinage, 41, 44, 76, 256, 258, 259, 339, 360, 380, 504, 509; appointment of another committee, 464, 471; anent lights on the Isle of May, 59, 111, 114, 155, 156, 157, 561, 562, 564, 566, 567, 568, 576; to examine disorders in the North, 120, 121, 149, 150, 211, 507; anent the hospital of Leith, 256, 257, 351, 363, 372, 373, 382, 386, 622-625, 641, 652, 654; for arranging terms with Nicolas Briot anent the coinage, 256, 258, 259; to examine the gold and silver coinage, 301; to audit the Treasurer's accounts, 312, 486; anent the estate of Foulis, 382, 383, 422, 423;

anent the fees of the Lord Clerk Register, 433, 434, 438; for visiting the colleges of Aberdeen, 478, 479, 692; for surveying the forest of Glenalmond, 499, 517, 529, 535, 693, 694, 697^a; to deal with disturbances about the Service-book, 511, 528, 529, 697; for auditing some accounts, 518; anent the muster-master-general, 551: Admission of members of Council, vii; Archibald, Lord Angus, 231; Walter, Bishop of Brechin, vi, 253; John Hamilton of Orbeston, Lord Justice Clerk, 332, 334, 335; Thomas Sydserf, Bishop of Galloway, vi, 359; George, Earl of Seaforth, 378, 379; Sir William Elphinstone, 394, 395; Sir Archibald Stewart of Blackhall, 449, 450, 684; James, Lord Deskford, 461, 686; Neil, Bishop of the Isles, vi, 549, 550: Meetings of the Council—at Dalkeith Palace, v, viii, xii, 546, 547, 548, 549^a, 551, 553, 554, 555; at Dundee, xi, 537, 538, 697; at Edinburgh, vii, 1, 3, 6, 7, 8, 9, 12, 14, 15, 18, 19^a, 21, 23, 27, 29, 31, 33^a, 35, 37, 38, 42, 43, 44, 45, 46, 47, 48, 53, 55, 57, 62, 65^a, 68, 72^a, 74, 76, 77, 79, 87, 88, 91^a, 93, 94, 101, 102, 103, 106, 111^a, 114, 116^a, 117, 119, 121^a, 122, 124, 125, 129, 130^a, 131, 133, 135, 137, 138^a, 139^a, 141, 142, 145, 147, 148, 149^a, 150^a, 155, 156, 158^a, 159, 165, 166, 167, 168, 169, 170, 171, 172, 176, 178, 179, 183, 184^a, 186, 189, 190, 191^a, 193^a, 199, 200^a, 203, 204, 206^a, 207, 210, 211, 213^a, 214, 215, 220, 223, 227, 229^a, 230, 231, 237, 243^a, 246, 247, 248, 249, 252^a, 254, 256^a, 258, 259, 261, 262, 264, 268, 270^a, 271, 272, 274, 276, 277, 279^a, 282, 286, 290, 292, 293, 295, 299, 301, 302, 303, 304, 306, 307, 309, 310, 313, 316, 318, 320, 321, 322, 324^a, 326, 327^a, 328, 330, 332, 334, 335, 336, 340, 342, 343, 344, 345^a, 346^a, 347, 350, 351, 352^a, 355, 356^a, 359, 360, 362, 363, 364, 366, 367, 369, 370, 372, 373, 375, 377, 378, 380, 383^a, 386, 388, 391, 394, 395, 396, 397, 398, 401, 404, 411, 413, 414, 415, 416^a, 418^a, 419, 420, 421, 424, 427^a, 429, 430, 432, 435, 437^a, 441, 442, 445, 449, 451, 454, 456, 460, 461, 462, 464, 465^a, 466, 467^a, 468, 471^a, 473, 476^a, 477, 478, 479, 481^a, 482, 485, 487, 488, 492, 508, 509, 510, 512, 520, 521^a, 522, 523, 525, 530^a, 533, 534^a, 535, 536, 539, 542; at Holyroodhouse, vii, 431, 483, 484^a, 486^a, 490, 498, 504, 506, 511, 515, 516, 517, 520, 541, 542, 693; at Linlithgow, v, xi, 537, 538, 547, 548; at Stirling Castle, 546,

- 547, 548 : Registration in the Books of the Council, 9, 11, 39, 49, 52, 54, 56, 66, 67, 68, 69, 75, 81, 83, 84, 101, 102, 104, 105, 106, 110, 114, 116, 132, 133, 150, 159, 169, 186, 193, 194, 197, 203, 210, 220, 221, 222, 244, 245, 250, 251, 285, 288, 289, 294, 310, 312, 348, 358, 371, 433, 449, 450, 476, 480, 495, 526, 530, 536, 541, 543, 544, 570, 580, 606; Clerk of the Council. *See* James Primrose; macers of Council. *See* James Douglas, John Douglas, his son, Mr William Douglas, and Mr John Henderson; letters from the King to the Council. *See under* Charles the First : Letter from the Council to the King anent the Marquis of Huntly, 10, 11; in favour of John Melvill of Raith, 26; vindicating their action against misrepresentation, 530; narrating their proceedings and the peaceable disposition of the lieges, 549.
- Privy Seal, Lord. *See* Thomas, Earl of Haddington, and Robert, Earl of Roxburgh; appointment of Mr Adam Hepburn and Mr Patrick Hamilton to be deputy-keepers, 549; documents under the privy seal, 343, 369.
- Proclamations : against the unlicensed sale of tobacco, 62, 63, 69-71, 298, 299; anent the Clan Gregor, 95, 96, 143, 399; against molesters of the Fishing Association, 96, 97; against intercourse with foreign vessels suspected to be plague-stricken, 124, 125, 271; against Dutch ships unloading in the firth during the plague, 126, 254; anent those who travel between Scotland and Ireland, 198; against selling and eating of flesh in Lent, 200, 386, 387; against resetting rebels, 208, 209; against receiving men and goods from Newcastle or London during the plague, 246, 247, 249, 276; about trading in the Border districts during the plague, 269, 270; for examining the certificates of passengers to Ireland, 316; for capturing Border fugitives and outlaws, 316; against passing to England during the plague, 340, 429, 431; for preservation of game in Glensalmond, etc., 447, 448; against maligning or reviling the members of Council, 487; against convocations and tumults anent the Service-book, 542, 544, 545.
- Prolaxes, 451.
- Protections : granting of, to be restrained, 186, 249, 457; none to be given in prejudice of hospitals or pious mortifications, 250; abuses by the frequent granting thereof, 415; protections granted to Adam Abercrombie of Auldrayne, 36; Sir John Campbell of Caddell, 207; John Carruthers of Holmends, 18; . . . Douglas of Caschogill, 204; Alexander Duff, burgess of Forres, 114; Mr Robert Ferquhar, bailie of Aberdeen, 213, 215; William Gordon of Brodland, 134; Sir Alexander Gordon of Clunie, 213, 215*, 306, 450, 684; John Gordon of Innermerkie, 147; John Gordon of Park, 31, 649; George Gordon of Ranie, 68; Cuthbert Hamilton of Cander, 604; . . . Hamilton of Sillertonhill, 390; Sir Alexander Home, younger of Manderston, 276, 524, 696; Sir Robert Innes of Balvenie, 466; Sir George Johnstone of Caakiben, 165, 178, 188; Edward Johnstone in Edinburgh, 599; John Johnstone, 601; Sir William Keith of Ludquharne, 275; George Leslie of that Ilk, 414, 621; John Leslie of Pitcaple, elder and younger, 214, 300; Sir John Leslie of Wardes, 68, 69, 129, 176, 179, 215, 306; John Livingstone, merchant burgess of Edinburgh, 415; . . . Murray of Abercarnie, 29, 486; Sir George Ogilvie of Carnowseis, 76, 128, 129; William Park in the Wood of Glenluce, 302; Alexander Porteous, fiar of Glenkirk, 581; Thomas Robeson in the Abbey Yards of Holyrood, 134, 135; Sir John Scot of Newburgh, 63; Sir James Stewart of Tullos, and Robert, his son, 64; John Turner, servant to Sir Alexander Gordon of Clunie, 213, 215; Sir Thomas Urquhart, 430.
- Provane, John, in Achinloch, charged with committing assault, 378.
- Pryce, John, Irishman, to be apprehended as a deserter, 533.
- Psalms, a new Book of, imposed by the King, ix, 409.
- Punishments : by burning on the cheek, etc., 15, 257, 275, 333, 334, 407, 628; by scourging, 13, 15, 275, 333, 334, 355, 628; of resetters of rebels and stolen goods, 257, 275; in the stocks, 120, 493.
- Punton, George, skipper in Queensferry, depones anent erecting a light on the Isle of May, 562.
- Pursuivants. *See* Heralds.
- Purves, George, town-clerk of Dunbar, appears to defend on a charge of illegal warding, 64.
- William, servitor to Home of Polwarth, execution of summons against him, 698.

Pyper, George, burgess of Aberdeen, witness to the execution of a charge, 589.

QUEEN Henrietta Maria, a thanksgiving appointed for the birth of her daughter, 418.

Queensberry, Earl of, William, appointed a commissioner for the Borders, 161, 164; charged with instigating his servants to eject some persons, 35, 36.

Queensferry, burgh of, 58; precautions there anent the plague, 118, 123.

Quhittinghame. *See* Whittinghame.

Quhyt. *See* White.

Quhytaye, lands and place of, 108.

RÆ (Ray), Alexander, petitions against the Service-book, 715.

— Arthur, 4.

— David, in Boat, petitions against the Service-book, 713.

— David, charged with obstructing the leading of peats, 85, 109.

— James, merchant in Edinburgh, cautioner in a bond, 665, 695.

— James, in Knockinguroche, petitions against the Service-book, 713.

— James, in Torryburn, complains of being assaulted, 204.

— Mr John, some money owing to him, 4.

— John, of Ayr, supplicates that he may be ransomed from the Turks, 387.

— John, jailor in Leith, grants a bond, 655, 663, 665, 695.

— John, officer in Leith, appointed collector of relief-money for the ransom of his son from the Turks, 330, 641.

— John, petitions against the Service-book, 715.

Raisins plundered from a wrecked vessel, 241.

Rait (Ret) of Folly, George, charged with armed convocation and riot, 488.

— of Halgrein, William, appointed a justice of peace for the shire of Kincardine, 223.

— Barbara, widow of George Kentie, at the Mill of Gourds, sues for the payment of a debt, 377.

— James, at the Mill of Forrest, charged with malicious damage to property, 107.

Raith of Edmonstone, Mr James, complains of thefts committed on his estate, 13, 14; has a dispute about a kirk road, 35; license to him to eat flesh during Lent, 699.

Raith, Alison, in Lauder, charged with committing assault, 370.

Raith, Laird of. *See* Melville.

Ramsay of Balmaine, Sir Gilbert, fiar, appointed a justice of peace for the shire of Kincardine, 223.

— of Banff, Gilbert, appointed a justice of peace for the shire of Perth, 202.

— of Boigs, Archibald, commission to him to report on some sheep, 267.

— of Pitgarvie, Mr Alexander, act of caution by him, 75.

— of Torbane, James, petitions against the Service-book, 711.

— James, writer, appears as a procurator, 268.

— James, charged with obstructing the leading of peats, 85.

— James, witness to the execution of a charge, 641.

— Mr J., petitions against the Service-book, 708.

— John, in Anwoth parish, petitions against the Service-book, 712.

— John, smith, charged with carrying prohibited weapons, 391.

— Robert, violer in Leith, appointed to collect contributions for ransoming his brother from the Turks, 425.

— Thomas, notary, writes a document, 220.

— Thomas, sailor of Leith, supplicates that he may be ransomed from the Turks, 425.

— William, charged with obstructing the leading of peats, 55, 58.

— . . . , wife of John Lundie in Langraw, charged with committing assault, 460, 461.

Rand, Edward, skipper, charged with seizing a ship, 12.

Rankine (Rankeine, Rankene), George, servitor, witness to the execution of a charge, 611.

— Patrick, appears as a procurator, 267.

— Paul, in Wardes, charged to appear as a witness, 630; witness to the execution of a charge, 630¹.

— William, in Wardes, appears as a witness, 642, 645.

— William, miller, charged with carrying prohibited weapons, 53.

Rannache, lands of, 366; a haunt of rebels, 234.

Rannald, William, officer, charged to apprehend a riotous person, 496.

Rannie (Rany), Alexander, in Kinglassie, charged with carrying prohibited weapons, 391.
 — John, a native of Fraserburgh, charged with counterfeiting the coin, 511.
 Ransoming of captives with the Turks, 169, 190, 387, 388.
 Rape, cases of, 363, 463.
 Rapiers, references to, 77, 256, 275, 421.
 Rathen (Rathin, Rethin), parish of, the parishioners make a complaint, 392, 393; the kirk and kirk-stile, 360, 391-393; the minister there, 392. *See also* Mr William Davidson.
 — town and lands of, 393.
 Rathven, James, servant to Birkenbog, charged to appear as a witness, 693.
 Rattray of Craighall, David, appointed a justice of peace for the shire of Perth, 202.
 — Alexander, in Skeirdustane, charged with resetting rebels, 399.
 — James, officer in Broughton, charged with molestation, 520.
 — Thomas, in Skaitraw, charged with plundering a ship, 242^a, 243.
 Ravinstoun, house of, to be rendered, 207.
 Rawson (Rawson), John, witness to a document, 544.
 — Margaret, mother to Mr Alexander Clogie, charged with assault, 187, 199.
 Rayne, parson of. *See* Mr Andrew Logie.
 Raynie, George, in Forfar, charged to appear as a witness, 601, 602.
 Reay (Rae, Ree), Lord, Donald, to be answerable for his tenants and servants, 25, 221, 222; license to him to go abroad, 398, 401, 403; but he is not to go until he makes suitable provision for his wife, 440, 684; he is ordained to provide a maintenance for his lawful wife, Dame Rachel Harrison, 502-504, 688, 693; he craves time, 688, 689 [where his initial is misprinted H.].
 — Lady. *See* Dame Rachel Harrison.
 Reddie, Isobel, complains of theft, 396.
 Reddoch (Riddoch) of Cultebrekane, Alexander, to be answerable for his tenants and servants, 25.
 — Alexander, skipper in Leith, depones anent erecting a light on the Isle of May, 563; he is concerned in the Leith hospital case, 662.
 — William, skipper in Leith, depones anent erecting a light on the Isle of May, 563.

Redick of Barnsheyne, Paul, complains of being deprived of his grain, 4.
 Redmoss of Ballinsho, dispute about leading of peats there, 55, 56, 85, 109.
 Redpath (Ridpeth), John, in Dunbar, charged with plundering a ship, 241.
 — John, messenger, complains of deforcement, 214.
 Ree. *See* Reay.
 Regalities: of Callander, 213; Dunfermline, 396; Glasgow, 492, 493; Moffat, 141; Paisley, 522; Musselburghshire, 13.
Regiam Majestatem, book of the, 92.
 Registers and registration: a Register of Appraisings to be commenced, 184-186; registration in the Books of Parliament, 288, 289; in the Books of Adjournal. *See* Adjournal; Books of Admiralty. *See* Admiralty; Books of Privy Council. *See* Privy Council; Books of Session. *See* Session; Exchequer Rolls. *See* Exchequer.
 Reid (Reed, Rid) of Cultra, Alexander, appointed a justice of peace for the shire of Aberdeen, 202.
 — of Pitlethie, Mr James, gets license to eat flesh during Lent, 698.
 — Alexander, in Coull, complaint by him, 112.
 — Alexander, in Kirkcoun of Lugie, charged with resetting rebels, 215.
 — Alexander, in Ordie, charged with resetting rebels, 215.
 — George, in Orphir, charged with armed convocation and riot, 308.
 — James, provost of Dunfermline, charged with wrongful imprisonment, 495.
 — John, in Bellastrad, charged with resetting rebels, 216.
 — John, in Dunbar, charged with plundering a ship, 241.
 — John, in Halfmark, petitions against the Service-book, 714.
 — John, merchant in Irvine, fined for selling tobacco without a license, 441.
 — John, in Mains, petitions against the Service-book, 714.
 — John, in Mains of Gornok, charged with malicious damage to property, 183.
 — John, in Ordie, charged with resetting rebels, 215.
 — Matthew, in Craigdowies, complains of being illegally summoned for trial, 135, 136.
 — Robert, and Elspeth Speir, his spouse, to be sent to Edinburgh for trial, 489^a.

- Reid, William, of Ayr, supplicates that he may be ransomed from the Turks, 387.
- William, in Barley, petitions against the Service-book, 713.
- William, in Gaitayde, charged with plundering a ship, 241.
- William, in Glasloe, charged with malicious damage to property, 107.
- William, in Ordie, charged with resetting rebels, 215.
- William, servitor to James Rae, witness to a bond, 665.
- William, weaver, witness to the execution of a charge, 615.
- Remission granted to John Grahame of Rednoch, 345, 346, 352.
- Renfrew, burgh of, 453; the commony thereof, 453; proclamations at the market cross, 588, 615; the provost. *See* Mr William Hall of Fullbar; bailies of, *See* John Somerville; parson of. *See* Mr John Hay.
- shire of, 411, 482, 483; appointment of the justices of peace, 222, 223, 452; the office of sheriff accepted by Bryce Semple of Cathcart, 203, 522; sheriff-clerk of. *See* J. Semple; sheriff-court books of, 588.
- Reres, Laird of. *See* Forbes.
- Rerrick, minister at. *See* Mr David Leitch.
- Reset, Acts against, 404-406.
- Resolis (Ressolls), house of, to be rendered, 414.
- Restalrig (Lesterik), parish of, 83; the parson charged to appear anent the Leith hospital, 579, 652.
- Restoration, the, of 1660, v, 359n.
- Ret. *See* Rait.
- Rewards offered for the capture of rebels or for their heads, 219.
- Rhind (Rind, Rynd), Mr A., minister at Tillicoultry, petitions against the Service-book, 716.
- David, in Mains of Dunnottar, and James, his son, charged with malicious damage to property, 106.
- Riach, James, in Dawen, charged with resetting rebels, 215, 236.
- Richardson (Richartsons, Ritchertsone), David, elder, in Greinhill, 517; his son, John, complains of being assaulted, 517.
- Gilbert, treasurer of Ayr, appointed to collect contributions, 388.
- James, skipper in Anstruther Easter, depones anent lights on the Isle of May, 574, 577.
- Richardson, John, clerk of the stewartry of Annandale, signs an act of court, 199.
- John, messenger, executes a charge, 611, 617.
- Margaret, spouse to David Peadie in Dysart, charged with raiding a dwelling-house, 315, 614.
- Robert, merchant in Anstruther Wester, depones anent lights on the Isle of May, 574, 578.
- Thomas, skipper in Anstruther Wester, depones anent lights on the Isle of May, 574.
- Thomas, elder, merchant in Anstruther Wester, depones anent lights on the Isle of May, 578.
- Thomas, younger, merchant in Anstruther Wester, depones anent lights on the Isle of May, 579.
- Thomas, in Dysart, 315; his spouse, Margaret Din, charged with raiding a dwelling-house, 315.
- Thomas, skipper in Dysart, depones anent erecting a light on the Isle of May, 565.
- William, skipper in Pittenweem, depones anent lights on the Isle of May, 574.
- Rickard, George, burgess of Aberdeen, witness to the execution of a charge, 589.
- Rid. *See* Kid and Reid.
- Riddell of Hayning, Andrew, accepts the office of sheriff of Selkirk and gives his oath, 138, 523.
- Christopher, tailor, charged with seizing a ship, 12.
- Rig of Carberry, James, commission to him to visit some coal-workings, 525.
- Right-of-way, cases of, 183, 506.
- Ritchie (Richie), Alaster, in Tullich, charged with resetting rebels, 216.
- Alaster, charged with resetting rebels, 257.
- Alexander, in Queensferry, seeks suspension of horning, 586.
- Duncan, messenger in Edinburgh, witness to the execution of a charge, 583; he executes a charge, 599.
- George, in Stonehaven, charged with malicious damage to property, 107.
- John, deceased, late Kintyre pursuivant, 605; his widow, Elizabeth Smyth, charged to deliver his coat-of-arms, 605.
- John, in Newbigging, seeks restoration of some victual, 592.
- John, executed for theft, 687.

- Ritchie, William, in Queensferry, seeks suspension of horning, 586.
 — William, in Tullich, charged with resetting rebela, 216.
 Roads. *See* Highways.
 Robertson (Robertoun) of Greenheid, Bartilmo, debts owing to him, 653.
 — Mr James, admiral-depute and justice-depute, examines prisoners, 23, 207, 236, 276; convicts a criminal, 210; to change a sentence of death pronounced by him to one of banishment, 224, 225.
 — James, messenger in Hamilton, witness to the execution of a charge, 582.
 Robertson of Downie, Alexander, appointed a justice of peace for the shire of Perth, 202.
 — of Fascalie, Duncan, bond of caution by him, 37; his signature, 37; complaint by him about his peats, 42, 43.
 — of Invar, John, as husband to Annas Grahame, widow of David Tosheoch of Monzievaird, he is ordained to sign a letter of slains, 239.
 — of Lude, Alexander, appointed a justice of peace for the shire of Perth, 202.
 — of Straloch, John, appointed a justice of peace for the shire of Perth, 202.
 — of Strowan, Alaster, to be answerable for his tenants and servants, 95, 115.
 — Alexander, appears as a witness, 632, 633.
 — Andrew, witness to the execution of a charge, 586.
 — (Robeson), David, notary in Leith, 575; witness to the execution of a charge, 602; witness to a document, 664.
 — David, skipper in Leith, appointed an arbiter anent the Leith hospital, 82, 83, 570, 622, 657, 668; bonds granted to him, 373, 624, 663, 665, 666, 670, 671, 672; appears as a witness anent the Leith hospital, etc., 572, 641, 651, 662, 673, 674, 682.
 — Duncan, in Newhaven, charged to go to Cramond as a cleanser for the plague, xii, 117; allowed to return, 154; he is to remain in his house under suspicion of the plague, 153.
 — James, in Dysart, witness to the execution of a charge, 614.
 — James, younger, merchant in St. Andrews, depones anent erecting a light on the Isle of May, 568, 569.
 — Janet, wife of David Dalrymple in Edinburgh, debts owing to her, 621.
 Robertson, John Dow, charged to appear as a witness, 112.
 — Patrick, in Ardoyne, charged with carrying prohibited weapons, 642, 645.
 — Thomas, burgess of Aberdeen, witness to the execution of a charge, 589.
 — Walter, merchant in Aberdeen, charged to appear before the Council, 144, 173.
 — Walter, town-clerk of Aberdeen, charged to appear before the Council, 144, 173.
 — Walter, in Kinrossie, petition by him, 651.
 — William, burgess of Edinburgh, and owner of the ship called *The Swan*, his petition to be presented to the King, 321.
 — William, stabler in Edinburgh, 590.
 Robin, John, officer in Peebles, prosecuted for carrying firearms, 51; he is wounded, 53.
 Robisoun, James, in Newbigging, witness to the execution of a charge, 593.
 — James, petitions against the Service-book, 715.
 — John, petitions against the Service-book, 715.
 — Ninian, indweller in Renfrew, witness to the execution of a charge, 615.
 Robsone (Robeson), Adam, burgess of Jedburgh, charged to appear before the Council, 634, 647.
 — Duncan, maltman, burgess of Glasgow, charged to appear as a witness, 629¹.
 — Edward, prosecuted for carrying firearms, 51.
 — George, debts owing to him, 135.
 — Gilbert, servitor to Lady Hanyng, charged to appear as a witness, 629¹.
 — James, skinner in Jedburgh, charged to appear as a witness, 635, 638, 639, 640, 647¹.
 — James, debts owing to him, 135.
 — John, merchant burgess of Kirkcudbright, petitions against the Service-book, 714.
 — Patrick, prosecuted as a Border outlaw, 407.
 — Thomas, in the Abbey Yards of Holyrood, a protection granted to him, 134, 135.
 — Thomas, in Kirkcudbright, petitions against the Service-book, 714.
 — William, prosecuted for carrying firearms, 51.
 — *alias* Leipleish, Matthew, an Englishman, prosecuted as a Border outlaw, 408.

Rochelle, La, in France, 169, 285.

Rodger (Rodgers), Mr David, minister at St. Mungo, *alias* Tundergarth, appointed to collect contributions, 149, 349.

— William, in Watercloff, action at his instance, 299.

Rollock of Duncrub, Sir Andrew, knight, on a committee anent the bridge of Perth, 532.

— of Powhouse, David, action by him for payment of the money contributed for his moss-injured lands, 517, 518.

— of Skeochmilne, Robert, acts on behalf of his nephew, David Rollock of Powhouse, as *factor* to him (not *father*, as misprinted on page 518), 517, 518.

— Mr Harry, minister of Edinburgh, 171; his wife, Dame Helen Elphinstone, makes a complaint, 171; license to him to eat flesh during Lent, 699.

— Mr John, commissary of Dunblane, appointed to collect contributions and account therefor, 517, 518.

— Walter, merchant burghess of Edinburgh, craves liberty to satisfy his creditors, 619.

Roman Catholics: many still in the Highlands, xxxv; the Breviarium, Missale, and Rituale, 715.

Rome (Roume) of Dalswinton, John, charged with committing assault, 210.

Ronaldson (Ronaldstoune), William, in Whytstane, charged with armed convocation and riot, 344, 631.

Rose (Ros) of Kilravock, Hucheon (Hugh), 554; he makes a complaint, 332, 590.

— David, brother of Kilravock, 554.

— McHucheon, Alaster, in Holme, charged with committing assault, 332, 590.

Rosemarkie, kirk-session of, grants a certificate of inability to travel, 399.

Roseneath (Rosneth), parish of, the parishioners petition against the Service-book, 707; session-clerk of. *See* Adam McAlpine.

Roslin, Laird of. *See* Sinclair.

Ross (Ros), Bishop of, John Maxwell, as member of the Privy Council, his attendances, viii; commission to him to deal with a dispute, 60; on a committee of Council anent leather, 61; on a committee of Council anent disorders in the North, 120; on a committee of Council anent lights on the Isle of May, 155, 156; on a committee of Council anent the new

Council-house, 165; on a committee of Council for a trial, 188; his attendance required as a commissioner for the teinds, 192; appointed to examine witnesses, 199; on a committee of Council anent the privileges of Aberdeen University, 311; receives instructions regarding a letter, 342, 343; on a committee of Council anent the coinage, 464, 471; on a committee of Council anent the visitation of the colleges of Aberdeen, 479; present in Council, 1, 15, 19, 21, 23, 27, 31, 37, 38, 43, 45, 47, 53, 57, 72^a, 76, 79, 88, 91^a, 93, 94, 101, 148, 149^a, 150^a, 156, 158, 159, 165, 167, 169, 170, 172, 176, 179, 183, 184, 190, 215, 223, 276, 279^a, 292, 295, 301, 303, 307, 328, 330, 332, 334, 336, 340, 342, 343, 345^a, 398, 401, 404, 413, 415, 416, 418^a, 420, 421, 427, 466, 467, 471, 476, 477, 478, 481^a, 483, 484, 486^a, 488, 520; signs an act of Council, 26.

Ross, chancellor of, signs a certificate of inability to travel, 399.

— chantor of, signs a certificate of inability to travel, 399.

Ross of Balneill, James, also designed in Dougalls, son of Gilbert *infra*, debts owing to him, 48, 49, 50.

— of Easter Cluny, Mr John, parson of Birse, commission to him to apprehend resettlers of rebels, 217, 218, 232.

— of Holme, David, complains of being prosecuted illegally, 199; witness to the execution of a charge, 634.

— of Murestoun, Sir William, appointed a justice of peace for the shire of Renfrew, 223.

— of Rasolls, Thomas, prosecuted for remaining at the horn, 414.

— Alester, execution of summons against him, 634.

— Doctor Alexander, minister at Aberdeen, appointed a justice of peace for the shire of Aberdeen, 222.

— Alexander, charged with robbing a ship, 6.

— Mr Donald, minister at Lochbroom, appointed a justice of peace for the shire of Inverness, 182.

— George, in Nether Rivena, charged with resetting rebels, 216.

— George, in Stonehaven, charged with malicious damage to property, 107.

— Gilbert, deceased, makes a contract, 49, 50.

— Hew, W.S., 50; acts as a procurator,

130; appointed to collect contributions, 373.
 Ross, Hew, witness to a bond of caution, 27.
 — James, in Conyeoord, charged with resetting rebels, 216.
 — Jonet, assaulted by Mr Alexander Clogie, 199.
 — John, browster in Craighews, charged with resetting rebels, 216.
 — John, at the bridge of Gairvick, charged with resetting rebels, 232.
 — John, in Ordie, charged with resetting rebels, 215.
 — Margaret, widow, and John and Donald Ross, her sons, complain of being prosecuted illegally, 199.
 — Patrick, in Bellastrad, charged with resetting rebels, 216, 232.
 — Richard, merchant in Burntisland, depones anent erecting a light on the Isle of May, 566.
 — Mr Walter, and Janet Lose, his wife, make a complaint, 187.
 — Walter, indweller in Preston, appointed to collect contributions, 169.
 — William, sister's son to Letterfour, reward for his capture, 121.
 — William, in Nether Rivens, charged with resetting rebels, 216.
 — William, servitor to Birkenbog, charged to appear as a witness, 693.
 — William, a rebel, to be produced before the Council, 103.
 Rothes, Earl of, John, sheriff-principal of Fife, on a committee of Council anent lights on the Isle of May, 59, 114, 561, 562, 564, 566, 568, 576²; appointed a justice of peace for Fife and Kinross, 131; assoilzied from a complaint, 158, 159; his debts, 215; complains of the method of transporting rebels from the North, 411, 412.
 Rothesay herald. *See* John Spence.
 Rothiemay, Laird of. *See* Gordon.
 — Lady. *See* Katharine Forbes.
 — house of, xxxvii, 19, 73, 88.
 — parson of. *See* Mr Alexander Innes.
 Rotterdam, a ship of, lying at Bo'ness in quarantine, 137, 254.
 Rouchlaw, Laird of. *See* Sydserf.
 Routhead (Rouchheid, Ruchaid), James, in Cockburnspath, charged with plundering a ship, 241.
 — William, in Cockburnspath, charged to appear as a witness, 617.

Roup, Peter, in Canongate, fined for selling tobacco, 63.
 Row, Mr William, minister at Forgandenny, craves exemption from serving as a justice of the peace because of his ministerial labours, 278, 590.
 Rowsay (Rousay), Robert, in Mwffiter, charged to appear as a witness, 584.
 — Robert, indweller in Stronsay, witness to the execution of a charge, 584.
 — William, charged to appear before the Council, 582, 584.
 Roxburgh, Earl of, Robert, a member of the Privy Council, and Lord Privy Seal, viii, 91, 204, 689; receives a patent of the office of Keeper of the Privy Seal, 445, 446, 684; appointed to examine witnesses and depositions, 44, 257; on a committee of Council anent leather, 61; on a committee of Council anent disorders in the North, 120; appointed a commissioner for the Borders, 161, 164; on a committee of Council anent the coinage, 256, 464, 509; to send some thieves to the wars, 317; appointed a commissioner anent the plague, 431, 442-445, 455, 682; an arbiter in a dispute, 481; on a committee of Council anent the Service-book, 511; receives instructions from the King on Council matters, 545, 546; instructions to appoint his deputies, 549; present in Council, viii, 23, 27, 31, 33, 37, 43, 45, 47, 53, 57, 65², 72¹, 76, 79, 87, 91², 93, 101, 102, 103, 111, 114, 117, 252², 256, 258, 262, 268, 270, 271, 272, 276, 279², 286, 292, 301, 303, 307, 310, 316, 320, 321, 322, 324, 442, 445, 449, 456, 461, 464, 465², 471, 476, 477, 478, 481, 483, 484, 486², 488, 490², 504, 508, 509, 510, 512, 515, 516, 520, 545, 549², 553, 554; signs acts of Council, letters, etc., 26, 582, 603, 684.
 — Alexander, burgess of Minygaiff, petitions against the Service-book, 711.
 — William, in Minygaiff, petitions against the Service-book, 711.
 Roxburgh, burgh of, proclamation at the market cross, 161.
 — kirk of, 442.
 — shire of, 162, 634; appointment of justices of peace, 172, 340, 426², 467, 504; meeting of the justices, 439; their conveners. *See* William Douglas of Bonjedburgh and Mr James Burnet; precautions to be taken there against the plague, 310, 311, 437, 443, 455, 490.

- Roy of Craighouse, James, bond of caution by him, 358.
- Alexander, in Milton of Inchmarnoch, charged with resetting rebels, 216.
 - Bean, in Larie, charged with resetting rebels, 216.
 - Gregour, in Laragan, a rebel, is to be brought to trial, 366; his son, Alaster, a rebel, is to be brought to trial, 366.
 - John, 463; his son, Donald, charged with committing assault and rape, 463.
 - William, at the Boat of Pitchais, charged with resetting rebels, 216, 232.
 - See also Dobie.
- Ruddall, Sir Thomas, knight, appointed a commissioner for the Borders, 161.
- Rudestoun, 590.
- Rule (Roule, Rowle), Bartilmo, master of the ship called *The Love of Skeidam*, disputes the payment of customs at Dumbarton, 591.
- Christopher, in Mouswell, charged with oppression and wrongful imprisonment, 35.
 - John, schoolmaster in Edinburgh, charged to appear as a witness, 605.
- Rule, Water of, 168.
- Runald, John, in Dawen, charged with resetting rebels, 215.
- Runchieman (Runsiman), James, in Jedburgh, charged to appear as a witness, 635, 639², 647.
- Rungs, assaults with, 75, 76, 87, 238, 339.
- Russell, David, servitor to Sir James Lindsay, witness to the execution of a charge, 599.
- James, in Garvathill, one of his sheep stolen, 213.
 - James, debts owing to him, 135.
 - Janet, sometime in Thorniehill, now in Milnequarter, complains of wrongful imprisonment, 114.
 - Michael, flesher in Leith, charged with deforcement, 551.
 - William, sometime in Thorniehill, now in Milnequarter, complains of wrongful imprisonment, 114.
 - William, charged with carrying prohibited weapons, 53.
- Russia, 327.
- Ruthen of Gairden, William, appointed a justice of peace for the shire of Forfar, 352.
- Rutherford (Rutherford, Rutherford, Ruthirfurde) of Hundaley, Andrew, charged to appear as a witness, 616.
- Rutherford of Hunthill, John, acts as a procurator, 613.
- of Tounhead, John, bailie of Jedburgh, punishes a rebel, 606.
 - Andrew, lorimer in Jedburgh, charged to appear as a witness, 616, 635, 639, 647.
 - Andrew, charged with theft, to be sent to the wars, 317.
 - Archibald, notary in Jedburgh, witness to the execution of a charge, 647.
 - Mr John, called Nether, provost of Jedburgh, charged with wrongful imprisonment, 204; punishes a rebel, 606; acquitted from a charge of manslaughter, 329, 340, 341, 609, 635², 637, 638, 639.
 - John, Burgess of Jedburgh, charged to appear before the Council, 634.
 - John, notary in Jedburgh, acquitted from a charge of manslaughter, 329, 340, 341, 614, 638, 639.
 - Robert, in Over Quhitton, prosecuted as a Border outlaw, 407.
 - Thomas, in Plewlands, deceased, 646; his son, George, charged with stealing a mare, 646²; Margaret Blaikie, mother of the said George, also charged, 646.
 - William, messenger, executes a charge, 616.
- Ruthven, General Patrick, appointed muster-master-general, 342, 356, 551.
- Ryells, a species of coin, 94.
- Ryhill, the house and lands of, 86, 134, 179, 180.
- Bogend of, house of, to be rendered, 417.
- Rysse (Ryssie), James, in Musselburgh, charged with intruding on the lands of Humbie, 616, 617.
- SABBATH day, assaults and other disorders committed on the, 134, 272, 291, 488, 517, 606.
- Saffron plundered from a wrecked vessel, 241.
- St. Andrews, Archbishop of, John Spottiswood, Lord High Chancellor of Scotland, vii, 93, 305, 334, 430, 436, 579; his precedence in Council, vii, 471; on a committee of Council anent leather, 61; on a committee of Council anent the disorders in the North, 120; appointed a justice of peace for Fife and Kinross, 131; also for Forfar, 131; receives in the King's name the oaths of fealty of the other bishops, 148; commission to him anent Lord Salton's estate, 192; he pronounces a

- decreet-arbitral, 194-196, 239; appointed a justice of peace for the shires of Clackmannan, Kincardine, and others, 222, 223; appointed to examine witnesses, 256, 369; authorised to confer knighthood on the eldest sons of baronets when they become of age, 262, 263; on a committee of Council anent the privileges of Aberdeen University, 311; intimates the celebration of the Communion, 396, 471; on a committee of Council anent the coinage, 464; gives judgment on a case of an assise of error, 468; appoints the reading of the Service-book to be superseded till the disturbers be dealt with, 490; writes to the Earl of Mar to deal with a riotous person, 496; instructed by the King as to the form of oath to be taken by bishops on their consecration, 511, 512; on a committee of Council anent the Service-book, 528, 529; written to by the Council anent the King's commands, 541; produces documents in Council, 106, 120, 211, 343, 450; to report on a document, 404; letters addressed to him, 9, 211, 561, 572, 584, 666, 681, 689; present in Council, viii, 9, 11, 14, 15, 19, 21, 23, 27, 31, 33, 37, 38, 43, 45, 47, 57, 65^a, 72^a, 76, 79, 87, 91^a, 93, 94, 101, 103, 111, 114, 117, 119, 125, 130, 131, 135, 137, 138^a, 139, 142, 147, 148, 149, 150^a, 156, 158, 159, 165, 167, 169, 170, 172, 176, 179, 183, 184, 189, 191^a, 193^a, 199, 200^a, 203, 206^a, 207, 210, 211, 213, 214, 215, 223, 231, 243, 247, 248, 249, 252^a, 256, 259, 262, 268, 272, 276, 279^a, 286, 292, 295, 301, 303, 307, 310, 316, 320, 321, 322, 328, 330, 332, 334, 336, 340, 342, 343, 345^a, 346, 351, 352^a, 356, 359, 360, 363, 364, 366, 367, 369, 372, 373, 375, 378, 383, 386, 391, 394, 396, 398, 401, 404, 413, 415, 416, 418^a, 420, 421, 427, 430, 431, 432, 437, 442, 445, 449, 454, 456, 461, 464, 465^a, 466, 467, 471, 476, 477, 478, 481^a, 483, 484, 486^a, 488, 490, 508, 509, 510, 516, 520, 523, 530^a, 533, 534, 545, 549^a; he signs acts of Council, letters, etc., 11, 26, 202, 288, 590, 593, 599, 600^a, 601^a, 602, 603, 604, 605, 621^a, 622^a, 625, 628, 641, 646, 648^a, 649, 650, 651, 654, 655, 684^a, 686, 687^a, 692, 697^a.
- St. Andrews, Archdean of, appointed a justice of peace for the shire of Fife and Kinross, 131.
- St. Andrews, city of, report of the mariners anent a light on the Isle of May, 568, 569; the attendance of the commissioners of the burgh is required on the commission for the teinds, 192; proclamations at the market cross, 279, 280; provost of. *See* John Leaper; bailies of. *See* William Geddie, George Nairne, James Sword, and James Taylor.
- St. Andrews, university of, 229.
- St. Bathans (Bothens), minister at. *See* Mr James Fleming.
- St. Boswells fair postponed because of the plague, 277, 473, 646, 691.
- St. Colmes, Inch. *See* Inchcolm.
- St. Cuthberts, parish of, to contribute to the relief of plague-stricken people, 154.
- St. James's, royal letters dated there, 231, 433, 434, 440, 441, 448, 450, 458, 459, 461, 464, 485, 501, 681.
- St. James's fair: at Forfar, 601; at Kelso, 292.
- St. John, Lord, James, deceased, obtains the lordship of Torphichen from Queen Mary, 287.
- St. Malos (St. Mailles), in France, xliii, 283.
- St. Margaret's Hope, an anchorage for ships suspected of the plague, 273, 276.
- St. Martines, house of, to be rendered, 414.
- St. Mungo, *alias* Tundergarth, minister at. *See* Mr David Rodger.
- St. Ninians, minister at. *See* Mr James Edmonstone.
- St. Serfs (Senserthes) fair, 645.
- Saline (Sawline), the minister there appointed a justice of peace for the shire of Fife and Kinross, 131.
- Sallee (Salie), some Scottish mariners in captivity there to the Moors, xli, 388; (in Balbreve), 169.
- Salt: xx, xxi; salt-pans on the Firth of Forth 53; the saltmasters are to receive only current coin for their salt, 94; they are to take precautions anent the plague, 119, 123; they are to go to Court and settle the duties on salt there, 140, 250; they are to subscribe a commission to some of their number, 175; the report of their commissioner, 256; they are allowed to accept dollars for their salt in some cases, 263, 264; an incorporation of saltmakers, xxi, 344, 352; a servant carried off from saltworks, 329, 330, 364, 365; Acts of Parliament anent salters, 365^a; reference to a shipload of salt, 591.
- Salters, Janet, in Dundee, complaint against her, 435, 436.
- Saltoun, Lord, . . . , deceased, a com-

- mission granted to some councillors to care for his estate, 192.
- Saltpreston. *See* Prestonpans.
- Sampsons, David, in Fynheavin, charged with obstructing the leading of peats, 85.
- Sanders, John, maltman in Torryburn, charged with committing assault, 204.
- Sandersone, William, in Myreside, a sheep stolen from him, 333, 627, 628.
- Isobel, Gilroy's concubine, charged with resetting rebels, 216.
- (Sandesone), John, smith in Larie, charged with resetting rebels, 216.
- John, in Tullich, charged with resetting rebels, 216, 236.
- Sandie, Over, lands of, 506.
- Sandilands (Sandelands) of St. Monans, William, and Sir James, his son, appointed commissioners anent the plague, 127.
- — — Sir James, younger, appointed a justice of peace for the shire of Fife and Kinross, 131.
- Sands, Patrick, notary in Leith, complains of unjust treatment, 255.
- Saughton Hall, bridge of, reparation of the, xxii, 482, 483.
- Scad, Alexander, in Davan, charged with resetting rebels, 236.
- Alexander, younger, in Dawen, charged with resetting rebels, 215.
- Alexander, at the Mill of Dunmatie, charged with resetting rebels, 216.
- John, in the Muir, charged with resetting rebels, 216.
- William, brewer, in Tullich, charged with resetting rebels, 216.
- Scalloway, in Shetland, 40; proclamations at the market cross, 279, 280.
- Scoler, *alias* Fraser, Donald, charged with committing assault, 187.
- Secoonie (Skuneye), parishioners of, petition against the Service-book, 707.
- Scott (Scot) of Ardross, William, appointed a commissioner anent the plague, 127.
- of Carnetoune, Francis, charged with carrying prohibited weapons, 424.
- of Clerkington, Laurence, tutor to the Earl of Buccleugh, prosecuted by Francis Stewart, 540.
- — — Mr William, appears for the Earl of Buccleugh, 555.
- of Goldielands, . . . , appointed a justice of peace for the shire of Roxburgh, 504.
- of Harden, Sir William, tutor to the Earl of Buccleugh, prosecuted by Francis Stewart, 540, 555.
- Scott of Hundilabope, John, charged with armed convocation and riot, 53; counter-complaint by him, 51, 52; cautions for and by him, 52; witness to a document, 665.
- of Logy Montrose, James, appointed a justice of peace for the shire of Forfar, 352; he and his son, James, submit to arbitration, 468.
- of Newburgh, Sir John, protection granted to him, 63.
- of Rossie, Sir James, appointed a justice of peace for the shire of Fife and Kinross, 131.
- of Scotstarvet, Sir John, knight, director of Chancery, appointed to expedite documents through the seals, 23, 121, 130, 147*, 165, 166, 185, 305, 370, 436, 450; on the commission anent the Isle of May, 567.
- of Tinnes, William, appointed a justice of peace for the shire of Selkirk, 535; appears as a tutor for the Earl of Buccleugh, 555.
- of Whitalaid, Robert, appointed a justice of peace for the shire of Selkirk, 535.
- of . . . , Francis, appointed a justice of peace for the shire of Selkirk, 535.
- Adam, merchant burges of Edinburgh, cautioner in a bond, 80, 696.
- Alexander, in Glasloe, charged with malicious damage to property, 107.
- Andrew, called of Bente, hanged as a Border outlaw, 407.
- Andrew, called Little Andro, hanged as a Border outlaw, 407.
- Andrew, debts owing to him, 63.
- Claud de la, Baron of Surrein and Assien, in France, seeks information regarding his ancestry from Peter Scot, his predecessor, backwards, 436.
- David, in Hawick, hanged as a Border outlaw, 407.
- Eupham, widow of Mr Oliver Sinclair, commissary of Lauder, complains of ill-usage, 370.
- George, skipper in Dysart, depones anent erecting a light on the Isle of May, 564.
- George, in Edinburgh, and Laurence, his son, charged with selling tobacco illegally, 63.

- Scott, George, skipper in Leith, depones anent erecting a light on the Isle of May, 562, 563; charged to appear anent the Leith hospital, 641, 651, 662.
- George, messenger, deforced, 451.
- Harry, tenant to John Lundie in Langraw, charged with committing assault, 460, 461.
- Mr James, merchant burges of Edinburgh, sues for payment of a debt, 417.
- Mr James, 619.
- Janet, wife of David Paterson, mariner in Leith, prosecuted for manslaughter, 494.
- Mr John, indweller in Jedburgh, witness to the execution of a charge, 616.
- John, in Largs parish, petitions against the Service-book, 707.
- John, shoemaker in Leith, prosecutes for the slaughter of his daughter, Margaret, 494.
- John, in Watersyde, petitions against the Service-book, 713.
- John, called Bastard, charged with carrying prohibited weapons, 53.
- Laurence, advocate, debts owing to him, 87.
- Michael, chamberlain to the Earl of Buccleugh, debts owing to him, 548; discharged from interfering in the uplifting of some crops and duties, 553; charged with deforcement, 611, 613.
- Mungo, charged with sheep-stealing, 333, 627, 628.
- Robert, in Hawick, hanged as a Border outlaw, 407.
- Thomas, in Huip, charged to appear as a witness, 584.
- Thomas, bailie of Selkirk, charged to imprison an offender, 454.
- Thomas, debts owing to him, 87.
- Walter, flesher, burges of Jedburgh, charged to appear as a witness, 635, 638, 639, 647^s.
- Walter, servant to Lord Cranston, charged with spoliation of teinds, 146.
- Mr William, one of the clerks of Session, appears as a tutor to the Earl of Buccleugh, 540, 555.
- Mr William, minister at Cupar, gets license to eat flesh during Lent, 699.
- William, in Eruger, charged to appear before the Council, 582, 584.
- William, bailie of Selkirk, charged to imprison an offender, 454.
- William, brother natural to John Scot of Hundilshope, charged with carrying prohibited weapons, 53.
- Scott, William, uncle to John Scot of Hundilshope, charged with carrying prohibited weapons, 53.
- Scougall, John, merchant burges of Jedburgh, charged with injuring a woman, 341, 609.
- Scrimgeour of Dudhope, Sir John, constable of Dundee, to be answerable for his tenants and servants, 95, 115; appointed a justice of peace for the shire of Forfar, 131.
- . . . , fiar (the young constable), appointed a justice of peace for the shire of Forfar, 114, 131.
- Hew, servitor to the Chancellor, witness to a decret, 197; his signature, 198.
- Seaforth, Earl of, George, member of the Privy Council, vii, viii; he is to assist the Fishing Association, 96; to be answerable for his tenants and servants, 102; on a committee for trial of a case, 188; appointed to examine witnesses, 199; admitted as a member of the Privy Council, and gives his oath, vii, 378, 379; becomes Secretary of State for Scotland, 378n; on a committee of Council for examining prisoners, etc., 383, 397, 413, 419; present in Council, 390, 383, 386, 391, 394, 396, 398, 401, 404, 413, 416, 418^s.
- Seals: instructions to the keeper of the great seal, 130, 147; documents passing the, 23, 120, 164, 185, 192, 194, 202, 203, 222, 244, 276, 305, 306, 311, 327, 334, 370, 430, 431, 436, 446, 450, 464; the great seal of England, 164; the privy seal. *See* Privy Seal.
- Seaman (Seyman), Richard, in Chichester, in England, master of the ship *The Susanna*, complains of its being despoiled, 212, 283, 284, 561, 570.
- Secretary of State. *See* George, Earl of Seaforth; a letter to be written to him, 516.
- Sector, Henry, in Delmuklachlie, charged with resetting rebels, 232.
- Selkirk, burgh of, fairs and markets postponed there because of the plague, xiv, 311, 431, 682, 694; other precautions against the plague, 439, 445, 454, 455, 475, 682; supplication on behalf of the barkers of leather there, 475; the bailies are prosecuted for neglecting to use precautions against the plague, 439, 454, 684;

- proclamations at the market cross, 161, 445, 473; the tolbooth, 454; bailies of. *See* Thomas Scot and William Scot.
- Selkirk, shire of, 162; appointment and meetings of the justices of peace, 439^a, 535; convener of. *See* Sir John Murray of Philiphaugh; the precautions to be taken there against the plague, 310, 311, 454, 455, 490; appointment of Andrew Riddell of Hayning as sheriff, 138, 523.
- Semple (Sempill), Lord, Hew, disposes his heretable offices of sheriff of Renfrew and bailie of Paisley, 191; one of his tenants assaulted, 267; he grants a backbond, 303; he is absolved from a complaint, 303, 602; he obtains a decret of removing, 588.
- of Beltrees, to be answerable for his tenants and servants, 78.
- of Cathcart, Bryce, appointed sheriff of Renfrew and bailie of the bailiary of Paisley, 191, 203, 522; he is arbiter in a dispute, 453; he seeks advice anent a sentence, 522.
- of Foulwod, William, appointed a justice of peace for the shire of Renfrew, 223; he is to be answerable for his tenants and servants, 78; he is arbiter in a dispute, 453.
- of Nobilstoun, Robert, 580.
- Alexander, mariner, indweller in Dumbarton, witness to the execution of a charge, 591.
- Hew, brother to Robert, of Nobilstoun, witness to the execution of a charge, 580^a.
- James, maltman in Dumbarton, appears as a witness, 592, 615.
- John, provost of Dumbarton, instigates an attack upon a ship, 313; claims payment of customs from Dutch vessels in the Clyde, 592.
- John, in Eglismachane, witness to the execution of a charge, 586.
- John, W.S., writes a document, 372.
- J., commissioner for Dumbarton, petitions against the Service-book, 701.
- J., sheriff-clerk of Renfrew, signs a document, 588, 589.
- Robert, wright in Renfrew, appears as a procurator, 588.
- William, merchant burgess of Londonderry, 580.
- William, appears as a procurator, 284.
- Sendmore (? Kenmore), minister at. *See* Mr William Menzies.
- parish kirk of, 425.
- Sen Ports. *See* Cinque Ports.
- Service-book, the, v, vi, xi, xii; ordered to be used in churches, 336, 353, 448, 449, 486, 509, 510; produced in Council, 343; the reading thereof superseded till the disturbers be dealt with, 490, 510, 532; disturbance over it in St. Giles' Church, Edinburgh, 483, 486, 489, 490, 509, 510, 511, 513, 514, 515; a committee appointed to deal with the offenders, 511; petitions presented to the Council against its being used, 529, 529n, 534, 553, 554, 697; the general form of the petitions, 699; special petitions, with the signatures, 700-716; other references to the Service-book, 521^a, 533, 694, 697.
- Session, Court of, or College of Justice, their place of meeting changed during the disturbances about the Service-book, xi, xii, 547, 697; the Lords are permitted to eat flesh during Lent, 201, 387; payment of their taxation, 227, 228, 580, 651; the Lords are to appoint commissioners anent the fees of the Lord Clerk Register, 433, 437, 438; they are reminded that some will not be able to appear before them because of the plague, 445; they and all the members of the College of Justice are exempted from the taxation for ministers' stipends, 478; references to actions proceeding before them or remitted to them, 43, 63, 71, 89, 113, 114, 181, 229, 358, 363, 365, 452, 475, 476, 480, 555, 604, 689; in the books, registrations therein, 229, 689, 690.
- Session, president of the. *See* Sir James Skene; mace of. *See* Robert Crichton.
- Seth (Saythe, Seathe), David, skipper in Anstruther Easter, depones anent lights on the Isle of May, 574, 577.
- Seton (Seatoune) of Culoreuch, Sir Alexander, his right to the house of Ednem, 107; he is cautioner in a bond, 664, 695.
- of Fyvie, Robert, charged with resetting a stolen horse, 190.
- of Mekle Coklaw, William, appointed a justice of peace for the shire of Aberdeen, 202.
- of Pitmedden, Alexander, commission to him and his son to apprehend rebels, 356, 357; commission to him to try a case, 278, 631; he makes a report, 344.
- of St. Germans, Sir John, grants bonds, 373, 624, 625, 657, 660, 663, 665, 668, 670, 671, 672.
- of Scothin, William, prosecuted for

- wilful error on an assize, 92; debts owing to him as a cautioner, 300.
- Seton of Touch, . . . , 664, 695.
- David, servant to the Laird of Fren-draught, complains of being assaulted, 74, 75; caution for him and for his indemnity, 75; he is ordained to be put to liberty, 372.
- George, at the Mill of Culcairne, cautioner in a bond, 29.
- James, burghess of Aberdeen, prosecuted for wilful error on an assize, 92; he complains of illegal imprisonment, 344, 631-633, 652.
- James, in Liddoke of Skene, charged with wrongful prosecution of some tenants of the Countess of Marischal, 278, 584.
- James, uncle to the Laird of Touch, cautioner in a bond, 664.
- James, caution by him, 413.
- Patrick, soldier, witness to a document, 664.
- Thomas, brother german to the Earl of Winton, grants a bond, 80.
- Thomas, brother of the Earl of Winton, cautioner in a bond, 695.
- William, brother of the Laird of Touch, cautioner in a bond, 695.
- Shand, Alexander, burghess of Aberdeen, complains of the spoiling and plundering of a ship, 180, 240.
- James, in Dunlogie, cautioner in a bond, is charged with committing assault, 29, 30.
- Shanks (Schankis, Shanke), Henry, skipper in Kinghorn, depones anent erecting a light on the Isle of May, 566.
- John, skipper in Leith, appears anent the Leith hospital, 662; witness to a document, 664.
- Robert, mealman in Kirkcudbright, petitions against the Service-book, 714.
- William, in Kirkcudbright, petitions against the Service-book, 714.
- Sharp, Harbert, in Harthat, prosecuted as a Border outlaw, 408.
- Shaw (Schaw) of Cambusmoir, Henry, prosecuted for remaining at the horn, 341.
- of Cragend, John, petitions against the Service-book, 713.
- of Greenock, John, involved in a case of disorderly conduct, 193; charged to find caution, 200²; appointed a justice of peace for the shire of Renfrew, 223.
- of Kelsoland, Patrick, petitions against the Service-book, 707.
- Shaw of Sauchie, . . . , appointed a commissioner anent the plague, 119, 123; appointed a justice of peace for the shire of Clackmannan, 222.
- of Sornbeg, Patrick, petitions against the Service-book, 705.
- James, in Crichton, charged to appear as a witness, 613.
- John, in Dell, to be answerable for his tenants and servants, 132.
- John, petitions against the Service-book, 712.
- *See also* McGrow.
- Shearer (Scherar, Scherer), James, in Ardoyne, charged with carrying prohibited weapons, 642.
- James, in Dishis, charged to appear before the Council, 582, 584.
- James, indweller in Stronsay, witness to the execution of a charge, 584.
- Sheep-stealing on the Borders and elsewhere, 86, 213, 266, 267, 282, 333, 404, 593-597, 625-628, 686, 687; sheep worried by dogs, 75, 76; some sheep-skins stolen, 75, 76.
- Shellane (Thallen), Robert, in Bar, charged to appear before the Council, 282, 588, 596.
- Shennane, Robert, steward-clerk of Kirkcudbright, 136.
- Shepherd (Shiphird), John, in Forstan, charged with armed convocation and riot, 488.
- Sheriffs: certain of them to continue to hold office until a new appointment, 111, 316, 317; sheriffs and stewards appointed to collect teinds and feu-duties of church lands, 259, 260; a commission for taking the oaths of some sheriffs, 523, 696.
- Shethan (Schethan), William, mariner in Leith, witness to the execution of a charge, 605.
- Shetland (Zetland), 279, 280. *See also* Orkney and Shetland.
- Sheyne. *See* Cheyne.
- Ships and shipping: the safe passage and anchorage of vessels in the Firth of Forth, xxiv, xxv, 57, 58; proposal for the erection of a light on the Isle of May, 59, 60, 561-569, 572-579, 581. *See also* May, Isle of; all vessels entering the Firth of Forth to be examined in case of the plague, 118, 119, 123-127, 247-249, 254, 271; inter course with such forbidden, 124, 125 arrangements for their taking in coal, 126, 130, 137; plague-suspected ships from

- London and other places to be anchored at Inchoolm or St. Margaret's Hope, 276, 277, 320, 362; Dutch wauchters, 123, 132; some Flemish vessels to be examined, 123, 313; some from the Low Countries with plague-infested commodities ordered to return, 126; proposal for a harbour and quay at Portpatrick, 150-153; a Dundee ship from Campvere wrecked near Dunbar and plundered, xlii, 180, 240-243; a ship of Yarmouth called *The Gift of God* illegally seized, 5-9; one called *The Hope for Grace* grounded and plundered, 462; a barque called *The Isabell*, 7; a ship called *The John of Leith* captured by the Moors, 169; one called *The Love of Skeidame*, 591; one called *The Phoenix of Ayr*, 388; one called *The Susanna* robbed and plundered in the Lewis, 93, 212, 283, 284, 561, 570, 580; one called *The Swan*, 321; one called *The White Feather (Father) of Amsterdam*, 313, 591, 612, 614; a ship of Colchester called *The William and John* wrecked and recovered, 12.
- Sibbald, George, advocate, appears as a procurator, 134, 380, 396.
- Mr David, license to him to eat flesh during Lent, 699.
- Doctor James, minister at Aberdeen, appointed a justice of peace for the shire of Aberdeen, 222; license to him to eat flesh during Lent, 699.
- James, skipper in Leven, depones anent erecting a light on the Isle of May, 564.
- Sibbet, Robert, servant to the Laird of Cockburnspath, witness to the execution of a charge, 617.
- Signatures, 15, 184; method of granting, 457; for commencing a Register of Apprisings, 184-186; anent the lordship of Torphichen, 261, 286-288; of the office of muster-master-general in favour of General Ruthven, 342, 343, 356; anent the incorporation of saltmasters, 344.
- Signet, His Majesty's documents passing under the, 202, 387; keepers of. *See* Mr James Gordon and Mr James Law.
- Silk plundered from a wrecked vessel, 241.
- Silver coinage. *See* Coin and Coinage.
- Simprim (Symprene), minister at. *See* Mr John McNacht.
- Simson (Simesone, Simsowne, Symasone) of Monturpie, David, bailie of Dysart, subscribes a report, 58; bond of caution by him, 315.
- Simson, Alexander, bailie of Dysart, subscribes a report, 58; examines mariners anent a light on the Isle of May, 564.
- Alexander, Burgess of Dysart, charged with raiding a dwelling-house, 315, 614.
- Alexander, merchant in Dysart, depones anent erecting a light on the Isle of May, 565.
- Alexander, near Curgarph, charged with resetting rebels, 215.
- Alexander, in Gaitseyde, charged with plundering a ship, 241.
- David, in the Bow, charged with obstructing the leading of peats, 55, 85, 108.
- David, bailie of Dysart, examines mariners anent a light on the Isle of May, 564.
- David, merchant in Dysart, depones anent erecting a light on the Isle of May, 565.
- James, in Canongate, charged with committing assault and robbery, but assolizied, 136, 137.
- James, bailie of the Canongate, charged with wrongful imprisonment, 495.
- James, cordiner in Thornton Loch, charged with plundering a ship, 242³, 243.
- James, deceased, 315; his widow, Marion Brown, charged with raiding a dwelling-house, 315, 614.
- John, Burgess of Glasgow, witness to the execution of a charge, 614.
- John, mariner, craves to be ransomed from the Turks, 169.
- Robert, in Haddington, sits on an assize, 626.
- Robert, Burgess of Jedburgh, to be examined as a witness, 634, 640, 647.
- Robert, subscribes a report, 58.
- Thomas, in Dryburnfurde, charged with plundering a ship, 242.
- William, bailie, Burgess of Dysart, charged with raiding a dwelling-house, 315, 614.
- William, younger, merchant in Edinburgh, execution of summons against him, 698.
- William, bailie of Kirkcaldy, charged to appear before the Council, 395.
- William, in Thornton Loch, charged with plundering a ship, 242, 243.
- William, in Turriff, charged with committing assault, 29; he is to be brought to trial, 281.
- William, messenger, charged with

- armed convocation and riot, 158; he executes a charge, 630^a; his son, Andrew, appears as a witness, 643, 644.
- Simson, William, complains of wrongful imprisonment, 357.
- Sinclair (Sinokler, Sinclar, Sinklar), Lord, . . . , charged to appear before the Council anent the salt, 175.
- of Dunbeth, John, to be answerable for his tenants and servants, 25, 95.
- of Greinwall, Edmond, charged with armed convocation and riot, 308.
- of Murkill, Sir James, knight, sheriff of Caithness, becomes a cautioner, 221.
- of Pentland, Sir William, 598.
- of Roslin, . . . , appointed judge and overseer of the hammermen, 306.
- of Quendaill, James, commission to him to deal with the famine in Shetland, 40.
- of Saba, William, complains of molestation and assault, 307, 308, 585; his disputed crops are to be reaped by neutral parties, 309; he is charged to keep the peace, 310; a complaint by him, 480.
- of Steinsone, John, commission to him to visit and report on the bridge of Linton, 237; license to him to eat flesh during Lent, 698.
- Andrew, chorister of the Chapel Royal, charged with wrongfully withholding some money, 110, 160, 161, 166.
- Hercules, in Dinnevin, 5; his daughter, Katherine, complains of being assaulted, 5.
- James, in Eyemouth, prosecuted as a refractory tanner, 20.
- James, younger, in Milton, petitions against the Service-book, 713.
- John, dean of guild of Edinburgh, to meet with the committee anent lights on the Isle of May, 111, 155; his proposals anent the coinage, 507, 509.
- John, in Bogsmyle, charged with committing assault, 180.
- John, in Clachan, petitions against the Service-book, 713.
- John, in Knockgrie, petitions against the Service-book, 711.
- Mr Oliver, commissary of Lauder, deceased, 370; his widow, Eupham Soot, complains of ill-treatment, 370.
- Patrick, in Badinssooth, charged with armed convocation and riot, 488.
- Thomas, in Clachan, petitions against the Service-book, 712.
- William, baron-bailie of Broughton, ordered to try a criminal, 494; he is charged with molestation, 520.
- Sinclair, William, in Corsewod, accused of stealing hogs, and protests against his judges, 299, 590.
- William, in Haddington, appointed a dempster of court, 626.
- Skae, Robert, in Mylnfield, charged to appear before the Council, 582, 584.
- Skairheidis, the, 563.
- Skattertie, . . . , servitor to Lord Desford, prosecuted for resetting rebels, 55.
- Skeidame, in Holland, a ship of, called *The Love of Skeidame*, 591.
- Skelmuirle, Laird of. *See* Montgomery.
- Skene (Skeene) of that Ilk, Sir James, president of the Court of Session, 437; appointed a justice of peace for the shire of Aberdeen, 202; his attendance required as a commissioner for the teinds, 192; he acts as an arbiter in a dispute, 365.
- Skene, lands of, 278.
- Liddoch of, 344.
- Skirving, John, witness to the execution of a charge, 617.
- Richard, witness to the execution of a charge, 617.
- Skothevy, William, servitor, witness to the execution of a charge, 584.
- Slains, letters of, 238-240; in favour of Laurence Bruce of Culmalindie, 194, 195, 197.
- Slaughters. *See* Murder.
- Sleaster, Alaster, in Tullich, a rebel, is to be brought to trial, 366.
- Sleich, Robert, officer in Aberdeen, charged to appear before the Council, 171; witness to the execution of a charge, 589.
- Slowane, John, merchant burges of Edinburgh, debts owing to him, 86, 548.
- Smailholm, minister at. *See* Mr James Logan.
- Smeaton (Smetoune), Patrick, in Canongate, charged with committing assault and robbery, but assoilzied, 136, 137.
- Patrick, maltman, indweller in Leith, witness to documents, 83, 84; he appears as a witness anent the Leith hospital, 572.
- William, baker in Leith, witness to a document, 83; he appears as a witness anent the Leith hospital, 572.
- William, skipper in Leith, depones anent erecting a light on the Isle of May, 563.
- Smell, James, mariner, petitions to be ransomed from the Turks, 169.

- Smith (Smyth, Smythe) of Braco, Patrick, commission to him to deal with the famine in Orkney and Shetland, 39; appointed to reap a disputed field, 309, 506; charged to appear as a witness, 585.
- Alexander, in Muckcroft, witness to the execution of a charge, 629.
- Alexander, charged with armed convocation and riot, 47.
- Andrew, petitions against the Service book, 711.
- David, in Brae of Fetteresso, charged with malicious damage to property, 106.
- Elizabeth, widow of John Ritchie, late Kintyre pursuivant, charged to deliver up his armorial coat, 605.
- George, in Ballater, charged with resetting rebels, 216.
- George, mariner in Leith, witness to the execution of a charge, 605².
- George, skipper in Pittenweem, depones anent lights on the Isle of May, 574.
- George, servitor to the sheriff-depute of Orkney, charged to appear as a witness, 585.
- James, in Badnacaiche, charged with resetting rebels, 215.
- James, bailie of Maybole, makes a protestation, 469.
- James, in Newton, charged with malicious damage to property, 106.
- James, in Tullich, charged with resetting rebels, 216.
- James, charged with armed convocation and riot, 328.
- James, execution of summons against him, 630.
- John, skipper in Anstruther, favours the erecting of a light on the Isle of May, 573.
- John, in Conyeoord, charged with resetting rebels, 216.
- John, in Dunnottar, charged with malicious damage to property, 106.
- John, bailie of Edinburgh, appointed on the conference anent the reading of the Service-book, 486², 510, 511, 513, 534.
- John, merchant burghess of Edinburgh, gives away a mare and her foal, 597.
- John, in Huip, charged to appear as a witness, 584.
- John, in Irvine, fined for selling tobacco without a license, 441.
- John, charged with robbing a ship, 6.
- John, witness to the execution of a charge, 629.
- Smith, Margaret, in Dysart, charged with raiding a dwelling-house, 315, 614.
- Patrick, in Conyeoord, charged with resetting rebels, 216.
- Robert, late treasurer of Aberdeen, seeks payment of debts, 589².
- Robert, merchant in Haddington, witness to the execution of a charge, 619.
- Robert, in Nether Rivens, charged with resetting rebels, 216.
- Thomas, in Dunnottar, charged with malicious damage to property, 107.
- Thomas, in Nether Rivens, charged with resetting rebels, 216.
- Thomas, charged with armed convocation and riot, 308.
- William, burghess of Jedburgh, witness to the execution of a charge, 608.
- Snaip, David, in Newbigging, seeks restoration of some victual, 592.
- Snowdon (Snadoun) herald. *See* James Law.
- Soap plundered from a wrecked vessel, 241.
- Soldiers: levies of soldiers for foreign service, xl, xli; prohibited to be made without the royal mandate, 28, 45; special levies allowed to be made, 45, 46, 65, 66, 140, 141, 157, 225, 226, 401, 402², 403, 458, 459, 481, 485, 527, 666, 686², 693; some prisoners to be sent to the wars, 272, 275, 301, 345, 520, 522, 527, 528, 533, 697; appointment of General Ruthven to be muster-master-general, 342, 356, 551; a book on the wars of Germany by Lieut.-Col. Monro, 423, 424.
- Somerville (Somervell, Somirvell, Sumer-vail) of Lon in Newbigging, James, charged to appear as a witness, 593.
- James, in Hogiscastell, charged to appear as a witness, 593.
- James, in Newbigging, seeks restoration of some victual, 592.
- John, in Newbigging, seeks restoration of some victual, 592.
- John, bailie of Renfrew, complains of deforcement and disobedience, 452, 453.
- Thomas, session-clerk of Carnwath, petitions against the Service-book, 702.
- Sorrell, Thomas, in Logiealmond, charged with committing assault and rape, 463.
- Soutar (Sowtter, Suiter), David, in Heids, charged with malicious damage to property, 107.
- James, in Wester Banchrie, complains of illegal warding, 601, 602.
- John, in Sinnahard, charged with resetting rebels, 231.

- Southesk, Earl of, David (Carnegie), a member of the Privy Council, viii, 4, 697; appointed to examine witnesses and prisoners, 44, 57, 252², 299, 647; on a committee of Council anent lights on the Isle of May, 59, 114, 562, 566, 567, 576²; on a committee anent the leather, 61; on a committee of Council anent the coinage, 91, 301, 339, 380, 464, 509; appointed an assessor for the trial of a process of error, 148; an arbiter in a dispute, 191, 314, 468, 481; commission to him anent Lord Saltoun's estate, 192; his attendance required as a commissioner for the teinds, 192; on a committee of Council for examining the Marquis of Hamilton's accounts, 293; on a committee of Council for auditing the Treasurer's accounts, 312, 486; on a committee of Council anent the muster-master-general, 342, 551; becomes a cautioner, 508, 543; on a committee of Council anent the Service-book, 529; on a committee of Council anent the Leith hospital, 641, 652, 654; present in Council, viii, 21, 23, 31, 33, 37, 38, 43, 45, 47, 53, 76, 79, 88, 91², 93, 94, 101, 103, 111, 114, 117, 148, 150, 156, 158, 159, 172, 176, 179, 183, 184, 189, 191, 193, 199, 213, 214, 215, 223, 248, 249, 252², 295, 303, 304, 307, 310, 321, 322, 324², 336, 340, 342, 343, 345², 346, 378, 383, 386, 391, 394, 418, 420, 421, 427, 464, 465², 466, 467, 471, 473, 476, 477, 478, 481², 483, 490, 504, 509, 520, 521, 528, 530², 533, 545, 549², 553, 554; signs acts of Council, letters, etc., 582, 697².
- Spades: some spades and shovels burned, 51; foot and "flaughter" spades, 107.
- Spain: some Spanish taffety plundered from a wrecked vessel, 241.
- Spainzie, . . . , baker, burgess in Dundee, witness to the execution of a charge, 602.
- Sparke, William, in Heids, charged with malicious damage to property, 107.
- Spears, references to, 53.
- Speir, Elspeth, spouse to Robert Reid, to be sent to Edinburgh for trial, 489².
- George, in Thornton Loch, charged with plundering a ship, 242².
- James, in Thornton Loch, charged with plundering a ship, 242², 243.
- Spence of Inshe, Alexander, charged for payment of a debt, 428.
- of Tulloch, George, appointed a justice of peace for the shire of Banff, 307; prosecuted for remaining at the horn, 435.
- Spence of Tulloch, Robert, appointed a justice of peace for the shire of Banff, 349.
- John, Rothesay herald, executes a charge, 319, 320², 335.
- Spices plundered from a wrecked vessel, 241.
- Spittell, James, brother of Mr Thomas Spittell, charged with wrongful imprisonment, 114.
- Mr Thomas, 114.
- Spittell, town of, the plague there, 431.
- Spottiswood (Spotswood) of Dairsie, Sir John, appointed a justice of peace for Fife and Kinross, 131.
- John, Archbishop of St. Andrews. *See* St. Andrews.
- John, in Haddington, sits on an assize, 626.
- Ro., his signature, 651.
- Sprot, William, burgess of Kirkcudbright, petitions against the Service-book, 714.
- Sprouston, parish of, precautions anent the plague, 445.
- Spruce, 65.
- Spynie, Lord, Alexander, charged with illegal prosecution, 44; appears as defender in an action, 56; cautions for and by him, 56; charged with debarring some persons from leading peats, etc., 85; charged with wrongfully appropriating a document, 388, 389.
- Staine. *See* Stevin.
- Stands, a letter dated there, 317.
- Stanehouse. *See* Stenhouse.
- Stanehyve. *See* Stonehaven.
- Starch plundered from a wrecked vessel, 241.
- Stark (Starke), Richard, messenger, burgess of Glasgow, witness to the execution of a charge, 629.
- Robert, servitor to the Clerk of Register, commission to him to arrest defaulters in taxation, 227.
- Starnua. *See* Stornoway.
- Stavert, William, called chiftane, prosecuted as a Border outlaw, 408.
- Staves, assaults with, 47, 52, 55, 75, 77, 87, 158, 180, 267², 268, 272, 275, 461, 467, 488, 587.
- Steelbonnets, 53, 107, 406.
- Steele (Steill), Archibald, a servant, prosecuted as a Border outlaw, 408.
- George, servitor to the Bishop of Edin-

- burgh, witness to a decret, 197; his signature, 198.
- Stenhouse (Stanehouse), Alexander, in Burntisland, fined for selling tobacco without a license, 380.
- Stenhouse, village of, 326.
- Sternhold and Hopkin's version of the psalms, ix.
- Stevin (Stein, Stewin), Charles, litster, prosecuted for wilful error on an assize, 92.
- David, in the Bow, charged with obstructing the leading of peats, 55.
- (Staine), James, charged with obstructing the leading of peats, 85, 109.
- Stevenson (Steinsoun, Stensoun, Stevin-sone) of Over Chatto, William, to make restitution of some sheep found in his bounds, 86.
- Mr Andrew, regent, license to him to eat flesh during Lent, 698.
- David, in Holme of Tantillochane, petitions against the Service-book, 713.
- David, in Maines, petitions against the Service-book, 711.
- James, merchant burges of Edinburgh, charged with deforcement, 603²; charged to appear as a witness, 698.
- James, in Forstan, charged with armed convocation and riot, 488.
- James, in Mains, petitions against the Service-book, 714.
- James, merchant in Pittenweem, depones anent lights on the Isle of May, 578.
- John, merchant in St. Andrews, depones anent erecting a light on the Isle of May, 568, 569.
- Nicoll, in Cleat, charged with deforcement, 77.
- Robert, lorimer, burges of Jedburgh, charged to appear as a witness, 616.
- Robert, in Jedburgh, prosecuted as a Border outlaw, 407.
- William, servitor to Mr Lawrence McGill, advocate, appears as a procurator, 238.
- William, agent, appears as a procurator, 381, 435.
- Stevenston, parishioners of, petition against the Service-book, 707.
- Stewart (Stewart, Stuart) of Annat, Alexander, caution by and signature of, 104, 105.
- — John, fiar, caution by and signature of, 104, 105.
- Stewart of Appin, . . . , to be answerable for his tenants and servants, 95.
- of Ardvorlich, James, commission to him to apprehend rebels, 321.
- of Askamilie, James, gives sasine as bailie, 38.
- of Balliachan, Robert, 348; act of caution by him, 93; to be answerable for his tenants and servants, 95; appointed a justice of peace for the shire of Perth, 202.
- of Ballintrae, Archibald, acts as a procurator, 38.
- of Barley, Alexander, petitions against the Service-book, 711.
- of Baryrennan, Alexander, appointed to collect contributions, 373.
- of Blackhall, Sir Archibald, admitted as a member of the Privy Council, and gives his oath, vii, 449, 450, 684; he produces a contract and other deeds, 38, 39; appointed a justice of peace for the shire of Renfrew, 223; charges to him, 481; on a committee of Council for surveying the forest of Glenalmond, 499, 517; on a committee of Council anent the Service-book, 529; present in Council, vii, ix, 449, 451, 456, 461, 466, 467, 471, 476, 477, 478, 481², 484, 486², 490², 505, 508, 523, 530, 544.
- of Castlemilk, Sir Archibald, appointed a justice of peace for the shire of Renfrew, 223.
- of Drumquhastill, John, deceased, 321; commission to his son, Donald, to apprehend rebels, 321.
- of Drumquhen, John, seeks payment of a promised reward for capturing rebels, 308, 309, 602; commission to him to apprehend rebels, 321; he is killed in this service, 363, 366, 376, 378, 418², 419, 497; his widow, Elspeth Stewart, and their son, seek payment of sums due to him, 497.
- of Fisgill, Alexander, appointed to collect contributions, 373.
- of Galston, Alexander, accepts the office of sheriff of Ayr, and gives his oath, 523.
- — Thomas, 629.
- of Grimsay, Harry, charged with molestation and riot, 307, 308, 585; ordained to keep the peace, 310.
- of Gyre, Patrick, and Robert, his son, charged with molestation and assault, 307, 308; their disputed crops are to be reaped by neutral persons, 309; they are charged

to keep the peace, 310; he is prosecuted for remaining at the horn, 480.

Stewart of Hesseltyd, Archibald, appointed a justice of peace for Lanarkshire, 78.

— of Innerohat, Donald, in Birse, charged with resetting rebels, 231.

— of Innerohymachin, John, charged with resetting rebels, 375.

— of Ladywell, Mr James, commissary of Dunkeld, appointed a justice of peace for the shire of Perth, 202; he is charged with injuring a man by calling him Macgregor, xxxviii, 348.

— of Maynes, William, commission to him to deal with the famine in Orkney and Shetland, 39; appointed to reap a disputed field, 309, 506; charged to appear as a witness, 585.

— of Minto, Sir Walter, appears as a procurator, 493; thefts from him, 522.

— of Orcharfield, Archibald, appointed a justice of peace for the shire of Renfrew, 223.

— of Pittornie, James, fiar, commission to him to apprehend rebels, 321.

— of Rosyth, . . . , appointed a justice of peace for the shire of Clackmannan, 222.

— of Ravinstoun, Josias, fails to settle his accounts, 206, 207.

— of Traquair, Sir John, becomes Earl of Traquair, *q.v.*

— of Tullos, Sir James, and John, his son, charged with molestation and riot, 307, 308; ordered to observe the peace, 310; protection granted to him and Robert, his son, 64.

— of Urquhill, Robert, prosecuted for carrying firearms, 42, 43.

— of Vradmoir, Neill, 321; commission to him to apprehend rebels, 321.

— of Whytmyre, Alexander, and Elspeth Falconer, his spouse, sue for payment of a debt, 494.

— Abraham, mariner, craves to be ransomed from the Turks, 169.

— Captain Alexander, ordained to apprehend deserters and masterless men for the wars, 527.

— Alexander, in Tulliallan, messenger, deprived of his office, 303, 600; he is witness to the execution of a charge, 575.

— Alexander, in Torohregane, petitions against the Service-book, 711.

— Allan, in Craigros, charged with resetting rebels, 232.

VOL. VI.

Stewart, Allan, in Daach of Abiryeldie, charged with resetting rebels, 216.

— Allan, in Skaithgarnook, charged with resetting rebels, 257, 399.

— Archibald, servant to the Viscount of Dunluce, delivers up some writs, 38, 39.

— David, at the Brigend of Cramond, 133; his son, John, is charged with committing assault, 133, 134.

— David, in Elchies, and Elspeth Stewart, his spouse, complain of being assaulted, 394.

— David, in Skerdustane, not to be reset, 170.

— David, mariner, craves to be ransomed from the Turks, 169.

— David, charged to appear as a witness, 112.

— Donald, brother of Drumquhen, commission to him to apprehend rebels, 321.

— Elspeth, widow of John Stewart of Drumquhen, seeks payment of a sum due to her husband, 497.

— Elspeth, spouse to David Stewart in Elchies, complains of being assaulted, 394.

— Francis, son of the late Earl of Bothwell, prosecutes his claim to some lands and their profits, 535, 539, 540, 553; the King's letter in his favour, 540; agrees to a contract with the Earl of Buccleugh, 555, 556; he is written to by the Council, 270.

— George, servitor to Walter Hay, advocate, appears as a procurator, 487.

— George, agent, appears as a procurator, 309, 332, 348, 651.

— James, steward-depute of Menteith, seeks commutation of a sentence, 385.

— James, bailie of Minygaff, petitions against the Service-book, 711.

— John, in Drumriecastell, 418; a protection granted to his son, Donald, to give evidence anent rebels, 418, 419.

— John, burgess of Edinburgh, charged to appear as a witness, 698.

— John, charged with armed convocation and riot, 47.

— John Dow, in Glenfinlayes, caution by and signature of, 104, 105.

— Sir Lewes, debts owing to him, 86; some money lent by him, 86, 87; license to him to eat flesh during Lent, 698.

— Colonel Robert, permitted to levy soldiers for foreign service, 485; he is to transport some rebels, etc., to the wars

- and apprehend deserters, 528, 533, 693, 697.
- Stewart, Robert, in Ardoche, petitions against the Service-book, 712.
- Robert, Burgess of Linlithgow, prosecutes sellers of tobacco, 586.
- Robert, advocate, appears as a procurator, 389.
- Thomas, in Eskibow, charged with resetting rebels, 399.
- Mr Walter, minister in Orkney, commission to him to deal in a right-of-way dispute, 507.
- Mr William, provost of Glasgow, charged with wrongful imprisonment, 3.
- William, Kintyre pursuivant, commission to him to apprehend rebels, 1; commission to him to arrest defaulters in taxation, 227; craves delivery of his armorial coat, 605.
- William, in Woodsyde, charged with committing assault, 110.
- . . . , sheriff of Bute, to be answerable for his tenants and servants, 95.
- . . . charged with obstructing the leading of peats, 85, 109.
- surname of, 223.
- Stewarton, parishioners of, petition against the Service-book, 707.
- Stewartries: of Annandale, 199; Menteith, 203; Strathearn, 203.
- Stilsoun, Thomas, merchant and shipowner, illegal seizure of his ship, 5, 8.
- Stirk, Robert, messenger, petitions to be restored to the exercise of his office of messenger, 93; he executes a charge, 526.
- Stirling (Stirlene), Earl of, William, Secretary of State for Scotland, charge to him, 44; he apprehends some rebels, 104, 116; he is witness to a bond of caution, 133, 221; appointed a justice of peace for the shire of Clackmannan, 222; writes to the Earl of Traquair anent the sheriffs, 317; his interest in the copper coinage, 433; he and John Alexander, his son, receive a patent of the minerals and metals in Scotland, 23; letter from him to the Clerk of Council, 583; present in Council, viii, 43, 72, 76, 88, 91, 103, 330.
- Master of, William, a bond granted by him, 664.
- of Achyle, William, witness to a bond, 664.
- of Ardoch, William, seeks commutation of a sentence, 385; commission to him to apprehend a disturber, 396.
- Stirling of Carden, Sir John, his right to the house of Ednam, 107; cautioner in a bond, 663.
- of Craigharnet, Joan, appointed a justice of peace for Stirlingshire, 36.
- of Glorat, Mungo, appointed a justice of peace for Stirlingshire, 36.
- of Harbertshyre, John, charged with assault, 5; he compares before the Council, 114.
- of Keir, Sir George, to be answerable for his tenants and servants, 95; appointed a justice of peace for the shire of Perth, 203; commission to him to apprehend a disturber, 396.
- of Letter, Robert, 435; his widow, Jean Guthrie, seeks payment of a debt, 435; Alexander, their son, appears on her behalf, 435.
- of . . . , William, his right to the house of Ednam, 107.
- Bessie, wife of William Keith of Logyrnith, seeks fulfilment of a marriage contract, 275; her mother, . . . Guthrie, appears for her, 275; she presents a petition, 604.
- George, younger, in Achinloch, charged with committing assault, 378.
- Helen, wife of Colin Campbell, complaint by her, 396.
- John, messenger, executes a charge, 598, 599.
- William, messenger in Glasgow, executes charges, 629, 653.
- Stirling, burgh of, 104; the magistrates are to examine a plague-stricken person, 121; the provost and bailies are charged to exhibit certain persons for trial, 189; the highway thence to Glasgow obstructed by the fall of a bridge, 305; meetings of the Council appointed to take place at the castle there, 546, 547, 548; petition from the burgh against the Service-book, 701; proclamations at the market cross, 95, 143, 547: documents dated there, 105, 536; provost of. *See* Thomas Bruce; minister there. *See* J. Guthrie.
- presbytery of, petitions against the Service-book, 715.
- shire of, 169, 213n, 318, 330, 482, 483, 641; appointment of justices of the peace, 36, 37, 496; sheriff of, 496. *See also* Earl of Mar.
- Stoboroo, 456.

- Stooks, punishment by setting in the, 120.
- Stoddart (Stoddert), Patrick, in Peebles, prosecuted for carrying firearms, 51.
- Stonehaven (Stanehyve), tolbooth of, 345.
- Stone, weights for measuring the, 393.
- Stones, assaults with, 134, 272.
- Storie, Fergus, in Reidkirk, prosecuted as a Border outlaw, 407.
- Stormont, Viscount of, Mungo Murray, 31, 116; to be answerable for his tenants and servants, 93, 101; acts of caution by him, 93, 229; on a committee anent the bridge of Perth, 532.
- Stornoway (Starnua) in Lewis, 5, 6, 7, 9, 12, 13; proclamations at the market cross, 279, 280; minister there. *See* Mr Farquhar McClennan.
- castle of, 12.
- Strachan (Straquhan, Strauchane) of Fettercairn, Mr James, appointed a justice of peace for the shire of Kincardine, 223.
- of Glenkindie, Alexander, apprehends a rebel, 23; complains of deforcement, 43; he is assoilzied from a complaint, 57; commission to him to apprehend resettlers of rebels, 217, 218, 232; he appears before the Council, 413.
- of Kinadie, Patrick, an action pursued against him, 57.
- of Muretoun, Mr John, appointed a justice of peace for the shire of Kincardine, 223; some money in his keeping stolen, 474, 495.
- of Thornton, Sir Alexander, appointed a justice of peace for the shire of Kincardine, 223; he is witness to a document, 544.
- — Alexander, apparent, and Elizabeth Douglas, his spouse, sue for payment of a debt, 421.
- Adam, indweller in Forfar, witness to the execution of a charge, 602.
- Mr James (John), minister at Kinneff, appointed a justice of peace for the shire of Kincardine, 223; becomes a cautioner, 345.
- Mr John, minister at Dollar, appointed a justice of peace for the shire of Clackmannan, 222.
- John, officer in Haddington, witness to the execution of a charge, 618.
- Patrick, messenger, to be tried for theft, 474, 495.
- Robert, in Easter Carnie, appears as a witness, 632, 633.
- Mr T., minister at Dollar, petitions against the Service-book, 716.
- Strachan, William, in Kirkcoun of Skene, charged with convocation and riot, 344, 631.
- William, appears as a witness, 632, 533.
- Strafford, Earl of, Thomas Wentworth, Lord Lieutenant of Ireland, encourages the colonisation of Ireland from Scotland, xxiii; a letter from him, 471, 471n.
- Straiton, David, in Stonehaven, charged with malicious damage to property, 107.
- Mr James, charged with plundering a ship, 462.
- Stratoun, parishioners of, petition against the Service-book, 707.
- Strang (Strong), Andrew, messenger, directed to serve a summons, 582; executes a charge, 583, 584.
- Andrew, shipmaster in Anstruther Easter, depones anent lights on the Isle of May, 577.
- Andrew, skipper in Anstruther, depones anent lights on the Isle of May, 573.
- Daniel, skipper in Pittenweem, depones anent lights on the Isle of May, 574.
- Strangergill, lands of, 487.
- Stranraer, burgh of, 692.
- presbytery of, grant a certificate, 51.
- Strath, William, slater in Fraserburgh, charged with carrying prohibited weapons, 391.
- Strathawin, resettlers of rebels there, 219.
- Strabogie, 103; a residence of the Marquis of Huntly, 3; the bailie there apprehends rebels, 230. *See* James Gordon.
- Strathdee (Strathdie), 209; resettlers of rebels there, 219, 234.
- Strathdon (Stradoun), 32, 209, 215; a haunt of rebels, 234; bailie of. *See* Donald Farquharson.
- Strathearn (Stratherne), stewartry of, a haunt of rebels, 234; appointment of justices of peace for, 202, 203.
- Stratherriek, a haunt of rebels, 234.
- Strathspey, 363, 376; a haunt of rebels, 234.
- Straton (Stratoun), George, chamberlain to Alexander, Lord Spynie, charged with obstructing the leading of peats, 85, 109.
- James, charge to him as a stentmaster, 228.
- Strickmartine, Laird of. *See* Wenton.
- Strodie, Andrew, a vagabond, killed by a madman, 345, 572.
- Stronabellie, lands of, 535, 536.

- Stronache, William, charged with armed convocation and riot, 47.
- Stronsay, 584.
- Strudgeon, Janet, widow of William Henderson, merchant in Jedburgh, prosecutes for the alleged slaughter of her daughter, Janet, 329, 340, 341, 635; charged to appear, 614, 634.
- Suffolk, Earl of, Theophilus, master of the Cinque Ports, appointed a commissioner for the Borders, 161.
- Sugar plundered from a wrecked vessel, 241.
- Surrein, Baron of. *See* Claud de la Soot.
- Surrenders and teinds. *See* Teinds.
- Surrey, Earl of. *See* Arundel.
- Susanna, The*, a ship called, robbed and plundered, 212, 283, 284.
- Sutherland, Earl of, John, Lord Strathnaver, 140, 141; bond of caution for him, 27; he is heard anent the Service-book, 529.
- of Duffus, Alexander, bond of caution by him, 27.
- of Kinstarie, John, sues for payment of a debt, 463.
- of Shirefmylne, John, sues for payment of a debt, 428.
- Christian, wife of William Clerseer in Fors, complains of being assaulted, 211.
- James, tutor of Duffus, 494; consents to a bond, 27.
- Suttie, George, bailie of Edinburgh, declares the intention of the town to build a new Council-house, 165.
- Swan (Suan), William, charged with oppression and wrongful imprisonment, 35.
- Swanston (Suanstoun), James, in Thornton, charged with plundering a ship, 241.
- William, in Thornton, charged with plundering a ship, 241.
- Sweden, King of, soldiers levied for his service, xli, 66, 458, 459, 485², 527, 533.
- Sword, James, bailie of St. Andrews, depones anent a light on the Isle of May, 568.
- Swords, assaults with, etc., 30, 42, 47, 52, 53, 55, 65, 69, 75², 87, 107, 158, 180, 199, 210, 214, 255, 256, 266, 267², 272, 275, 283, 291, 308, 318, 328, 332, 339, 357, 373, 378, 384, 394, 406, 451, 453, 467, 487, 488, 497, 517, 601, 603, 604.
- Sword staves, assaults with, 5, 497.
- Swynwod, lands of, 526.
- Sydserf of Rouchlaw, . . . , appointed a commissioner anent the plague, 293.
- Thomas, Bishop of Galloway. *See* Galloway.
- Symmer (Simmer) of Brathinsche, John, becomes a cautioner, 220.
- George, tenant to Alexander Seton of Pitmedden, complains of assault and hamesucken, 356, 357.
- Synons, Nether, lands of, 49².
- TAGART of the Bus, Gavin, prosecuted as a Border outlaw, 408.
- John, in Binoka, prosecuted as a Border outlaw, 408.
- Tailors of the Canongate, caution for their indemnity, 495.
- Tais, Thomas, feuar of Delbadie, charged with resetting rebels, 215.
- William, feuar of Delbadie, charged with resetting rebels, 215.
- Tait, Bessie, in Lauder, charged with committing assault, and placed in the jouga, 370.
- John, in Haddington, witness to a document, 612; appointed an officer of court, 626.
- John, in Laulatohe, charged with plundering a ship, 242², 243.
- William, saddler in Jedburgh, witness to the execution of a charge, 614.
- Tanning reform: prosecution of persons adverse thereto, xviii, 20, 21; measures for its advancement, 37, 61, 65, 72.
- Tarbet, shire of. *See* Argyle and Tarbet.
- Tarfaquhy, 602.
- Targets, references to, 42, 332.
- Tarves, minister at. *See* Mr Thomas Garden.
- Tarvett, John, in Newbigging, seeks restoration of some victual, 592.
- Taskall*, the, an illicit method of dealing with stolen goods in the Highlands, xxxiv, 235.
- Taxation, 493, 494; prosecution of defaulters in payment, 1, 2, 226, 227; the Laird of Frendraught has a remission of part of his taxes, 20; for ministers' stipends in Edinburgh, 478; taxation for the Lords of Session in June 1633, 580; that granted in October 1625, 1, 31, 226, 227; in July 1630, 1, 226, 227; the collector-general of the taxation, 1; other collectors. *See* Mr James Gordon, Mr Francis Hay, John Learmonth, and James Straton.
- Tay, firth and river of, 462; precautions to be taken there anent the plague, 123; a bridge to be built at Perth, xxii. *See also* Perth.
- Tayes, Alexander, in Castlemadie holme, petitions against the Service-book, 712.

- Taylor (Tailyour, Tailyr, Tailzeowr), Alexander, in Lindarhie, complaint by him, 112.
- Helen, widow in Rilquhen, complaint by her, 112.
- James, in Blackhillis, appears as a witness, 632^a, 633.
- James, in Cliftoun, hanged as a Border outlaw, 407.
- James, merchant in St. Andrews, depones anent erecting a light on the Isle of May, 568, 569.
- John, in Drumchister, one of his sheep stolen, 213.
- John, messenger, burgess of Dysart, witness to a bond of caution, 315.
- John, merchant burgess of Inverness, witness to the execution of a charge, 581.
- John, messenger, directed to serve a summons, and executes charges, 602, 605, 608, 614.
- John, younger, in Mains of Cardross, witness to the execution of a charge, 591.
- Manse, bailie of Kirkwall, witness to the execution of a charge, 583.
- Oliver, skipper in Leith, depones anent erecting a light on the Isle of May, 562.
- Robert, merchant in St. Andrews, depones anent erecting a light on the Isle of May, 568^a.
- William, skipper in Crail, depones anent lights on the Isle of May, 575.
- Taynman, Harry, Hamburger, under sentence of death for piracy, has the same commuted to banishment, 224, 225.
- Teinds and Surrenders, Commissioners for the, 432; the members are charged to attend the meetings of the commission, 192; some abuses to be rectified, 533, 534; clerk of the commission. *See* Mr William Hay; the teinds to be collected by the sheriffs and stewards, 259, 260; spoilation of the teinds of Ligertwood, 146, 147.
- Temporalities of kirklands annexed to the Crown, 287, 288.
- Tennent, William, merchant in Kirkcaldy, depones anent lights on the Isle of May, 579.
- Terrisoull, the widow of. *See* Gordon.
- Teviotdale, 646; the sheriff of, appointed a commissioner anent the plague, and exempted from attending the commission for the Surrenders and Teinds, 432. *See also* Sir William Douglas of Cavers.
- Thaine, Isabel, in Inverness, to be tried for theft, 473.
- Thallen. *See* Shellane.
- Theft: ordinances for the Borders regarding stolen property, 404, 405, 406; some thieves transported to the wars, 522; cases of theft, 13, 15, 18, 47, 109, 275, 282, 294, 299, 362, 428, 452, 474, 522, 629, 686, 687.
- Theobalds, royal letters, etc., dated there, 48, 70, 299.
- Thin, James, in Thornton Loch, charged with plundering a ship, 242^a, 243.
- Thome, John, in Kirkcoun of Skene, charged with armed convocation and riot, 344.
- Thomas, John, in Balachaboch, charged with resetting rebels, 216.
- Thomson (Tamsone, Thomesone) of Duddingston, Sir Thomas, commission to him to visit some coal-workings, 525.
- Abraham, cordiner in Kirkcudbright, petitions against the Service-book, 714.
- Mr Alexander, minister in Edinburgh, heard anent the Service-book, x, 513, 514, 515.
- Alexander, in Buchanstown, appears as a witness, 643, 645^a.
- Alexander, in Cottoun, charged with armed convocation and riot, 344, 631, 632.
- Alexander, messenger, and sheriff officer of Haddington, executes a charge, 612.
- Alison, in Burntisland, fined for selling tobacco without a license, 380.
- Elizabeth, alleged wife of Donald, Lord Reay, in bigamy, 502.
- George, in Largs parish, petitions against the Service-book, 707.
- George, mealmaker in Potterrow, seeks payment of a debt, 611, 613.
- George, in Stonehaven, charged with malicious damage to property, 107.
- George, writer, witness to a bond with his signature, 68.
- Gilbert, at the mill of Seamilns, charged with deforcement, 451.
- Hew, charged with robbing a ship, 6.
- James, flesher in Jedburgh, witness to the execution of a charge, 614.
- James, in Kirbister, charged to appear before the Council, 582, 584.
- James, notary, signs a document, 612.
- James, prosecuted as a Border outlaw, 407.
- John, skipper in Anstruther Wester, depones anent lights on the Isle of May, 574, 578.
- John, in Cleat, charged with deforcement, 77.

- Thomson, John, treasurer of Peebles, prosecuted for carrying firearms, 51.
- John, messenger, executes a charge, 619.
- John, prosecuted for carrying firearms, 52.
- John, a thief, to be transported to the wars, 522.
- John, younger, in Burntisland, fined for selling tobacco without a license, 380.
- Oliver, goldsmith, Burgess of Edinburgh, craves liberty to satisfy his creditors, 228.
- Patrick, in Peebles, prosecuted for carrying firearms, 51.
- Paul, procurator-fiscal of the stewartry of Kirkcudbright, 136, 299.
- Peter, shipmaster in Anstruther Wester, depones anent lights on the Isle of May, 575.
- Robert, in Bankhill, charged with armed convocation and riot, 488.
- Robert, in Gallotoun, charged to appear as a witness, 107.
- Thomas, in Broomhill, and his son, charged with resetting rebels, 215.
- Walter, in Drenlay, witness to the execution of a charge, 602.
- William, Burgess of Kirkcudbright, petitions against the Service-book, 714.
- William, Irishman, to be apprehended as a deserter, 533.
- Thorbrand. *See* Thorburn.
- Thorburn (Thorbrand, Forebrand), John, in East Loche, complains of the theft of a mare, 646*, 647.
- Thomas, in Dunbar, charged with plundering a ship, 242, 243.
- Thorniehill, lands of, 114.
- Thornton, Laird of. *See* Strachan.
- Thornetoun Loch, near Dunbar, a vessel wrecked there and plundered, xlii, 240-243.
- Thurso, in Caithness, 7; a bond dated there, 220; proclamations at the market cross, 279, 280; minister there. *See* Mr William Abernethy.
- Tibbermure, parish of, 197.
- Tillichaudies land, 215.
- Tillielay, in Doune of Menteith, proclamation to be made there, 143.
- Tilliecultry, minister at. *See* Mr A. Rynd.
- Tillieult, house of, to be rendered, 295.
- Tilliefour, 644; the house of, to be rendered, 417.
- Timber: the sale and cutting of the wood of Glenluce, 50, 51; a great fire takes place, 51; some brought from Norway, 462.
- Tobacco, abuses in selling, to be checked, xviii, xix, 298, 299, 312; the King writes thereanent, 48, 70; unlicensed retailers thereof prosecuted and fined, 62, 63, 380, 441, 586; the proclamations anent the same to be made and enforced, 69-71, 72; some tobacco plundered from a wrecked vessel, 241.
- Tod, Andrew, Burgess of Dunbar, complains of wrongful imprisonment, 64; deprived of his Burgess-ship, 64.
- Archibald, in Edinburgh, gives his opinion anent the coinage, 465.
- Hew, W.S., 214.
- John, in Lucon, in Northumberland, complains of the theft of his sheep, 86.
- Thomas, in Catbellie, petitions against the Service-book, 714.
- Todrig, Alexander, in Haddington, sits on an assize, 626.
- Toll levied for upholding bridges, xxii, 188, 482.
- Torphichen, Lord, John, being at feud with Harry Elphinstone of Calderhall, he is charged to keep the peace, 32; ordained to appear for trial of his case, 76; the decision referred to the King, 186; his Majesty declares that the lands shall be held of the Crown in feufarm, 260, 261, 286-289.
- barony or lordship of, 261, 286, 287, 288; the process anent its erection, xlv, 15, 27, 31, 76.
- parish of, 261, 286, 288.
- preceptory of, 288.
- Torrie, John, merchant in Canongate, witness to the execution of a charge, 634.
- Walter, in Stobhill, charged with armed convocation and riot, 424.
- William, bailie of Elgin, and William, his son, witnesses to a bond of caution, 27.
- Torrie, precautions anent the plague, 119, 123.
- Fortrie, John, charged with armed convocation and riot, 47.
- Torture of the boots, 236, 299, 410, 413, 416, 418, 419.
- Tosheoch (Toshauche, Tosich) of Monzievaird, David, his slaughter, and the assythement therefor, 139, 143, 193-198, 238-240, 255; his widow, Annas Grahame, marries John Robertson of Invar, 239; his elder daughter, Margaret, 239; his

- younger daughter, Elspet, and John Murray, her husband, 239.
- Tosheoch of Monzievairst, Andrew, craves redress for the slaughter of his father, David, 121, 238-240; registration of a submission and decret-arbital between him and Laurence Bruce of Culmalindie, 193-198.
- James, in Tullich, charged with resetting rebels, 216, 236.
- John, and Katherine Urquhart, his wife, complain of being robbed, 382.
- John, servant to George, Marquis of Huntly, charged to appear anent the matter of Frendraught, xxxvi, 552, 553.
- Touch, Laird of. *See* Seton.
- Lady. *See* Dame Barbara Cranston.
- George, in . . . , charged with armed convocation and riot, 158.
- Towers (Toures, Tours) of Inverleith, Sir George, 157; appointed a commissioner anent the plague, 125; ordained to set up a port at the entry of the Potterrow, 438; his son, Captain Robert, is permitted to levy and transport soldiers, 157.
- Towre, the house of, the 613.
- Trade and commerce: regulations regarding transport of goods, etc., between Scotland and England and the Borders during the plague, 269, 270, 442-445, 455; petitions for unloading some merchandise from ships lying in quarantine, 137, 254; some merchandise to be dealt with as suspected of the plague, 249, 254; some articles of commerce plundered from a wrecked ship, 241.
- Tranent, markets not to be held there for fear of the plague, 330, 331; the restriction removed, 354; the minister there appointed a commissioner anent the plague, 331. *See* Mr Robert Balcauquall.
- Trapren, lands of, 535, 553.
- Treason, Acts of Parliament anent, 452.
- Traquair, Earl of, John, Lord Linton and Caverton, Treasurer-depute and Lord High Treasurer, a member of the Privy Council, viii, 227; his appointment as Lord High Treasurer, vii, 243, 243n, 244; on a committee of Council anent leather, 61; cautioner in a bond, being designated Sir John Stewart of Traquair, 80, 695; becomes a cautioner, 102, 221; he promises to cause one of his tenants to restore some stolen sheep, 86; on a committee of Council anent the coinage and other matters concerning the mint, 91, 256, 296, 297, 301, 339, 390, 464, 509; commission to him to take the oath of Nicolas Briot, 98; commission to him to sit during the vacation, 101; protestation by him, 116; on a committee of Council anent disorders in the North, 120; appointed an assessor for the trial of a process of error, 145; on a committee of Council anent lights on the Isle of May, 155, 156; appointed a commissioner for the Borders, 161, 164; on a committee of Council anent the new Council-house, 165; as a commissioner for the Borders, he receives warrant to apprehend Border thieves lurking in and about Edinburgh, 167; prosecutes destroyers of his woods, 168; consents to a signature, 184; commission to him anent Lord Saltoun's estate, 192; on a committee of Council for examining the Marquis of Hamilton's accounts, 293; his own accounts to be audited, 312, 486; receives instructions from the King anent Scottish affairs, 336, 456, 457, 681, 686; on a committee of Council anent the muster-master-general, 342, 551; on a committee of Council anent the Leith hospital, 351, 372, 373, 607, 654, 683; repudiates an accusation of protecting Border men of the name of Johnston and Armstrong, 356; on a committee of Council anent Colonel Monro and the estate of Foulis, 363; he reports upon the ordinances made by the Border Commissioners for executing their commission, 404-409; on a committee of Council anent the fees of the Lord Clerk Register, 433, 438; prosecution by him, 434; on a committee of Council for surveying the forest of Glenalmond, 499, 517; on a committee of Council anent the Service-book, 511, 529; some rebels, etc., delivered to him to be transported to the wars, 522; to prevent convocations anent Church affairs, 544, 545; to examine witnesses and prisoners, 19, 256, 299, 355, 369, 647; acts as an arbiter in disputes, 194-196, 197, 239, 314, 402, 414, 468, 481; charges to him, 44, 47, 54, 140, 249, 272, 275, 321, 337, 338, 415; produces documents in Council, 137, 138, 249, 250, 261, 279, 286, 334, 401, 456, 464, 480, 540; payments to be made to him, 34, 293, 294, 350, 352, 360, 361; payments to be made by him, 91, 121, 199, 222, 256, 309; papers delivered to him, 260, 306; letters, etc., addressed to him, 317, 337, 689; present in Council, viii, 14, 15, 19,

- 21, 23, 31, 33, 37, 38, 43, 45, 47, 53, 57, 63^a, 72, 76, 79, 88, 91, 93, 94, 101, 103, 114, 117, 119, 137, 138^a, 139, 142, 147, 148, 149^a, 150^a, 156, 158, 159, 165, 167, 169, 170, 172, 176, 184, 189, 191^a, [as Treasurer] 243, 248, 249, 252^a, 256, 258, 259, 262, 268, 270, 271, 272, 276, 279^a, 286, 292, 295, 301, 303, 307, 310, 316, 320, 321, 322, 324^a, 330, 332, 334, 336, 340, 342, 343, 345, 346, 351, 352^a, 356, 359, 360, 363, 364, 366, 367, 369, 372, 375, 378, 383, 396, 398, 401, 404, 413, 415, 416, 418^a, 420, 421, 427, 431, 432, 437^a, 442, 445, 449, 454, 456, 461, 464, 465^a, 467, 471, 476, 477, 478, 481, 483, 484, 486^a, 488, 490^a, 504, 508, 509, 510, 512, 515, 516, 520, 523, 530^a, 533, 534, 536, 541, 544, 545, 549^a, 553, 554; signs acts of Council, letters, etc., 288, 582, 603, 620, 650, 684^a, 693^a, 694, 697^a.
- Treasurer, Lord High, the office conferred on John, Earl of Traquair, vii, 243, 244; the symbols of office are a white staff and mace, 244.
- Clerk. *See* Mr William Chalmers.
- Depute. *See* John, Earl of Traquair, and Sir James Carmichael of that Ilk.
- Trotter, Isobel, debts owing to her, 135.
- Troup (Trowpe), James, notary and messenger in Keith, witness to the execution of a charge, 611.
- William, footman to the Laird of Innermerkie, younger, charged with armed convocation and riot, 64, 65.
- Tudberry, house of, royal letters, etc., dated there, 335.
- Tulliallan, Laird of. *See* Blacader.
- Tulliallan, 58; precautions there anent the plague, 119, 123; salt pans there, 330, 575.
- Tullibardine, Earl of, Patrick, member of the Privy Council, viii; to be answerable for his tenants and servants, 95; concerned in a dispute, 410; charged to preserve the forest of Glenalmond, 448; as keeper of Glenalmond forest, he prosecutes invaders there, 492, 498, 499; he agrees to a survey committee, 516, 529, 535, 536, 694; on a committee anent the bridge of Perth, 532; present in Council, viii, 490, 504, 508, 516, 520, 521, 523.
- Tulliedaff, Stephen, chorister of the Chapel Royal, seeks payment of his salary, 110; he is to receive his money, 166.
- Tullimeneth, house of, to be rendered, 417.
- Tulloch (Tullich) of Tannacheis, Thomas, allowed to return home, 534.
- Tulloch, Thomas, provost of Forres, implicated in a forgery, 521.
- Ursilla, wife of Patrick Kinnaid, charged to appear before the Council, 521.
- Tulloch, in Strathspey, 209, 363, 366, 376, 419; minister there. *See* Mr Colin McKenzie.
- Tulloche, house of, to be rendered, 435.
- Tundergarth (Tunergirth), *alias* St. Mungo, minister at. *See* Mr David Rodger.
- Tongue (Tung), a bond dated there, 220.
- Turks, some Scottish prisoners at Salie and Algiers seek to be ransomed from the, xli, 169, 190, 330, 387, 388, 425; they capture a ship of Leith, with the crew, 169.
- Turnbull (Trumbill) of Bedrule, John, and his son, charged with destroying woods, 168.
- of Minto, John, appointed a justice of peace for the shire of Roxburgh, 504.
- Adam, merchant burghess of Edinburgh, craves liberty to satisfy his creditors, 548.
- George, in Dunbar, charged with plundering a ship, 242.
- James, in Paisley, his house, 110.
- Robert, merchant in Jedburgh, charged to appear as a witness, 647.
- Mr Thomas, minister at Morham, petitions against the Service-book, 708.
- Turner (Turnour), James, notary, assists in signing a document, 715.
- John, servant to Sir Alexander Gordon of Clunie, his protection is extended, 213, 215.
- Thomas, master of a Yarmouth ship, complains of the illegal seizure thereof, and other harsh treatment, 5-9; assoilzied of charge, 12, 13.
- William, in Seggiehauch, deceased, a sheep stolen from him, 333, 626, 627, 628.
- Turnhousehill, lands of, 598.
- Turnours, a species of coin, 91.
- Turriff (Turreff), 357, 358; parson there. *See* Mr Thomas Mitchell.
- Tweed, river of, 475.
- Tweeddale, 646.
- Tweedie (Tuiddie, Twedie) of Quhythauche, Thomas, prosecuted for carrying firearms, 51.
- James, in Fasethill, a mare bought from him, 646.
- John, charged to appear as a witness, 599.
- Robert, in Bordland, arbiter in a dispute, 255.

- Twynholm (Tuyneme), minister at. *See* Mr John Brown.
- Tynemouthsheills, town of, infested with the plague, 127; ships coming thence to be examined, 127.
- Tyrie, Andrew, witness to a submission, 195; his signature, 195.
- UDNIE (Udny) of Langtoun, Mr Robert, becomes a cautioner, 412.
- of Lambingtoun, Mr Robert, witness to the execution of a charge, 586.
- Udward (Udwart), Mr Nathaniel, uncle of the Laird of Mortonhall, ordained to satisfy for a theft, etc., 294.
- Mr Nicol, debts owing to him, 135.
- Umphra of Sand, Patrick, commission to him to take measures for relieving the famine in Shetland, 40.
- Mr William, minister at Bressa, commission to him to deal with the famine in Shetland, 40.
- Unicorn pursuivants. *See* Andrew Littlejohn and George West.
- Universities: a commission is granted for visiting the colleges, xlv, 364; of Aberdeen, 228; Old Aberdeen, 311, 312; St. Andrews, 229.
- Urie, lands of, 107,
- Urquhart of Cromarty, Sir Thomas, prosecuted for remaining at the horn, xlvii, 414; receives a protection under the great seal, xlvii, 430, 431; he settles his differences with his sons, Thomas and Alexander, xlvii, 485, 486.
- Sir Thomas, fiar, becomes a cautioner, 200.
- of Crombie, Walter, appointed a justice of peace for the shire of Banff, 349.
- of Lathers, John, deceased, reference to a bond granted by him, 29.
- of St. Martines, Alexander, prosecuted for remaining at the horn, 414.
- Adam, and Elspeth Vaus, his spouse, debts owing to them, 534.
- Katharine, wife of John Tosheoch, complains of being robbed, 362.
- Robert, servant to Mr Alexander Forbes in Turriff, charged with committing assault, 29, 30.
- Thomas, in Kellie, cautioner in a bond, 29.
- VAIRDIS, James, in Sorynie, witness to the execution of a charge, 584.
- Thomas, in Overbie, charged to appear as a witness, 584.
- Vallis, George, indweller in Forfar, execution of summons against him, 602.
- Vandell, James, in Edinburgh, fined for selling tobacco, 63.
- Vanhoche, Francis, merchant in Middleburgh, ordained to be liberated from his confinement because of the plague, 145.
- Vaus of Barnbarroch, Sir John, makes a contract, 49.
- Patrick, fiar, craves liberty to satisfy his creditors, 3, 48-50.
- of Lyrbrach, Patrick, empowered to sell lands for debt, 3, 48.
- Elspeth, wife of Adam Urquhart, debts owing to her, 534.
- Veitch (Veatch) of Dawick, John, fiar, witness to a bond of caution, 221; witness to a document, 544.
- Bessie, a servant, assaulted, 598.
- George, tailor in Jedburgh. *See* Newton.
- Harry, indweller in Leith, witness to the execution of a charge, 641, 652.
- James, indweller in Leith, witness to the execution of a charge, 641, 652.
- Robert, witness to a document, 544.
- Thomas, in Lockhard, charged with injuring lands and property, 254, 255.
- William, prosecuted for carrying fire-arms, 52.
- Ventrus (Wentrous), Charles, servant to Balmuto, charged to appear as a witness, 605, 606.
- Verac, in France, 166n.
- Vernatto, Maximilian, his young child and its nurse to be kept alone because of the plague, 273.
- Vertie (Versey), Bartilmo, maltman in Leith, witness to a document, 83; he appears as a witness anent the Leith hospital, 572.
- Victual, regrating and forestalling of, forbidden, xxvi, xxvii, 438, 439, 684; the prices to be fixed by the justices of peace of the Border counties, 439; regulations anent providing the same to plague-stricken Border districts, 443, 455; cases of stealing, 47. *See also* Grain.
- Victuals to be sent to a vessel in the firth suspected of the plague, 132.
- Vintersell, Rachel. *See* Dame Rachel Harrison.
- Voting at the Council-table, 45^a.
- WADIE, David, writer, seeks to be freed from imprisonment, 519.

- Wairdie, James, in Aith, charged to appear as a witness, 584.
- Wait, William, in Sherriffayde, resets stolen sheep, 627.
- Walker, George, tenant to the Laird of Johnstone, complaint by him, 158.
- George, in Forfar, charged to appear as a witness, 601.
- James, petitions against the Service-book, 712.
- John, indweller in Leith, witness to the execution of a charge, 589.
- John, petitions against the Service-book, 712.
- Patrick, in Finglennie, deceased, a bond due to him, 85; his son, George, complains of the destruction of that bond, 85, 86; the bond taken from John and William, also his sons, 85, 86.
- Patrick, in Little Fingone, deceased, 261; horning at the instance of his son, George, 261.
- William, in Stonehaven, charged with malicious damage to property, 107.
- William, footman to the Master of Ogilvie, charged to appear as a witness, 693.
- Walkinshaw of Garturke, Mr John, complaint by him, 368.
- Mr James, complaint by him, 368.
- James, burges of Glasgow, deceased, 368; his daughter, Janet, by . . . Baillie, his wife, is to have curators chosen, 368.
- John, burges of Glasgow, complaint by him, 368.
- Wallace (Valace) of Cambusceane, Mr William, appointed for life sheriff-depute of Edinburgh, 369.
- of Prestickshaw, William, prosecuted for remaining at the horn, 237.
- Mr Alexander, minister at Galstone, petitions against the Service-book, 705.
- Henry, porter at Dunnotter, charged with armed convocation and riot, 631.
- James, in Clachene, petitions against the Service-book, 712.
- John, sheriff-officer of Roxburgh, witness to the execution of a charge, 634, 647.
- John, execution of summons against him, 599.
- Margaret, wife of James Crawford, goldsmith in Edinburgh, complains of assault and wrongful imprisonment, 436.
- Margaret, a servant, charged to appear as a witness, 585, 587, 595.
- Wallace, Robert, in Monreth, appears as a witness, 593, 595.
- Robert, at the Mill of . . . , charged to appear as a witness, 587.
- Mr William, appears as a procurator, 63.
- William, in Ardoyne, charged with carrying prohibited weapons, 642.
- William, messenger, executes a charge, 589.
- Wansodie, lands of, 616.
- Wardane, Arthur, a thief, ordained to be sent to the wars, but it is altered to scourging, 275; his wife, Agnes Watt, put to liberty, 275.
- Wardes, Laird of. *See* Leslie.
- place, tower, or house of, 328, 329, 350; it is invaded, 645, 648; to be rendered, 417.
- Wardie (Werdie), some plague-stricken persons set ashore there, 119, 120.
- Wardlaw, David, burges of Edinburgh, debts owing to him, 522, 523.
- John, messenger, executes a charge, 590.
- John, appears as a procurator, 300.
- Water of Leith, village of, 133.
- Waterston (Waterstoun), Mr Patrick, charged with armed convocation and riot, 308. *See also* Watson.
- Watson (Watsoun, Watsowne), Alexander, merchant burges of Aberdeen, complains of being assaulted, 420; debts owing to him, 519.
- Alexander, merchant burges of Edinburgh, seeks to be released from imprisonment, 519.
- Alexander, in Greenock, execution of summons against him, 615.
- Alexander, servant to John Innes of Leuchars, depositions by and concerning him, 37, 38.
- Alexander, messenger, executes a charge, 589.
- Alexander, appears as a procurator, 441.
- Captain Andrew, in Burntisland, depones anent erecting a light on the Isle of May, 565.
- Andrew, in Holl, 615; execution of summons against his son, John, 615.
- David, clerk of Dumbarton, witness to a bond of caution, 220.
- Duncan, apprehended as a rebel, 43; his maintenance and jailor fee to be paid, 205.

- Watson, Hew, in Carnwath, witness to the execution of a charge, 593.
- James, in Ardoyne, charged with carrying prohibited weapons, 642, 645.
- James, in Baitlaw, witness to the execution of a charge, 593.
- James, in Dumbarton, fined for selling tobacco without a license, 441.
- James, merchant in St. Andrews, depones anent erecting a light on the Isle of May, 568^a.
- (Waterstoun), James, servitor to Lady Broughton, witness to the execution of a charge, 598, 599.
- James, called Golding Hodcock, execution of summons against him, 615.
- John, chorister of the Chapel Royal, seeks payment of his salary, 110; he is to receive it, 166.
- John, deacon of the weavers, charged with molestation, 520.
- John, charged with carrying prohibited weapons, 53.
- John, appears as a witness, 592.
- Martin, in Newbigging, seeks restoration of some victual, 592.
- Patrick, elder, flesher in Glasgow, charged with forging a discharge, 528.
- Robert, in Aberdeen, his heirs renounce a right of reversion, 403.
- Robert, in Ardoyne, charged with carrying prohibited weapons, 642.
- Robert, in Clunie, appears as a witness, 89.
- Robert, in Dumbarton, charged with attacking a ship, 313.
- Robert, merchant burgess of Dumbarton, execution of summons against him, 614.
- Robert, in Newbigging, seeks restoration of some victual, 592.
- Susanna, wife of Gilbert Oustian, burgess of Edinburgh, appears on his behalf, 193.
- Thomas, mason in Aberdeen, party to a contract, 403.
- Thomas, in Clunie, charged to appear as a witness, 89.
- Thomas, in Foulden, prosecuted as a refractory tanner, 21.
- Walter, baillie of Dumbarton, witness to a bond of caution, 220.
- Walter, in Dumbarton, charged with attacking a ship, 313.
- Walter, baillie of Dumbarton, execution of summons against him, 615.
- Watson, Mr William, minister at Duthell, signs a certificate of inability to travel, 377.
- William, merchant in Pittenweem, depones anent lights on the Isle of May, 575, 578.
- William, notary in Glasgow, charged with forging a discharge, 528.
- William, his name borrowed in an action, 44.
- Watt (Wat), Adam, W.S., witness to a bond, 54; his signature, 54.
- Agnes, wife of Arthur Wardane, to be liberated, 275.
- Andrew, charged with armed convocation and riot, 47.
- George, his maintenance and jailor fee to be paid, 205.
- John, in Stonehaven, charged with malicious damage to property, 107.
- John, charged with armed convocation and riot, 47.
- Wauch, Mr David, hunts a hare, 141, 142.
- Wauchoe, Thomas, in Braidreulingside, he and his son, William, banished as Border outlaws, 407.
- Thomas, 407; his son, George, prosecuted as a Border outlaw, 407.
- Wauchope of Nidrie, Sir John, appointed a commissioner anent the plague, 326; commission to him to visit some coal-workings, 525.
- Harry, charged with violent occupation of a house, 613, 616.
- John, debts owing to him, 228.
- Wauchters. *See* Ships.
- Weather, unseasonable and inclement, 88, 346, 374; a storm causes devastation in Denny parish, 305, 318.
- Webster (Wobster), John, younger, in Woodwrae, complains of being assaulted, 367.
- Weddell, Gilbert, skipper in Leith, depones anent erecting a light on the Isle of May, 562.
- Gilbert, appears as a witness anent the Leith hospital, 572.
- Wedderbie, 516.
- Wedderburne, Doctor James, dean of the Chapel Royal, commission to him to examine some accounts, 110.
- Mr J., petitions against the Service-book, 706.
- Weem (Weme, Weyme), Laird of. *See* Menzies.
- lands of, 148.
- Weights and measures: some brass weights

- belonging to the town of Lanark destroyed, 393.
- Weir of Kirkfield, James, summoned in a question of curatory, 368.
- George, clerk of Lanark, petitions against the Service-book, 701.
- (Hideon, town-clerk of Lanark, complains of the destruction of some weights belonging to the burgh, 393.
- James, in Edinburgh, fined for selling tobacco, 63.
- John, in Gosknowis, his stackyard burned, 316, 612.
- Weitfoote, lands of, 197, 239.
- Wemyss (Weemes, Wemes), Earl of, John, on a committee of Council anent lights on the Isle of May, 59, 114, 562, 564, 566, 576; he is appointed a commissioner anent the plague, 123; appointed a justice of peace for Fife and Kinross, 131; charged to appear before the Council anent the salt, 175; he is heard anent the Service-book, 529.
- Mr David, servitor to the Viscount of Stormont, witness to a bond, 229.
- Duncan, 471; his son, James, guilty of fornication, 471.
- Mr John, minister at Duns, deceased, 425; a protection granted to his son, John, 425.
- Wemyss, precautions there anent the plague, 123.
- Wentoun of Strickmartine, . . . , appointed a justice of peace for the shire of Forfar, 131.
- Alexander, in Riaoche, charged with committing assault, 180.
- Gilbert, merchant in Dundee, to depone anent erecting a light on the Isle of May, 568.
- Thomas, burgess of Edinburgh, imprisons a debtor, 522, 523.
- Wentworth. *See* Strafford, Earl of.
- West (Wast), George, deceased, late Unicorn pursuivant, his armorial coat to be delivered up, 605.
- Mr James, charged to deliver up his brother's armorial coat, 605.
- Westmoreland, county of, 162.
- Whingers, assaults with, 53, 75, 110, 134, 181, 237, 272, 291, 378, 552.
- White (Quhey, Quhyt), Andrew, keeper of the tolbooth of Edinburgh, seeks payment of jailor fees, 205.
- James, skipper in Crail, favours the erecting of a light on the Isle of May, 573^a.
- White, James, burgess of Edinburgh, prosecuted for remaining at the horn, 332.
- James, skipper in Kirkcaldy, depones anent lights on the Isle of May, 579.
- John, in Canongate, debts owing to him, 380, 381.
- Walter, in Anstruther Wester, depones anent lights on the Isle of May, 574.
- Whiteford, Walter, formerly minister at Monkland, and rector of Moffat, consecrated Bishop of Brechin, 253, 253n. *See also* Brechin, Bishop of.
- Whitehall, letters, etc., dated there, 10, 11, 14, 16, 23, 62, 69, 137, 145, 165, 166, 186, 191, 212, 225, 226^a, 246, 249, 250, 253, 260, 274, 312, 317, 395, 396, 410, 546, 550, 584, 666.
- Whitehead (Quhytheid), David, younger, in Cockburnspath, charged to appear as a witness, 617.
- James, elder, in Cockburnspath, charged to appear as a witness, 617.
- James, an old man, seeks to be freed from imprisonment, 518.
- John, merchant burgess of Kirkcudbright, petitions against the Service-book, 714.
- Patrick, in Eyemouth, prosecuted as a refractory tanner, 20.
- William, in Cockburnspath, charged with plundering a ship, 242^a, 243.
- William, in Cockburnspath, charged to appear as a witness, 617.
- Whitehill (Quhythill), Laird of. *See* Preston.
- Whitelaw (Quhytlaw), William, in Nungait, sits on an assize, 626.
- Whiteman (Quhytman), John, in Clairfute, prosecuted as a Border outlaw, 409.
- Whitslaid, lands of, 581.
- Whittinghame (Quhittinghame), Laird of. *See* Douglas.
- Whorlawhill, lands of, 371.
- Wick (Weeke), proclamations at the market cross of, 279, 280.
- Wicketshaw, John, merchant burgess of Edinburgh, ordained to pay aliment to his wife, Jean Dooke, 318, 319, 605, 608.
- Widdrow. *See* Wodrow.
- Wighame, William, in Nether Whiggills, 408; his son, John, prosecuted as a Border outlaw, 408.
- Wigtown, Earl of, John, a member of the Privy Council, written to by the Council to attend meetings, 130; on a committee of Council anent lights on the Isle of May,

- 155; testifies to damage done by a storm, 305, 318; acts as an arbiter in a dispute, 365; instructed regarding a sentence, 428; on a committee of Council for surveying the forest of Glenalmond, 499, 517, 529, 535, 536, 697; on a committee of Council anent the Service-book, 529; present in Council, viii, 9, 12, 27, 31, 33, 37, 38, 150, 169, 170, 262, 270, 286, 292, 293, 295, 303, 304, 310, 316, 345, 346, 364, 366, 367, 369, 391, 396, 398, 401, 427, 432, 471, 473, 477, 478, 488, 508, 509, 516, 520, 523, 536, 541, 544, 545, 549*, 553, 554; signs acts of Council, letters, etc., 26, 582, 603.
- Wigtown, town of, 211; tolbooth of, 178, 211.
- shire of, a contribution sought for erecting a bridge over the Dee, 372, 373; sheriff of. *See* Sir Andrew Agnew of Lochnaw; the sheriff-depute of, executes a charge, 207. *See also* Patriok Agnew of Barmarth; sheriff-clerk of. *See* Thomas McKie.
- Wilgreffe, Daniel, merchant and shipowner, illegal seizure of his ship, 5, 8.
- Wilkie of Foulden, John, accepts the office of sheriff of Berwick, and gives his oath, 523.
- Mr James, bailie of the Canongate, charged with wrongful imprisonment, 495.
- John, in Edinburgh, fined for selling tobacco, 63.
- John, procurator-fiscal, prosecutes a person for sheep-stealing, 626, 628.
- William, debts owing to him, 206.
- . . . , 315; his spouse, Christian Matheson, charged with wrongful intromission, 315.
- Wilkiesone, Alexander, appointed to uplift some disputed fair-customs, 277.
- Francis, commissary clerk of Lauder, charged with instigating an assault, 370; his wife, Margaret Erskine, fined £100, 370.
- Francis, burges of Lauder, complains of being assaulted, 69.
- Will, George, charged with carrying prohibited weapons, 391.
- William, George, in Grodie, charged with resetting rebels, 216.
- Henry, under-porter in Dunnottar, charged with armed convocation and riot, 344.
- Patriok, in Grodie, charged with resetting rebels, 216.
- Williamson, Angus, messenger in Dornoch, witness to the execution of a charge, 688.
- Gilbert, assists a messenger in his duty, 603.
- James, in Nether Lagan, petitions against the Service-book, 714.
- James, provost of Peebles, gives his oath in a dispute, 52.
- John, bailie of Kirkcaldy, objects to having a light on the Isle of May, 566.
- John, skipper in Kirkcaldy, depones anent lights on the Isle of May, 579.
- John, in Peebles, prosecuted for carrying firearms, 51.
- John, notary, assists in signing a document, 105.
- John, prosecuted for carrying firearms, 52.
- Williamston, Lady. *See* Isobel Forbes.
- Wilson (Wilsoune, Wilsowne) of Spangok, J., petitions against the Service-book, 703.
- Adam, elder, in Kilduff, his rent, 371.
- Adam, younger, in Kilduff, his rent, 371.
- Alexander, barber's servant in Edinburgh, charged with committing assault, 619, 620.
- Archibald, cook, to be apprehended for theft, along with Margaret Kay, his concubine, 13.
- Christopher, an Englishman, and master of a ship of Colchester, charged with illegally carrying arms, but assoilzied, 12, 13; his action against Thomas Lindsay, 457.
- David, messenger, charged with oppression and wrongful imprisonment, 601, 602.
- David, officer and warder in Moffat, complaint by him, 141.
- George, in Crichton, 613.
- Henry, in Largs parish, petitions against the Service-book, 707.
- James, in the Mains of Drinmoir, charged with deforcement, 43.
- James, in Nether Carupo, his rent, 371.
- John, in Edinburgh, execution of summons against him, 619.
- John, a salter in Elphinston and Tulliallan, carried off to other salt pans, 329, 330, 364, 365, 640, 641; searched for in Leith, 575.
- John, in Loohheid of Newton, sues for payment of a debt, 428.

- Wilson, John, charged with armed convocation and riot, 47.
- John, younger, cordwainer in Glasgow, debts owing to him, 528.
- Nicol, in Crossmichael parish, petitions against the Service-book, 715.
- Oliver, in Balfour, witness to the execution of a charge, 602.
- Richard, at Turnhousehill, witness to the execution of a charge, 599.
- Samuel, skipper in Queensferry, depones anent erecting a light on the Isle of May, 562.
- Sym, called the Colt, prosecuted as a Border outlaw, 408.
- Thomas, skipper in Leith, depones anent erecting a light on the Isle of May, 562; appears anent the Leith hospital case, 662, 674.
- Winchester, John, charged to appear before the Council, 521.
- Wines: attempted poisoning by means of wine, 159, 160; white, 159; spoliation of wine, 212.
- Winkles of Harnam, Griffin, Englishman, appears in reference to his process for cattle-stealing, 365, 366.
- Winrahame (Winrame) of Liberton, Mr George, appointed a commissioner anent the plague, 326.
- Mr George, license to him to eat flesh during Lent, 698.
- of Woustoun, James, appointed a justice of peace for Lanarkshire, 78.
- Janet, wife of John Gylour in Craig millar, makes a complaint, 557.
- Winton, Earl of, George (Seton), a member of the Privy Council, 80, 477, 695; to act in the affairs of Alexander Innes of Coks toun, 43; on a committee of Council anent lights on the Isle of May, 59, 114, 562, 576; on a committee of Council anent leather, 61; written to by the Council to attend meetings, 130, 131; his attendance required as a commissioner for the teinds, 192; commission to him to visit and report on the bridge of Linton, 237; appointed to deal with the plague in Preston and Prestonpans, 248, 271, 272; to oversee the arrangements anent the plague, 331, 332, 339, 362; appointed to examine witnesses and prisoners, 299; allowed to erect gallows for deterring persons from entering plague-stricken places, 339; on a committee of Council anent the coinage, 509; on a committee of Council anent the Service-book, 511, 529; visits some coal-workings, 525; on a committee of Council anent the muster-master-general, 551; on a committee of Council anent the Leith hospital, 571, 641, 652; present in Council, viii, 19, 31, 33, 37, 38, 43, 45, 47, 53, 57, 65*, 72*, 76, 79, 87, 91*, 101, 103, 111, 125, 131, 139, 142, 165, 166, 167, 170, 172, 184, 189, 191, 193*, 199, 200, 203, 206, 210, 215, 223, 231, 243, 247, 249, 259, 262, 268, 270, 271, 272, 295, 301, 303, 307, 310, 316, 320, 328, 330, 332, 336, 343, 345*, 346, 359, 360, 366, 367, 372, 373, 375, 378, 383, 393, 401, 404, 413, 418, 420, 421, 427, 456, 461, 473, 476, 477, 478, 481, 486, 488, 490, 508, 509, 510, 514, 515, 516, 520, 523, 544, 549*, 553, 554; signs acts of Council, letters, etc., 581, 625.
- Winzet, James, officer, charged to apprehend a riotous person, 496.
- Wishart (Vishart) of Polgarrok, George, and John and Patrick, his sons, charged with committing assault, 367.
- Mr William, minister at Leith, letters written concerning him, 579*; he is to audit the Leith hospital accounts, 641.
- William, in Irvine, fined for selling tobacco without a license, 441.
- Withringtoun, Roger, Esquire, appointed a commissioner for the Borders, 161.
- Sir William, knight, appointed a commissioner for the Borders, 161.
- Witnesses, payments to, 30, 56, 69, 87, 89, 101, 110, 182, 204, 210, 243, 282, 308, 329, 363, 385, 392, 463, 493, 557, 597.
- Wodrow (Widrow, Widdrow), Robert, sailor, 267; his wife, Susanna Hamilton, complains of being assaulted, 267, 302, 602; they complain of harsh treatment, 302, 588*, 602.
- Wolche, Thomas, indweller in Gousknowes, witness to the execution of a charge, 612.
- Wolmet, lands of, 525.
- Wolson, Andrew, in Glenhoul, petitions against the Service-book, 713.
- Wood (Wod) of Bonytoun, Sir Harry, appointed a justice of peace for the shire of Forfar, 131; on the commission anent the Isle of May, 562.
- — — — —, apparent, appointed a justice of peace for the shire of Forfar, 131.
- Alexander, in Humber, execution of summons against him, 617, 619.

- Wood, David, servitor to the Viscount of Stormont, intimation made to him, 116; he is witness to a bond, 229.
- John, merchant and shipowner in Crail, favours the erecting of a light on the Isle of May, 573^a.
- Patrick, merchant in Edinburgh, appears on behalf of some shipowners anent the illegal seizure of their ships, 5, 8; act of caution by him, 7; his packs from London and Newcastle to be fumigated for the plague, 249; some victual sold to him, 535; he complains of delay in its delivery, 553; he depones anent erecting of a light on the Isle of May, 563.
- Robert, skipper in Crail, favours the erecting of a light on the Isle of May, 572.
- Thomas, in Crail, depones anent lights on the Isle of May, 579.
- Thomas, in Kirkmabreck parish, petitions against the Service-book, 712.
- Thomas, in Thornton Loch, charged with plundering a ship, 242^a, 243.
- T., witness to a report, 569.
- Woodheid of Largerie, lands of, 183.
- Woodhouselee, barony of, 597.
- Woodmylne, loch of, 419.
- Woodstock, royal letters dated there, 129.
- Woodsyde, John, in Irvine, fined for selling tobacco without a license, 441.
- Wright (Wricht), Alexander, debts owing to him, 87.
- David, indweller in Cockpen, witness to the execution of a charge, 613.
- David, witness to the execution of a charge, 611.
- Mr Edward, minister at Clackmannan, appointed a justice of peace for the shire of Clackmannan, 222; petitions against the Service-book, 716.
- James, lorimer in Jedburgh, charged to appear as a witness, 616, 635, 638^a, 647^a.
- John, in Irvine, fined for selling tobacco without a license, 441.
- Thomas, indweller in Leith, witness to the execution of a charge, 652.
- William, at the Mill of Craigforth, and Katherine Crystieson, his spouse, sue for the payment of a debt, 341.
- . . . , at Newmylne, 204.
- Writers: Alexander Aikenhead, 359; Patrick Auchterlony in Edinburgh, 50; Lewis Bad in Edinburgh, 610^a; Andrew Burn in Leith, 663, 664, 665; Mr James Cockburn in Edinburgh, 607; Thomas Coutts, 665; David Crichton, 523; Andrew Darling in Edinburgh, 212, 221, 339, 603; Alexander Dick, 181; Thomas Dunlop in Edinburgh, 151, 368; Mr James Farquharson in Edinburgh, 103; Mr James Gordon in Edinburgh, 80, 695, 696; Alexander Graig in Edinburgh, 580; James Guthrie, 372; Mr Francois Hay, 228, 480; Alexander Hayre, 665; William Hendrie in Edinburgh, 618; Mr Robert Heriot, 599; Alexander Hervie in Edinburgh, 599; John Innes, 599; Quentin Kennedy, 261, 262, 290; John Learmonth, 603; John McRannald in Edinburgh, 358; John Miller, 303, 359; John Mudie, 112; William Neilson, 89; John Nicol, elder, 615; John Nicoll, 147; John Nicol, younger, 38, 615; Andrew Nimmo, 665, 678, 679; Alexander Ogilvie, 580; George Oswald in Jedburgh, 329, 340, 341, 609, 614, 634, 635-640, 647; James Pearson, 436; John Peter, 4; Mr Robert Petrie in Edinburgh, 631, 632, 633; James Ramsay, 268; Hew Ross, 50; George Thomson, 68; David Wadie, 519.
- Writers to the Signet: Mr James Farquharson, 130, 150^a, 606; Mr James Gordon, 197, 198; Richard Guthrie, 414; Robert Keith, 278; James Kennow, 110; Mr Alexander Kinnear, 417; John Paip, elder, 696; Robert Pringle, 197, 315; Hew Ross, 130, 373; John Semple, 372; Hew Tod, 214; Adam Watt, 54.
- Wylie, Adam, in Ayr, supplicates that he may be ransomed from the Turks, 387.
- Thomas, in Milmark, petitions against the Service-book, 713.
- Wyse, John, officer of the barony of Callendar, a fine due by him, 224.
- YARD's nuke, John, on the Firth of Forth, 58.
- Yarmouth (Yermout), in England, seizure of a ship belonging to, 5-9.
- Yellolies, Patrick, charged with wrongful ejection, 108.
- Yester, . . . , 583.
- Young (Yong, Younge), Adam, in Muretoun, a madman, to be transported to the wars, 345; commits a slaughter, 572; to be forwarded to Edinburgh, 572.
- Andrew, browster in Glenmuck, charged with resetting rebels, 216.
- George, a servitor, witness to the execution of a charge, 583.
- Henry, in Bankhead, his rent, 371.
- John, in Kirkmabreck parish, petitions against the Service-book, 712.

- Young, John, in Thornton Loch, charged with plundering a ship, 242^s, 243.
 — Thomas, in Thornton Mylne, charged with plundering a ship, 242^s, 243.
 — Thomas, messenger, witness to the execution of a charge, 580.
 — Walter, in Mylntoun, charged with carrying prohibited weapons, 53.
 — . . . , widow in Kilduff, her rent, 371.
 York, 516.
- Yorkshire, 520.
 Yule (Yuill), Andrew, in Braidwoodsdyde, sheep stolen from him, 627^s, 628.
 — Andrew, servant to Ellis of Mortonhall, complaint by him, 597, 599; settled 302.
- ZELAND, William, in Woodhead, petitions against the Service-book, 714.
 Zeland, 240.
 Zetland. *See* Shetland and Orkney.

SEP 22 1937

