

DOMESTIC DETAILS

BY

SIR DAVID HUME

OF CROSSRIG,

ONE OF THE SENATORS OF THE COLLEGE
OF JUSTICE :

APRIL 28, M.DC.XCVII.—JANUARY 29,
M.DCC.VII.



EDINBURGH :
THOMAS G. STEVENSON,
87, PRINCES STREET,
M.DCCC.XLIII.

IMPRESSION.

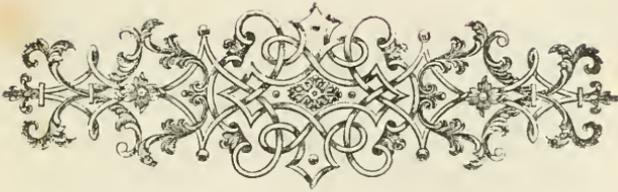
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PRELIMINARY REMARKS.

THE particulars relating to Sir David Hume of Crossrig are neither numerous, nor, as regards pure history, important; but, scanty as they are, more may be derived from the ensuing pages than from any other source hitherto accessible. And these exhibit, in a manner almost, if not entirely, unique, the occupations of one who, nearly two centuries ago, appears to have had professional cares in his private capacity as a gentleman, infinitely beyond

those which fell to him in his character of a Judge of the Supreme Court. Were we not assured to the contrary, we should unquestionably view this "Accompt of his Estate and Fortune" as the written confession of a well-meaning, hard-plodding attorney of a school, even yet, not absolutely extinct.

When Mr. Hope (now Lord Justice Clerk) presented as his contribution to the Bannatyne Club, in 1828, Sir David Hume's "Diary of the Proceedings in the Parliament and Privy-Council of Scotland, May 21, MDCC.—March 7, MDCCVII," he stated, that of its writer he had "not been able to obtain much information;" and, indeed, what he did obtain was, comparatively speaking, no information at all. To the courtesy of Captain Home, of her Majesty's 6th or Royal 1st Warwickshire Regiment, we are indebted for the manuscript, now for the first time printed. All that previous-

ly could be procured concerning the diarist is collected in Messrs. Brunton and Haig's very useful "Historical Account of the Senators of the College of Justice;" but it will be seen, that even that notice is not altogether perfect. Mr. Hope incorrectly stated the orthography of the Senator: each page of this MS. Diary being signed David Home." But, in accordance with modern pronunciation and spelling, the headline and title-page of our little volume carries Hume.

As it is unnecessary here to recapitulate the information afforded by the Diary, it may suffice, in correction of a mistake in the work of Messrs. Brunton and Haig, above referred to, to note that Sir David's second wife was a *grand-daughter* of Sir Alexander Swinton, and not a *daughter*, as there stated. See Diary, p. 28.

Sir David was the author of a small volume, entitled "Advice to a Daughter, in a Letter from Mr. David Hume, Edin-

burgh ; printed by J. Reid, for W. Gray, Front of the Exchange, 1771," 12mo. The identity of the author with Lord Crossrig is certified in the "Advertisement" prefixed to it, and a manuscript note, on the title-page of a copy belonging to Mr. Charles Kirkpatrick Sharpe, informs us that the Preface is by "Alex^r Belches, Esq. Advocate." The letter of Consolation to his Daughter, whose name does not appear, is dated "Edin^r April 1701."

Mr. Sharpe is likewise in possession of a portrait of Lord Crossrig, in his official robes, painted by young Medina, son of Sir John. This represents his Lordship as a quiet, comfortable, *cosy*-looking person, with the expression rather of a country squire than of one "learned in the laws."

It will be seen by his Diary, (p. 29,) that he had a wooden leg. The nature of the injury which produced this transubstantiation does not appear.

Sir David Hume died April 13, 1707, æt. 64. Laying out of view the hollow panegyrics of venal scribblers, enough may be gathered from his Diary and "Occurrents" to mark his character as a good, easy, friendly sort of man, distinguished rather for sound common sense than for any superior intellect, and apparently better qualified for the station of a *factor* or arbiter than for that of a Lord of Session. There have been many contemptible individuals on the Bench, as well before as since the days of Lord Crossrig; and that, perhaps, is a more wholesome memory which his Lordship has bequeathed to posterity,—the fame of an honest, rather than of a talented man. The following doggrels, printed on his Lordship's demise, are extracted from Mr. Maidment's singular and quaint Collection of "Scotish Elegiac Verses," recently published.*

* Edinburgh: T. G. Stevenson, 1843. 8vo.

viii PRELIMINARY REMARKS.

ELEGY UPON THE MUCH TO BE LAMENTED
DEATH OF THE RIGHT HONOURABLE SIR
DAVID HUME OF CROSSRIG, ONE OF THE
SENATORS OF THE COLLEGE OF JUSTICE,
WHO DEPARTED THIS LIFE APRIL 13, 1707.

True grace and virtue are such special things,
They sweeten gall, and blunt the pointed stings
Of death and hell, and other plagues that rage
'Gainst sinful man in this corrupted age.
The pious soul is perfectly secure
'Gainst all that's ill and all that can devour—
'Gainst wasting sickness and all tormenting pain ;
Yea ev'n against the whole infernal train
Of maladies and furies much enrag'd,
He rests in safety, being closely hedged
About with ramparts of Salvation strong,
No cross can harm, no plague can do him wrong,
When death in his most formidable hue
Arrests the just, requiring what's his due,
The pious patient with a smiling face
The ghostly Sergeant does with joy embrace.
Bids him proceed, and welcom do his will :
And tho' he may the feeble body kill,
His better part is from his dint secure,
And shall on wings haste to a place more pure,

When it for ever shall with hallowed light
 O're shaded be, and fill'd with all delight.
 Why then should those who are the kindred near
 Of just men, mourn to want their presence here?
 Yea mourn, why mourn? good cause they have to
 mourn

For want of those who wroth away did turn
 By fervent pray'r, and by whose counsel good,
 And bright example ill they have withstood;
 But on this news which now doth reach our ears,
 A more extensive cause of grief appears,
 Not kindred only should this loss lament,
 But all the nation may the same repent:
 A person of a blameless holy life,
 A friend of concord, enemy of strife,
 Deny'd to worldly pleasures and to self,
 Extremely humble and deny'd to self;
 Most zealous for the Church, kind to the poor,
 Upright in judgement, on decision sure,
 Patient in crosses, meek in prosperity,
 Of easy access, and much courtesy,
 The Orphans friend, the Widows sure defence,
 And without bribes he justice did dispence.
 When such a one as he departs from hence
 The loss is gen'ral, tho' to him great gain
 To be above the pow'r of guilt and pain.

X PRELIMINARY REMARKS.

As in the course of the Diary Sir David repeatedly makes allusion to those affairs of private individuals whereof he had the management, and of the disastrous fire wherein so many writs perished, it has been deemed advisable to reprint, by way of Appendix, the special act passed in his favour for proving the tenor of those writs. This will afford some idea of the number of proceedings with which his Lordship was concerned.

To these trifling introductory paragraphs, a few notes are appended, explanatory of individuals or incidents occurring in the Diary.

W. B. D. D. T.

EDINBURGH, 25, GREAT KING STREET,
EASTER MONDAY, 1843.



NOTES.

Page 5, line 13.—*I entered bajin.*—In Principal Lee's distinct *précis* of the History of Edinburgh College, prefixed to "the Edinburgh Academic Annual,"—Edin. 1840, p. xxv,—this singular word, as well as the system with which it was connected, is explained as follows. It is unaccountably omitted in Dr. Jamieson's Dictionary of the Scottish Language.

"From the earliest time the regents and other professors have been well selected. It may not be unnecessary here to explain the meaning of the term *regent*. In the older Universities every student,

when he attained the dignity of Master of Arts, acquired the faculty of teaching the branches of learning which were known by the title of the liberal arts. But though all were understood to be qualified to teach, and, in certain circumstances, might claim the privilege, all could not be selected to take charge of classes. The practice varied in different Universities, and it would be a waste of time to enter into the meaning of the distinctions of *magistri regentes* and *non-regentes*, *regentes necessarii* and *regentes ad placitum*. The regents in Edinburgh and other Universities of Scotland, were the teachers who conducted the academical youth through the entire course of philosophical study, which it was necessary to complete before they could become Masters of Arts. In Edinburgh, for instance, there were four regents, every one of whom had charge of a class, from the period of its first enrolment till the ter-

mination of the fourth session, and it was his duty to teach in succession, the several branches of Logic, Rhetoric, Moral Philosophy, Natural Philosophy, and such kindred studies as were most intimately connected with these branches of learning. After the Reformation the study of the Greek language was expressly required, and whereas no one was admitted to enter on the study of dialectics, who could not write promptly and congruously in Latin verse, or at least in Latin prose, to the satisfaction of the Dean of Faculty, or other examiners, it was expressly ordered that no books of philosophical study should be used in any College, except such as were written in pure Greek or Latin, such as those of Aristotle, Plato, Xenophon, and Cicero. The institution of Professor of Humanity became necessary, in consequence of the imperfect preparation of many students for speaking and writing correctly and readily in the

Latin tongue. The students of the first year, who entered on the first of October, and prosecuted their studies eleven months, having a vacation of only one month, were called *Bajans*, an appellation which has puzzled etymologists, some of whom derive it from the French *bas gens*, and others from *bec jaune*. There is no doubt that the word is derived from the Latin *pagani*, *rustics* who required to be civilized, or humanized,* though enlisted among the *cives academiæ*; in the same manner as the name *pagani* was anciently given to the Roman conscripts, or raw recruits, before they were allowed the honourable name

* The change of the *P* into *B*, in many similar words, does not require to be pointed out. Thus we have *bedellus* (another academical title) formed from *pedellus* (*viator*, or *apparitor*). In the same manner, from *parler* we have the Scottish word *birlyman* or *barleyman* (an arbiter), and children universally, when calling for a truce, say a *barley*, instead of a *parley*.

of *milites*, and to the lowest order of the *plebs urbana*, before they rose to the mature dignity of citizens of Rome. The students of the second year continuing under the same regent, were called the *semi* class, or the *semi-bachelors*.* Their session, and that of the following year, were also of the duration of eleven months. The regent of the third year had the management of the same youths, under the title of the *bachelor* class, because they might become bachelors of arts, or *determinantes*, before the end of that year; and the fourth year they reached the higher dignity of *magistrands*, because they generally obtained the title of *magistri* at the close of the session, about the end of August. The examinations for degrees were very strict, and according to the proficiency of the student, he might obtain higher or lower distinctions. The attendance of the regents on their respective classes was most

* Sometimes called the *semi-bajan* class.

assiduous,—and the hours of tuition were as numerous in every such class as they are generally in grammar schools. Every regent required his scholars to take down in writing, and commit to memory, his *dictates*, or the general heads of his system of instruction on every branch of philosophy. At the time when Rollock studied and taught at St. Andrews, the *Dialectics* of Peter Ramus had in a great measure superseded the *Organon* of Aristotle in that University, as it had about the same time in the University of Cambridge,* and Ramus cannot be acquitted

* In 1584 a work on the philosophy of Ramus was published at Cambridge by William Temple, who, about the same time, prefixed a Preface to the *Metaphysics* of James Martin of Dunkeld, professor of Philosophy at Turin. In 1576, Roland Makilmane, a Scotsman, had published the *Dialectics* of Ramus at London. The *Dictates* of Malcolm or Logie, as taught in St. Leonard's College, prove, that about the year 1580, the system of Ramus was introduced into that seminary, while Rollock was Regent at St. Andrews.

of arrogance ; but he had the merit of exposing and refuting many of the unsound positions in the Aristotelian philosophy, and introducing a freedom of discussion, which few public teachers had ever ventured to practise till he set them the example."

Page 6, line 19.—*Mr. Lighton.*—Robert Leighton, subsequently Bishop of Dumblane and Archbishop of Glasgow, temp. Car. II. He bequeathed his library to the Cathedral of Dumblane, for the use of the clergy of that district. To a pretty account has it been turned !!

Page 7, line 13.—*I pointed the broad de Quadratura Circuli.*—This probably means that he carried off the chief prize in the mathematical class. But that barbarous species of scholastic slang, which seems to have been current in the paltry Scotch seminaries, passes all modern comprehension.

Page 19, line 8-17.—*I was happily married—with power to dispose of 2000 mks. thereof.*—There is much confusion here, but the main difficulty may be thus solved. Barbara *Weir* was neither more nor less than Barbara *Laurie*. The family of Weir of Blackwood terminated in a female, who married a Laurie; when the latter name was sunk to preserve the former. Singularly enough, a similar termination occurred at a later period, when the last of the Weirs or Veres married one of the house of Hope. How Sir David could dispose of 2000 merks, when he had only half that sum, does not very clearly appear; but so it stands in the MS.

Page 21, line 2.—*George Dallas of St. Martines.*—He was a very eminent conveyancer, and author of a “System of Stiles, as now practicable within the kingdom of Scotland: Begun in the year 1666, and had its period *anno*

1688." Edin. 1697, folio. In the dedication to John Earl of Tullibardine, Lord Secretary of State for Scotland, Dallas mentions that he had charge of the Athol estates for many years. His collection of styles was, for a century, in general use, and even now may be consulted with no small advantage. The following particulars relating to his family are extracted from the Session papers, in a dispute as to the estate of North Newton, kindly communicated to the Editor by Mr. Maidment.

George Dallas had a son, James, who married Elizabeth Riddel. The father was a party to the marriage-contract, dated 21st February 1683, and bound himself to infest his son and the heirs-male of his marriage in the lands of St. Martins, in the shire of Cromarty. There was a declaration that this estate might be sold, and the produce vested in "lands in the South." The father thereafter sold St.

Martins, and purchased the lands of North Newton in the county of Stirling. Infestment passed in favour of James Dallas and his spouse.

Elizabeth Riddel having died, James Dallas married in 1703 Barbara Cockburn, by whom he had issue. She obtained a great ascendancy over him; and besides other advantages, contrived to make him execute an entail of North Newton, 13th November 1733, "and of a jewel worth £500, and a toadstone ring." By this deed the rights of the eldest son of the first marriage were materially impaired. Not content with this, on the 4th August 1740, he executed a disposition of the toadstone ring and the "great jewel," with all his moveables, in favour of William, the oldest son of the second marriage. He died shortly thereafter.

George, the eldest son, married, and had a son named James, who eventually succeeded to North Newton.

The rental of the estate is represented as being between £60 and £70 sterling, prior to 1757. Until within these few years, North Newton was in the possession of the descendant of old George. It is now the property of other parties.

There was another son of the second marriage named Stewart Dallas.

Page 28, line 18.—*Mr. Thomas Paterson*.—We are informed by Lord Fountainhall, that Paterson and four other parsons were deposed by the Bishop of Edinburgh in December 1682, and their effects escheated, “because they had preached after the 1st of January 1682, without taking the Fast, contrary to the late Act of Parliament.”—*Historical Observes*, Bannatyne Club edition, p. 84.

Page 34, line 6.—*Polwart fled in the Harvest*.—This was Sir Patrick Home, afterwards 1st Earl of Marchmont. See the interesting narrative of his escape in the *Memoirs of his daughter, Lady Grizel*

Baillie, by Lady Murray of Stanhope, edited by Thomas Thomson, Esq. and printed for private circulation, 8vo. Edinburgh, 1822.

Page 28, line 19.—*Lord Kemney*.—Sir George Nicolson of Kemnay, raised to the bench in 1682, in room of Sir George Gordon of Haddo, appointed Lord Chancellor in June of that year.

Page 47, line 1.—*Lord Colinton*.—Sir James Foulis of Colinton, a fine old Cavalier, elevated to the bench in February 1661, presented to the office of Justice-Clerk in same month 1684.

Page 38, line 10.—*Lord Carse*.—Sir Patrick Lyon of Carse, formerly Professor of Philosophy at St. Andrews. He was deprived of office at the Revolution. His Lordship collected the Decisions of the Court from 1682 to July 1687, and made some genealogical gatherings, still extant in MS. in the Advocates' Library.

Page 49, line 17.—*Lord Newbaith*.—

Sir John Baird of Newbyth, created a baronet by K. Chas. II. appointed to the bench in January 1667, in room of Sir George Mackenzie of Tarbet, superseded. He collected the decisions of the Court from November 1664 to February 1667, and "Practicks" from 1664 to 1690. His MSS. are still in the Advocates' Library.

Page 52, line 5.—*Lord Presmennan*.—Robert Hamilton of Presmennan, appointed to the bench in 1689.

Page 54, line 2.—*The fire happened in the Meal-Market*.—Of this disastrous event, specially noticed in the Act of Parliament printed in the Appendix, and formerly referred to, the best account is in the following letter from Mr. Forbes, to his brother Col. Forbes, 6th February 1700. *Culloden Papers*, p. 27. Lord Crossrig figures in it in an interesting manner. His "happing" is explained by p. 29 of the Diary.

“ DR. BROTHER,

I know not if this comes to yo^r hand, because it goes in the Aberdeen's Bag, ther being none going off for Inverness with the Mounday's post. My last was with humbleng news, & this with news more humbleng. Upon Saturday's night, by ten a Clock, a fyre burst out in Mr. John Buchan's closet window, towards the Meall Mercate. It continued whill eleven a-clock of the day with the greatest frayor & vehemency that ever I saw fyre do, notwithstanding that I saw London burne.

Ther are burnt, by the easiest computation, betwixt 3 and 400 familys ; all the pryde of Eden^r is sunk ; from the Cowgate to the High Street all is burnt, & hardly one stone left upon another. The Commissioner, President of the Parl^t, Pres^t of the Session, the Bank, most of the Lords, Lawyers, & Clerks, were all burnt, & many good & great

familys. It's said just now by S' John Cochran & Jordan-hill, that ther is more rent burnt in this fyre then the whole City of Glasgow will amount to. The Parliament House very hardly escapt; all Registers confounded; Clerks Chambers, & processes, in such a confusion, that the Lords & Officers of State are just now mett at Rosse's Taverne, in order to adjourneing of the Sessione by reason of the disorder. Few people are lost, if any att all; but ther was neither heart nor hand left amongst them for saving from the fyre, nor a drop of water in the Cisternes: twenty thousand hands flitting ther trash they know not wher, & hardly 20 at work. These babbells, of ten and fourteen story high, are down to the ground, and ther fall's very terrible. Many rueful spectacles, such as Corserig naked, with a child under his oxter, hap-ping for his lyffe; the Fish Mercate, & all from the Cow Gate to Pett Street's

Close, burnt; the Exchange, vaults, and coall cellars under the Parliament Close, are still burneing. This Epitome of dissolution I send you, without saying any more, but that the Lord is angry with us, & I see no intercessor. Tell your Wyffe her friends are weell; & if this come to hand, send it to my Wyffe how soon you have read it. I bid you adieu, and am,

Y^r Lo^s bro^{vr} to serve you,

D. FORBES.

Page 56, line 19.—*Lord Mersington*.—Alexander Swinton, second son of Swinton of that Ilk, appointed to the bench June 1682, in room of Lord Edmonstone, superseded. He was found dead in his bed, August 1700. He was a fanatical presbyterian, and assisted at a gross and sacrilegious outrage perpetrated by the vile rabble of Edinburgh, upon the Abbey of Holyrood and the Catho-

lies, at the time of the Revolution. See *Lord Balcarres' Memoirs*, Bannatyne Club edition, p. 16.

Page 60, line 16.—*Commissar Dalrymple*.—The celebrated Sir James Dalrymple, afterwards Lord Viscount Stair.

Page 61, line 21.—*Sir John Home of Renton, then Justice-Clerk*.—This gentleman was an eminent loyalist, and suffered severely in his estates for his faithful adherence to King Charles I. That prating puritan, Wodrow, whose censure is highest praise, says of him that “he was one of the greatest zealots for the prelates in Scotland.”

Page 62, line 22.—*Linthill*.—Thomas Kincaid of Auchinreoch, Surgeon-Apothecary in Edinburgh. He was proprietor, among others, of the lands of Linthill in Berwickshire.

Page 68, line 8.—*Mr. George Meldrum*.—Mr. Meldrum was Professor of Divinity in the College of Edinburgh,

and one of the city ministers. He died 18th February 1709, aged 75. A "Pindarick Ode" to his memory, was printed by the heirs and successors of Andrew Anderson, 1709, 4to, pp. 8.

From a statement in the address to the reader, it would seem that he was Professor of Philosophy in Marischal College, Aberdeen, in the *sixteenth* year of his age!!

Like similar effusions the "Pindarick Ode" is sad stuff. The anonymous author concludes in the following strains.

Farewel, blest Saint, then adds the Muse,
 My Verse like thee,
 Shall never die;
 But all the Title I can have to Immortality,
 Is, that I did this Subject chuse,
 For I shall live in thee,
 Not thou in me!

Page 72, line 18.—*Camphire*.—Campvere.

Page 84, line 8.—*My servant Mr. Tho-*

mas Buchannan.—Formerly the clerks and apprentices of Judges, Advocates, and Agents, were styled *servants or servitors.*



AN ACCOMPT
OF
MY ESTATE AND FORTUNE,
(SO FAR AS I CAN REMEMBER,)
EVER SINCE I HAD ANY.

BEGUN TO BE WRITTEN
WEDNESDAY, APRIL 28, 1697.

FOR MY OWN AND MY SUCCESSORS, INFORMATION.



ACCOMPT OF MY AFFAIRS

EDINBURGH, WEDNESDAY, APRIL 28, 1697.

ON Hallow even, being the last of Oct^r. 1657, my father, the Laird of Blackader, died, I being then past 14 years on 23d May 1657, for I was born 23d May 1643.

There were left then my mother, who had her jointure out of the west side of Blackader town, Whitelaw, and the Loch of Blackader, as the charter bears, dated May 5, 1631.

There were of children my elder brother John; and sisters,—besides the Lady Nyn-

welles, then married to Nynwelles, named Margarite,—unmarried, Katharin, Jean, and Isabell.

Our father made a band of provision, so as wherin he provided me to 10,000 merks, Katherin to 9,000 merks, Jean to 6,000 merks, Isabell to 5,000 merks, dated Sept. 17, 1657, registrate in the books of the Commissioners for administration of Justice, Feb^y. 3, 1659.

Katherin was married to Robert Home of Kimmergheme in Sept^r. 1659. Jean died of a feavour at Blackader in May 1668. Isabell was married to Patrick Cokeburn of Borthwick, in my mother's house, and at my expenses, in June 1674.

The band of provision is payable the first term after my father's decease, with annualrent thereafter, and hath in it a special clause of substitution, viz.—And in case it shall happen any of my saids four children to decease before their marriage, that then, and in that case, the equal

half of my saids childrens portion swa de-
ceasand, shall return to the said John
Home, my eldest son, (who is bound in
the band,) his heirs and successors what-
soever, and the other equal half thereof
to be equally divided amongst the rema-
nent of my saids children, particularly
above named, swa survivand.

I did never chuse curators. I had not
much adoe. My mother and brother
gave me, or debursed money, as I had
occasion.

In Nov^r. 1657, I entered bajin in the
College of Edinburgh—had Mr. John
Wischart for my regent. I was boarded
with Isabell Edington, spouse to Matthew
Granns, and payed 50*l* in the quarter
all that year. In my semie year I was
boarded in one Mr. Nisbet's, whose fa-
ther was a minister, and wrote on Peter.
I payed only 40*l* in the quarter with
him, and all the rest of time I was at the
College.

At this time, the 11th of March was solemnly kept by the semies, in going to the foot-ball on the Borrow Moor, contrary to the orders of the College. I, with some other semies, did foolishly engage my self with an oath, *Ita me Deus amet*, to keep that custom of going to the foot-ball; and tho' I was most earnestly entreated the night before by my regent not to go, yet out of conscience of my oath, (as I thought,) I went; and because I would not submit to the discipline by whipping in the class, I was forc't to leave the College, and went to Blackader till the sitting down of the College next year.

I had the favour procured me by Sir Thomas Dundass of Arniston, my uncle, his interest with Mr. Lighton, the Principal of the College, to be admitted in Nov^r 1659, and I entered again semie, with Mr. Thomas Crawford, and was boarded again with Mr. Nisbet as for-

merly, afterwards at Eupham Nicolson's, allways at 40lb in the quarter, being during the vacance at Blackader.

I was laureate in anno 1662, by Mr. Thomas Crawford. Our theses were dedicated to the Duke of Lennox, and I being president amongst the magistrands, I had the honour to present the theses to John Earle of Middleton, then his Majesty's High Commissioner. I defended the theses at the laureation, and the Viscount of Kingston was one that impugned. I pointed the broad *de Quadratura Circuli*.

My brother being married to his cousin-german, Mary Dundass, daughter to Sir James Dundass of Arniston, in April 1660, and my mother being with them at Blackader, and not that friendship betwixt them that should have been, my mother did, before March 1662, come to Edin^r, wher she lived till the month of . . . 1678, in which she died, and was buried in the

Grayfriars, besides the Earl of Morton's tomb.

At Martimass 1657, it was agreed betwixt Blackader and his mother there should be no difference made betwixt their estates till Whitsunday 1658, and it was that reasonable, that the three sisters should quit a 3rd part of their annualrents for that half-year, for defraying the charges of the house-keeping. As also it was advised the laird and his mother should live together after Whitsunday 58. In order to which, the lady and her daughters were to contribute 1300 mks. or at least 500 mks. and 3 ch. 8 bolls victuall for the lady, and 300 mks. for the three daughters.

May 7, 1660.—There is an agreement betwixt the lady and her son, whereby she accepts of the third part of the household plenishing, and renounces all further claim to a third (tho' not excluded from it by her contract of marriage), and the

laird obliges himself to warrant her at the hands of his father's creditors. Likewise the lady setts her jointure lands to the laird, with the vicarage and personage teinds, during all the dayes of their lives, *conjunctim*, secluding therefrae his heirs, executors, or assigneyes whatsoever, declaring his entry to the houses and grass to have been at Whitsunday 1659, and to the arable ground after the separation of the cropt from the ground that year 59. And the laird is to pay yearly 1000 mks. at two terms, beginning the first term's payment at Lam. 1660, and yearly 7 chalders victual, 4 of bear, 3 of meal, with the measure he received his farm meal, at least so much of it as payed by the milns, beginning the first term's payment of the victual betwixt Yule and Candlemass, in the year 1661; and the laird is to carry the victual to Berwick, or any other place at no further distance; and the laird is obliged, for

the lady's more thankful pay of money and farm, to grant assignations upon such tennents as the lady shall demand, 6 weeks before each term, her acceptation of an assignation freeing him for that term. And it is declared by the laird, that in case the lady shall depart this life after the term of Whitsunday, that the Lammass term's dutie of the seluer rent, and the half of victual payable betwixt Yule and Candlemass thereafter, shall pertain to her executors ; and if she shall survive the Martimass, they shall have right to the whole victual, and to the Candlemass term's duty of the money, with a clause irritant, in case one term run into another unpayed. This contract was drawn by direction of Arniston, who was brother to the lady, and at that time father-in-law to the laird.

My brother was in use for his conveniency of the meal to his house to pay, and my mother to receive, for several years

thereafter, 60 bolls of oats for 3 ch. of meal. As also I find an assignation by him to her on George Hog, in East Mains of Tichwick, for 161*l* 2*s.* 2*d.*, and on Robert Lyle, in the said East Mains, for 161*l* 2*s.* 2*d.*; bearing also that the lady had granted him a discharge of 500 mks. for the term of Candlemass 1661, dated Feb. 6, 1661. There is another assignation on the same persons for the like sums, bearing a discharge of 500 mks. for Lam. 1661, dated August 8, 1661. I find none other, and if there by, it will appear by the discharge of the term's rent in Blackader's charter chest.

I find at the Mart. 1663, my brother was resting me of annualrents 608*l* 3*s.* 8*d.* whereof I received, Dec^r. 11, 1663, 200*l* 2*s.*, so as thereafter there was resting to me only 408*l* 1*s.* 8*d.*, to which adding the Whitsunday's annualrent 1664, viz. 200*l*, the most that could be owing me then of annualrents was 608*l* 1*s.* 8*d.*

Being then major, I did count with my brother, and can not be positive what was resting, but that year I went to France.

Having looked out an old count-book, both of my receipts of money from my brother, and of my debursements, beginning in Oct. 1661, I find that I went to the lettren with Alexr. Leslie, writer to the signet, and payed him 100*li* on Dec. 15, 1662, and in that book will be found my spending till the end of the year 1674. By it I find that on the 29 Sept. 1664, my brother was resting me of annualrents at Whitsunday 1664, 708*li* 5*s.*, whereof I then received 408*li* 5*s.* and bond for 300*li*.

On Sept. 30, 1664, I took journey for France, and rode to Newcastle, went thence by sea to London, and after a few dayes stay there, rode to Dover, and embarked for Calais, thence in coche to Paris, and in a few dayes went thence to Poitiers, where I arrived Nov. $\frac{1}{8}$ 1664,

staid there, and was there till about Sept. 22, 1665. Then I came to Paris by Messagers, the way of Saumeur, Angiers, Chartres, &c., where I arrived about the beginning October, and continued there at my studies till April 18, 1666; and coming sooner out of France and from my studies then I designed, because of the war there proclaimed with England, I arrived by Calais and Dover to London, about the 22 or 23 of April, N. S. After some times stay there I bought a horse and came to Scotland, May 26, O. S. I find my expenses during that time came to above 2400*l*b, and my annualrents, at Whitsunday 66, making thereof 800*l*b, and the 708*l*b due when I went away, making in all 1508*l*b, which being taken off the sum spent, rests about 900*l*b, and my brother only abated 1000*l*b off my portion, and forgave me the superplus, extending to 225*l*b, or thereby.

My brother caused my Lord Mording-

ton grant me bond for 9000lb provided to me by my father's bond of provision. This is the interest I still have in the Lands of Chirnside.

My brother and two sisters, Jean and Isabel, lived at Edr during my being abroad.

My mother, it seems, has been in use, without precept, to get payment of Ro^t Lile's part, the time I was in France, from James Hog, who, it seems, has taken Lile's room. I find James Hoge has payed ill and has died in debt. I have written to my brother of that, as appeared by his answer, dated Nov^r. 12, 1667, which I still have, and alledge that whatever intake there was that way, should be made up by Blackader, unless there was an assignation and discharge conform to the above mentioned contract. This was never yet cleared. But it appears by my brother's letter I have claimed it for my mother.



My sister Jean having gone to the Merse, she fell in a feavour and died about the 22 of May 1668. Hence the substitution mentioned in my father's band of provision above specified, took place as to her portion, which was 6000 mks. The one half fell to my brother, and he gave bond for the other half—one of a 1000 mks. to Kimmerghame, one to my sister Isabel, a third to me of 1000 mks. I told Kimmerghame in the time, I judged he had no right to a third; but that the half of Jean's portion should have been equally divided betwixt me and Isabel. For the clause of substitution, according to my interpretation, is, To those swa survivand is a relative to the deceasand. Now the swa deceasand, whose half fell into my brother, was those who deceast before their marriage. Therefore the swa survivand, who were to succeed to the other half, are those who survive unmarried;

and the reason seems plain, for as none of the substitutes was to have any interest in their portion who deceast after their marriage, tho' in their minority, so it seems just that the share of the younger children should be only to them who are unmarried, for encreasing their portions, the married being already alocate and provided for. The point I have never yet consulted with any lawyer, and I know not what to make of it. But it is fitt to take advice in it, and if it be found to be law, then Kimmerghame, who got payment of 1000 mks., must pay back the one-half of it with interest for 30 years to me, and the other half to my sister Isabel's daughter. It will be fitt to know the nature of my discharge of my part of Jean's portion, when I got bond for 1000 mks. from him. I have an extract of my father's band of provision; but it being registrat at a time when principalls were given back, I never had it, but it was

kept in my brother's charter-chest, where I suppose it may yet be found.

I should have entered advocate after my coming home, as Sir Patrick Home did, who went abroad, and came home about the same time; but indeed I durst not adventure on signing the declaration, albeit I had spent some years further in the study of the law, till at length I laid it aside.

Judging it an undecent and evil thing to be altogether idle, I resolved and did enter into a trade with David Burnet in the year 1672, who traded then in wine, and this is the occasion of a part in my ledger, whereby I charge him as resting to me, as a ballance, the sum of . . . never yet cleared. Also, in the year 1673, I entered in a copartnery of a brewery, which took from me 1000 mks. as my fourth part interest, and which did not thrive, whereupon I sold it to Baillie Home for Also, in Decr.

1674, I had a $\frac{1}{16}$ interest in a ship with Sir John Nisbet, Sir John Baird of Newbaith, Sir Peter Wedderburn of Gosford, Sir Alex^r Seton of Pitmedden, Baillie George Home, &c. It coist me 569^{lb}, which did not succeed neither, and which I sold to the said George Home for This did occasion my borrowing a 1000 mks. from William Ker, uncle to the laird of Greenhead, and was the beginning of my debt. I likewise in those years drove a trade in buying and selling of victual, but it came to a small account.

My brother's wife, the Lady Blackader, a religious and most virtuous gentlewoman, a kind wife and friend, died in Dec^r. 1672, of a feaver after child-birth of her daughter Katherine. My brother did, in Sept^r. 1673, go to France, leaving a factory of his whole estate to John Craw in Old Greenlaw, as also a factory of the Mains of Blackader to Mr. Francis Scot, and a commission to his friends,

whereof the deceast Lord Arniston and I were *sine quibus non*. At the same time he made a testament, nominating the same friends tutors, and the same *sine quibus non*. This brought me upon my brother's business. He came home again in August 1674.

On the 28 April 1674, I was happily married to Barbara Weir, relict of William Laurie of Reidcastle, brother to the laird of Maxwelton, and daughter to William Laurie, tutor of Blackwood, and Mr. William Colvil, Principal of the College. I provided all I had then, being 1000 mks. to the heirs or bairns of the marriage, with power to dispose of 2000 mks. thereof, as appears by the contract of marriage in my inventure, No. 6, Art. 27. And she disponed her jointure of 1000 mks. per annum, &c. ; but indeed it never extended to above 900 mks. and not that effective.

In January 1675, my brother living in

Edin^r. with his children (of whom Jennet and Mary staying at my mother's during his being in France), took sickness of a fever, and died in the latter end of that month, which obliged me to more trouble and pains about his sons' affairs, which continued and encreased extremely till the end of the year 1689, that Sir John Home came out of France.

On Decr. 20, 1675, James Home of Greenlawdean, my uncle, having a speciall kindness for me, did grant me a band for 3000 mks., failing heirs of his own body, with the burden of his debts, to be found in my inventure of writs, letter K, Art. 27.

Being informed in the spring 1677, that my said uncle James Home was unwell, and being again told he was dangerously ill, I consulted with Sir George Lockhart and Sir Alex^r Seton of Pitmedden separately, who advised me to get a corroborative security from James Home ; which

accordingly I did, by Pitmedden's advice, employ George Dallas of St. Martines to draw with my uncle's testament. Took both out of town with me to be signed by my uncle.

My uncle told me Kimmergheme had been speaking of doing some thing for him, and in order to that, moved the antedating of some bands, but that he would do nothing till I came, and had not told him what he had done for me ; but further said he inclined to do some thing for him. I asked him what he designed. He said to give him or his children about 100**l** st. I told him he might do in that what he pleased, and that I had brought out a corroborative security to be signed by him. Kimmergheme being acquainted with this, I found him storm extremely to rudeness, which was not suitable to his ordinary way. He dealt with my uncle, and importuned him till he brought him to grant 5000 mks. to his children, and me to grant

band for it, that he should have it out of my uncle's effects, but freeing me of personal execution. Then my uncle signed the corroborative security to me, and after I came to Edin^r. he signed a testament, which I suppose Kimmergheme drew in no good terms for me, and burdened with legacies, which I would never have owned, but in honour to so kind an uncle.

My uncle died about the 17 or 18 of May 1677. I went to his burial at Edrom, and found in his cloaths, as I remember, a list of debts owing to him and owing by him, the latter very far short of what I found it to be afterwards. His debt was very great. Both his debt and interest may be known from a red-skin'd pocket-book with a flap, begun to be entered there Dec^r. 13, 1683, which needs not be insert here. Some errors are in that book in the account with crossing, which have been amended since.

In the end of the year 1677, George

Home, now of Kimmergheme, was married to Jean Home, lady and heiress of Aiton, and the marriage being clandestine, and his father having been at great fatigue therein, contracted a decay, whereof he died in February 1678.

In May 1678, my kind mother died, having given all the proof she could of her singular kindness to me above all her children, as she evidenced by an assignation and testament, both dated Oct. 12, 1669, and by another assignation, containing a discharge, dated Decr. 9, 1674, to be found in the bundle and inventure, letter R.

Kimmerghame and my mother being both dead, my Lord Arniston renewed a motion he had formerly made of my going to live at Blackader, and oversee my nephew's affairs. I had formerly declined it, because I could not leave my mother at Edr. and she could not well be transported thither, nor did I think it so neces-

sary so long as Kimmerghame lived, who understood country affairs better than I did. But now I embraced the motion. Only there was some difficulty occurred in respect the house and yards of Blackader, and the medow at the water side, betwixt the trees, and the grass of Stocka, and on the north side of the water, were set to the Laird of Swinton for 64*l*b of rent, and he was unwilling to remove. But after some letters, and an attempt of diligence, he flitted at Whitsunday 1678 to Borthwick, and I with my wife and three children removed from Edinburgh to Blackader. Mary Chisholm having been my mother's woman, there was some ties owing to her, extending to 106*l*b, for which, I being then scarce of money, gave her a band, which was the beginning of the debt I still owe her, having afterwards borrowed more.

My wife, after about 6 weeks grievous sickness and pain, died at Blackader,

Novr. 5, 1678, the most wise, religious, virtuous, pleasant spirited woman, and kind wife, that ever man had. I bless God she has two daughters left behind her, who, I hope, shall walk in her steps. Thus I, with my small fortune, was put to great expenses in flitting, and in my wife's sickness and death, which straitened me exceedingly. Yet I bless God my affliction was to my great advantage. In the vacance time that same year, Blackader, his brother, governour and servant, were with me for the space of 4 or 5 weeks, which encreased my expences, never having had any allowance for it,—only I was free of the duty payed by Swinton all the time I was there; but held cownt for every other thing I got, as sheep, kain fowls, coal carriages, corns, &c. being very confident when my nephew came to his majority, he would consider and reward my pains and expenses.

I forgott to mention, that in the year

1678, Kimmergheme and his lady were conveyed before the Council, and fined for their clandestine marriage, conform to the Act of Parliament, and also Nynwells and Hellen were fined, and Kimmergheme and his lady were sent prisoners to the Castle for 3 months, and till they payed their fines, there was then 3000 mks. borrowed from David Home of Whitefeild, for which I and others became bound, in which bond Kimmergheme is not bound, but I got a band of relief from him afterwards, which I gave to Mr. Alex^r. Dumbar, Writer to the Signet, about 82 or 83, and which he said was given in to M^cKenzie's Register; but I never got an extract of it. Of this sum I payed to . . . Cairncross, mother to George Home of Whitfeild 500 mks. in anno 1687 or 88, and the rest is still owing, and I pay yearly the annual rent thereof. Kimmergheme hath granted a bond of corroboration thereof to Whitfeild.

In harvest 1679, I went to Maxwelton's house in Nidsdale, and cleared with him, he discharging me of all he could ask or crave of me or my deceast wife, and I discharging him of all I could ask or crave of him, and of Alex^r. Laurie his brother, as heirs of line to William Laurie of Redcastle, by virtue of the contract of marriage betwixt the said William and Barbara Weir, thereafter my spouse, or by virtue of a band granted by him to her, or by virtue of his testament, a copie of which discharge by me, Art. 34, as also the discharge be Maxwelton, Art. 34, is in the inventure and bundle, letter O. At the same time, Maxwelton grants an obligation, that in case I shall be found to have right to the rents of Reidcastle, Waterside and Flanchlurg, payable at the term of Martinmas 1678, my wife having died Nov^r. 6, 1678, to pay to me the said term's rent. The reason why I took this obligation was, that the rent being then payed before hand, I supposed,

tho' my wife died before the term, yet she should have right to the term as being forehand payment. But now I am apt to think there is no ground for this pretence. He also gave bond, since payed, for 100^{lb} sterline.

On the 7th of Nov^r. 1679, I made my first visit to Mrs. Smithe, relict of James Smithe, merchant in Edinburgh, now my wife. She was procreat betwixt Francis Hepburn of Brinston and his spouse, Katharin Swinton, daughter to Sir Alex^r. Swinton of that ilk. After some opposition made to the marriage by Robert Hepburn, her brother, and some others, we came to settle on terms, and being thence proclaimed, we went out to Borthwick, and were married by Mr. Thomas Paterson, minister there, upon Jan. 8, 1680. By the contract of marriage, I provided the heirs and bairns of the marriage to 13,000 mks. and the half of the conquest during the marriage, my wife to

liferent 600 mks. by year. I have of jointure with her, off her son, 1000^{lb} by year. This appears by the saids two contracts in bundle, letter M. Art. 37, 38.

In June 1680, we went out with our family to Blackader. In the harvest, Blackader, his brother governour, and servant, were with me a considerable time as formerly.

Jan. 9, 1681, my eldest son, by this wife, was born in the morning early, Margarite Lord, midwife. Was baptized the Sabath after, at Edrom Kirk, by Mr. George Trotter, then minister there. On Munday thereafter I took journey for London about an affair I had to do there, and returned in February. On the 13th April, having occasion at Berwick in my return, I gott my hurt that occasioned the cutting off my leg that year on June 1, and this occasioned a vast expense. This year also in the harvest Blackader was with me as formerly.

In the harvest 1682 they were also with me, and Arniston came there, and having considered John and James Craws his sons cariage, his factory was discharged, whereby he had 300 mks. *per annum*, and it was thought fit I should take more special inspection, and employ John Haitlie under me. What pains I was at thereafter may, in some measure, appear by the multitudes of books and scrols written with my own hand, and many a journey made I, both in the countrey and to Edinburgh on Blackader's account, for which I set nothing down of my expenses, nor have I yet discharged with any thing for my pains, tho' very much taken up with that affair, except that I do not charge myself with the kain fouls and coal carriage as formerly, which, I must say, is no suitable remuneration for my pains and expenses.

In the spring 1683, Blackader being done with the College, he came and staid

with me. Then friends thought fit to appoint a board for him and his man. That I agreed to. He was with me till about the 20 of May 1684. Then he and Kimmerghame went for France. My 2d son David was born 17 May 1683. Baptized at Edrom by Mr. Patrick Robison.

It was about Pasch 1684, that Robert Home of Crossrig required me to receive payment of the soum contained in the wodset, and having made a simulate consignation at the Kirk of Hutton on Whitsun even, he raised a summons of declarator of redemption, and I raised a counter declarator of the expiration of the legal of Mr. Home's apprysing, whereupon rose debates, wherein I cast his process at that time. His design then was to enter heir in general to his father's eldest brother, and to cutt off all the debts contracted by his father David Home. But I discovered that his father

had been formerly served heir to John his brother, and so did cast his process as heir to John, seeing he could not misken his father, who had been served to John.

In this year at Whits. 1684, I removed Thomas Dowglass, tenant of Crossrig, who had possessed the lands by a tack set by me, with consent of David Home of Crossrig, wherein his son Robert is a witness, for the space of 5 years from Whits. 1679. He went off considerably in my debt. He will be owing me still near 1000 mks. with annualrent, for which I have his bond; but there are several payments of his bonds, as appears by my count books. He has still been so poor, as also his cautioner, that I reckon it a desperate debt. Then I entered to the natural possession of the land, and kept it for 5 years till Whitsunday 1689. I found the ground was ill spoilt by Dowglass, and no body would take it almost for any rent, which induced me to take

it in my own hand to bring in the ground again, to my great loss.

During Kimmerghame's marriage, I used all the fair means to get payment or security for the debts due by Aiton, but in vain. So in the year 1680, I raised a process against his lady and him, *jure mariti*, which terminate in a decret in absence about the time of her decease in anno 1684. Now, when he went to France in 84, I did give him 1,000 mks. to an account of sums due by my uncle, which was payd of the sum I got from Maxwelton.

It was this year 1684, that I perfected the minute between Sir Patrick Home of Polwart, now Lord High Chancellour, and my uncle James Home. The account between him and me is stated in the red skin'd book above mentioned, and I disponded to him the lands of Greenlaw Dean, and he cleared the prices of 15,200 mks. as is there stated, which fur-

nished me with money to stock Crossrig. That came to a very bad account at the displenishing of it.

This was a sad year to the countrey with circuit courts and imprisonments, and Polwart fled in the harvest. Some were tortured with the boots and thumbkins. A report came one day, when I had gone to Berwick about Blackader's business, to set his water fishings, that a party was sent out to apprehend me. This occasioned my lurking at Berwick from Tuesday till Saturday, that I returned again, finding the report did not hold. The week thereafter the Earle of Balcarass, Lord Yester and Drummallier, were sent by the Council in circuit. All their heritors were required to attend them, which strake terror into many, considering there had been a circuit at Jedburgh not long before, requiring all heritors to take the test. But that was not their errand at this time, but to procure

a voluntary offer of cess by the countrey, which was granted. The Merse did offer two months cess, and were thanked for their loyalty ; but the commissioners finding Teviotedale so frank as to offer 5 months cess, caused cite the Merse heritors to Kelso, that they might offer as much. There was then a difference fell out betwixt the Earle of Home and Langton, which last was forward to answer the demand, the other as backward. I was not so much concerned about the cess, as lest there should be an entangling address, having been well enough satisfied with the working of the former, so I made a motion to the Earle of Home, that since Langton and his faction had departed from us, we needed not join with them in their address (which indeed I did more scruple to sign than that at Dunse) ; but that we should cause write over our own address, and instead of 2 months make it 5 months, when some parasites represented that I had been

active in opposing the commissioners, which occasioned me to be cited the winter following before the Council, for harbour and receipt conventicles, &c. (as I had been in April to Kelso, before the Laird of Meldrum, but got off by Polwart's interest with Meldrum). In the mean time King Charles 2d died in Feb. 1685, which put a stop to these kind of processes, and many into a consternation. I was in great doubt whether to leave the country. But my family, and Blackader and Kimmerghame's affairs, (who had both given me factories), lay so near my heart, that I resolved to stay and cast myself on God's providence, who did indeed take a special and wonderful care of me.

In this summer, 1685, King James called and held a Parliament at Edinburgh, by William Duke of Queensberry. In the mean time Argyle invaded the land from Holland, where was in company with him Sir John Cochran and Sir Patrick

Home of Polwart, &c. They were [not] come to any considerable head, yet the country was called out. I went with the Merse heritors to Lanton, near Jedburgh, and was by order made prisoner, but used with much discretion, and carried from Jedburgh to Hawick, and put in the hands of the Merse militia, and when they marcht to the west, I was left with the Earle of Lothian and Teviotedale heritors. I was above 20 dayes a free prisoner with Alex^r. Home of the Abbey. Then we were set at liberty, upon bond and caution to appear when called for. This occasioned extraordinary expenses, but saved me from great fatigue, and greater expenses that I would have been put to if I had been with the rest of the heritors. Argyle was routed and apprehended, and executed upon a sentence against him in anno 1681, for a sense he put on the test.

The Parliament made many severe laws, called by the Claim of Right impious laws.

In the year 1686, they who acted as ravening wolves towards their Protestant bretheren, do now act as lambs towards the Papists. For we having a new Session of Parliament, when the Earle of Murray, then Secretary, was Commissioner; the design of that Session was to repeal the penal statutes against the Papists; but it pleased God, beyond all humane expectation, so to animate the Parliament as that it could not be obtained.

I having raised a process against Mr. Charles Home, as heir of tailzie to Aiton, in this year, in February 86, (as I remember), my process being once and again reported by my Lord Kemney, it was rejected, because I had not first discussed the heirs of line, albeit I frequently urged the Ordinary to consider and re-

port that that was a dilator proponed after peremptor, which in form of process ought not to be sustained.

This occasioned a motion of an amicable settlement and submission, wherein Mr. Charles took Coldinknows. I took Mr. Thomas Skene, and we agreed on Mersington as oversman. We mett at Eyemouth in August 86, communed, I gave in my claim, Mr. Charles his answers. Mr. Charles offered me 3000 mks. I was brought to condescend to accept of 5000 mks. The arbiters said they would have moved me to accept of 4000 mks. But Mr. James Daes of Coldinknows said to Mr. Charles that he had other affairs adoe at Edinburgh, it would be all one expense tho' he plead with me. So the submission brake up *re infecta*. Some blamed Coldinknows for it at the time, and very many have done it since syne. That which moved me then to be so condescending, was not only my averseness to have pleas,

and scarceness of money to prosecute them, but that I did not know my own strength, not having then seen the tailzie burdened with Aiton's debts, contracted, or to be contracted in any time of his life, whereby I did afterwards carry several sums contracted, as was alledged, upon death bed.

The Parliament 1685 having forfaulted Sir Patrick Home of Polwart amongst many others, and he having withdraw in 1684, his creditors offered to do diligence against him, but were stopped by the publick, and raised diligence against his cautioners, amongst whom Kimmerghame was one. This put me to great trouble and expenses in coming and staying at Edinburgh to attend his business, to prevent his creditors from doing diligence, by either paying or becoming caution for him to them, and so much the more, that Blackader and he were engaged in mutual cautionries for one another by their

fathers' bonds, so that I concluded, if diligence were carried on against Kimmerghame, it would also be carried on against Blackader at the instance of his own creditors, and thereby in effect both would be ruined. I in my accounts with Kimmerghame insert all the personal expenses I remembered to have spent in company with his creditors, but none for my coming and staying at Edinburgh, nor for my pains. Albeit, in anno 1684, when he gave me a factory, he asked me what factoryfee he should give me; I told him that might be delayed till his return. He said at that time I might make use of his dove coat and kainfowle, and that he was not to expect any annualrents from me till his return; which I understood his meaning to be, that I was to have all this for my factor fee:—and in contemplation of this, after the old Lady Linton's death, with whom his sisters, Isabel, Julian Home, staid, and payed 10*li* st. each of board to her, I sent for them, and they staid

with me for the space of ten months, for which I have not charged any board. I had likewise another occasion of staying at Edinburgh for Kimmerghame, which was a plea with Linthill ; and I commenced the plea with Mr. Charles Home upon the articles of agreement between him and Kimmergheme.

In this year, or the year preceding, a wofull accident befell Sir John Home at Angiers, having in a scuffle received a wound in his head from a Frenchman that had well nigh cost him his life, and cost him great expenses in his cure, and in vindicating the injury at law, to no purpose ; and against the mind of all his friends, Kimmerghame came to Scotland in January 1687.

This year, 1687, produced a great alteration in the scheme of affairs. The Papists were impatient of delays, and finding they could not work their point by the Parliament, they perswade the King to assume, and publickly assert, a dis-

persing power with the laws, in order to a liberty for them, free of all hazard. Fain would they have debarred the Presbyterians : and at first a proclamation, that required the owning that dispensing power by all such as should have liberty thereby. But this not working their point, in May (I think) 1687, there came out a proclamation, dispensing with the test, and all other oaths and engagements to any in publick trust, and allowing every one to worship God in houses after their own way.

In June 1687 I had occasion to be in Edinburgh, and finding the way clear, but considering my self rusted in the study of the law, so as I could not adventure to undergoe the trial appointed for intrant advocates, I advised with Blakewoud, and he and I went to Sir George Lockhart, then president, who bad me give in a bill to the Lords, which I did draw, and represented that I had studied the law at

Poictiers many years agoe, and had for some considerable time been taken up with affairs that hindered my close studying of the law, that was necessary for undergoing a trial, and craving their Lordships would admitt me without such trial. I gave in the bill to Killoch, who read it, and I was called in and admitted, having only given my oath *de fidei*. This was in June 1687. I payed the 500 mks. to the Faculty of Advocates, and gave bond for another 500 mks., because of my extraordinary entry. Within a few dayes thereafter, Mr. James Scougall, now my Lord Whitehill, entered in the same manner, and Mr. Mathew M'Kill; but this last with some difficulty.

Having gone to the Merse, I returned about a week thereafter, and attended punctually all the summer session. The first money I got was from Peter Gibson, in Allanbank. I had some processes of Blackader's, particularly Lammerton's,

and James Scot's of Bristol, and some of Nynwell's and Kimmergheme's.

On Hallow even my family came from Blackader, my wife and children in Lanton's coach, which I had borrowed to Smeton all night, and next day to Edinburgh.

John and Ann Cokeburns, Borthwick's children, having been recommended by my sister, their mother on her death-bed, to my special care, to train them up in the fear of the Lord, Borthwick and his lady having died in Oct. 1682, I took them with me to Blackader, where they stayed till I came to Edinburgh in the year 1687—full five years. I charged them with 500 mks. a-year for their aliment, with a servant. Lanton having served him self tutor of law to them, I counted with him afterwards, and he allowed me 2,000 mks. due by me to their father at the Lammass 1682 immediatly before his death, and I gave bond for 100^{lb} to Lan-

ton for the superplus which he has still. This was ill payment of 500 mks. yearly for meat and cloaths and drugs, education, &c.

Before I came to Edinburgh with my family, I wrote to Robert Hepburn, tutor to George Suittie, signifying that whereas he had allowed 500 mks. yearly for the aliment of George and James Suittie's, now that I was coming to Edinburgh with my family, I would have 500 mks. yearly for their board, and he behoved to provide them in all other things on their own expenses; and if this did not please him, he might dispose of them otherwise as he thought best. He gave me no answer to this, and after I came to Edin^r. I was in use, or my wife, to get money from him, and hold count for any deburment bestowed for them.

This year Robert Home having served himself heir to his father, insisted again in his process of declarator of redemption

against me before my Lord Collinton, whose servant, William Brown, was no good instrument for me, and procured minutes to be signed by my Lord for an act of count and reckoning without my knowlege, and without taking in my alledgeances, but nothing was extracted thereupon till this day.

I insisted in my process about Feb. 1688 before the Lord Carse against Mr. Charles Home. The cause was debated. Most part of the interloquitors were in my favours. But the vacance coming on before the minutes could be adjusted, I got them not signed, no not before the Revolution, but I can not now remember what hindered it so long.

On Wednesday June 1688, came an express with the news of the Queen's being brought to bed of a son on the tenth day.

This, and severall other things, occasion the Prince of Orange (now our King

William 3d) to emitt a declaration, and to come over from Holland with a navy. He arrived at the Torbay, Nov^r. 4, 1688, and prevailed so far, that King James deserted England, went to France, and the Prince and his Princess were proclaimed King and Queen of England, Jan. 22, 1689, and in Scotland they were proclaimed King and Queen, April 11, 1689.

Lord's day, June 23, 1689, the Earle Crawford, President of the Parliament, having received a packet from Court, with a nomination of the Lords of Session, sent for me in the morning, and intimated to me that I was named for one of them. I had no hand nor knowlege of this, only a few dayes before Will. Lockhart, after Sir William Lockhart, [said] he had seen my name in a list that was presented to the King. I could never understand fully how I came to be named, but I allwayes reckon my self obliged for it to my Lord Melvil, then Lord Secretary.

It seems the business had gott wind, and was talked some days before, for Mr. James Nasemith, advocate, who was then concerned for the Facultie's Library, spoke to me to pay the 500 mks. I had given bond for, when I entered advocate, which I payed. It may be thought it would not be so decent to crave me after I was preferred to the bench.

We were all at first complement by members of Parliament, and wished joy; but soon after there arose a storm, which resolved into nothing.

After the Lords had mett, I applied for an Ordinary in my cause against the Earle of Home, representative of Aiton, and in course, I obtained the Lord Neu-baith. This process continued several years. A settlement moved and agried to by me, which came to nothing. I obtained a decret *in foro* for some part of my claim, and an act for the rest. Then a decret of suspension of the first de-

creit, and a decret for the rest. I was necessitate to arrest and take a decret of forth coming, as will appear by an account I have of charge and discharge with the Earle of Home.

After all, when I could obtain nothing, I adjudged and put in for the gift of the Earle of Home's escheat. The Earle of Annandale opposed me in this, tho' under pretence of his settling with me, and in the mean time he obtained, by the means of Secretary Johnston, a gift of the Earle of Home's escheat, tho' this Earle is not owing him a farthing, under the pretence of debts owing by the Earle of Home's family to him or his predecessors; and Kimmerghame having also obtained a gift under the King's hand, which he had kept latent a long time, whereupon the Earle of Annandale and Kimmerghame divided the Earle of Home's interest between them. Kimmerghame gott the estate of Aiton, and the Earle of Home

[Annandale?] got the estate of Home, and I was shaped off, and only putt in the Earle of Annandale's back band to the executors.

After many jars, wos and froes in my business with Crossrig and the Earle of Home, [it] came to a settlement after this manner.

But before I proceed to these, seing my main design is to represent my interest as to money matters, I shall tell here,

1. That a Lord of Session's sallary is about 2000*l* st. per annum, tho' it has been less by virtue of the retention of annualrents, their sallary being out of annualrents of sums due to them, except 20,000*l* Scots, yearly payed out of the customs. The way how they are payed, is this,—The annualrents and customs due at Martimass, payes for the moneths of November, December, and January; and the annualrents due at Whitsunday,

payes for their service, February, June, and July; and they received payment according to the dayes they have sitten, as was found after the Viscount of Stair's and Lord Presmennon's death. Presmennon lived about ten or eleven dayes of November, and Stair lived about 26 dayes, and were excused till their dying day, (which is equivalent to their sitting,) and they were accordingly payed.

2. The same hand that procured me to be a Lord of Session, obtained my being made a Commissioner of Justiciary. Each of us have 100*l*b. st. a-year, payed by precept of the Lords Commissioners of the Thesaury on the cash-keeper. This is not so punctually payed as the sallary of the Lords of Session.

Blackader and some others are cautioners to the Lords of Session for 23,000 mks. due by the Earle of Home. I use in my payment from Mr. James Elphingston, our collector, to allow what

is due on this said, as payment to grant a discharge for all due to me, and to take a discharge for the said annualrent in part of payment. I have severall of these discharges lying by me. They are to John Haitlie, Factor appointed by the cautioners for uplifting what they have for their relief. I have gotten several payments, but I granted alwayes receipts to John Haitlie for what I gott, and returned the discharges to him till clearing, so that the cautioners are my debtors for all contained in the discharges. I have by me granted by Mr. John Elphingston to them and John Haitly, except what John Haitlie has my receipts for.

3. Also, I have an interest in the bank of 3000*li* Scots, whereof in cash, I have in it 300*li*.

4. Item, I have an interest in the African Company of 1000*li* sterl. whereof in cash.

3. Feb. 1700. I had proceeded thus far only when the fire happened in the Meal Market, on 3d Feb. 1700, whereby a number of Memorials of my Transactions were burnt, so that I must now credit my memory with several things.

5. There was a $\frac{1}{4}$ month's cess granted by the Parliament to the Lords of Session for two years, in anno 1698, whereof there is some part still resting to me.

To return to my business with Robert Home of Crossrig. This process against me, and mine against him, slept till the year 1697, when he wakened his process, and I wakened mine, and they being both inrolled in Nov^r or Dec^r 1697, the young Laird of Wedderburn came to my house, and pretending to act as a common friend to me and Robert Home, proposed an accommodation. I answered, I never had a plea with any but I was ready to settle amicably, and as much with Robert

Home, being my cousin, as any ; but my cause being in the roll, I had no mind it shall sist on any account. Nay, sayes he, if we did enter into a commoning, I could not insist in my process, for it would be objected we were under commoning. I told him I was for plain dealing, and not for chicane ; but I would not enter on terms of commoning to stop my process. But seeing he was going home, and Robert Home was out of town, if he would send him in I should talk with him. He undertook to do it, and in some dayes sent him to town.

When Robert Home came to me, he spoke of a commoning. I said that commonings had seldom a good effect, but sisted process for a time ; but to let him see I had no mind to take any legal advantage of him, but was much inclined to a legal settlement, if he would enter into a submission, I was willing to sign a submission. He insisted on commoning.

I refused it, but desired [him] to think if he would submit, and advise and give me an answer.

Some dayes after he came to me, and having again insisted on a commoning, and I refused it, he said he was content to enter into a submission to any two countrey gentlemen. I told him countrey gentlemen would never end our business, for they could not stay in town at such times as I could be at leisure to attend them, and I could not be so long in the country, nor carry all the papers out with me that would be necessary to have in clearing that affair. But if he pleased to take his own Advocate, Mr. John Grant, I should take Mr. Thomas Skene, my Advocate, and we should take my Lord Mersington, Ordinary, before whom our processes depend, for oversman. After a struggle for countrey gentlemen to be arbiters, at length he condescended, and we entered into a submission to Mr.

Thomas Skene and Mr. John Grant as arbiters, and my Lord Mersington as oversman, and we signed the submission on the back, and they signed their acceptance on the back upon Feb. 18, 1698, which was afterward prorogat till August 1698.

In time of vacance, Robert Home came to my house, and we sate close at our accounts, and I stated my charge, which I carried on till Whitsunday 1672 or 73, at which time the 2 lands of Hilton were sold, and did protest that my condescending to count might be but prejudice to my right of proper wodset and right of apprysing at Mr. Robert Home's instance, late minister of Crawford-John, to which I had right by progress. Also, I condescended to compt as a tennant during my possession, but prejudice as aforesaid. The said [Robert Home] stated his discharge, and where there was any controversy, either of any

article of the charge or the discharge, all said on both sides was fully set down and written by Al. Chrystie, my servitor, writer of the account, and remitted to the determination of the arbiters, and blanks left to them to insert their interloquitors, and so proceeded to a new charge and discharge, till the day of our coumpting, and the debates insert, and blanks left as aforesaid. And all the debateable points were laid before the arbiters, and they gave and signed their interloquitors, my Lord Mensington being present, and interposing when there was need. The accounts extended to about eight sheets of paper. Euery page was signed by the said Robert Home and me, before the said Alex^r. Chrystie and Thomas Arnot, my servants, and I reckoned the ballance extended as due to me in above 16000^l Scots, whereof Alex^r. Chrystie has still an abstract. But the arbiters restricted it to 12,828^l, for

which they pronounced their decreit arbitral on July 19, 1698, and decerned the said Robert Home to ratify my right of apprissing, to discharge all process at his instance against me, to discharge the reversion of the wodset granted by his grand mother and uncle to Sir John Home of Blackader, in anno 1636, and of new, to dispone to me the lands of Crossrig and 4 lands in Edrom ; as also to assign me to the mails and duties, and to old Wedderburn's obligation in Nov^r. 1678, and to young Wedderburn's backbond, narrating a disposition be the said Robert Home to him, of the lands of Crossrig and 4 lands of Edrom, with the bygone rents of Crossrig since ann. 1670, for onerous causes, and declaring the true cause thereof, was for money advanced and to be advanced to the said Robert Home for carrying on the plea with me, and obliging him, upon repayment, to denude himself in favours of the said Robert Home and his heirs.

The said Robert Home did, in obedience to the said decret, grant a disposition to me on 26 of July 1698, and a discharge, as I think, of the same date of the reversion of the wodset, which I caused registrate in the general register of reversions.

On the other part, I was ordained by the arbiters to discharge the said Robert Home of all personall diligence, and to allow him the annualrent of the 4 lands of Edrom by way of aliment during his life, which I performed accordingly.

As to the Earle of Home, as representative of Aiton, I had a long while a great struggle, and having employed Commissar Dalrymple, my advocate, after he came to be President of the Session, he interposed to aggree us. I gave in my charge, the balance whereof came to near 23,000 mks. In end, we settled for 14,000 mks. for which I should have had annualrent from Whitsunday 1698. But

it appears by the band granted, and still extant since the fire, that they do not all bear annualrent from that term. On the 4 of March 1699, we exchanged papers. I assigned and dispoſed all my writts to George Home of Whytefeild, conform to an inventure ſigned by him and me. Here I would conſider, if I have reſerved my decrets, in ſo far as concerns the relief of cautioners, which was not commoned on at all, and which, if it be not, I doubt not the Earle of Home will be ſo juſt to me either to relieve me, or to oblige himſelf and Whytefeild to do it. The bands given to me are all wrott down in my book of inventares, written ſince the fire.

James Earle of Home, father to Charles, now Earle of Home, having had a plea with Sir Robert Sinclair of Lonformagus, and Sir John Home of Renton, the Juſtice Clerk, he did, about the year 1666, enter into a tranſaction with Sir Robert

Sinclair, where he was to give to Sir Robert 16,000 mks., for which several of the Earle's friends became bound to Sir Robert, whereof Al. Home of Aiton, Sir Hary Home of Herding, and James Home of Greenlaw-dean, my uncle, were bound to Sir Robert in a bond for 6000 mks., of which James Home's proportion was 1000*li*, all payed to Sir Robert by Aiton, and James Home payed his proportion back to Aiton, as appears by Aiton's discharge, yet extant, with consent of Will. Nisbit of Eyemouth, and registrate in the sheriff court books of Berwickshire. The Earle took right to Sir Robert Sinclair's right, in name of the then William Lord Mordington, who was infeft in the estate of Coldinghame, and gave back band, not to denude till the Earle's friends were relieved of the said 16,000 mks.; and in the mean time obliged him to pay the annual-rents. This backband, Linthill, one of the friends concerned and bound for part of

the 16,000 mks., did put in the register at Lauder, I think in the commissar court books, but should have been rather put in the register of reversions. This is still a claim I have against the Earle of Home's family.

I stand engagdged for cautioner for several persons, as to whom I have bands of relief that will speak for themselves. But I am engagdged in several sums for Sir John Home of Blackader, as for 6000 mks. to Robert Lord Jedburgh, now assigned to Cavers Ker, and 6000 mks. to Sir Alex'. Seton of Pitmedden, for which I think I have no bands of relief, possibly for more. As also I apprehend I am engagdged for Kimmerghame for the sum of . . . to the kirk-session of Inneresk, for which I suppose I have not gottin band of relief.

I was curator to this Nynwells' father, of which I, with Linthill, &c. are discharged. I was curator to this George

Home of Kimmerghame, then designed of Aiton, of which the Earle of Marchmont, chancellour, has the discharge. I was tutor and curator to Sir John Home of Blackader, and am discharged, the discharge registrate in the books of Council and Session, in Sir James Dalrymple's chamber. But I having given band to him to hold compt for my intromissions at the time of that discharge, he hath, since the fire at the Meal Mercat, sent me back my bond, with a discharge on it. I was curator to George Seuttie, my son-in-law, and have his discharge, also registrate I think in the sheriff or commissar court-books of Edinburgh.

About the year 1692, the Laird of Lanton having fallen in ill circumstances, who had gotten himself served tutor-of-law to my nephew, John Cokeburn, and had taken the keeping of him and his sister from Nov^r. 1677, that I came to Edin^r. with my family. I was much im-

portuned by several friends not to let Ann Cokeburn, only survivor, to stay with a broken man, whereupon I applied to the Privy Council. On end, after some opposition, obtained a warrant to get her from Lanton, and got him by the Lords removed from being tutor, and a gift of tutory to my self, which cost me a considerable sum of money before ever I fingered any of her money, which I can not now be special in, but, as I conjecture, might have been about 12^{lb} st. or thereby.

When Ann Cokeburn came to my house, I did within a short time put her to Mrs. Shiens, mistress of manners, where she was, as I remember, about two years at 5^{lb} st. in the quarter, besides presents.

DAVID
She tells
me herself
it was three
years.
HOME.

Thereafter she staid with me some years, and then she was boarded, first with the Lady Harveston, then after with Waleford, where she still is, at 3^{lb} st. per quarter.

I have payed many annualrents for her, and accounts to merchants, taylors, shoemakers, &c., given her money, and debursed on other accounts for her ; but my compt books and instructions are all burnt. I reckoned, that at the time of the fire when they were burnt, I was nothing in her debt, except it may be some thing on account of the money I had last received out of Ladykirk. For I can not now be positive if I had expended as much for her as that came to, and I incline to think not, but my memory serves me not to condescend on a quota, but incline to think it was considerably less then that sum then received.

At the said fire all my nieces papers were burnt, except what still I have, by which I purpose to make them up at the Parliament.

I must take notice of a notable occurrence that happened by the fire.

I had for several years observed the growth of profanity in this place, and

that it was come to a great hight. I did exceedingly regrat it, and the lukewarmness of many who in the dayes of suffering had shewed some zeal, and if any in those dayes, what have foretold them what they are become now, would have said as Hazael to Elisha, What, am I a doge? This did much raise my spirit, and remembering that in the late evil times, while I lived in Edinburgh I had been a member of a societie that mett every Mundayes afternoon for prayer and conference, I did often regrate to some of that societie yet alive, that there were not now such meetings.

It happened some years agoe, that I understood, by the flying post, there were societies set up in England for reformation of manners, and that there was an account of them coming out. This was very pleasant news to me, and I was very desirous to see such a book.

In the month of Sept^r. (as I remember)

1699, I was in Mrs. Ogston's shop, where I fell on a book with that title, recommended by many Lords Spiritual and Temporal and Judges of England. The book I bought, and read with great satisfaction.

Some weeks thereafter, in Oct. 99, Mr. G. Meldrum, minister, being at my house, occasion having fairly offered it self, I told him there were societies in England for reformation of manners; that I had a book that gave account of them, and I wished there were such societies in Scotland, and I would be satisfied to join in them. He did heartily wish the same, and having heard of the book, desired a loan of it, which I did give him. I told him, if he knew any willing to join, I wished he might be active in exhorting them to it, and said he had a nephew, Mr. Francis Grant, who, I supposed, might join, and wished him to acquaint him therewith, which Mr. Meldrum undertook to do, and

within a week or so sent Mr. Grant to me with the book. We conferred together on the proposal, to which he did aggrie, and undertook both of us to speak with some others, which resolved in a meeting at my house, on Friday, Nov^r. 3, 1699, where were present, Mr. Francis Grant, Mr. Robert Alexander, clerk, Mr. William Brodie, advocate, Mr. Mathew Sinclair, and Mr. Alex^r. Dundass, physicians, and I think James Row of Chesters, and Baillie Hugh Cunninghame. We conferred some time, and appointed next meeting the morrow forenoon, at Mr. Meldrum's lodging, where having conferred again about qualifications of members, and of acquainting other ministers of the town, we appointed next meeting to be at my house, on Saturday, Nov^r. 11, at 4 a clock afternoon, and so on every Saturday, till we had our rules put in a dress, and approven of by the ministers. There was a book of 3 or 4 quares of

paper, in which the rules and monitory was insert, and which was signed by all of us on the 3 of Feb. 1700, the same night in which the fire happened.

This is the thing I remark as notable, which presently was a rebuke to some of us for some fault in our solemn engagement there, and probably Satan blew that fire to witness his indignation at a societie designedly entered into in opposition to the Kingdom of Darkness, and in hopes that such an occurrence should dash our societie in its infancy, and discourage us to proceed therein. However, blessed be our God, all who then mett have continued stedfast ever since, and our number hath encreased, except only that Dr. Sinclair, several weeks before the fire, did forbear to come to us, and we have had many meetings since that time, even during the three months that I lived at the Earle of Winton's lodging in the Canon-gate, and more frequently since I came

again to dwell in the city, except where the meetings of Parliament have fallen on the days of our meeting. Likeas, there are several other societies of the same nature set up in this city; and we have received the encouragement of the General Assembly and commission thereof, tho' in general terms. Thus I may say, God hath carried on his own holy designs, maugre the malice of Satan, as in the case of Job.

Thus I have insert a passage of my fortune as they speake, or rather of the providence of God towards me as to spiritual affairs, which I reckon my most concerning affairs. To return more to my worldly affairs.

The house I dwell in, and to which I entered at Whitsunday last, I took at 430 mks. for the first year, and 400 mks. yearly thereafter, so long as I please to stay in it. I have also taken a cellar not belonging to this lodging, at 11^{lb} Scots yearly.

On the 27 of August, my sons, James and Francis, sailed for Holland, and Burgh of Burntisland's ship.

Francis was suddainly sent away with James Wellwood, who said, if I would lett him go with him, he was going to buy a ship for which he had a commission not exceeding 7000*l*b Scots. He should take care of him, and if I would bind him with him, it should not cost me a farthing till he returned back. I sent him, and signed the commission for a $\frac{1}{16}$ part. But Mr. Wellwood has failed first in that. I have payed a guinea of fraught to Mr. Burgh for Francis next, in that upon his desire, I have given him a letter of credit be my son, Mr. Russel, on his brother, John Hamilton at Camphire, for 100 geld. and in that I have accepted a bill drawn by him on Mr. Nimmo for 500*l*b Scots, which is more then my 16 part of 7000*l*b Scots for the ship.

The Parliament having mett 29 of

Oct^r. last, I did some dayes thereafter give in a petition for making up my papers burnt in the fire Feb. 3, 1700. This being remitted to the Committee for revising the minutes, viz. the Viscount Tarbet, Lord Fountainhall, and Mr. David Dalrymple, I have had several meetings of the committee, when they have taken the depositions of many witnesses. Seem several writes and inventaries preserved. Seem several books of register; and I have prepared the state of the probation yesterday, being the 11 Dec^r. 1700, and I expect some few meetings will make the report ready.

I have likewise given in a petition of the like nature for Ann Cokeburn, which is remitted to the same committee, and I hope a litle time will also bring that affair to a conclusion.

Thus far I have brought a sommary of my affairs unto this day, and resolve henceforth, when any memorable thing occurs therein, to set it down here.

I have only one thing considerable to set down here. In considering the papers I had burnt, I remembered that Robert Home of Crossrig having, in Dec^r. 1696, disposed the lands of Crossrig and 4 lands of Edrom to George Home, younger of Wedderburn, he did at that time grant a back-bond to Robert Home, narrating that tho' the said disposition be irredeemable and absolute, yet that the true cause of granting of the disposition was for money advanced, or to be advanced to Robert Home for carrying of the plea with me, whereof he being repayed, and of all he should expend for him, he obliged him to denude in favours of the said Robert, and the heirs lawfully to be procreate of his body. Having taken out a diligence to cite witnesses and havers of writs, I wrote to Wedderburn that I had necessary occasion for citing him for proving the said back-band, unless he would sign the declaration sent to him, (which was sent him by George Renton,

writer of the backband, and a witness insert and signing, and which I never saw.) I was informed that he having gotten notice of my letter by one from his brother Frank, when Mr. Alex^r. Cokeburn, Reselaw's brother, whom I employed to deliver my letter, came to Wedderburn, that the laird caused deny himself, whereupon Mr. Alex^r. caused leave a copy of the diligence at his house. And on Saturday was 8 dayes, he sent his brother to me, to shew me he would have signed the declaration sent him if he had not been cited; and now that he is cited, he would come in and depone according to his memory. I told Frank that I had written to him that he should not be cited if he would depone according to a copy of the letter I have kept by me. Frank said farder, that his brother's lady was lately brought to bed before the time, and desired to be excused for some days, and that he expected him in town

on Tuesday next. Well, I said I would be loath to straiten him if his lady was in the least hazard; but withall, told him I would not have used a Turk so, to refuse to sign a paper so lost as mine was, which I had signed before. On Saturday last, Frank told me his brother wrote to him he was content to sign the said declaration, yet he has not sent it in signed. O but friendship, candor, and justice be rare things in the world, yet I fancy this passage is much rarer then any of them!

Tuesday, Dec^r. 31, 1700, having had many treaties with Sir James Cokeburn of that Ilk, who, by Providence, came to me the last of August last, and offered to dispone his right to an apprysing which he had adjudged from the representation of Mr. Al. Spotswood, led against the Laird of Wedderburn and his estate in anno 1673, as also a right of wodset to the said Mr. Al. Spotswood to the lands

and Miln of the East Miln of Kimmerghame. This he proposed as convenient for Kimmerghame to treat for. I being to go out of town, he gave with me a disposition drawn, to understand the affair by. He told me he had been in terms with Sir Patrick Home about it, but they had given up, and Sir Patrick bad him do for himself, and he and Wedderburn would do for themselves.

After consideration of the disposition, and having upon my return from Waleford considered the apprysing that comprehends the eight lands of Crossrig, and having read over the adjudication at Sir James's instance, I find that the original debt was a bond be old Wedderburn to Mr. Al. Spotswood in anno 1668 for 1283^l or thereby, for which Mr. Spotswood led an apprysing in anno 1673, and Cokeburn adjudged the same particularly in anno 168-. I considered two difficulties,—one was the old apprysing

against the estate of Wedderburn at Mr. Ninian Lows of Merchiston's instance, and some others, as Sir Lawrence Scot's. To this it was said that they were all payed by the sale of the lands of Wedderburn's estate, and they were conveyed in the person of Mr. Robert Dickson of Bughtrig, who gave back-band not to dispose thereof, but by consent of Polwart, Blackader, Prestongrange, and Sir Walter Seton, and thereafter conveyed by Mr. George Dickson, Mr. Roberts, brother to Beaton of Blebo, who married Wedderburn's sister, and it's like had it in security of his Ladie's portion, by him conveyed to Sir Patrick Home, whose daughter is married to young Wedderburn. Mr. David Dalrymple says the trust may be proven, and he having right to an apprysing at . . . Wilson's instance has raised a process for discovery thereof. The next difficultie is Cokeburn's creditors, who I'm affraid may trouble me, but

I find not any of them have adjudged this right, except Kimmerghame Miln. Also, Cokeburn being found bankrupt, it seems straitning that he can do nothing in prejudice thereof. But considering my interest of Crossrig is much in Wedderburn's reverence, and that I am assured Sir Patrick Home offered to end on the same terms, I have agreed with him. I have this day settled and received a disposition to the said apprysing and adjudication, and to the mails and duties resting owing unpaid, which comprehends the teinds of the Mains of Crumstane, &c., extending, yearly, to 12 bolls bear and 24 b. oats, for cropt 97, 98, 99, 1700. And he has delivered to me the registrate band Wedderburn to Mr. Al. Spotiswood, the apprysing at his instance, the adjudication at Sir James his instance, decret of suspension against Wedderburn, 1685; two captions against Wedderburn, and he is to deliver what other papers he has or can obtain concerning the said affair. On the

other part, I have given him this day in bank notes, 420*li* Scots, and my obligation to pay him, against Whitsunday next, 383*li*. 4*s.*, with the teind crompt 1700 & 1701, as they shall fall due. Mr. James Leslie, Lord Advocate, has the trust of Cokeburn's lands in his name, to be minded in case of

On 1701, I gote my Act of Parliament passed for making up my burnt papers, and since have extracted it: But could not obtain my nieces read.

Sir George Nicolson of Kemnay having used an order of redemption against my niece, as having right to the reversion of the Mains of Ladikirk, he has entered into a contract with her to pay her 12,100 mks. at Mart. next, and she is to make over a right to him of her wodset right by proving the tenor of her writs, or by transumps, wherein he is to be assisting to her, and he, by the president's advice, inclines rather to have the process before the Session, as before the Parliament.

August 20, 1701, I having payed 500 £ upon a bill drawn by James Wellwood, skipper, upon me, upon the reason mentioned *supra* at the foot of p. 33 [72], and he having failed to get the ship, I got him bound for the sum, and this day he has given me the following papers for my security, whereof I have granted the receipt of this dayes date in my own security in the first place, and then for James Russel's my son-in-law, viz.—

Ticket David Mather to Dudgeon, indorsed to him for	80	7	6
Precept Margarite Dow- glass on the Africa Company, indorsed for Wellwood, and be him to me,	120	0	0
Band James Livingston for	74	16	0
Band Ro'. Dick for	79	1	0

Band Al. M'Ritchie for	50	0	0
Item, Heritable band be			
for	500	mks.	
With Seasine,	333	6	8

This business is now cleared, with an abatement granted to Wellwood, June 11, 1706.

Having, in prosecution of my bargain with Sir James Cokeburn, sent up a signature to Court, for changing the holding of the lands of Crossrig from simple to tax ward of the Queen, and ratifying and confirming all my other rights, by Mr. Ro^t. Home's apprysing the wodset right, and an adjudication against Blackader, as lawfully charged to enter heir, the same was signed by the Queen, 11 May 1706, and sent down to me, which I have taken out, and payed 7th 10s. st. for the secretaries' dues. I did observe lately, in a debate before the Lords, that there was an objection against an apprys-

ing, that it was led since Sept. 6, 1672, when the Parliament discharged comprysings to be led of lands, or other rights, which are not already comprysed, but prejudice alwayes of any apprysing led before the date of this act, or to be deduced of lands or other rights already apprysed, whereof the legal is not expired, which are to have course, conform to the laws and acts formerly made thereanent. It was answered, there were former apprydings. It was replied, that other apprydings [were] not good, unless it were alledged their legal was not expired at the date of the said 19 act, viz. on the 6 Sept. 1672. This debate seemed so nearly to concern me, that 1st I looked the date of Mr. Al. Spotswood's apprysing, and find it was led and allowed 1 March 1673, which I noticed to be after the date of the said Act of Parliament. This gave me occasion to suspect my right was not good, yet considering that Mr. Al. Spots-

wood was a lawyer, and the apprysing led but about half a year after the Act of Parliament, it was not possible that he would have led an apprysing and not an adjudication, unless he had known that there were prior appryings, whose legal was then current. Therefore I ordered my servant, Mr. Thomas Buchannan, to search the register of allowances of appryings as far back as an. 1663, and accordingly I find these following appryings.

Feb. 28, 1668, fol. 289. Apprysing Al. Home of Linthill ag. G. Home of Wedderburn of the lands of Wedderburn and others, wherein are contained the eight lands of Crossrig.

March 28, 1672, fol. 242. Appry. Sir Robert Sinclair of Longformagus, advocat, against George Home of Wedderburn, of the lands of Wedderburn, &c. wherein are the eight lands in Crossrig.

By these two appryings it appears Mr. Spotswood's apprysing was led warrant-

ably, conform [to] the said Act of Parliament, tho' after the date thereof.

Jan. 29, 1707. On Saturday was 8 dayes, Mr. John Williamson, minister of Inveresk, came to me and told me there was a band by me, Sir Ja. Home of Blackader, and G. Home of Kimmerghame, granted to the poor's box of Inveresk, which he doubted not was for Kimmerghame's behove, he having allwayes payed the annualrent, and desiring, in respect of Blackader and Kimmerghame's deaths, that the bond may be corroborated by their sons. I told him I thought that could not be done.

27th Instant. Mr. George Pitcairn, doer for the said Kirk Session, spoke of the same, Munday last, and sent me the date of the bond, and yesterday I received from him the following note.

Bond granted by Sir David Home of Crossrig, one of the Senators of the College of Justice, Sir John Home of Black-

ader, and George [Home] of Kimmerghame, conjunctly and severally, their heirs, executors, and successors, to the deceast Mr. Richard Thomson, minister at Inneresk, and John Duncan, then Kirk Thesaurer, and their successors in office, in name of the Session, and for the use and behove of the poor of the parish of Mussleburgh, covering annualrent from date, viz. 2. Feb. and 27. August 1698, and payable at the term of Lam. then next, with 600 mks. of liquidate expenses and annualrent, yearly, monthly, and proportionally thereafter, during the not payment.

Mr. Ja. Dickson tells me this is Kimmerghame's debt, and that he payed the annualrents. But I cannot find a bond of relief, which makes me think it was burnt in the fire 3 Feb. 1700, with many other papers relating to Kimmerghame, but no doubt it will be found in his diary of the said date, and probably there will

be found amongst Sir John Home's papers a bond of relief by Kimmerghame to him thereof.



APPENDIX.

ACT FOR PROVEING THE TENOR OF SOME WRITS IN
FAVORS OF SIR DAVID HOME OF CROSSRIG.

OUR SOVEREIGN LORD with advice and consent of the Estates of Parliament Considering that upon ane Petition given in by Sir David Home of Crossrig one of the Senators of the Colledge of Justice to His Majesties High Commissioner and the Estates of Parliament Mentioning that it was not unknown to His Grace and that high and honourable Court how that on the third of February last there broke out in the meal mercat of this City a most dreadfull Conflagration to the destruction in a few hours of the most beautifull fabrieks thereof The said Sir David haveing his lodgeing immediately above M^r John Buchan's house where the fire began and where it had made such progress before he knew thereof that the first thing he saw after his advertisement was the flames coming out at M^r John Buchan's windows so that he had scarce time to escape with

the lives of his familie many of them being in bed Whereby he hath sustained a great loss not only of his furniture and libery but in the destruction of his own papers and other papers of his friends and relations whereof he had the Custody And seeing there are still extant some Inventars of papers then destroyed and that the said Sir David and his authors have been in the immemorial and uninterrupted possession of the Lands of Crossrig and that he produces a Disposition granted since the fire by Robert Home sometime of Crossrig now deceased making mention of a former disposition made by him to the said Sir David as the result of an submission And seeing the original Writs were all lately seen and considered at an Consultation conform to an Inventory and Information produced And that in paralell cases that honourable Court hath been in use to find out expedients for supplieing writs spoiled or destroyed by fire or otherwayes particularly since the Revolution in the Case of Sir Thomas Burnet Doctor of Medecine who had several of his writs burnt by the fire which began in his own house and of Sir James Stuart his Majesties Advocat and others And therefore Craveing that His Majestie and the honourable Court of Parliament would be pleased to commit this affair to some of their number to take tryal of the matters of fact represented and others to be represented to the Committie and to grant Diligence, and upon their report to give such remedie as his Majestie and that honourable Court should think fit as the

samen Petition more fully proports Ane Commission was accordingly given to the persons therein mentioned being one of each state viz. The Viscount of Tarbat Sir John Lauder of Fountainhall Knight and M^r David Dalrymple Advocat three of their number And that the saids Commissioners haveing given in and returned their report of their proceedings and judgement concerning the premisses Bearing that they haveing diverse times met and convened by vertue of the said remit and haveing Examined sundry famous Witnesses concerning the Inventars aftermentioned and Writs therein contained and other Writs aftermentioned And haveing likewayes considered the Inventars themselves and haveing compared several Writs extant relative to the Writs lost in the late fire and mentioned in the said Inventars with the surpriseng loss and occasion of burning the said Writs They are of opinion that the Causa amissionis or manner how the said Writs were lost is sufficiently proven in so far as it is notour and proven by the testimonies of the Witnesses that upon the third of February last there broke out a fire in the lodgeing immediately under the Lord Crossrigs lodging in the meal mercat of Edinburgh while part of his familie were in bed and his Lordship going to bed and that the allarum was so sudden that he was forced to retire in his night cloaths with his children half naked and that when the people were sent in to his closet to help out with his Cabinet & papers the smoak was so thick that they

only got out a small Cabinet with great difficulty But albeit his papers were lying on the floor or hung about the walls of his closet in pocks yet they durst not stay to gether them tho they were desired to do it So that that Cabinet and Alexander Christie his servants lettron which stood near the door of the lodging with some few other things was all that was got saved and the rest even to his Lordships wearing cloths were burnt As to the Writs awaiting they are of opinion that there are several pregnant general presumptions and evidences as to the most material parts of the writs for evinceing that such Writs did exist and were of the ordinary tenor of such Writs and several evidences which relate to particulars The general presumptions are these Primo a tract of acts of property and possession by the said Lord Crossrig and his authors for upwards of fourty years as registrat wadsets, baektaeks, tacks to tennents, decreets in processes betwixt the proprietors wadsetters and tennents and discharges of few duties Secundo It appears the principal rights in the Lord Crossrigs person were a wadset granted by his authors the Homes of Crossrig in favors of Sir John Home of Blackadder conveyed by progress to the Lord Crossrig with a discharge of the reversion of the said wadset by Robert Home of Crossrig And sieklike an Appriseing at the instance of M^r Robert Home Minister at Craufordjohn also conveyed by progress to the said Lord Crossrig And farder his Lordship being Creditor to Robert Home

designed of Crossrig in several sums of money contained in bonds granted by the said Robert and David Home his father and convoyed to the said Lord Crossrig And there haveing arisen some question betwixt the said Lord Crossrig and the said Robert Home whereon mutual processes did ensue the whole matter was settled by submission and decret arbitral pronounced by the deceast M^r John Frank and M^r Thomas Skeen Advocats arbiters and the Lord Mersingtoun oversman whereby the said Robert was Decerned to Dispone of new and Ratifie his Lordships rights All which is clearly adminiculat by a disposition granted by the said Robert Home designed of Crossrig now deceased dated the twelvth of February last recēntly after the fire narrating the premises and that he had granted a former disposition in implement of the decret arbitral of the like tenor And which is farder adminiculat by the testimony of Alexander Christie one of the Witnesses adduced and Writer of and Witness to the first disposition who depones upon the tenor of the first disposition and Exhibit the scroll of the samen as it was amended and which is marked by the said Committie As also by the testimony of Sir John Home of Blackadder who depones that he and the said Alexander were Witnesses to the first disposition and that the said Alexander was the Writer of it and he the said Sir John saw it subscribed and heard it read Which Adminicles by writ and Witnesses as they conceive are sufficient to make up the

tenor of the material Writs wanting Tertio there are seven Inventars produced which contain the whole Writs to be made up except two or three which are otherwayes pregnantly asstructed Of these Inventars five are written by the Lord Crossrigs own hand and were taken from the papers then extant in his own hands long before the fire And for clearing that the Inventars were writ long before the fire It is proven by concurring testimonies that upon the allarum of the fire the said Lord Crossrigs Cabinet was carried out of his house from one lodgeing to another as the fire pursued and threatned untill at last it was lodged in the house of William Hamilton of Wishaw at the head of the West-bow and that it was put in the said Wishaws own closet and that the said Lord Crossrig went from his own lodgeing to Young Walliford's, where he continued until the Wednesday after the fire and then he went up to Wishaw's lodgeing where his Cabinet was brought out and Wishaw Declared that it had not been seen by any body since it was put in And then the said Lord Crossrig did open the Cabinet in presence of Wishaw young Walliford M^r Charles Binning Advocat his brother the said Alexander Christie and James Marshall nottar publict And there is a note subjoynd to every one of the said Inventars subscribed by the said Witnesses bearing that the Inventars were taken out of the Cabinet which is attested by James Marshall nottar publict and deponed by the said James and three other of the

Witnesses Which Inventars written by the said Lord Crossrig's hand who is a person of unquestioned probity and reputation They do conceive are very pregnant Adminicles for making up such of the Writs contained in the Inventars as are awanting The sixth Inventar marked by David Denholm and William Innes Writers in Edinburgh containing the progress of the most material Writs is clearly adminiculat First by the forsaid five Inventars mentioning the most of these Writs Secondly by the concurring testimonies of the saids David Denholme William Innes and Alexander Christie whereby it is evident that the Lord Crossrig haveing entered into a Communeing with Alexander Trotter in Press for the sale of the Lands of Crossrig the said Alexander Christie did deliver the Writs contained in the said sixth Inventar written by the said Alexander Christies own hand to David Denholme agent to the said Alexander Trotter who carried them to M^r Thomas Skeen to consult the progress and that M^r Thomas did draw an Information upon the said progress which is likewayes produced written by William Innes the said M^r Thomas his servants hand After which the Writs were delivered again by the said David Denholme to the said Alexander Christie and by him returned to my Lords closet before the fire So that these Inventars give mutual light and testimony to one another and both clear the Existence and general tenor of the Writs awanting The seventh Inventar is of the Writs given out in process

by the Lord Crossrig against Robert Home designed of Crossrig which is adstructed by the testimonies of Alexander Christie who wrote the Inventar and took it from the Writs themselves and gave it out to M^r John Frank's man signed by M^r Thomas Skeen and by the testimony of the said William Innes who produces a note of the process taken relating to the whole Inventar And depones that the process was given out to M^r John Frank and by a registrat Inhibition on the foresaid process which narrats the whole debts contained in the Inventar Lastly the Writs contained in the forsaid Inventars and which are awanting are strongly adminiculat First by the Books of Registers which they have seen & compared and wherein they find such of the Writs as are mentioned in the said Inventars to be registrat are Recorded and agrie with the Inventar as to the tenor and dates except where the Registers are not compleat The Decreet Arbitral is specially adminiculat First by the Disposition of Robert Home of Crossrig narrating the tenor of it Secondly by the testimony of Alexander Christie who was Clerk to the submission and wrote the Decreet Arbitral who produces for clearing his causam scientiæ the forsaid scroll of the first disposition mentioning likewayes the tenor of the Decreet Arbitral subscribed before the fire with a note of the account relative to the Minuts of the submission Thirdly by the oaths of David Denholme and William Innes and Inventars marked and exhibit by them wherein the said Sub-

mission and Decreet are expressly contained Fourthly by the discharge of the reversion above-mentioned granted by the said Robert Home to the said Lord Crossrig before the fire and registrat in the General Register of reversions &c. Item as to the backband granted by Wedderburn younger to the said Robert Home relative to an disposition made by him in the said Wedderburn's favours It is the opinion of the Committie that the tenor of the same is sufficiently proven and that thereby Wedderburn did acknowledge that albeit the disposition granted by Robert Home of Crossrig to him was absolute yet he oblidged himself to denude in favours of the heirs of the said Robert's body when existing and required Reserveing the said disposition for security of the Expenses wared out by him in the said Robert Home's affair and that George Rentoun was writer of the disposition and Halyburton and he witnesses And that by the testimonies and dispositions of the said George Home of Wedderburn and of the writer and witnesses therein And lastly as to the bond granted by James Home of Greenlawdean to the said Sir David for the sum of Thirty thousand merks and dated the twenty day of December I^m vj^o and seventy five years They are of opinion that the same is sufficiently adminiculat First by a disposition granted by the said James Home of Greenlawdean to the said Sir David narrating the date and tenor of the said bond and Secondly by an decreet of adjudication following upon the said bond likeways narrat-

ing the date and tenor thereof And seeing it is not-tour that the said Sir David Home is a person of eminent and unquestionable integrity so that it cannot be doubted but that the whole writs contained in the said Inventars were extant when he made and writ the Inventars thereof with his own hand Therefore and for supplying the want thereof It is their opinion that there be an Act of Parliament made wherein the saids Inventars should be verbatim insert and which should be the tenor after mentioned of this present Act And His Majestie and Estates of Parliament haveing taken to their consideration the said report and grounds thereof Therefor His Majestie with the advice and consent of the said Estates of Parliament has Allowed and Approven and by thir presents Allow and Approve the report forsaid And for supplying the want of the said Lord Crossrig's Writs and Evidents burnt and lost upon the occasion forsaid His Majestie with advice & consent forsaid has Declared Statute and Ordained and be thir presents of certain knowledge upon and for the Causes and Considerations forsaid after mature deliberation Declares Statuts and Ordains the forsaid Inventars (whereof the tenor follows and are hereafter verbatim insert) or an Extract of this present Act to be as valid effectual and sufficient authentick and forcible and to make as great faith in judgement and outwith the samen in time comeing in so far as the words of the said Inventars porports for Intending of pursutes Founding of Exceptions and

other alleadgeances thereupon Instructing of services satisfying of productions in reductions and improbations and in all other actions and to all other effects ends and purposes as if the principal Evidents were extant of the dates tenor and contents mentioned in the said Inventars And which hail writs are to be understood and presumed to be of the usual stile and tenor of such writs and to contain all the clauses used and wont to be insert by the usual conception of such writs. August 13. 1684, INVENTAR of the debts payed by Sir John Home of Blackadder for Crossrig with the within written writs. 1, Bond Home of Crossrig and his Cautioners to Kathrine Wilson and her son for the sum of one thousand merks of principal dated the tenth of November, 1627, ãrent from the date ten in the Hundreth. 2, Assig nation of the said bond by Patrick Ruchhead and his mother to M^r Allan Lundie and of all the bygone ãrents dated the twenty fifth of June I^m vj^o and thirty four. 3, Bond Robert Hume of Crossrig to William Ker portioner in Huttoun for five hundred merks dated the twenty ninth of May I^m vj^o thirty three registrat in the books of Council 24 June 1636, ãrent from the date at ten per Cent. 4, Assig nation of the said bond ãrents be the said William to M^r Allen Lundie tenth of November I^m vj^o and thirty five. 5, Band John Home of Crossrig to M^r Allan Lundie for one Hundred merks thirty first December I^m vj^o and thirty four ãrent from Whitsunday I^m vj^o and thirty five. 6.

Bond Elizabeth and John Homes to M^r Allan Lundie for two hundred eighty three pound twenty first of May I^m vj^e and thirty four ãrent at Whitsunday I^m vj^e and thirty five at ten per Cent. 7, Assignation of the said hail bonds and assignations and certain other debts of M^r Allan Lundie to Sir John Home of Blackadder first of March I^m vj^e and thirty nine. 8, Band Elizabeth and John Homes to John Lundie for one hundred & four pounds ten shillings the twenty seventh day of I^m vj^e and thirty four ãrent at Whitsunday thirty five at ten per Cent. 9, Assignation of the said bond to Blackadder first of March I^m vj^e and thirty nine. 10, Bond Robert Home of Crossrig and his Cautioner to Archbald Fish for 600 merks 29 May 1618 with a note of receipt on the back of it and an assignation to Sir John Home of Blackadder twenty ninth of March I^m vj^e and fourty one without ãrent. 11, Band John Home of Crossrig to the said Archbald Fish for one hundred and twenty pounds first December I^m vj^e and thirty-six with an note of receipt on the back of it to Blackadder and an assignation twenty ninth of March I^m vj^e and fourty one ãrent from the Eighteenth May I^m vj^e thirty seven. 12, Transumpt of a bond Robert Home of Crossrig to Mr. Alexander Kinneir parson of Whitsom against John Home of Crossrig bond dated twenty fourth of December I^m vj^e and twenty four Transumed twenty sixth of March I^m vj^e and fourty with an note of receipt on the back of it and assignation to Blackadder

twenty first of December 1^m vj^c and fourty without
ãrent. 13, Bond John Home of Crossrig to John
Home his natural brother for five hundred sixty
two merks eleventh November 1^m vj^c and thirty
nine with a note of receipt and assignation thereof
to Blackadder on the back of it tenth August 1^m vj^c
and fourty ãrent from the date. 14, Bond Elizabeth
and John Homes to George Thomson in Duncce for
one hundred and eighteen pounds thirteen shilling
fifeteenth July 1^m vj^c and thirty five ãrent from
Martinmas 1^m vj^c and thirty five at eight per Cent.
15, Assignation thereof and two years ãrent to
Blackadder thirtieth April 1^m vj^c and thirty eight.
16, Bond Elizabeth and John Homes to Mr John
Home Provost of Dunglass for two hundred and
twenty pounds eight May 1^m vj^c and thirty four with
a note of receipt and assignation on the back to
Blackadder seventeenth June 1^m vj^c and fourty ãrent
from Whitsunday 1^m vj^c and thirty four at ten per
Cent. 17, Another bond the said parties to the
said Mr John for two hundred merks tenth March
1^m vj^c and thirty six with a note of receipt and as-
signation on the back to Blackadder twelvth Janu-
ary 1^m vj^c and fourty one ãrent from Whitsunday 1^m
vj^c and thirty six at Eight per Cent. 18, Discharge
of few duties to Whitsunday 1^m vj^c thirty eight Laird
of Wedderburn to Blackadder being the sum of Sixty
five pounds and there are several discharges since,
This discharge is dated the twenty eight June 1^m vj^c
and thirty eight. 19, Bond John Home of Crossrig

to George Bell in Duncce for Eighty nine pounds tenth May I^m vj^c fourty one with an other little account of Eleven pounds eleven shillings subscribed by the said John Home ãrent from Martinmass I^m vj^c and fourty one. 20, Assignation of two bonds Robert Home of Crossrig to John Home brother to Patrick Home of Broomhouse the one of one hundred and ten merks the Sixteenth of December I^m vj^c and fourty seven the other of Sixty three pounds dated the Eighteenth of March I^m vj^c and twenty nine Which assignation is made to Rodger Armour in Berwick fifth of September I^m vj^c thirty four. 21, Discharge Sir John Home of Blackadder and John Home of Crossrig to John Fish farmer in Crossrig for four years rent vij. for Martinmass I^m vj^c and thirty six Whitsunday and Martinmass I^m vj^c and thirty seven Whitsunday and Martinmass I^m vj^c and thirty eight Whitsunday and Martinmas I^m vj^c and thirty nine Whitsunday I^m vj^c fourty containing an particular account of many sums depursed for Crossrig to be Considered whether they will affect the reversion or can prescrive dureing the not redemption seeing there are severals of them besides the sums contained in the wodset and subscribed inventar of debts dated sixteenth May I^m vj^c fourty. 22, Inventar subscribed by the said Sir John Elizabeth and John Homes of the debts Entituled thus At Blackadder place twenty sixth May I^m vj^c fourty Compt of the debts and burdens upon the Lands of Crossrig wherewith Sir John Home of Blackadder

knight is bound to pay and has payed and is to give reversion upon be vertue of the Clause and Condition of reversion contained in the first Contract. 23, Discharge M^r Allan Lundie to Sir John Home of a quarters ārent of the said three thousand and fourty nine merks for Whitsunday and Martinmass 1^m vj^c and thirty seven. 24, Recept Rodger Armour in Berwick to John Fish of Seven hundred merks in part of payment 1^m vj^c and thirty seven It is torn. 25, Bond the said John Home to the said Sir John for one hundred merks payable at the redemption of the Wadset to Sir John and the Successors of the Wadset thirteenth June 1^m vj^c and fourty. 26, Compt of the sums for which the Wadset of Crossrig were granted extending to Six thousand and ninety seven merks three shilling ten pennies. 27, Discharge a part M^r Alexander Kinneir to Sir John Home of Blackadder, &c. of the sums contain. supr. N. 12, dated second December 1^m vj^c and fourty Registrat twenty fifth January 1^m vj^c and fourty three It put in with that transumpt. 28, Wadset Elizabeth and John Homes to John Bowie of Priestrig for two hundred and fifty merks in anno 1^m vj^c and thirty four. 29, Discharge John Bell in Duncce to John Fish farmourer in Crossrig of one hundred and six pounds thirteen shilling four pennies as Cautioner for Elizabeth Home of Crossrig second May 1^m vj^c and fourty. 30, Inhibition John Home and others contra Elizabeth Home 1^m vj^c fifty nine. August 15, 1684. IN-

VENTAR of the Wadset on the Lands of Crossrig and Writs following thereupon. 1, The Wodset itselfe dated second August I^m vj^o and thirty six reġrat in the books of Council and Session 10 February 1642. 2, Tack Elizabeth Home of Crossrig and John Home her son to Sir John Home of Blackadder of the Lands &c. of Crossrig to run dureing the Wadset and for payment of the few duties to the superior fifteenth October I^m vj^o thirty six. 3, Inhibition Sir John Home contra Elizabeth Home Archibald Broun of Berriehillher spouse and the said John Home for security of the sums in the Wadset and Implement of the Wadset Signet 27 November, 1639, executed personally against them all fourth January 1640 and at the mercat Cross of Duncce the said day Registrat in Duncce fifth June I^m vj^o and fourty. 4, Assignation Sir John Home to James Home his son of the Contract of Wadset and of the Lands of Crossrig eighteenth September I^m vj^o thirty nine registrat in the books of Council and Session eight of October I^m vj^o and fourty. 5, Assignation the said Sir John to his said son of the tack sup: N. 2. dated second January I^m vj^o fourty. 6, 7, Charter a me et de me of the said Lands of Crossrig Elizabeth Home &c. to Sir John Home and his son James Home sixteenth May I^m vj^o fourty Confirmed on the back of the Charter and seasine a me by Sir David Home of Wedderburn superior of the said Lands dated fifteenth March I^m vj^o fourty two. 8, Seasine to the said Sir John Dame Kathrine

Home and their son James in the said Lands under the hands of George Todrig nottar publict dated twenty ninth June 1^m vj^o and fourty Registrat in the general Register of seasines twentieth July 1^m vj^o and fourty M^r Francis Hay. 9. Tack Dame Kathrine Home Lady Aitoun to David Home of Crossrig and Isobell Home his spouse the longest liver of them two of the said Lands of Crossrig houses mannor place &c. from Whitsunday 1^m vj^o and fourty four to Whitsunday 1^m vj^o and fourty seven for the sum of Eight hundred and fifty merks to be paid to the Lady her heirs Ex^{rs} or assigneyes she freeing the said David and his spouse of the few duties and the said David paying the parsonage and viccarage teinds with fourty merks failgie toties quoties And in case the tack duty run over unpayed be the space of any one of the years then the tack to be void so as it shall be liesum to the Lady and her foresaids to enter again without any peril of Ejection Intrusion or other danger of the Law whatsomever as if the said tack had never been made or granted Which tack is dated twenty eight June 1^m vj^o fourty four. 10. Another Tack the said Dame Kathrine Home for her self and takeing burden on her for her said son James to the said David and Isobel Homes of the said Lands and teind shaves for the space of other three years beginning from Whitsunday 1^m vj^o and fourty nine to last till Whitsunday 1^m vj^o fifty two whereby David and Isobel are bound to pay yearly

three hundred fifty five pound thirteen shilling four pennies as tack-duty Beginning the first terms payment at Martinmass I^m vj^c fourty nine and to relieve the Lady and her son their heirs Exe^{rs} and assigneyes of all taxations impositions annuities monethly maintenance outreiking of horse and foot souldiers and other burdens whatsoever imposed or to be imposed dureing the space abovespecified with

of liquidat Expences in care of ilk terms failgie Which tack is the date of the twenty third of June I^m vj^c and fourty nine. 11, Decreet of Absolvitor John Fish tennent in Crossrig against Elizabeth Home, and Her husband Archibald Broun in respect of the production of the abovespecified Contract of Wadset whereby the maills and duties were assigned to Sir John Home This Decreet is before the Sheriff tenth April I^m vj^c and fourty three. 12, About the same time there was ane precept obtained from the Sherif at the instance of the Lady Aitoun against the said John Fish dated twenty seventh March I^m vj^c and fourty five Executed Indorsed summons Lady Aitoun elder against John Fish. 13, Mutual Discharge Dame Katherine Home and David Home of Crossrig and Issobell Home his spouse narrating a tack by the Lady to them of the Lands of Crossrig and that notwithstanding thereof the Lady is content to compt and reckon with them for the rents furder nor payes her termly the ãrent of Six thousand merks Therefore deduceing an account in the said discharge she discharging the said David of

the ärent of the said sum for Whitsunday and Martinmass I^m vj^o and fourty six And considering the said David has received payment of the superplus therefor he discharges the Lady of her hail Intromissions for Martinmass I^m vj^o and fourty five Whitsunday and Martinmass I^m vj^o fourty six and of all other sums of money that he may ask of her dated twelvth February I^m vj^o and fourty seven. 14, Another Discharge be the said David Home to the Lady Aitoun of her intromissions tenth June I^m vj^o fourty five. 15, Instrument of Resignation the said Elizabeth Home of the Lands of Crossrig by her Baillie Mark Home son to Sir John Home of Coldingknows in the hands of Sir David Home of Wedderburn and John Home younger of Blackadder superiors of the saids Lands in favors of Sir John Home of Blackadder but prejudice of the Reversion in favors of John Home of Crossrig Which Instrument is under the hands of M^r George Trotter writer dated sixteenth September I^m vj^o thirty seven, August 18, 1684. Inventar of the Receipts of the few duties of Crossrig and of the valued teinds, 1, Receipts of few duties for years I^m vj^o and thirteen I^m vj^o and fourteen I^m vj^o fifteen I^m vj^o sixteen I^m vj^o and seventeen I^m vj^o and eighteen I^m vj^o and twenty I^m vj^o and twenty two I^m vj^o and twenty four I^m vj^o and twenty five I^m vj^o and twenty six I^m vj^o twenty seven I^m vj^o and thirty seven in with the grounds of the Wadset I^m vj^o and thirty nine and I^m vj^o and fourty Dischargeing all preceedings, Two for I^m vj^o and fourty

one, Two for I^m vj^o & fourty two, Two for I^m vj^o and fourty three, Two for I^m vj^o fourty four, Two for I^m vj^o and fourty five, Two for I^m vj^o and fourty six, Two for I^m vj^o and fourty seven, Two for I^m vj^o and fourty eight, Two for I^m vj^o fourty nine Discharging all preceedings, One for I^m vj^o and fifty and Whitsunday I^m vj^o and fifty one, One for Martinmas I^m vj^o and fifty one and Whitsunday I^m vj^o and fifty two, One for Martinmass I^m vj^o fifty two Whitsunday and Martinmass I^m vj^o and fifty three, One for Whitsunday and Martinmass I^m vj^o and sixty three discharging all preceedings, One for Whitsunday and Martinmass I^m vj^o and seventy five Discharging all preceedings. 2, Receipt Laird of Wedderburn and M^r George Dickson of Buchtrig of one hundred and twenty pounds in satisfaction of all bygone few duties and in part of payment of the composition to be made for receiveing M^r David Home his vassall Which Receipt is dated twenty first of July I^m vj^o seventy seven This and the thr following are now put in with the other papers of the debts due by Crossrig Letter H. 3, Agreement betwixt Wedderburn M^r David Home and Crossrig subscribed be Wedderburn sixteenth November I^m vj^o and seventy eight. 4, Receipt Harvistoun to M^r David Home in pursuance of the said agreement for the sum of three hundred merks thirty first October I^m vj^o and seventy nine. 5. Bond Harvistoun to M^r David Home for three hundred merks till perfiteing the said agreement thirty first August I^m vj^o

and eighty. 6, Two Instruments James and David Homes contra the Laird of Wedderburn the one upon offer of the few duties in anno I^m vj^c sixty six the other in anno I^m vj^c and sixty seven. 7, Receipt of Discharge of the teind of Crossrig Cropts I^m vj^c and thirty nine I^m vj^c fourty I^m vj^c fourty one I^m vj^c and fourty two I^m vj^c fourty three I^m vj^c fourty four I^m vj^c and fourty five I^m vj^c and fourty six I^m vj^c and fourty eight I^m vj^c fourty nine and I^m vj^c and fifty. 8, Receipt for five and six terms taxation for Crossrig anno I^m vj^c and thirty three. 9, Discharge by Elizabeth Home of Crossrig for the annuity agreed to be payed to her by the Contract of Wadset and for the years I^m vj^c thirty six I^m vj^c thirty seven I^m vj^c and thirty eight I^m vj^c and thirty nine I^m vj^c and fourty I^m vj^c and fourty one I^m vj^c and fourty two I^m vj^c and fourty three I^m vj^c and fourty four I^m vj^c and fourty five I^m vj^c fourty six I^m vj^c fourty seven and I^m vj^c and fourty eight. 10, Discharge for her annuity I^m vj^c and fourty nine due at the Whitsunday containing a Discharge of all preceedings and Discharge and Renunciation of the said annuity in all time comeing dated fifth of June I^m vj^c fourty nine Registrat in the books of Council and Session the thirtieth of June I^m vj^c and fourty nine. August 20, 1684, Inventar of the Writs gotten from M^r Robert Home Minister at Crafordjohn &c. 1, A Contract betwixt John Home of Crossrig on the one part and George Bowmaker and Jean Bowmaker hisspouse on the other part Whereby the said John aeknowledges the receipt

of five hundred merks Scots and grants a Wadset in the Lands of Crossrig for sixty merks yearly Which Contract is dated the eight of January I^m vj^o and ninety Transferred against Thomas Home brother to the said John Home of Crossrig sixteenth June I^m vj^o and ninety seven In presence of the Lords of Council and Session. 2, Assignment the said George Bowmaker to M^r James Home parson of Dunbar of the said sum and Contract Which Assignment is dated I^m vj^o and three Registrat in the books of Council and Session the first of October I^m vj^o and thirty. 3, Decreet of Adjudication M^r John Home Lesmahagow against James Home as lawfully Charged to enter heir to the said M^r James Home his father whereby the said sum is adjudged to the said M^r John of the date the twenty second of November I^m vj^o and thirty six But this Decreet I have not seen though I have sought diligently for it and therefor it most be Extracted out of the Registers. 4, Translation the said M^r John Home in favors of M^r Robert Home Minister of Craufordjohn of the said sum and hail papers above-mentioned first of October I^m vj^o and sixty one. 5, Inhibition the said James Home against Elizabeth Home of Crossrig on the said grounds signet the tenth of March I^m vj^o and thirty two Execute against her personally apprehended the seventeenth of April I^m vj^o thirty two and at Duncce and Greenlaw the eighteenth day Register in the General Register both Letters and execution the fifteenth

May 1^m vj^c and thirty two. 6, Decreet the said M^r Robert Home against the said Elizabeth constituting the debt against her which did then amount to five hundred merks of principal and to three thousand one hundred and eighty merks of ārents Which Decreet is in foro contentiosissimo before the Lords second of January 1^m vj^c and sixty three. 7, Decreet Elizabeth Home against Robert Home her tutor in anno 1^m vj^c & twelve Adduced by M^r Robert Home to prove the passive titles against her. 8, Charge to enter heir in special to Thomas and John Homes of Crossrig M^r Robert Home contra the said Elizabeth signet the ninth of January 1^m vj^c and sixty three Execute be Robert Home messenger the twelvth of January 1^m vj^c and sixty three. 9, Letters of Appriseing the said M^r Robert against the said Elizabeth Home and the Lands of Crossrig Hiltoun and Edrem signet the twenty first of February 1^m vj^c and sixty three. 10, Executions of the said Letters of Appriseing whereby it appears the messenger Robert Home did on the fourth and fifth dayes of March 1^m vj^c and sixty three pass to the dwelling house of the said Elizabeth Home in Lambdean and to the ground of the several Lands and as well within her dwelling house as on the ground of the Lands &c. diligently searched and sought respective the said Elizabeth her readiest goods and geir moveable &c. but the messenger has forgot to set down Witnesses to the searching of her moveables at her dwelling house.

11, Decreet of Appriseing the said M^r Robert against the said Elizabeth Appriseing the Lands of Crossrig Hilltoun and Edrem which appriseing is of the date the twenty fourth of March I^m vj^o and sixty three for Three thousand six hundred and eighty merks principal one hundred and eighty four merks of sherif fie in all three thousand eight hundred and sixty four merks. 12, Charge against the superiors viz. The Earl of Home and Lairds of Wedderburn & Hiltoun to receive the said M^r Robert Home as a vassal signet the eight of April I^m vj^o and sixty three. 13, Executions thereof by Robert Home messenger against the Earl of Home personally against Wedderburn and Hiltoun at their dwelling houses dated the fourth and fifth dayes of May I^m vj^o and sixty three. 14, Disposition and Assignation the said M^r Robert Home to James Home of Greenladean of the said Decreet of Appriseing haill grounds and warrands thereof the seventh of August I^m vj^o and sixty five. 15, Disposition James Home of Greenladean to M^r David Home of all his rights &c. dated the tenth of April I^m vj^o seventy seven registrat the twenty fourth of April I^m vj^o and seventy nine. 16, Seasine the said M^r David Home in the Lands of Crossrig and others under the hand of James Trotter nottar seventeenth of May I^m vj^o seventy seven Registrat in the General Registers the ninth of June I^m vj^o seventy seven. 17, Decreet of Maills and Duties M^r David Home against David and Robert Home of Crossrig for the maills of Cross-

rig Whitsunday and Martinmass I^m vj^c and seventy seven Whitsunday I^m vj^c and seventy eight at nine hundred merks per annum in absence at Duncce the six of June I^m vj^c and seventy-eight. 18, Decreet of removeing said M^r David Home against said parties of the said date. 19, Precept of Poinding on the first Decreet of the said date. 20, Precept of Ejection upon the said Decreet of the said date This is at present in Robert Whillis's hand to be called for. 21, Taek M^r David Home with consent of David Home and his wife Issobell to Thomas Douglas of five years at nine hundred and fifty merks yearly with Casualties and the Tennent to pay viccarage and parsonage teinds, twenty fourth of March I^m vj^c and seventy nine. 22, Horning the said M^r Robert Home contra Elizabeth Home for the principal sum of thousand merks hail bygone ãrents and ãrents of the said ãrents conform to the Act of Parliament signet the ninth of January I^m vj^c and sixty three execute against her personally apprehended the twelvth of January I^m vj^c sixty three Denounced at Duncce the third of February I^m vj^c and sixty three and the Letters and Denunciation reãrat in the General Register the twelvth of February I^m vj^c and sixty three. August 20, 1684, Inventar of the Writs containing debts be David and Robert Homes of Crossrig to James and M^r David Homes. 1, Band David Home of Crossrig for one thousand eight hundred and eight pounds to James Home of Greenladean dated the third of

December 1^m vj^c and sixty two. 2, Band the said David Home as principal and James Home as cautioner to Robert Watson indweller in Eccles for the sum of six hundred and sixty six pounds thirteen shillings four pennies dated the fifeteenth of February 1^m vj^c sixty six Registrat in the books of Council and Session the thirteenth of March 1^m vj^c seventy two. 3, Letters of horning at the said Robert's instance against the said parties on the said bond signet the fourteenth of March 1^m vj^c and seventy two. 4, Executions of the said horning the twenty first of March 1^m vj^c and seventy two by George Watson messenger. 5, Inhibition the said Watson against the said parties signet the thirteenth of March 1^m vj^c and seventy two. 6, Executions against the said parties Execute personally against David twenty first March 1^m vj^c and seventy two and at the Cross of Duncce and Greenlaw and against the said James personally apprehended the twenty eight of March 1^m vj^c and seventy two as also at the said Crosses the twenty third of April 1^m vj^c and seventy two. The Letters and Executions registrat in the General Register the twenty sixth of April 1^m vj^c and seventy two. 7, Assignation the said Robert Watson to the said James Home of the principal sum of one thousand merks and haill ārents thereof whilk was resting owing since the date of the said bond dated the twenty second of July 1^m vj^c and seventy four. 8, Bond Robert Home of Crossrig and Issobell Home his mother to

Charles Ormistoun for one hundred and seventy seven pounds four shilling dated the sixteenth of January I^m vj^c & seventy two Registrat in the books of Council and Session the tenth of September I^m vj^c and seventy two. 9, Letters of horning upon the said bond signet the twenty fourth of September I^m vj^c and seventy two. 10, Execution thereof ag^t both persons personally apprehended on the fifth of October I^m vj^c and seventy two by George Watson messenger. 11, Assignation of the said sum and bond to James Home of Greenlawdean the thirty first of January I^m vj^c and seventy three. 12, Precept of pointing by the Commisсар of Lauder upon bond granted by David Home of Crossrig and his wife to James Johnstoun for one hundred and nine pounds eighteen shilling Scots dated the seventh of June I^m vj^c and sixty seven regrat in the books of Lauder the twenty third of April I^m vj^c and seventy two. 13, Assignation the said James Johnston to James Home of the sum of eighty six pounds eighteen shilling Scots with the ārents from Whitsunday I^m vj^c and seventy three of the foresaid one hundred and nine pounds eighteen shilling contained in the abovespecified band the ninth of May I^m vj^c and seventy four. 14, Precept M^r Charles Home and Recept Alexander Martin to M^r David Home of Sixty four pounds which was due (tho not so worded) for the nonentries of Crossrig's Land of Hiltoun that held of the King January the fourth I^m vj^c and seventy eight. 15, Account and receipt of the Ex-

pences of my decreet of maills and duties and decreet of removeing against Crossrig the sum of forty two pounds four shilling subscribed by the Clerk Alexander Martin. 16, Discharge of thirty six pounds in part of payment of the ãrents of four hundred and fifty merks due by David Home of Crossrig as principal and James Home of Greenladean as cautioner to John Fairlie received from M^r David Home the twenty ninth of April I^m vj^c and eighty. Vid. other discharges since that time in the bundle of Discharges. 17, Discharge of few duties Wedderburn to James Home for Martinmass I^m vj^c and seventy four and proceedings thirteenth of June I^m vj^c seventy four. Vide Inventar, C. E. for other Receipts of few duties. 18, Account of depursements for the Expedeing of the rights of the Lands of Hiltoun not yet completed. 19, Disposition of moveables David Home of Crossrig to James Home wherein he acknowledges he is resting to the said James certain great sums of money which will exceed the worth and value of his lands and heretadges &c. the first of December I^m vj^c and seventy four. 20, Several Cess tickets for the Cess of Crossrig vig. for the fifth sixth seventh eighth ninth & tenth terms supply payable by act of Convention and for the first and second terms supply payable by Act of Parliament. 21, Four Excise tickets The first from first August I^m vj^c and eighty to the first of May I^m vj^c and eighty one The second from the first of May I^m vj^c and eighty one to first of November I^m vj^c

and eighty one The third from first of November 1^m vj^c and eighty one to first of May 1^m vj^c and eighty two. The fourth for Excise preceeding first of May 1^m vj^c and eighty four. 22, Precept by M^r David Home on Thomas Douglas and Receipt Robert Home of Crossrig to him for six pounds Scots the fifth of September 1^m vj^c and eighty two. 23, Precept the said M^r David on Thomas Douglas and Receipt John Home Schoolmaster at Huttoun the twenty fifth of December 1^m vj^c and eighty two. 24, Precept on the said Thomas and Receipt Issobell Home Crossrig's reliet for two Dunmonts at six shillings sterling three pounds twelve shilling the nineteenth of February 1^m vj^c and eighty three. 25, Receipt William Nisbit of Six pounds eight shilling for timber to the house of Crossrig twenty seventh July 1^m vj^c and eighty three. 26, Receipt Robert Home of Crossrig to Thomas Douglas on a precept of my Wifes for two hundred pounds the eleventh of December 1^m vj^c and eighty two. 27, Receipt David Home of Crossrig to Thomas Douglas of five rix dollars upon a precept by M^r David Home the tenth of August 1^m vj^c and eighty one. 28, To John Home Schoolmaster of Huttoun two years annuities to Whitsunday 1^m vj^c eighty four per his receipt the seventh of July 1^m vj^c and eighty four. 29, Two doubles of bills of suspension the said David Home of Crossrig contra M^r David Home charger and the said M^r David's answers in anno 1^m vj^c and seventy eight. 30. Minut subscribed betwixt David

Home of Crossrig M^r David Home and Henry Carmichael anent the sale of the four Lands of Edrem for the sum of four thousand merks dated at Chirnside the twenty fourth of May I^m vj^c & seventy nine. 31, Note of agreement betwixt George Carmichael of Edrem and the said Crossrig whereby it is agreed that they pass hinc inde from the abovewritten Minut dated the seventeenth of November I^m vj^c and eighty one but not subscribed by agreement. 32, Disposition of the said four Lands unsubscribed. 33, Five doubles of the Account Charge and Discharge with Crossrig. 34, Note of an order on Edrem to pay to Crossrig one hundred and thirty one pounds twelve shilling and six pennies Which day lent to the said David Home of Crossrig one rix dollar. 35, Renunciation John Dauy to Robert Home of Crossrig of three aikers in Hiltoun. 36, Crossrigs Charge till Whitsunday I^m vj^c and seventy six written be James Home himself. 37, Some Letters. 38, These papers are here which are in the other Inventar in with this vig. the twelvth, thirteenth, fourteenth, fifteenth sixteenth, seventeenth, eighteenth, nineteenth, twenty first, twenty second, twenty third and twenty fourth articles. 39, Cess Tickets for Martinmass I^m vj^c and eighty four Whitsunday and Martinmass I^m vj^c and eighty five for the University of Saint Andrews second September I^m vj^c eighty five Whitsunday and Martinmass I^m vj^c eighty six and an Excise Ticket to first of September I^m vj^c eighty five. 40, Two Receipts be the reader of Huttoun for Whitsunday

I^m vj^c eighty five and eighty six. 41, Receipt John Hastie measen for twelve pounds fourth of November I^m vj^c and eighty six. 42, Contract betwixt David Home of Crossrig and his mother I^m vj^c and fifty seven. 43, Inventar of the Writs received by Archibald Fish from Blackadder I^m vj^c and fourty one concerning Falconers Land in Eymouth. 44, Ticket by Issobell Home goodwife of Crossrig to the Lady Aitoun anent the allowance of some quarterings to her fourth of February I^m vj^c fourty eight. Inventar of the Writs relateing to the Lands of Crossrig. 1, Charter granted by George Ogilvie of Dunlugus to Thomas Home in Crossrig and Elizabeth Home his spouse the longest liver of them two in life rent which failgieing to John Home eldest lawfull son to the said Thomas of his part of the Lands of Crossrig with the pertinents dated the twenty eight of December I^m v^c and seventy six. 2, Seasing following on the said Charter dated the twenty sixth of February the said year. 3, Charter by Robert Logan of Restalrig to the said Thomas and Elizabeth Homes of his part of the forsaid Lands of Crossrig extending to a four merk Land dated the fifeteenth of April I^m v^c and seventy nine. 4, Instrument of seasine following on the said Charter dated sixteenth of April I^m v^c and seventy nine. 5, Precept of Clare Constat by the said George Ogilvie of Dunlugus to Thomas Home as heir to the deceist John Home his uncle in his part of the forsaid Lands of Crossrig dated the thirty first of December I^m v^c and ninety

six. 6, Instrument of seaisine on the forsaid preecept of Clare Constat dated the twenty third of March I^m v^c and ninety six. 7, Preecept of Clare Constat by the Laird of Wedderburn to Elizabeth Home as heir to her uncle John dated twenty sixth of March I^m vj^c and six Instrument of seaisine on the forsaid preecept dated twenty sixth of April I^m vj^c and six Instrument of seaisine on the forsaid preecept dated twenty sixth of April I^m vj^c and six. 9, Preecept of Clare Constat the said Laird of Wedderburn to the said Elizabeth Home as heir to Thomas Home dated twenty sixth of March I^m vj^c and six. 10. Instrument of seaisine following thereon dated twenty sixth of April I^m vj^c and six. 11, Contract of Wadset betwixt Sir John Home of Blackadder on the one part Elizabeth Home of Crossrig with consent of Archibald Broun of Berriehill then her future spouse on the second part and John Home her son on the third part of the date the second of August I^m vj^c and thirty six, registrat in the books of Councill and Session upon the tenth of February I^m vj^c and fourty two. 12, Assignation be the Laird of Blackadder in favors of his spouse and James his son of the forsaid Contract of wadset dated the eighteenth of September I^m vj^c and thirty nine Registrat in October I^m vj^c and fourty. 13, Charter Elizabeth Home of Crossrig and John Home her son to the said Sir John Home of Blackadder and his spouse and son of the Lands of Crossrig dated the sixteenth of May I^m vj^c and

fourty. 14, Another Charter of the said lands be the said Elizabeth and John Homes in favors of the said Sir John Home his said spouse and son dated the Sixteenth May I^m vj^c and fourty. 15, Instrument of seasin on the forsaid Charter dated the twenty ninth of June I^m vj^c and fourty Registrat in the General Register of Seasines kept at Edinburgh upon the twentieth of July the said year. 16, Disposition by the said James Home therein designed of Greenladean to Sir David Home of Crossrig of the forsaid Lands of Crossrig dated the twentieth of April I^m vj^c and seventy seven Registrat in the books of Session upon the twenty fourth of April the said year. 17, Special Retour David Home of Crossrig as heir to his brother John dated the fourteenth of April I^m vj^c and seventy four. 18, General Retour Robert Home as heir to his uncle John dated the twenty seventh of March I^m vj^c and eighty three. 19, General Retour the said Robert as heir to his father David dated the second of July I^m vj^c and eighty seven. 20, Letter of reversion in parchment granted by Sir John Home of Blackadder in favors of John Home and his heirs dated the thirteenth of January I^m vj^c and fourty one Registrat on the twenty seventh of January the said year. 21, Submission and Decreet Arbitral betwixt the said Sir David Home and the said Robert Home dated the eighteenth of February I^m vj^c and ninety eight. 22, Principal Disposition by the said Robert Home in favors of the said Sir David Home dated the twenty

date the sixteenth day of January 1^m vj^o and seventy two years Registrat in the books of Council and Session upon the tenth of September the said year : Item principal assignation by the said Charles Ormistoun to the said deceast James Home of the forsaid bond principal sum ärent and penalty which is of the date the thirtie first of January 1^m vj^o and seventy three years Item band be the said deceist David Home of Crossrig and Issobell Home his spouse to James Johnstoun for the sum of one hundred and nine pounds eighteen shilling Scots of principal, with ärent and penalty of the date the seventh of June 1^m vj^o and sixty seven years Registrat in the Commissar Court books of Lauder upon the twenty third day of April 1^m vj^o and seventy two years Item principal assignation be the said James Johnstoun therein designed servitor to the Laird of Keams to the said James Home of the forsaid bond principal sum ärent and penalty therein contained of the date the ninth day of May 1^m vj^o and seventy four years Item an account of fourty seven pounds money forsaid payed by the said deceast James to the Laird of Kimmern for seed bear and pease to the said David Home Item an account of nineteen pounds lent to him by the said deceast James Home Item an account of sixty four pounds Scots money payed by the said deceast James Home for the said deceast David Home to M^r Charles Home Sheriff depute for what was due to him at the sale of the Lands of Hiltoun Item Principal Disposition by the said de-

ceast James Home of Greenladean to the said Lord Crossrig pursuer of all and sundry his goods geir debts sums of money and others pertaining to him the time of his decease which is of the date the twenty day of April I^m vj^c and seventy seven Item Principal bond by the said deceast David Home as principal and the said deceast James Home of Greenladean as cautioner to John Fairly indweller in Edinburgh for the sum of four hundred and fifty merks with ãrent and expences which bond is of the date the twenty first of April I^m vj^o and seventy six Item Disposition be the said John Fairlie to Thomas Kincaid Chirurgeon Apothecary Burgess of Edinburgh to all and sundry his goods geir debts sums of money bonds and others pertaining to him the time of his decease which disposition is dated the sixteenth of December I^m vj^c and eighty two and registrat in the books of Council and Session upon the sixteenth day of December I^m vj^c and eighty four Item Instrument of publication of the said disposition at the mereat Cross of Edinburgh which is of the date the said sixteenth day of December I^m vj^o and eighty two Item Principal translation of the haille premises by the said Thomas Kincaid in favors of the said Lord Crossrig pursuer dated the nineteenth of December I^m vj^c and eighty four Item An account of fourty two pounds Scots money payed by the said Lord Crossrig pursuer for a decret of removing and decret of maills and duties before the Sheriff of Berwickshire against the said deceast

David Home Item Account of other fourty two pounds payed by the said pursuer of Expences to Robert Watson Charles Ormistoun and James Johnstoun and for a summons of transferring at his instance of a summons of removing at the said James Home's instance all against the said David Home Item Precept drawn by the said pursuer on Thomas Douglas tennent in Crossrig to give to the said deceast David Home five rix dollars Item Receipt the said deceast David Home to the said Thomas Douglas on the foot of the forsaid Precept Which Receipt is dated the tenth of August I^m vj^o and eighty one Item Receipt by the said Robert Home to the said Thomas Douglas for ten shillings sterling on the foot of a precept drawn by the said pursuer on him Which receipt is dated the first of September I^m vj^o and eighty two Item Receipt by Issobell Home relict of the said deceast David Home to the said Thomas Douglas for two Chaser sheep at six shilling sterling the two upon the foot of the said pursuers precept drawn on him for that effect Which receipt is dated the nineteenth of February I^m vj^c and eighty three Item Receipt the said Robert Home of Crossrig of the sum of two hundred pounds Scots money as the expences of his fathers funerals on the foot of the said pursuer's Lady's precept drawn on Thomas Douglas Which receipt is dated the twenty fifth of December I^m vj^c and eighty two Item An account of two hundred and fifty pounds sixteen shilling and four pennies of Expences depursed by the said de-

