

THE ACTS
OF THE
PARLIAMENTS
OF
SCOTLAND.

VOL. XI.

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PREFACE TO THIS VOLUME.

THE following Volume contains the Acts and Proceedings of five successive Sessions of the Parliament of Scotland, holden during the reign of Queen Anne, between the period of Her Majesty's Accession to the Crown in the year 1702, and that of the Union of the Kingdoms of Scotland and England in the year 1707. The first of these Sessions was a continuation of the same Parliament which had been originally convoked as a Meeting of the Estates of the Kingdom in 1689, and whose existence as a Legislative body after the demise of the late King had been prolonged by an "Act for the Security of the Kingdom," passed in the year 1696*. This Parliament was dissolved by Royal Proclamation on the 14th day of August 1702; and the succeeding Sessions whose Proceedings are contained in this Volume, have been usually distinguished as the First, Second, Third, and Fourth Sessions of the First Parliament of Queen Anne.

The Record of the Proceedings of these successive Sessions of Parliament, from the commencement of the first, on the 9th day of June 1703, to the 27th day of November 1706, had been framed in the usual form under the authority of the Lord Clerk Register; and in this Volume it has been exactly followed: But in the middle of the Proceedings of the day last mentioned, the Record terminates abruptly†; and it has thus been rendered necessary to draw the remaining Proceedings of that most important Session from such of the Original Warrants as yet exist, and have been found in His Majesty's General Register House; and, in a few instances, from Extracts or Official Copies of particular Acts, under the signature of the Lord Clerk Register.

This incomplete state of the Record of the last Session of the Parliament of Scotland, commonly known by the name of The Union Parliament, has been long a matter of notoriety and regret‡: but the evil would now have proved of the less importance had it not been found that

* Vide Acts Parl. Scot. Vol. X. p. 30.

† Vide infra, p. 537.

‡ In a Letter addressed by the Lord President Forbes to the Earl of Hardwicke, dated at Edinburgh, Feb. 29, 1740,—it was stated as what would be matter of surprise and astonishment to those who were aware of the official duties of the Lord Clerk Register, that "tho' at the conclusion of every Parliament of Scotland before that in which the Union was enacted, all the Proceedings of Parliament were regularly reduced into Registers properly authenticated, yet the Acts and Transactions of that Parliament lie still in heaps of bundles unentered and unregistered; and it is now at the mercy of every Rat, by cutting the pack thread with which the several bundles containing the Resolutions of that Parliament are bound up, to mix them together so as to make it difficult to separate them, and consequently to destroy the Evidence of the very Act of the Union." Colcloden Papers, London, 1815.

a considerable number of Parliamentary Ratifications, and of Acts proceeding on private Petitions were irretrievably lost. It is fortunate, however, that the loss does not extend to any matters of national concern; and that the series of proceedings relative to the Union of the Kingdoms remains complete.

In this, as in the three preceding Volumes, the Minutes of Parliament, together with some relative documents not included in the Record, have been printed in an Appendix; with the exception of the Minutes of the last Session or Union Parliament. Having previously adopted these into the Text without any omission, their repetition in the Appendix would have been superfluous; but as a proper Supplement to the imperfect Record of that Session, there has been given in the Appendix a collection of Petitions and other Documents, by means of which the greater number of defects in the Text will, in substance at least, be supplied.

By an Act of the Parliament of Scotland in June 1702, Her Majesty was enabled to appoint Commissioners to treat for an Union between the Kingdoms of Scotland and England; and in September 1705 another Act of similar tenor was passed; in pursuance of which the Commissioners for the two Kingdoms were directed by their respective Commissions to set down and reduce their Proceedings in the said matter into Writings or Instruments to be signed and sealed by them, and to be presented to Her Majesty and to the respective Parliaments of Scotland and England. From the authenticated Copies preserved in His Majesty's General Register House, the Proceedings under both Commissions have been printed in the Appendix, and form a fit conclusion to the last Volume of the Acts of the Parliaments of this ancient Kingdom.

T. THOMSON.

May 1, 1824.

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OF THE
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CONTAINED IN THIS VOLUME.

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DOMINÆ ANNÆ
REGINÆ SCOTIÆ, ETC.



Acta Parliamentorum

ANNÆ REGINÆ.

Apud Edinburgh,

IX DIE JUNII, A. D. M,DCC,II.

THE LAWS and ACTS of the PARLIAMENT of Our most High and Dread Sovereign ANNE by the Grace of God Queen of SCOTLAND ENGLAND FRANCE and IRELAND Defender of the Faith Holden and Begun at Edinburgh the Ninth day of June 1st vijth and two years by Warrant of the Seventeenth Act of the Sixth Session of the Parliament of King William, by His Grace James Duke of Queensberry, Marquess of Dumfriesshire Earl of Drumlanrig and Sanguhar Viscount of Nith Tothorwald and Ross Lord Douglas of Kinmount Middlebie and Dornock &c. Principal Secretary of State for the Kingdom of Scotland One of the Lords of her Majesties most honourable Privy Council Treasury and Exchequer An Extraordinary Lord of Session and Knight of the most Noble Order of the Garter, Her Majesties High Commissioner for holding the same By vertue of a Commission under the Great Seal of this Kingdom

WITH the special Advice and Consent of the Estates of Parliament underwritten.

ROLL of the Nobility Barons and Burghes present in PARLIAMENT

THE EARL OF MARCHMONT LORD HIGH CHANCELLOR

The Lord Montgomery as Lord High Treasurer

The Earl of Melvill Lord President of the Secret Council

The Marquess of Annandale Lord Privy Seal.

Duke of Argyll
Marquess of Lothian
Earl of Seafield Lord Secretary

EARLS of

Crauford
Mar
Mortoun
Buchan
Glencairn
Eglintoun
Kellie
Galloway
Lauderdale
Loudoun
Dalhousie

Findlater
Leven
Northesk
Kintoir
March
Hyndford

VISCOUNTS of

Tarbat
Stair
Roseberry

LORDS

Forbes
Elphinstoun
Burgbleigh
Jedburgh
Reny
Fraser
Bellenden
Boyle

LESSER OFFICERS OF STATE

Lords Advocate
Treasurer Depute
Justice Clerk

COMMISSIONERS FROM THE BARONS
OF THE SHIRES of

Edinburgh
Sir John Clerk of Pennycook
Haddington
Sir Robert Sinclair of Stevenston
William Morison of Prestoungrange
Berwick
Sir John Swintoun of that Ilk
Roxburgh
John Scot of Well
Archbald Douglass of Cavers
Peebles
Alexander Hoesburgh of that Ilk
Lanark
Sir William Denholm of Westshiels
Sir William Stuart of Castlemilk
Dumfries
Sir John Johnston of Westerhall
John Sharp of Hoddam
Wigtoun
M^r William Stuart of Calfestuart
M^r John Stuart of Sorbie
Ayr
M^r Francis Montgomery of Giffins
John Crauford of Kilbirny
M^r John Campbell of Shankstoun
Dumbarton
Clau Hamilton of Bains
Bute
M^r William Stuart of Ambrimore

Renfrew
Robert Pollock of that Ilk
Alexander Porterfield of that Ilk
Perth
Sir Coline Campbell of Abberruchill
Adam Drummond of Megginsh
Kincairdine
Alexander Arbuthnot of Knox.
Aberdeen
Sir James Elphinstoun of Logie
Inverness
Duncan Forbes of Culloden
Cromarty
M^r Kenneth Mackenzie of Cromarty
Angyll
Sir Coline Campbell of Ardkinghda
Sir John Campbell of Carriest
M^r John Campbell of Mammore
Fyfe
Sir John Dempster of Pittliver
M^r James Melvill of Hallhill
George Moncrief of Reiddie
Forfar
James Scot of Logie
Robert Reid of Baldovie
James Scot younger of Logie
Banf
Sir James Abercromby of Birkinboig
Stewartry of Kirkeudbright
Patrick Dunbar of Machrimore
Elgine
James Broddie of that Ilk

COMMISSIONERS FOR THE BURGHS

Edinburgh
Alexander Thomson
Dundee
John Scrimzeour
Aberdeen
Robert Cruickshanks
Stirling
M^r Francis Napier
Lindlithgow
Walter Stuart
Saint Andrews
James Smith
Glasgow
John Anderson
Ayr
John Muir
Dysart
Alexander Swintoun
Kirkcaldie
John Bobwell
Montrose
James Mudie
Coupar
Sir Archbald Muir
Dumfries
Robert Johnston
Kingham
Patrick Wallace
Irving
M^r Alex^r Cunninghamame
Jedburgh
Walter Scot
Kirkcudbright
Sir Andrew Home
Wigtoun
William Cultrane
Selkirk
M^r John Murray
Dunbritton
Sir James Smollet
Renfrew
M^r James Campbell
Lanark
Thomas Hamilton
Peebles
John Muir
Tayne
William Rob
Culrofs
Sir David Dalrymple

Bamf	Sir Alexander Ogilvie
Whitehorn	Patrick Murdoch
Nairn	John Rose
Forres	M ^r William Broddie
Northberwick	Sir Robert Stuart
Cullen	Sir John Hamilton
Lauder	David Maitland
Kintoir	Sir James Scouppall
Annan	M ^r William Johnston
Lochmabben	William Meinzie
Sanquhar	William Alves
New Galloway	Sir Hugh Dalrymple
Dingwall	M ^r Robert Stuart
Dornock	John Anderson
Inverary	Hugh Brown
Inverury	M ^r Robert Forbes
Kirkwall	Sir Alexander Home
Campbelltown	M ^r Charles Campbell

June 9, 1702.

PRAYERS said

THE Duke of Hamilton immediately thereafter Craved to be heard and the desired by the Lord Chancellor to Sit till her Majesties Commission was read and the house constitute yet persisted and said that for Eviteing of Contests he had a paper to read, Which paper he read as containing the reasons of his withdrawing And thereupon and upon his withdrawing took Instruments but without giving in his paper.

THEREAFTER the Clerk Register and severall of the members Declared that they Adhered to the Duke of Hamiltons paper and also took instruments and withdrew.

THE Queens Commission to James Duke of Queensberry to be Her Majesties high Commissioner to this Session of Parliament, Read, Whereof the Tenor follows.

ANNA Dei gratia Magnæ Britanniæ Franciæ et Hiberniæ Regina fideiq; Defensor Omnibus probis hominibus suis ad quos presentes Literæ Nostræ pervenerint Salutem Quandoquidem Nos magni momenti Rationibus inducti currentis nostri Parlamenti hujus antiqui Regni Nostri Scotiæ Comitiss Edinburgi die mensis post datam presentium proxime futuri conventura hæcenus Statuimus Rebus autem Nostris necessario Nos Avocantibus dicte Parlamenti nostri Sessioni interesse nequimus Ideoq; Commissionem Nostram cuidam emmentissimi ordinis summaq; fiduciæ ac præclaris animi dotibus imbuto Regiam nostram personam et auctoritatem in eadem representandi concedere decrevimus Cumq; quamplurima

indicia et diuturnam experientiam habemus de fidelitate intaminata egregiis animi dotibus et singulari erga nos integritate fidelissimi et dilectissimi Nostri Consanguinei et Conciliarii Jacobi Ducis de Queensberry Secreti Sigilli nostri Custodis et unius ex Commissionariis Thesaurarii dicti nostri Regni Idq; prestando per plurims splendida officia et servitia in consiliis negotiis et provinciis fidelis sue demandatis Et speciatim dum munere et officio Supremi Commissionarii pro representando personam charissimi nostri fratris demortui Gulielmi Regis beate memorie functus erat unde ad illud fiduciam munus rite obeundum ac p̄a et Regia nostra proposita propaganda tam in promovendo Commodo et Emolumento dicti nostri antiqui Regni et in Ecclesia et in Republica quam ministerio Nostro ipse usquequaq; idoneus et instructus reddatur Novit is Igitur Nos dedisse et concessisse perq; hæc Nostras patentes literas dare et concedere predicto fidelissimo et dilectissimo Nostro Consanguineo et Conciliario Jacobo Duci de Queensberry Sacram Nostram personam representandi in proxima Sessione predicti Currentis Parlamenti nostri dicti Regni et in re quavis alia ubicunq; de Ecclesia firmanda pace et politia dicti Regni nostri conservanda et excolenda et re nostra promovenda Tractandum fuerit Auctoritatem nostram Regalem gerendi in universis ejusdem Administrationibus tanquam supremo nostro Commissionario plenissimam et amplissimam nostram potestatem et Commissionem Porro tenore presentium eundem Jacobum Ducem de Queensberry cum Commissionarii Nostri titulo nostra auctoritate regali Insignimus plenamq; ipsi tribuimus potestatem omnia et singula ad munus et imperium Commissionarii spectantia tam plene et libere quod orates effectus quam quilibet alius ejusdem summi Muneris et Characteris regnantibus quibuscunq; Nostrorum prædecessorum unquam fecerat seu facere potuerat faciendi agendi peragendi Quonquidem omnia et singula in dicta hac Commissione prosequenda ab ipso facienda Nos firma et rata habemus et habitori sumus Omnibus et Singulis insuper Status nostri officialibus isq; qui nobis ab intimis Conciliis Judicibus Legatis et Officiariis Nostrarum in hoc Regno Copiarum ceterisq; quibuscunq; Subditis dicti Regni stricte Mandamus et Imperamus ut præfatum Jacobum Ducem de Queensberry tanquam supremum nostrum Commissionarium Sacram Nostram personam representantem et regalem Nostram auctoritatem gerentem Agnoscat Ipsaq; reverentiam et obsequium præbeant ad effectum et secundum normam in hac nostra Commissionem præscriptam Quonquidem Commissio Incepit Septimo die mensis Aprilis instantis et durante dicta proxima Sessione Parlamenti in vigore durabit et usq; donec Nobis aptum visum fuerit eandem revocare Et Declaramus hæc nostram Commissionem absq; prejudicio fore præfato Jacobo Duci de Queensberry cuiusvis alii Diplomatis seu Com-

B

Instruments taken by the Duke of Hamilton &c.

Commission to the Duke of Queensberry for representing Her Majesty in this Session of Parliament

missionis de quocumq; alio Munere a nobis ipsi concedito sed eadem durante hac nostra Commissione ac etiam post ipsius expirationem durante nostro beneplacito in pleno vigore continuare modo in singulis Diplomatibus et Commissionibus ipsi concessis contento In cuius rei Testimonium Prasentibus magnum Sigillum Nostrum Appendi Curavimus Apud Aulam nostram de Saint James's Septimo die mensis Aprilis Anno Domini Millesimo Septingentesimo Secundo et Anno Regni nostri primo Per Signaturam manu S. D. N. Regine superscripti. Written to the great Seal and registrat the twentieth day of May 1702 Sic subscribitur Charles Ker. Sealed at Edinburgh, the Twentieth day of May 1st 1702 and two years by special Warrant till the Seal be renewed Sic subscribitur Andr. Hume gratia.

ROLLS called.

THE Earl of Mar Protested for the precedence of all the Earls ranked before him in the Rolls of Parliament.

THE Earl of Mortoun protested for the precedence of all the Earls ranked before him in the Rolls of Parliament.

THE Earl of Findlater protested against the calling of the Earl of Airlie before him in the Rolls of Parliament.

THE Earl of Leven protested against the calling of the Earl of Callender before him in the rolls of Parliament.

BY order of the Lord High Commissioner, one of the Clerks of Parliament and Session and Clerk to her Majesties proceedings in respect of the Clerk Registers withdrawing tendered the Oath of Allegiance to the Lord Chancellor who did swear and signe the same with the Assurance and took the Oath of Parliament; And then all the Clerks of Parliament and Session did swear the Oath of Allegiance and signed the same with the Assurance and gave their Oaths de fidei administratione.

THE Earl of Melvill Lord President of the Privy Council, and the Earl of Crawford and the other Nobility called up by order of the Roll at different times took the Oath of Allegiance and signed the same with the Assurance and took the Oath of Parliament; And in the same manner the Barons and Commissioners for Burghs.

A LETTER from her Majestie to My Lord Commissioner appointing My Lord Montgomery to Sit and Vote in this present Session of Parlia-

ment as Lord High Treasurer, read, Whereupon the Lord Montgomery took the Oath of Allegiance and signed the same with the Assurance and took the Oath of Parliament, and the said Letter was ordered to be Recorded Whereof the tenor follows.

Sic superscribitur ANNE R.

RIGHT trusty and right entirely beloved Cousin and Councellour We greet you well Whereas the office of Lord High Treasurer of that our ancient Kingdom is now in Commission, And it being provided by the Laws of our said Kingdom that the number of our Officers of State who are to vote and have place in Parliament should not exceed the Number of Eight even though at any time there should be more persons employed in the execution of the said offices. And it being reasonable that there should be one named to appear and act in the ensuing Session of Parliament as Our Treasurer aforesaid Therefore We do Nominate and Appoint Our right trusty and well beloved Cousin and Councellour Alexander Lord Montgomerie to have the place and vote of the Lord High Treasurer in the ensuing Session of Parliament So We bid you heartily farewell Given at our Court at St James's the 15th day of May 1702, and of our Reigns the 1st year.

By Her Majestys Command

Sic subscribitur SEAFIELD.

Directed thus,

To Our right trusty and right entirely beloved Cousin and Councellour James Duke of Queensberrie Our Commissioner to our Parliament of our ancient Kingdom of Scotland.

A COMMISSION to William Marquess of Anandale under the great Seal to be Lord Privy Seal read, Upon which he took the Oath of Allegiance and signed the same with the Assurance and took the Oath of Parliament And the said Commission was ordered to be recorded Whereof the tenor follows.

ANNA Dei Gratia Magnae Britanniae Franciae et Hiberniae Reginae fidei Defensor Omnibus pro his hominibus suis ad quos praesentes Literae Nostrae pervenerint Salutem Quandocumque Nos Considerantes munus et officium Secreti Nostri Sigilli antiqui Regni nostri Scotiae Custodia in manibus Nostris nunc vacare et ad nostram donationem esse Nominando fidelissimum et praedilectissimum nostrum Consanguineum et Conciliarium Jacobum Ducem de Queensberry ultimum ejus possessorum ad officium nunc ex dicti Regni Status nostri Secretariis Nos satis Compertum habentes fidelitatem eximiam et sufficientes facultates fide-

Letter Appointing the Lord Montgomery to sit and vote as Lord High Treasurer

[Protestations for Precedency]

[Oath of Parliament &c. taken]

Commission to the Lord Privy Seal

liffimi et dilectiffimi Nostri Consanguinei et Conciliarii Gulielmi Marchionis de Annandale quibus ad munus et officium Secreti Nostri Sigilli dicti Regni Nostri Custodis fideliter Obeundum et Exerendum usquequaq; est adaptatus Igitur Nominasse Felicite Constituisse et Ordinasse Tenoreq; presentium Nominare Facere Constituire et Ordinare dictum Gulielmum Marchionem de Annandale (durante Nostro beneplacito duntaxat) Dominum Custodem Secreti nostri Sigilli dicti Regni Datus pariter Concedimus et Disponimus illi munus et officium Secreti Nostri Sigilli Custodis predicti Cum loco et ordine precedentes immediate post Presidem Secreti nostri Concilii dicti Regni una cum universis honoribus sedis dignitatibus privilegiis premissis et casualitatibus quibuscumq; eo spectantibus per ipsum fruendis et gaudendis tam plene et libere in quovis respectu quam eadem nuperlone potestas et gavisia fuisse vel possideri poterant per predictum Ducem de Queensberry vel quosvis ex ejus in dicto loco et officio Antecessoribus quolibet tempore retroacto Cum potestate etiam dicto Gulielmo Marchioni de Annandale deputatos pro Custodiendo dicto secreto sigillo Nominandi Constituendi et Ordinandi Et Clericos et dicto sigillo Scribas pro quibus respondebit Crescendi Et generaliter omnia et singula Agendi Utendi et Exerendi ad dicti privilegium et libertatem dicti officii propriam spectantia quave in posterum quovis modo spectare dignoscuntur Quarequidem omnia per dictum Gulielmum Marchionem de Annandale in dicto munere et officio obeundo legitime facienda firma et rata habemus et habituri sumus In cujus rei Testimonium presentibus magnam Nostrum sigillum Appendi precepimus Apud Anlam Nostram de Saint James's Sexto die mensis Mali Anno Domini Millesimo Septingentesimo Secundo Regniq; Nostri Anno primo, Per Signaturam Manu S. D. N. Regine superscripte.

A COMMISSION to James Earl of Seafield under the Great Seal to be one of the Principal Secretaries of State And a Letter from her Majesty to My Lord Commissioner Appointing the said Earl to sit and vote in this Session of Parliament as such read and ordered to be recorded, The tenors whereof follow.

ANNA Dei gratia Magnae Britanniae Franciae et Hiberniae Reginae fideles, Defensor Omnibus probis hominibus ad quos presentes Literae nostrae pervenerint Salutem Quandoquidem Nos Regio nostro animo recolentes nihil magis Servitio nostro et Dominiorum nostrorum emolumento conducere quam ut viri notae integritatis fidelitatis et praecleari Animi Dotibus Imbuti primarii Ministri Coronae nostrae speciatim vero Status nostri Secretarii constituantur Quibus fidem adhibere et in

omnibus Negotiis nostris aliisq; Civium nostrorum, commoda promoventibus unice confidere poterimus Nosq; etiam abunde satisfacti de praecleari Animi dotibus probitate aliisq; propulchris facultatibus fidelissimi et praedilectissimi nostri Consanguinei et Conciliarii Jacobi Comitis de Seafield quibus ad Munus et Officium unius ex principalibus Status nostri Secretariis Obeundum usquequaq; est instructus Quorum quamplurima Indicia penbuit per ejus fidelem Administrationem in dicto Munere Obeundo et persultis aliis munitis per quondam beate memorie Regem ejus fidei conceditis Igitur ne diversis aliis gravibus et magni momenti rationibus moti Fedimus Ordinavimus Constitutimus et Nominavimus Tenoreq; presentium Facimus Nominamus Constitutimus et Ordinamus eundem Jacobum Comitem de Seafield unum ex duobus Status Secretariis Nobis pro antiquo Regno nostro Scotiae durante Nostro beneplacito tantummodo et quoad presentes Scripto non revoceantur et excoercentur coprincipalem et conjunctim cum fidelissimo et praedilectissimo nostro Consanguineo et Conciliario Jacobo Duce de Queensberry altero nostro pro dicto nostro Regno Status Secretario Dando et Concedendo tenoreq; presentium Datus et Concedimus ipsi Jacobo Comiti de Seafield (durante spatio antedicto) Locum Officium et Munus unius ex duobus principalibus conjunctis Status Nostri Secretariis predictis cum justo et equale dimidio omnium honorariorum emolumentorum beneficiorum casualitatum libertatum dignitatum et immunitatum quae ad dictum munus et officium pertinebant seu pertinere poterant Una cum annua pensione Mille Librarum Sterlingum secundum Donationem ejusdem per nos ipsi concessam datam cum presentibus Cum plena potestate illi utendi exercendi et fruendi dicto loco munere et officio Et specialiter scribendi subscribendi et Nobis offerendi omnes donationes cautiones et signaturas quascumq; Regali Nostro Manu munendas et intramittendi et recipiendi justum et aequale dimidium omnium honorariorum praemiorum et casualitatum eo spectati Atq; etiam aequalem habendi potestatem et privilegium cum dicto Jacobo Duce de Queensberry altero nostro Status Secretario pro dicto Regno recipiendi interponendi et conservandi omnia signeta dicti Regni et aequale beneficiorum et emolumentorum inde provenientium dimidium in privatos suae usus Applicandi Atq; etiam Deputatos et Custodes dictorum nostrorum Signetorum constituendi et admittendi et omnes Clericos et Signeto nostro Scribas recipiendi Cum omnibus Clericis Vicesomitatum et Clericis ad praem in dicto Regno et eo nomine ipsis tribuendi Commisiones quibus muniti dictis muneribus ad vitam frui et fungi possunt idq; quoties contigerit dicta munus quocumq; casu esse vacua et Compositionum et Commodorum dimidium ex admissione dictorum Clericorum provenientium recipiendi Ac idem

ad privatos suos usus Applicandi, In cujus rei Testimonium Presentibus magnum nostrum Signillum Appendi Curavimus Apud Aulam Nostram de Saint James's Duodecimo die Mensis Mali Anno Domini Millesimo septingentesimo secundo et anno Regni nostri primo. Per Signatum manu S. D. N. Regine superscript. Written to the great Seal and registrat the Eight of June 1702, Sic subscribitur Charles Kerr. Sealed at Edinburgh the Ninth day of June 1st viz and two years by special Warrant till the Seal be renewed Sic subscribitur And^e Hume.

FOLLOWS the Tenor of the Letter Appointing the Earl of Seafield to sit and vote in this Session of Parliament as Lord Secretary.

Sic superscribitur ANNE R.

RIGHT trusty and Right entirely beloved Cousin and Counsellour We greet you well Whereas We have ordered our right trusty and well beloved Cousin and Counsellour James Earle of Seafield Secretary of State for that Our Kingdom to repair thither and to be present at the ensuing Session of Parliament. And whereas it belongs only to one of our two Secretaries indefinitely to have place and vote in Parliament as an Officer of State Therefore We do Nominate and Appoint the said James Earle of Seafield Our Secretary to have place and vote and in every thing to act in the ensuing Session of Parliament as the Secretary Officer of State to whom We will have the said privileges to belong during this Session alternately, And so We bid you heartily farewell Given At our Court at St James's the 12th day of May 1702, And of our Reign the 1st year.

By her Majestys Command

Sic subscribitur QUEENSBERRY.

Directed thus

To our right trusty and right entirely beloved Cousin and Counsellour James Duke of Queensberry Our Commissioner to our Parliament of our ancient Kingdom of Scotland.

THE Patents under the Great Seal Creating Archibald Earl of Argyll, Duke of Argyll and Robert Earl of Lothian Marquess of Lothian, and William Earl of Annandale Marquess of Annandale, and James Viscount of Seafield Earl of Seafield, and John Lord Carmichael Earl of Hyndesford, were read and ordered to be recorded The tenors whereof do follow,

GULIELMUS Dei gratia Magnæ Britanniæ Franciæ et Hiberniæ Rex fidei, Defensor Omnibus probis hominibus ad quos presentes Literæ nostræ pervenerint Salutem Quandoquidem Nos

regio nostro animo revolventes nostrum fidelissimum et dilectissimum Consanguineum et Consiliarium Archibaldum Comitem de Argyll ex familia cum primis illustri ac maxime nobili Ortum esse et a clarissimis illustrissimisque progenitoribus prosapiam suam Duxisse qui maxime fidei ac Musis illis concessita immaculata virtute et singulari fide obierunt Quis, oh res ah illis clarissime gestas Regium diadema tuendo ac sustentando fumis honoris ac dignitatis titulis per nostros Reges decessores Exornati fuerant Et pariter Nos alta mente Reponentes Archibaldum nunc Comitem de Argyll non solum nobilissimum suorum Majorum vestigia aquis sequatur passibus perpetuo ardentis zeli tenore erga nos ac indefatigabili studio nostro servitio mordicus adhaerendi quorum omnium certissima signa et indubitata testimonio exhibuit verum etiam interesse Coronæ nostræ promovendo prout semel occasio obtulisset egregie incubuit Ac in maximorum officiorum Exercitio quæ nobis ejus cure committere visum est summo cum honore et incerta fidelitate fœnetipsum exerceat Nos quoque hujus maxime consilii et memores Et ut ulteriorem amplioris dignitatis additionem in dicto Archibaldum Comitem de Argyll ejusque familiam conferendo illis animas addatur ad insistendum et perseverandum in solita sua fide constantia et studio erga Regiam nostram personam et Regimen Noveritis igitur Nos Fœdise Constituisse Creasse et Inaugurasse nec non tenore presentium Facimus Constituimus Creamus et Inauguramus memoratum Archibaldum Comitem de Argyll Ducem de Argyll Marchionem de Kintyre et Lorn Comitem de Campbell et Cowall Vicecomitem de Lochow et Glenlyle ac Dominum de Inverary Mull Morvern et Tyrrie Dando et Concedendo sicuti tenore presentium Damus Conferimus et Concedimus prædicto Archibaldo Comiti de Argyll et heredibus suis masculis quibuscunque titulum honorem dignitatem et gradum Ducis Nec non Declaramus et Ordinamus prædictum Comitem de Argyll ejusque prædicto Ducem de Argyll Marchiones de Kintyre et Lorn Comites de Campbell et Cowall Vicecomites de Lochow et Glenlyle et Dominos de Inverary Mull Morvern et Tyrrie omni tempore futuro nominandos et designandos omnesque Inmunitates præcedentiam prioritatem et suffragia in omnibus Parliamentis Conciliis generalibus Ordinum Conventibus aliisque congressibus quibuscunque tam publicis quam privatis Cum omnibus aliis immunitatibus libertatibus et privilegiis quibuscunque ad illum alium in Regno Nostro Scotiæ Ducem spectantibus aut spectare valentibus possidere et frui Tenere et Haberi dicti titulum et dignitatem præfato Archibaldo Comiti de Argyll ejusque prædicto de Nobis Nostrisque Illustrissimis successoribus cum universis præhærentiis et privilegiis eidem spectant tam plenarie adeoque libere in omnibus respectibus et conditionibus quam ullus alius dicti Regni nostri Dux possidet

Letter appointing the Earl of Seafield to sit and vote as Lord Secretary

[Patents to be Recorded]

The Duke of Argyll's Patent

et gaudet Et ulterius Volumus et Concedimus et pro nobis Nostrisq; illustrissimis successoribus Decernimus et Ordinamus hoc nostrum præsens diploma adeo validum efficax et sufficiens fore memorato Comiti de Argyll ejusq; antedictæ pro eorum fructu et possessione dicti tituli honoris et dignitatis Ducis aliorumq; prædictæ ac si adhibitis Solennitatibus et Ceremoniis antiquitus Usitatis et similibus Occasionibus Consueti investitus et inauguratus fuisset Quocirca dispensavimus tenoreq; presentium in perpetuum dispensamus Leoni porro Armorum Regi ac fratribus facialibus suis talia additamenta suo paludamento ut illi ac ipsis pro hac occasione conveniens videbitur Concedere et Prescribere Imperamus In eujus Rei Testimonium presentibus magnam sigillum Nostrum Appendi Mandavimus Apud Aulam Nostram de Kensington Vicesimo tertio die mensis Junii Anno Domini Millesimo septingentesimo primo et Anno Regni nostri Decimo tertio per Signaturam manu S. D. N. Regis superscriptæ.

GULIELMUS Dei Gratia Magnæ Britannie Franciæ et Hiberniæ Rex fidei, Defensor Omnibus probis hominibus suis ad quos presentes littere nostræ pervenerint Salutem Quandoquidem Nos regio nostro animo perpendentes quum multa et præclara officia præstiterit fidelissimus et dilectissimus Noster Consanguineus et Conciliaris Robertus Comes de Lothian ejusq; decessores Nobis Nostrisq; Prædecessoribus per multa retro secula nec non ejusdem erga Regem Nostrum personam et regimen animam et affectum omni arrepta occasione expressum præcipue sub tempore felicissimæ Nostræ ad imperium Accessionis quum ipse et ipsius quinq; filii maturam Nobis et rebus Nostris Navarunt operam Considerantes etiam superscriptum Comitem e maxime præclaris et antiquis Regni familiis origine Ducere et tam gentis illustrissimæ de Fairniebirt et Ancram quam de Lothian esse heredem Et plurimos ex ipsis majoribus primos et præcipuos in regno locos obtinuisse Et eum amicis suis et vassallis in supremo Custodis Limitum Munere obeundo facta et rapina Coercendo motus et tumultus suppressendo præclare admodum se gessisse Ipsiusq; Comitem propria virtute et probis moribus familie suæ decus et gloriam conservasse auxillis variisq; Muneribus a Nobis sibi delegatis pro Animi Nostræ Sententia functum esse His itaq; multisq; aliis rationibus adducti Statuimus ad familie suæ dignitatis incrementum perpetuum Regie Nostræ liberalitatis indicium Conferre in se et heredes suos ut ipsis ad Munera a Nobis aut Regis Nostris successoribus iis mandata fideliter Obeunda vires adiantur et animi Noveritis Igitur Nos Facile Constituisse et Censisse nec non tenore præsentium Facinus Constituisse et Censuimus memoratum Robertum Comitem de Lothian Marchionem de Lothian Comitem de Ancram Vicecomitem de

Brien et Dominum Kerr de Newbottle Oxnam Jedburgh Dolphingstone et Nisbets, Dando et Concedendo præfato Roberto Comiti de Lothian hereditasq; masculis de ejus corpore Quilibet deficientibus aliis heredibus talis illi in statu omni tempore futuro successoris titulum honorem gradum et dignitatem Marchionis cum omnibus et singulis prærogativis præeminentiis privilegiis et immunitatibus quibuscunq; eidem spectantibus Cum quo titulo honore gradu et dignitate Nos tenore presentium memoratum Robertum Comitem de Lothian ejusq; antedictos Investimus et Inauguramus nominandos et designandos in omni tempore futuro Marchiones de Lothian Comites de Ancram Vicecomites de Brien et Dominos Kerr de Newbottle Oxnam Jedburgh Dolphingstone et Nisbets Tenend et Habeund prædictum titulum gradum honorem et dignitatem Marchionis cum omnibus privilegiis libertatibus et immunitatibus eidem spectantibus memorato Roberto Comiti de Lothian ejusq; prædictis de Nobis Nostrisq; Regis Successoribus in omnibus Parliamentis Generalibus Conciliis Ordinum Conventibus aliisq; congressibus quibuscunq; tam publicis quam privatis infra dictum Regnum. Leoni porro Armorum Regi ac fratribus suis facialibus talia Additamenta dicti Comitis paludamento ut illi ac ipsis hac occasione conveniens videbitur Concedere et præscribere Imperamus Et Volumus et Concedimus et pro nobis Nostrisq; successoribus Decernimus et Ordinamus hoc præsens Diploma adeo validum efficax et sufficiens fore præfato Comiti ejusq; antedictis pro possessione et fructu prædicti tituli et dignitatis Marchionis cum omnibus præcedentiis prærogativis præeminentiis libertatibus privilegiis eidem spectantibus ac si adhibitis Solennitatibus et Ceremoniis antiquitus usitatis Investitus et Inauguratus fuisset Quocirca dispensavimus tenoreq; presentium pro nobis et successoribus Nostris in perpetuum dispensamus In eujus rei Testimonium presentibus magnam sigillum Nostrum Appendi præcepimus Apud Aulam Nostram de Kensington Vigesimo tertio die mensis Junii Anno Domini Millesimo septingentesimo primo et anno Regni Nostræ Tridecimo, per Signaturam manu S. D. N. Regis superscriptam Written to the Great Seal and Registrat the thirtieth day of June 1701, Sic subscribitur Charles Kerr. Sealed at Edinburgh the thirtieth day of June 1701, Sic subscribitur A. Home.

GULIELMUS Dei gratia Magnæ Britannie Franciæ et Hiberniæ Rex fidei, Defensor Omnibus probis hominibus suis ad quos presentes littere nostræ pervenerint salutem Quandoquidem Nos regio nostro animo Revolventes insignis et grata servitia per præconsum et prædictum Nostrum Consanguineum et Conciliarium Gulielmum Comitem de Annandale præstita in diversis præclaris Muniis quæ illi per nos concessita fuere Quibus

eumq; diverſis aliis magni Momenti rationibus perſuſis Nos durabile Noſtri Regiſ favoris Indiciū in illum ejusq; familiam conferre benigne Status-entes Noveritis igitur Nos Feſſiſ Conſtituiſſe et Creſſe nec non tenore præſentium Facimus Conſtituimus et Creamus memoratum Gulielmum Comitē de Annandale Marchionem de Annandale Comitē de Hartfield Vicecomitē de Annand Dominum Johnſtoun de Lochwood Lochmaben Moſſetdale et Evandale Dando et Concedendo præſato Gulielmo Comiti de Annandale et heredi-
bus ſiſis maſculis quibuſcumq; illi in ſuis præſidiis et ſtatu omni tempore futuro ſuccęſſoris titulum honorem gradum ordinem et dignitatem Marchionis cum omnibus et ſingulis prærogativis præeminentiis præcedentiſ privilegiis libertatibus et immunitatibus quibuſcumq; eidem ſpectantibus Cum quo titulo honore ordine et diglitate Nos ſenore præſentium memoratum Gulielmum Comitē de Annandale ejusq; antedictos Inveſtimus et Inauguramus Nominandos et Designandos in omni tempore futuro Marchiones de Annandale Comites de Hartfield Vicecomites de Annand Dominos Johnſtoun de Lochwood Lochmaben Moſſetdale et Evandale Tenend et Habend prædictum titulum honorem gradum et dignitatem cum ſingulis prærogativis privilegiis et immunitatibus eidem ſpectantibus memorato Gulielmo Comiti de Annandale ejusq; antedictis de nobis Noſtriſq; illuſtriſſimis Succęſſoribus in omnibus Parliamentis Conciliis generalibus Ordinum Conventibus aliſq; Congreſſibus quibuſcumq; tam publicis quam privatis infra Regnum noſtrum Scotiæ Leonī porro Armorum Regi ac fratribus ſuis faciliſſimis talia Additamenta ſuo paludamento ut illi ac ipſi pro hac occaſione conveniens videbitur Concedere et Præſcribere Impe-
rimus et Volumus et Concedimus et pro nobis Noſtriſq; illuſtriſſimis Succęſſoribus Decernimus et Ordinamus hoc præſens Diploma ſub magno noſtro ſigillo expeditum adeo validum et ſufficiens fore præſato Conſiti ejusq; antedictis pro fruitione prædicti tituli honoris et dignitatis Marchionis cum omnibus privilegiis et immunitatibus eidem ſpectantibus ac ſi adhibitis ſolemnitatibus et ceremoniis antiquitatis uſitatis et ſimilibus occaſionibus conſuectis Inveſtiti et Inaugurati fuiſſet Quocirca Dispensavimus Tenoreꝝ præſentium pro nobis et Succęſſoribus in perpetuum Dispensamus In cujus Rei Teſtimonium præſentibus magnum Sigillum Noſtrum Appendi præcepimus Apud Aulam Noſtram de Keſington Vigefimo quarto die menſis Junii Anno Domini Milieſimo ſeptingenteſimo primo et anno Regni Noſtri Decimo tertio, per Signaturam manu S. D. N. Regis ſupen-
ſignatam.

Noſtræ pervenerint Salutem Quandoquidem Nos Regio Noſtro Animo perpendentes perſurpimus inſignia officia Noſtris præſtita et impenſa per fideliffimum et dilectiffimum Noſtrum Conſanguineum et Conſiliarium Jacobum Vicecomitē de Seafeld principalem noſtrum pro antiquo regno noſtro Scotiæ Status Secretarium in ſingulis munis et miniſteriis a nobis ipſi conceditis Nominatim vero in ſummo illo Munere Status Secretarij antedicto atq; in memoriam Revocantes fidelitatem et præclara ſervitiis nobilis et antiquæ familie Comitum de Findlater cujus eſt hæres immediate ſucceſſuras Ob prædictas itaq; et perſurpimus alias magni momenti rationes Noveritis Nos Feſſiſ Conſtituiſſe et Creſſe ſicut et per præſentes Noſtros patentes Literas Facimus Conſtituimus et Creamus eundem Jacobum Vicecomitē de Seafeld Comitē de Seafeld Vicecomitē de Reidhaven Dominum Ogilvie de Deſkford et Cullem in dicto noſtro Regno, Dando Concedendo et Conferendo in dictum Jacobum Vicecomitē de Seafeld et heredes maſculos de ejus corpore Quibus deſicientibus alios ſuos heredes Talia ſibi in terris ſuis Baronis et Statu ſuccedentes titulum honorem dignitatem et gradum Comitis cum univerſis et ſingulis prærogativis præeminentiſ privilegiis et immunitatibus quibuſcumq; eo ſpectantibus quibuſcum dictum Jacobum Vicecomitē de Seafeld ejusq; prædictos omni tempore futuro Nobilitamus et Juveſtimus Teneti et Habei antedictum Titulum Honorem dignitatem et gradum Comitatus Vicecomitis et Domini cum univerſis et ſingulis prærogativis præeminentiſ privilegiis et immunitatibus antedictis per dictum Jacobum Vicecomitē de Seafeld ejusq; antedictos de nobis Noſtriſq; ſereniffimis Succęſſoribus in omnibus Parliamentis Ordinum Conventibus Conciliis generalibus Omnibusq; aliis publicis et privatis ejusdem Regni Congreſſibus tam plenarie adeoꝝ, libere in omnibus reſpectibus et conditionibus quæſi quivis alius Comes Vicecomes et Dominus tali titulo honore et dignitate quovis tempore præterito præſenti aut futuro gaviſus eſt ſeu frui aut gaudere poterit Leonī porro Armorum Regi ejusq; fratribus faciliſſimis Mandamus ut præſato Jacobo Vicecomiti nunc Comiti de Seafeld talia inſignia ſujs gentilitiis Additamenta quæſi ipſi illiſq; congrua et ſimilibus cauſis uſitata videbantur Dent et Præſcribant Ordinamus deniq; et Declaramus hæc Noſtras patentes literas ſub magno Noſtro Sigillo adeo validas et ſufficientes fore illi ejusq; prædictis fruendo dicto titulo honore dignitate et gradu Cum omnibus privilegiis aliſq; eo ſpectantibus ac ſi ipſe ejusq; prædicti cum omnibus ritibus et ceremoniis ſimilibus occaſionibus perſurp uſitatis inveſtiti et Inaugurati fuiſſent Quocirca Nos pro nobis Noſtriſq; Succęſſoribus Dispensavimus Tenoreꝝ præſentium in perpetuum Dispensamus In cujus rei Teſtimonium Præſentibus Magnum Sigillum Noſtrum Appendi Mandavimus Apud Au-

lam Nostram de Kensington Vigesimo quarto die mensis Junii Anno Domini Millesimo septingentesimo primo et anno Regni Nostri Decimo tertio. Per Signaturam manu S. D. N. Regis superscripti. Written to the great Seal & Registrat the twenty fourth day of July 1701, Sic sub^{sc} Charles Kerr. Sealed at Edinb^{urgh} the twenty fourth day of July, 1701, Sic subscribitur A Home.

The Earl of
Hyndfoord
Patent

GULIELMUS Dei gratia Magnæ Britannie Franciæ et Hiberniæ Rex fidei, Defensor Omnibus prohis hominibus suis ad quos presentes littere Nostræ pervenerint Salutem Quandoquidem Nos regio nostro animo perpendentes fidelitatem continuam et affectum fidelissimi et dilectissimi Nostri Confanginei et Conciliarii Joannis Domini Carmichael Nostri principalis Status Secretarii pro antiquo nostro Regno Scotiæ erga nostram personam et Regnum Et quod diversis insignis muneribus et flatonibus a nobis ipsi conceditis summo cum honore et fidelitate functus sit Et Nos ex certa nostra scientia quendam Regiæ nostræ gratiæ Characterem in eundem Joannem Dominum Carmichael conferre benigne Statuentes ut sibi et suis familiæ durabili fiat honoris additio Noveritis Igitur Nos Fecisse Constituisse et Creasse sicut per has Nostras potentes litteras Fecimus Constituimus et Creamus eundem Joannem Dominum Carmichael Comitum de Hyndfoord Vicecomitem de Inglisberry et Neuphar Dominum Carmichael de Carmichael infra dictum Regnum Dando Concedendo et Conferendo præmonstrato Joanni Domino Carmichael et heredibus suis masculis et talibus illi in terris et statibus suo succedentibus secundum ipsius jura et infœdamenta earundem titulum honorem dignitatem et gradum Comitum Vicecomitis et liberi Parlamenti Domini cum omnibus et singulis prærogativis præeminentiis privilegiis præcedentiis et immunitatibus quibuscumque, eo spectantibus quibuscumque Nos præfatum Joannem Dominum Carmichael ejusque, predictos omni tempore futuro per presentes Nobilitamus et Investimus Tenendum et Habendum predictum titulum honorem dignitatem et gradum Comitum Vicecomitis et liberi Parlamenti Domini cum universis et singulis prærogativis præcedentiis præeminentiis privilegiis et immunitatibus superscriptis per eundem Joannem Dominum Carmichael ejusque, antedictos de Nobis nostrisq, Regiis Successoribus in omnibus Parlamenti Generalibus Conciliis Ordinam Conventibus aliisq, Congressibus quibuscumque, publicis seu privatis in dicto Regno nostro tam plenarie et libere in quovis respectu et conditione ac quavis alius Comes Vicecomes et liber Parlamenti Dominus simili titulo honore et dignitate perperis fructus fuit seu quovis tempore præterito presenti vel futuro uti et frui poterit Leoni porro Armorum Regi ejusque, fratribus facilibus Imperamus ut præfato Joanni

Domino Carmichael nunc Comiti de Hyndfoord talia prioribus insigniis ejus gentilibus Additamenta qualia ipsi illisq, hæc occasione convenientia videhantur dent et prescribant Ordinando et Declarando hasce Nostras potentes litteras magno nostro sigillo munitas adeo validas efficaces et sufficientes fore illi ejusque, antedictis pro possidendo predicto titulo honore dignitate et gradu cum omnibus privilegiis aliisq, eo spectantibus ac si cum omnibus ritibus et solemnitatibus similibus occasionibus perperis usitatis Ille ejusque, predicti investiti et inaugurati essent Quocirca Dispensavimus perq, presentes in perpetuum Dispensamus In Cujus rei Testimonium presentibus magnum sigillum Nostrum Appendi præcepimus Apud Aulam nostram de Kensington Vigesimo quinto die mensis Junii Anno Domini Millesimo septingentesimo primo Et Anno Regni Nostri Tridecimo Per signaturam manu S. D. N. Regis superscripti. Written to the great Seal and registrat the twenty fifth day of September 1701 Sic subscribitur Charles Kerr. Sealed at Edinb^{urgh} the twenty fifth of September 1701, Sic subscribitur A Home.

THE Duke of Argyll the Marquess of Lothian and the Earls of Seafeld and Hyndfoord took the oath of allegiance and signed the same with the assurance and took the Oath of Parliament.

[Oaths taken]

JOHN Sharp of Hoddam Commissioner for the Shire of Dumfries and M^r John Stuart of Sorbie for the shire of Wigton, new elected in place of the two former Members deceased took the oath of allegiance and signed the same with the Assurance and took the oath of Parliament.

JOHN Scrimzeor Commissioner for the Burgh of Dundee and Sir Alexander Ogilvie for the Burgh of Banf in place of the two former Members deceased took the oath of allegiance and signed the same with the assurance and took the oath of Parliament.

TWO Commissioners the one to George Monro of Culzein and the other to David Sutherland of Kinmald being presented from the shire of Sutherland the same were remitted to the Committee to be appointed for Contraverted Elections.

[Shire of Sutherland]

THE Queens most gracious Letter to the Parliament presented by her Majesties high Commissioner, was read, Whereof the tenor follows.

Sic superscribitur ANNE R.
My Lords and Gentlemen

AFTER the great loss these Nations and all Europe have sustained by the death of the late King our Royall and most dearly beloved brother of ever blessed memory, We were much encouraged

The Queen's
Letter to the
Parliament

upon our entering into the Administration of the Government of that our ancient Kingdom by the hope of finding in you the continuance of that fidelity and zeal of which you gave so signal proofs in the Reigne of our glorious Predecessor.

IT should have been our great satisfaction at this our first Accession to the Crown to have met with you in person; That from our own mouth We might have given our people full assurance of our sincere Intentions towards their true welfare and happiness But the multiplicity of weighty and important affairs in which We are engaged at present depriving Us of that opportunity We would not on that account delay your meeting any longer.

AND that nothing may be wanting on our part for the satisfaction of our Subjects, whose affection We shall always look upon as our greatest security and value above all other advantages: We give you full Assurance that we are firmly resolved to maintain and protect them in the full possession of their Religion Lawes and Liberties, and of the Presbyterian Government of the Church as at present Established.

IT pleased God to make the late King the great Instrument of Delivering our People from Popery and Arbitrary power, and of restoring to them their ancient Rights and Privileges: And through the same divine grace We shall in the whole course of our Reign aim at nothing more than the preserving to them these advantages and contribute as much as in Us lyes for their further security in the enjoyment of them.

THE exorbitant power of the French King threatening the liberties of all Europe, and his owning the pretended Prince of Wales as King of these our dominions, Influencing also Spain to concur with him in that Indignity tending visibly to the subversion of the Protestant Religion and the Ruine of our Subjects in all that is dear to them, have obliged Us in pursuance of an express Article of the Treaty entered into by the late King and our Allies to declare war in this as well as our other dominions against France and Spain, wherein We confidently expect your hearty concurrence and assistance both for the honour and safety of the Kingdom; Not doubting but you are affected with the same sense of these wrongs and indignities and the other just causes of war as did appear in the many loyal Addresses presented by our Subjects upon that occasion.

WHEREFORE being most assured of your care and concern in this matter We earnestly recommend to you the providing competent Supplies for maintaining such a number of Forces as may be necessary for preventing and disappointing the

designs of our Enemies and preserving the happy Settlement you now enjoy.

THE late King our Royall brother did before his death very earnestly recommend to his Parliament of England the consideration of the Union of the two Kingdoms of Scotland and England which being so necessary for the security and happiness of both, We did at our Accession to the Crown again seriously recommend the same to them. And they having proceeded to empower Us, by an Act of Parliament to name Commissioners to treat of an Union We doubt not but you will do what is necessary on your part. And We shall contribute our utmost endeavours towards the Accomplishment thereof and shall esteem it our happiness to Establish the Nations on so sure a foundation.

WE have appointed Our right trusty and right entirely beloved Cousin and Councellour James Duke of Queensberry to be our Commissioner to represent our Royall Person in this Session of our Parliament being fully satisfied of his great abilities and fidelity for discharging that trust and no less persuaded that the proofs he hath given thereof upon the like occasion will render him to you acceptable. We have fully instructed him with our mind and have empowered him to give our Assent to such Lawes as shall be proposed for the security of our Subjects in all their Concerns civil and religious And therefore We desire you may give him intire trust and credit. It will be very satisfying to us that effectual methods be taken for promoting of Religion vertue and true piety and suppressing vice and immorality; for advancing and encouraging Trade, and for employing and providing for the poor. And seeing now in the beginning of our Reign We have recommended nothing but what is for the security and happiness of that our ancient Kingdom We hope that you will with unanimity dispatch what comes before you And We expect by your prudence and conduct, this Session of Parliament shall be brought to such a happy conclusion as shall lay the foundation of that firm Union and true Understanding betwixt us and our people as is necessary for the happiness of both, And so We bid you heartily farewell. Given at our Court at St James's the 15th day of May 1702, and of our Reign the first year.

By her Ma^{ty} Command
Sic subscribitur SEAFIELD.

Directed thus,
To the Noblemen and to the Barrens Commissioners for Shires, and to the Commissioners for Burroughs assembled in Parliament in our ancient Kingdom of Scotland.

HER Majesties High Commissioner made a Speech to the Parliament.

THEREAFTER the Lord Chancellor made a Speech to the Parliament.

[The Queens Letter & Commissioners Speech & Chancellors Speeches to be printed]

A MOTION being made for printing her Majesties Letter His Grace the Commissioners Speech and the Lord Chancellors Speech; the same was ordered accordingly.

[Anent recognizing her Majesties authority]

MOVED that an Act be brought in next Sederunt of Parliament for Recognizing her Majesties Royal Authority And her Majesties Coronation Oath with the attestation by several of the Privy Council of her taking the same were read.

ORDERED that the draught of an Act be brought in next Sederunt of Parliament for recognizing her Majesties Royal authority.

[The Protestant Religion]

MOVED that an Act be brought in next Sederunt of Parliament for securing the Protestant Religion and Presbyterian Church Government as now established Which was ordered accordingly.

[Anent a Fast]

MOVED that an Act be brought in Authorizing the Appointment of a Fast conform to the desire of the Commission of the General Assembly Which was ordered accordingly.

[Committees]

MOVED that the Committees be appointed And agreed that there be four Committees One for the Security of the Kingdom consisting of nine of each State A second for contraverted Elections consisting of five of each State A third for drawing an Answer to her Majesties Letter consisting of one of each State And the fourth of the like number for revising the Minuts.

ORDERED that the Members prepare their lists for the several Committees to be elected next Sederunt of Parliament.

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Thursday next at ten a clock.

JUNE XI, M,DCC,II.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

DRAUGHTS of the following Acts viz. Act Recognizing her Majesties Royal authority Act for Adjourning the Session Act Declaring the present meeting of Parliament to be a lawful and free meeting of Parliament Act for Securing the true Protestant Religion and Presbyterian Government and Act for a National Fast, all read for the first time.

[Acts read]

HER Majesties most gracious Letter to the Parliament presented by her Majesties high Commissioner in answer to the Address from the Parliament in relation to the Company Trading to Africa and the Indies and concerning the Union with the Kingdom of England Read and Ordered to be printed and recorded, And the Drawing of an answer thereto Remitted to the Committee to be named for drawing an answer to her Majesties Letter read the former Sederunt, Of which Letter now read the tenor follows.

Sic subscribitur ANNE R.

My Lords and Gentlemen

THE Address you made in the last Session of Parliament to our deceased Royal brother King William of ever blessed memory was presented to him by our right trusty and right entirely beloved Cousin and Counsellour James Duke of Queensberry our Commissioner and our two Secretaries of State for that our ancient Kingdom, And his Majesty designed to have returned an answer thereto at your first meeting; In which no doubt he would have fully signified his good intentions for that our Kingdom and for the encouragement and satisfaction of the Company trading to Africa and the Indies; but he being prevented by death Our Commissioner and Secretaries have presented your Address to us which we have had fully under our consideration.

Her Majesties Letter in answer to the Address relating to the African Company & concerning the Union &c.

IT is our firm purpose and resolution to maintain the Sovereignty and Independency of that our ancient Kingdom against all invasions or encroachments whatsoever And We shall be ever equally tender of the rights prerogatives & liberties of the Crown and Kingdom of Scotland as of those of the Crown and Kingdom of England And We shall make it the chief design of our Reign to govern both according to their respective Laws and Liberties, and to avoid all occasions of misunderstanding or differences betwixt them. And

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for this end We shall think it our happiness to establish an intire Union betwixt the two Kingdoms upon an equal and just foundation And the Parliament of our Kingdom of England having shewn so good inclinations towards this Union We expect that you will do nothing in your part that can obstruct a design so usefull for the security and happiness of both.

ORDERS were given by the late King that none of our Subjects of Scotland should be imprest from on board Scots ships by the English for the Sea service And We have taken effectual methods and shall give such orders as shall be necessary for the full protection of our Subjects of that our Kingdom in this matter and for the encouragement of Commerce between the two Nations.

WE do heartily regrave the great losses and disappointment which the Company trading to Africa and the Indies have sustained in the carrying on and prosecuting their Designs in Settling of a Colony in America which has been also a great prejudice and loss to the whole Kingdom: And therefore We shall cheerfully concur in any thing that can reasonably be proposed for their reparation and assistance nor shall they want our countenance and protection in all their just designs and concerns And We shall ever endeavour to promote the trade not only of that Company but of the whole Nation And shall do every thing that is in our power for the welfare and prosperity of our people So We bid you heartily farewell Given at our Court at St James's the 21st day of April 1702 And of our Reign the 1st year.

By her M^{ty} Command

Sic subscribitur HYNDFOORD.

Directed thus

To the Lords Temporal, and to the Commissioners for Shires and Burghs Assembled in Parliament in our ancient Kingdom of Scotland.

ORDERED that the several States of Parliament Separat and make election of the Committees appointed by the last Sederunt Whereupon the States having Separat returned and reported their several Elections as follows viz.

Aberrochill Adam Drummond of Megginch Sir James Elphinstoun of Logie Duncan Forbes of Culloiden and M^r James Melvill of Halhill And of the Commissioners for Burghs John Anderson for Glasgow Sir Archibald Muir Sir James Smollet Sir David Dalrymple Sir Alexander Ogilvie Sir John Hamilton Sir Hugh Dalrymple M^r Robert Stuart and Sir Alexander Home.

FOR Contraverted Elections Of the State of the Nobility The Earls of Buchan Glencairn and Kintore The Viscount of Turbat and Lord Forbes Of the State of Barons William Morison of Prestongrange Robert Pollock of that ilk Sir Coline Campbell of Ardkinglass Sir John Dempster of Pilliver and Robert Reid of Baldovie And of the Commissioners for Burghs John Muir for Air Sir Andrew Home M^r John Murray M^r William Johnston and M^r Robert Forbes.

FOR Drawing an Answer to her Majesties Letter The Duke of Argyll M^r Francis Montgomery of Giffan and Sir Hugh Dalrymple.

FOR Revising the Minuts The Viscount of Turbat Sir Coline Campbell of Aberrochill and Sir David Dalrymple.

A MOTION being made that a Supply be granted to her Majesty for maintaining of the forces for Security of the Peace of the Kingdom And it being also moved That effectual courses be taken for securing the coasts and trade of the Kingdom And likewise for Securing the Peace of the Highlands: And sicklike it being moved that that part of her Majesties Letter concerning the Union with England be taken into consideration;

THE said Motions were all remitted to the Committee for Security of the Kingdom.

ORDERED That the Committees do meet in their usual places to morrow at Nine a clock.

THE Lord Chancellour by order of her Majesties High Commissioner Adjourned the Parliament till to morrow at Ten a clock.

JUNE XII, M,DCC,II.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

ACT Recognizing her Majesties Royal Authority read the second time and voted and approved nemine contradicente.

Committees

FOR the Security of the Kingdom Of the State of the Nobility The Earl of Melvill Lord President of the Privy Council The Duke of Argyll The Marquess of Lothian The Earls of Marr, Lauderdale, Londoun, Leven and Hyndford and Viscount of Stair. Of the State of Barons Sir Robert Sinclair of Stevenston Sir John Swintoun of that ilk M^r Francis Montgomery of Giffan John Crauford of Kilbirny Sir Coline Campbell of

ACT Adjourning the Session till the first of July next read the second time and voted and approved.

ACT for Securing the true Protestant Religion and Presbyterian Government read the second time.

[Sir Alex^r Bruce expelled] SIR Alexander Bruce Commissioner for the Burgh of Sanquhar having said upon the reading this Act that the Act of Parliament Establishing Presbyterian Government did contain things inconsistent with the essence of the monarchy; He was thereupon called to the bar, and not giving satisfaction he was ordered to withdraw, And the question being put Expell him out of the Parliament or not It carried in the affirmative nemine contradicente, And a Warrant was ordered to the Burgh of Sanquhar to elect a new Commissioner in his place in manner following.

HER Majesties High Commissioner and the Estates of Parliament in respect that Sir Alexander Bruce Commissioner to this present Parliament for the Burgh of Sanquhar is expelled the Parliament by a Sentence of this date Grants order and warrant to the Magistrates and Town Council of the said Burgh to elect a Commissioner to represent the said Burgh in this Parliament in vice of the said Sir Alexander Bruce at Sanquhar the Eighteenth day of June instant And Ordains intimation to be made hereof in the usual manner.

THEREAFTER the Act being again read was voted and approved nemine contradicente.

ACT declaring the present meeting of Parliament to be a lawfull and free meeting of Parliament was read the second time and voted and approved nemine contradicente.

[Faculty of Advocates] UPON information that some Advocates had met to draw and signe an address concerning the meeting of Parliament or other publick matters Warrant was granted to Masters to Cite the Dean of Faculty and Advocates to appear before the Committee for security of the Kingdom to morrow at ten a clock in the forenoon and to bring with them the said paper each of them who hath or had or fraudfully have put away the same as they will be answerable at their highest perill.

THE Act for a National Fast the second Thursday of July next read the second time and voted and approved.

[Acts toucht with the Scepter] THEN the above Acts viz. Act Recognizing her Majesties Royal authority, Act Adjourning the Session, Act for Securing the Protestant Religion and Presbyterian Government, Act Declaring the

present meeting of Parliam^t to be a lawfull and free meeting of Parliament And Act for a National Fast were all by her Majesties high Commissioner toucht with the Scepter in the usual manner, and ordered to be published and printed, Of which several Acts the tenors do follow.

ACT Recognizing her Majesties Royal Authority.

THE Estates of Parliament considering that by 1 the decease of the late King William of ever glorious memory the Crown and Royal dignity of this Kingdom is according to the Claim of Right and by undoubted right of Succession devolved upon Queen Anne Our present Gracious Sovereign; And that her Majestic hath duly sworn the Coronation Oath conform to the said Claim of Right Therefore the Estates of Parliament for themselves and in name and behalfe of the whole subjects of this Kingdom do hereby Asert Recognize and Acknowledge her Majesties Royal power and authority over the said Kingdom and her undoubted right and title to the Imperial Crown thereof Ratifying and Approveing Likens they hereby Ratifie and Approve the administrating the said Coronation Oath to her Majestic upon the decease of the late King by the Lords of Privy Council that were then at London and their attestation made thereupon with the Proclamation of her Majesties Privy Council here in Scotland for proclaiming her Majesties said right and title And her Majestic with advice and consent of the said Estates of Parliament doth Declare that it is and shall be high treason in any of the subjects of this Kingdom by writing speaking or any other manner of way to disown quarrell or impugn her Majesties Royal power and Authority or right and title to the Crown: And farther Her Majestic with advice & consent forsaide Statutes and Ordains that the oath of allegiance hereto subjoined shall be sworn, and the same with the Assurance added to it subscribed by all persons of publick trust civil ecclesiastick and military who have not yet sworn and subscribed the same to her Majestic according to the tenor of the Sixth Act of the fourth Session of this present Parliament Intituled Act for taking the oath of Allegedgance and Assurance And Recommends it to the Lords of her Majesties Privy Council to cause the said Oath of Allegedgance & Assurance be farther taken in manner foresaid at such times and in such methods as they shall appoint.

The Oath of Allegedgance.

I A. B. do sincerely promise and swear that I will be faithfull and bear true allegiance to her Majestic Queen Anne So help me God.

The Assurance.

I A. B. do in the sincerity of my heart Acknowledge and Declare that her Majesty Queen Anne is the only lawful and undoubted Sovereign of this Realm as well de jure that is of right Queen as de facto that is in the possession and exercise of the Government And therefore I do sincerely and faithfully Promise and Engage that I will with heart and band life and goods Maintain and Defend her Majesties Title and Government against the pretended Prince of Wales and his adherents and all other enemies who either by open or secret attempts shall disturb or disquiet her Majesty in the possession and exercise thereof.

ACT Adjourning the Session till the first of July next.

- 2 OUR SOVERAIGN LADY Considering that the sitting of the Parliament began the Ninth of June instant may continue for the said month of June whereby the Leidges cannot now conveniently attend Do therefore with advice and consent of the Estates of Parliament Adjourn the Session to the first day of July next to come Continuing all actions and causes depending before the Lords of Session to the said first day of July And her Ma^{ty} dispenses in the mean time with the sitting of all inferior Courts as if the Session had not been adjourned and notwithstanding of the sitting of the Parliament And further declares that the time and space betwixt the date hereof and the said first day of July shall not be reckoned in any short prescription And ordains these presents to be published at the mercat Crofs of Edinburgh and to be forthwith printed that the leidges may be certified thereof.

ACT for Securing the true Protestant Religion and Presbyterian Government

- 3 OUR SOVERAIGN LADY the Queens Majesty with advice and consent of the Estates of Parliament Ratifies Approves and perpetually Confirms all Laws Statutes and Acts of Parliament made against Popery & Papists and for the establishing maintaining and preserving of the true Reformed Protestant Religion and the true Church of Christ as at present owned and settled within this Kingdom As likewise for Establishing Ratifying and Confirming the Presbyterian Church Government and Discipline That is to say the Government of the Church by Kirk Sessions Presbitrie Provincial Synods and General Assemblies to be agreeable to the word of God and the only Government of Christ's Church within this Kingdom And particularly without prejudice of

the generality foresaid Her Ma^{ty} with advice and consent foresaid Ratifies Approves and Confirms the fifth Act of the second Session of this current Parliament Intituled Act Ratifying the Confession of Faith and Settling Presbyterian Church Government in the hault heads clauses and articles thereof as if at length herein set down But prejudice nevertheless to the twenty seventh Act of the fifth Session of this present Parliament intituled Act concerning the Church as to the allowance therein given to certain Ministers not actually assumed by the Established Church Judicatures under the conditions and provisions alwayes express in the said Act.

ACT Declaring the present meeting of Parliament to be a lawfull and free meeting of Parliament

- OUR SOVERAIGN LADY the Queens Majesty with advice and consent of the Estates of the Kingdom presently assembled in Parliam^{ts} Enacts Statutes and Declares that the meeting of Parliament now convened by vertue and warrant of the seventeenth Act of the sixth Session of this Parliament Intituled Act for the Security of the Kingdom and by her Majesties Adjournment agreeable thereto is a lawfull and free meeting of Parliament for the ends therein mentioned And farther in pursuance of the first Act of the first Session of this Parliam^{ts} and without any derogation thereto It is declared That it shall be high treason for any person to disown quarrel or impugn the dignity and authority of this present meeting of Parliament upon any pretence whatsoever And ordains these presents to be published at the mercat crofs of Edinburgh that none pretend ignorance.

ACT for a National Fast

- THE Estates of Parliament taking to their serious Consideration an Act of the Commission of the General Assembly for a solemn National fast and humiliation and the weighty causes and reasons for the same therein contained; and the said Commission having made application to her Majesties high Commissioner to have the civil Sanction thereto interposed Therefore Her Majesty with advice & consent of the said Estates of Parliam^{ts} doth hereby Command and Appoint that the second thursday of July next being the ninth day of the said month be set apart as a day of solemn fasting and humiliation for making prayers and supplications to God for the causes and reasons foresaid; And that the said day be religiously and strictly observed by all persons within this Kingdom And ordains all Ministers to read this

present Act with the foresaid Act of the Commission of the General Assembly publicly in their Congregations a Sunday at least before the said second Thursday of July next appointed for keeping the said fast: Certifying such as shall not give due obedience or shall contemn or neglect the keeping and observing the said day and duties that they shall be proceeded against by fining not exceeding One hundred pounds Scots; And Warrants and Commands the Sheriffs Stewarts of Stewartries Lords and Bailies of Regalities and all their Deputies Justices of Peace and Magistrates of Burghs within their several Jurisdictions to proceed against the transgressors and exact the fines accordingly to be applied the one half to the Judge and the other half to the poor of the parish; And Certifying such Ministers as shall fall in their duty in not reading this Act with the foresaid Act of the Commission and in not observing the duties therein prescribed they shall be proceeded before and punished by the Lords of her Majesties Privy Council: And all Sheriffs Stewarts Lords and Bailies of Regalities and all their Deputies Justices of Peace Magistrates of Burghs and their Clerks are hereby required to make report to the Lords of her Majesties Privy Council of these Ministers who shall fall of their duty And ordains these presents with the foresaid Act of the Commission of Assembly to be printed and this Act to be published at the mercat Cross of Edinburgh and hail remanent mercat Crosses of the head Burghs of the Shires and Stewartries of the Kingdom that none pretend ignorance, And that Copies be dispersed in the usual manner to Sheriffs Stewarts Bailies of Regalities or their Deputies and Magistrates of Burghs as likeways to all Ministers that they may seriously exhort all persons to a sincere and devout observance of the premises.

THE Committees appointed to meet to morrow at ten a clock.

THE Lord Chancellor by order of his Majesties High Commissioner Adjourned the Parliament till Tuesday next at ten a clock.

JUNE XVI, M,DCC,CL

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THE Report of the Committee for Security of the Kingdom read, viz. It is the opinion of the Committee for Security of the Kingdom that a resolve be made in Parliament to grant sufficient Supplies to her Majesty for maintaining forces

requiring forts and garisons and providing arms and ammunition and guarding the coasts and trade, for securing the peace and quiet of the Highlands and generally for defence and security of the Kingdom.

MOVED that a Committee be appointed for revising the accounts of the money given and laid on by the former Sessions of this Parliament.

AGREED that a Committee be appointed for that end and that there be three of each State and that the Members bring in their lists, next Sederunt.

THE said Report being again read was voted and approved.

REPORT from the Committee of Security anent the affair of the Advocats Remitted to them, that they had called the Dean of Faculty and whole Advocats whereof about seventy had declared they gave no warrant to the Dean of Faculty to subscribe the paper called the Address and twenty of them refused to answer the Question And that the Committee had caused the said refusers enact themselves to appear before the Parliament this day and ordered her Majesties Advocate to prepare and exhibit a Charge against them.

[Charge against the Advocats]

HER Majesties Advocate exhibited the said Charge Which being read the said Advocats that had enacted themselves were called and the Charge read to them.

THE Dean of Faculty for himselfe and in name of the others called Craved a competent time to answer the libell, it being complex.

HER Majesties Advocate declared that the Defenders should have a copy of the libell and instructions thereof with a list of the witnesses, and craved that a copy given to the Dean of Faculty should be sufficient for him and the rest. To which the Defenders agreed.

BUT thereafter, Her Majesties Advocate declared he would give a copy to each of them But that the documents should be put in the Dean of Faculties hands to serve for him and the rest Which was agreed to and ordered to be marked.

ORDERED that the Defenders give in their Answers to the Charge on Tuesday next with continuation.

ORDERED that the Committee for drawing the Answers to her Majesties Letters do meet to morrow morning and prepare draughts for the Parliament.

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[Report about Supplies to her Majesty]

THE other Committees Appointed to meet to-morrow at ten a clock.

THE Lord Chancellor by order of her Majesties High Commissioner Adjourned the Parliament till Thursday next at ten a clock.

JUNE XVIII, 1702.

PRAYERS said. Rolls called.

MINUTS of the last Sederunt read.

[Among the
Advocates]

WARRANT craved by and granted to her Majesties Advocat for citing witnesses in the Charge at his instance against the Dean of Faculty and Advocats refusing to answer and sisted before the Parliament.

[Among a
Supply to
the Queen]

REPORT from the Committee of Security of the Kingdom viz. It is the unanimous opinion of the said Committee That a supply be granted to her Majesty for seven months Cels in one year for maintaining of forces repairing of forts and garrisons and providing arms and ammunition and maintaining of frigots for guarding the trade and coasts: And likewise it is their unanimous opinion that the said Cels shall be continued to her Majesty for the ends foresaid for one year and a halfe making up in all ten months and a halfe Cels payable in the said year & a half beginning the first terms payment at the terme of Candlemas One thousand seven hundred and three years, read.

THEREAFTER the Draught of an Act upon the same subject brought in from the said Committee, and read the first time.

A DRAUGHT of a Letter from the Parliament to her Majesty brought in from the Committee, read; And being again read by paragraphs was voted and approved Of which Letter the tenor follows.

May it please your Majesty

YOUR Majesties most Gracious Letter was Received and Accepted by us in this our first meeting after the death of our late Glorious Sovereign as a high and most reasonable favor.

THE late King William of ever blessed memory by his accession to the throne delivered us from imminent ruine and under his Royal Government We for many years enjoyed such a happy settlement as in the times of war as well as of peace gave us the quiet and full possession of our religion laws and liberties and all that could be dear to us.

BUT when so great a loss did fill us with sorrow and fears Your Majesties succession by undoubted right to the Crown of your many royal Ancestors under whose Scepter this your ancient Kingdom hath so long flourished was the only comfort whereof we were capable.

YOUR Majesties firm constancie in the true Protestant Religion is the great satisfaction of all its wellwishers And you have at your entrie to the royal government shewed that care and concern for the Interest and prosperity of your Kingdoms and for the liberty of Europe as have every where revived with a new vigour whatever daring the life of the late King was projected for these great ends.

IT is our misfortune that We are at this time deprived of your Royal presence But your Majesty doth so fully make up this disadvantage by the benigne influences of your Royal favour in giving us so full assurances of your firm resolution to protect our Religion Liberties and Laws particularly the Presbyterian Government as now established as gives us only ground to regret that by this our necessary distance We should be hindered to express in your own presence our most cordial and dutiful Acknowledgements.

IT pleased the late King to continue us during his Reigne as the Parliament and Representatives of his people And there could be nothing more for our honour and We hope for your Majesties service and the Kingdom's satisfaction than that you have been pleased to call us together at this time and so graciously to signify by us your good mind to all your subjects.

WE have most heartily and unanimously imbraced this opportunity to recognize your Majesties just right and title and to congratulat your entrie to the Royal government and withall to offer our best endeavours to maintain your Majesties authority to the utmost of our power.

AT our first meeting some of our number not waiting to bear your Majesties Commission or gracious Letter read did without regard to your Majesties authority and to the authority and dignity of Parliament withdraw and remove themselves from their attendance and from concurring as in duty obliged to recognize your Majesties right and succession or assisting in what appears so necessary at this time for the defence of the Protestant Religion and the preserving and securing the peace and safety of the Kingdom But leaving this to your Royal consideration We shall only assure your Majesty that this their groundless secession shall increase and strengthen our care and zeal for your Majesties service and what You have been pleased to recommend to us.

The Parli-
aments Letter
to the Queen

THE growing power and unbounded ambition of the French King and his most injurious owning the pretended Prince of Wales as King of this and your Majesties other dominions having engaged your Majesty in a just and necessary war We should be wanting to ourselves as well as to your Majesties care for our preservation if We did not provide supplies for our own defence and security.

THE Union of the two Kingdoms of Scotland and England hath been long desired by all good men And the late King at his first accession to the Government and We when convened as a meeting of the Estates of the Kingdom did judge it one of the best means for procuring the happiness and settling the peace of these Nations And therefore We are resolved to prosecute your Majesties Recommendation and the advancement already made by the Parliament of England with such a suitable return as may best contribute to accomplish this great designe to your Majesties satisfaction and glory.

WE take it for a singular mark of your Royal favour and a very promising encouragement to all our proceedings That your Majesty hath been pleased to appoint James Duke of Queensberry to be your Commissioner to represent your Royal person in this Session of Parliament We have been already witnesses of his great sufficiency faithfulness and zeal in the discharge of this high trust And We assure your Majesty that next to your Royal person he is to us most acceptable.

BEING therefore fully convinced that all that your Majesty demands or expects from us is our own security and happiness and that you give us all the encouragements for these ends that we can possibly desire We doubt not but that all matters shall be so managed and concluded in this Session of Parliament as may be most for the advancement of your Majesties service and the peace and welfare of the Kingdom.

Signed in presence by warrant and in name of the Estates of Parliament by

May it please your Majesty

Your Majesties most humble, most obedient, and most faithful subject and servant,

Sic subscribitur MARCHMONT Cancellor.
Edinb' the 18th I. P. D. Parl.
of June, 1702.

ORDERED that the several Estates of Parliament Separat and make Election of the Committee for revising the Accounts of money laid on by the former Sessions of this Parliament as was appointed by the last Sederunt, Whereupon the Estates having separat themselves returned and

reported their several Elections as follows viz. Of the State of Nobility the Earls of Galloway and Northesk and Lord Boyle Of the State of Barons Sir Robert Sinclair of Stevenson, John Crauford of Kilbirnie and Duncan Forbes of Culloden And of the Commissioners for Burghs Sir James Smollet Sir John Hamilton and M^r William Johnston.

THE Committees appointed to meet to morrow at ten a clock.

THE Lord Chancellor by order of her Majesties High Commissioner Adjourned the Parliament till to morrow at eleven a clock.

JUNE XIX, M,DCC,II.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

ACT anent the Supply read a second time, And after some debate the vote being stated, Approve the Act as brought in from the Committee, or not, and Carried in the affirmative.

[Assent the Supply]

ORDERED that at the next Sederunt of Parliament the Members concerned bring in lists of such Commissioners of Supply as they desire to be added to the number.

[Consultation of Supply]

DRAUGHT of an Act for an Union betwixt the Kingdoms of Scotland and England brought in from the Committee for Security read a first time and ordered to ly on the table.

[Act for an Union of the Kingdoms]

RECOMMENDED to her Majesties high Commissioner the transmitting of the Parliaments answer to her Majesty.

PETITION by James Earl of Mortoun anent his right to the Isles of Orkney and Zetland read, And a draught of a deliverance recommending the Earls case to her Majesty, read voted and approved And is as follows.

THE Estates of Parliament having heard a Petition for James Earl of Mortoun humbly Shewing unto his Grace her Majesties High Commissioner and the said Estates that since the year 1st 1700 and sixty nine the Petitioner and his predecessors have been continual complainers of the great hardship they then suffered and still lay under by a Decreet of Reduction in absence pronounced against them by the Lords of Session of their right to the

Recommendation to Her Majesty in favour of the Earl of Mortoun

Islands of Orkney and Zetland and the Confirmation thereof in Parliament with the Annexation of the said Islands to the Crown, Nor is there any thing more grivous in this hardship they lay under than that their most earnest desire hath constantly been to have a full and free hearing in Parliament which the never positively refused yet hath been hitherto delayed by unaccountable accidents to the Petitioners great vexation loss and expences. In the Parliament 1st vjth and ninety three the Petitioner presented a full petition for remedy and redress and on the fifteenth of June the said year got a deliverance recommending his case to their then Majesties with the hardships and stretches he and his predecessors had suffered and for allowing him notwithstanding of the said Decree of Session and Act of Parliament against him to prosecute a Reduction of the said Decree; But all the effect of this Deliverance was Recommendations to the Treasury for some favor as an interim. In the last Session of this present Parliament the Petitioner again applied more fully to have his cause heard and discuss and had a day appointed for his hearing But the Parliament being taken up with a throng of weighty matters the Petitioner choised to sist any further proceess till the next Session of Parliament hoping that in the mean time the Commissioners Grace would keep his Majestie mindfull of his good intentions and that the Parliament would also continue their good inclinations signified by their deliverance 1st vjth and ninety three that so all impediments might be removed that might hinder the Petitioners cause to come to a final decision And upon this the Petitioner gave in his Declaration which on the first of February 1st vjth and one years was read in Parliament and ordered to be marked in the minuts of proceess where it stands marked accordingly By all which and especially by the foresaid Petitions here related to, His Grace and their Lordships might perceive the grivous hardships that have still increased upon the Petitioner by the delays he hath suffered and what great reason he has to beseech and oldest this honourable Court of Parliament that he may once have a full hearing and discussion of his cause, And if not possible that he may at least have such a deliverance from his Grace and their Lordships as may both recommend the Petitioner to her Majestie for a provisional relief and likeways bring his cause to a full decision with the first opportunity either before the Lords of Session with a parliamentary power or before the Parliament as his Grace and their Lordships should think meet as the said Petition bears, And the said Estates of Parliament having also considered the Petitioners case as represented in the abovescriben petition together with the Petitioners early and zealous appearance for the late King William of blessed memory and his dutiful and constant adherence to him during his

whole Reigne with his renewed allidgenance duty and zeal for her Majestie have according to a former reference made by this Parliament in the year 1st vjth and ninety three in favors of the Petitioner humbly and earnestly Recommended and do hereby humbly and earnestly Recommend the Petitioners case to her Majestie to the effect her Majestie may consider the hardships the Petitioner and his predecessors have suffered by the above-mentioned Decree and Act of Parliament and what hath ensued thereon and which hardships do still continue and increase upon him And that her Majestie may allow the Petitioner notwithstanding thereof to prosecute a Reduction of the foresaid Decree with all that hath followed thereupon And in the mean time they have farther Recommended and do hereby farther Recommend the Petitioner to her Majesties care to be provided for as her Majestie in her Royal wisdom and bounty shall think fit untill the foresaid cause be finally discussed And do hereby Recommend to the Secretaries of State to offer this with the said former Recommendation to her Majestie with their first convenience.

ACT anent the Supply of Ten moneths and a halfs Cels upon the land rent touched by her Majesties high Commissioner with the Scepter in the usual manner. Of which Act the tenor follows.

ACT anent the Supply of Ten Moneths and a halfs Cels upon the Land Rent

THE Estates of Parliament Considering the Dangers that threaten this Kingdom by reason of the just and necessary war that this as well as her Majesties other Kingdoms is engaged in and that it is needful for the defence of the true Protestant Religion as now by law established, the maintaining of her Majesties undoubted right and succession to the Crown as settled by the Claim of Right and for preserving and securing the peace of the Kingdom that a Supply be granted for the pay of the forces for the outreiking & maintaining of frigots to guard the coasts and trade, for repairing of the castles forts and garrisons and for providing of arms and ammunition, Do therefore for themselves and in name and behalfe of this Kingdom whom they represent make offer to her Majestie of the sum of Seven hundred fifty six thousand pounds Scots money extending to ten moneths and a halfs Cels Which new Supply commencing at the ish of the Supply now current is to be raised and uplifted out of the Land rent of this Kingdom in the same manner and conform to the proportions of the Shires and Burghs contained in the fifteenth Act of the ninth Session of this current Parliament dated the thirte first of January 1st

vij^e and one year Providing allwayes that the proportions of Burghs be rated and payed as their Taxt roll now is or shall be settled by themselves Which new Supply is to be payed at the terms following viz. Three moneths Cefs at the term of Candlemas I^o vij^e and three and two moneths Cefs at Lammas, and two moneths Cefs at the term of Martinmas thereafter in the said Year and two moneths Cefs at Candlemas I^o vij^e and four, and a moneth and a halfs Cefs making up the haill Ten moneths and a halfs Cefs at Whitsunday thereafter, And her Majestie considering that this Supply is granted for such necessary uses Doth with advice and consent of the Estates of Parliament Declare that no person or persons shall be exempted from payment of their proportions of this supply for their Lands upon any pretence whatsoever excepting mortified Lands and the Lands of Newmills belonging to the woollen manufactory there For which mortified Lands and Lands of Newmills Deduction is to be allowed in the quota of the respective shires notwithstanding of any former law or privilege in the contrary. And Her Majestie with advice and consent foresaid doth Nominate and Appoint the three persons who have been formerly named in any Session of this current Parliament and are still alive and have qualified themselves according to law or shall qualify themselves betwixt and the second Tuesday of September next to come and such others as shall be nominate in this present Session of Parliament to be Commissioners for ordering and uplifting the said Supply With power to choose their own Clerk and to do every thing concerning the said Supply as is prescribed and appointed by the foresaid Act and the other Acts to which it relates holding the same as here repeated And Ordains Execution to pass for inbringing thereof as is provided by the said Acts in all points And Ordains the first meeting of the said Commissioners of Shires to be at the respective head Burghs thereof the said second Tuesday of September next to come And requires the Sheriffs and Stewarts or their deputies to intimate the same to the Commissioners of their Shires and Stewartries With power to them to appoint the subsequent dyets of meeting and their Conveeners from time to time As also to appoint Collectors with sufficient Caution as they shall think fit And Commits to her Majesties Privy Council upon the death or not acceptance of any of the Commissioners of Supply appointed by this Act to nominate and appoint others in their places: And Her Majestie with advice and consent foresaid doth Declare that all clauses contained in former Acts of Parliam^t and Convention of Estates in relation to the inbringing of the Cefs and quartering and ancient riding money do stand in full force as to the Supply now imposed as if they were herein express except in so far as these Acts of Parliament and Convention are innovat or altered by

the Sixth Seventh and First Acts of the Second Fifth and Sixth Sessions and First and Fifteenth Acts of the Seventh and Ninth Sessions of this current Parliament And it is hereby Declared that no persons lyable in payment of the said Supply shall be holden to produce their discharges or receipts of the same after three years from the respective terms of payment unless Diligence be done therefore by Denunciation within the three years foresaid And because by the Supply hereby granted the Land rent and Burghs of this Kingdom are only burdened And it being just that personal Estates in money should bear some proportional burden Therefore Her Majestie with advice and consent foresaid Statutes and Ordains That every Debitor owing money within this Kingdom at Six per Cent. of interest shall in the payment of his annual rent the said year and an halfe have retention in his own hands of a twelvth part of Six per Cent. And this Retention to be from the term of Martinmas next to come exclusive to the term of Whitsunday I^o vij^e and four years inclusive And it is hereby Declared that it shall be unny for any Creditor to refuse to grant the said Retention And it is further Statute and Ordained that no part of the foresaid Supply be applyed to any other uses than those particularly above express upon any pretence whatsoever.

FOLLOWS the Commissioners of Supply given in by the Noblemen and Commissioners for the several Shires as was ordered in Parliament.

Edinburgh.

The Earls of Dalkeith and Dalhousie the Lords Jedburgh & Bellenden the Lairds of Carnwath and Prestoungrange Sir James Primrose George Cranston of Dewar William Wilson of Highbrae Sir James Mackburg of Vogrie the Laird of Martonhall Sir John Ramsay, the Laird of Woodhouselie Robert Prestoun of that ilk James Stewart of Goodtries younger.

Haddingtoun.

The Earls of Roxburgh and Haddingtoun the Viscounts of Kingstoun and Teviot Sir Andrew Ramsay of Wauslton Sir Robert Hay of Linplum Sir David Dalrymple, the Laird of Hope-toun Sir James Primrose John Cockburn younger of Ormestoun Doctor Matthew Sinclair of Hermestoun Doctor George Oswald of Prestoun Robert Brown of Colstoun Hamilton younger of Olivestab Congleton of that ilk James Christie of Newhall Lord David Hay William Sandielands in Edlbarne, John Clerk younger of Pennicook Sir Francis Kinloch of Gilmertoun.

Berwick.

The Earl of Haddington Sir David Dalrymple
Advocat, Robert Johnston of Keltoun, George
Swinton of Laughtoun John Rentoun of Lam-
bertoun Joseph Home of Nynewells Sir Hugh
Dalrymple Lord President of the Session Alex-
ander Home of Law John Home of Bell Sir Gil-
bert Elliot of Hendshaw George Logan of Burn-
castle Sir George Nicolson of Kemmy William
Cockburn of Cockburn Home of Schute-
house Fullertoun of Anchinbeavie.

Roxburgh

The Earls of Dalkeith Roxburgh Haddingtoun
Livettoun Colonnell Douglas Sheriff Depute
Ker of Frogdean.

Selkirk.

The Earl of Dalkeith

Lanerk.

M^r David Carmichael of Corneford the Laird of
Carnwath the Laird of Jordanhall the Marquess
of Douglas his Bailie John Walkingshaw of Bar-
rowfield.

Dumfries.

James Earl of Dalkeith Sir John Jardine of Apple-
girth, Sir Walter Laurie of Maxwelltoun, the
Laird of Laggy younger the Laird of Deenock
younger John Bell of Crowdieknow William Irving
of Auchinbedrig George Maxwell of Carnallock
Murray of Drumcrief William John-
toun of Bearholme Livettoun Colonnell Thomas
Dalziel of Belfoord Meinzie younger
of Enach Robert Johnston of Wamphry.

Wigtoun.

Livettoun Colonnell John Stewart of Sorbie
John Stewart of Phisgill William Cultrane of
Drumorell William Gordon of Grange Alexander
Agnew of Dalreigle Patrick Vane younger of
Barbarroch M^r Andrew Rolfe of Carnbrock.

Air.

Sir John Shaw of Greenock, Sir Alexander Home
Advocat M^r William Dalrymple M^r James Bois-
well younger of Auchinleck Hugh Montgomery
of Bushbie John Montgomery younger of Giffens
Patrick Hunter of that Ilk John Crauford younger
of Oldmuir Hugh Cunningham of Clonbeth Alex-
ander Montgomery of Slofa Robert Muir of Blair-
toun Samuel Muir of Park William Blair younger
of Gliffertland James Gaud of Harygate Charles
Dalrymple of Langlands James Campbell of Little
Cefnock George Campbell of Netherwood Robert
Farquhar of Cathares Sir Robert Montgomery of
Skelmurlie Mackerrill of Hillhouse
James Montgomery of Third Part and John Mit-
chell of Daldilling.

Dumbarton.

The Marquess of Montrose, Coline Campbell of
Ardington Archibald Campbell of Rachaine,
William Campbell of Smeeth.

Renfrew.

The Master of Rolfe, Sir Robert Montgomery of
Skelmorrie James Hamilton younger of Orkles-
toun James Maxwell of Elvathill James Mack-
gilechrist of Northbar Allan Pollock of Arthurlie
James Walkingshaw of that Ilk William Walkin-
shaw of Scotstoun the Laird of Caldwell Alex-
ander Naper of Blackstoun Hugh Crauford of
Woodside the Laird of Alkenhead younger Sir
John Schaw of Greenock.

Stirling.

The Marquess of Montrose Archibald Buchanan
of Drumakrill Charles Row of Inverellan Writer
to the Signet James Shaw of Dalquhain John
Row of Bandeth the Laird of Harbertshire
younger John Erskine younger of Balgonie
Cunninghame of Caddell the Laird of Buquhan
younger the Laird of Hopetoun Sir John Schaw
of Greenock.

Linlithgow.

The Lord Torphichen the Laird of Hopetoun
David Dundas of Philipstoun George Dundas
younger of Dudington Francis Durehane of
Duntervie John Stuart of Newhall Andrew Dur-
hane of Luchhold James Crauford of Lochcoat
John Hay younger of Carubber Robert Ramsay
younger of Blackraig Patrick Dundas of Breis-
milne Samuel Wilson younger of Plewlands Wil-
liam Sandielands of Colstoun Adelphus Dureham
of Boghead James Dalgleish Bailie of Queensferry.

Perth.

The Marquess of Montrose the Earl of Murray
the Viscount of Dupline the Lord Glenorchie the
Lord Rollo the Lord Kinaird, M^r John Campbell
of Mammore James Stirling of Kelre Sir John
Murray of Glendoick John Stuart of Invernytie
Mungo Haddine younger of Glenagies William
Murray younger of Auchtertyre James Campbell
of Lawers William Murray younger of Aber-
cairnle William Graham younger of Orchill James
Graham of Garveck John Graham of Gartoun
Grahame younger of Balgounle Thomas
Moncrief younger of that Ilk Captain Alexander
Campbell of Finabb, David Drummond of Drum-
mondearnock M^r George Drummond of Callender
John Drummond of Keltie John Reed of Cult-
bragane John Drummond younger of Pitkelanie
M^r Douglas Stuart younger of Blairball Sir James
Kinloch of that Ilk M^r Alex^r Duncan of Lundie
Mungo Grahame of Gorthie Alexander Graham
younger of Duchrie William Grahame of Glenure
John Campbell of Turnarich William Stuart of

Craigtown Alexander Stuart younger of Craigtown the Stewart Depute of Monteith M^r James Campbell of Leacroft John Erskine younger of Balgounie George Prestoun younger of Wallfield Coline Fairfoul of Brockindane Captain Archibald Meinzie of Culdairs John Campbell of Lochdochart James Robertson of Park of Kirie John More of Craigburn William Edmonstoun of Steps John Edmonstoun of Celdach Henry Buchanan younger of Lenie M^r Robert Buchanan of Arnprior Henry Balnaves of Retmell John Haddine of Lanerick John Mushet of Craighead M^r John Fogo portiner of Raues Stirling of Kiplandevie Grahame of Meiklewood Alexander Naper of Kings Boquhapple William Govan younger of Bowquhapple Givane M^r William Keir of Kilmanth James Ramsay of Newtown Stuart of Balechan M^r James Forrester of Milnhall [John] Deuchar of Comrie Anthony Murray of Dollary James Campbell younger of Burnbank.

Kincardine.

Sir Charles Ramsay of Balmain Falconer of Newtown M^r John Falconer younger of Plesdo Middleton of Balhigno Forbes younger of Thornton.

Aberdeen.

The Lord Haddo the Lord Innesurie the Master of Forbes Alexander Hay of Arnboth M^r John Elphinstoun younger of Logie the Laird of Inverallachie Captain John Forbes of Boydellie James Keith younger of Keithfield the Laird of Muresque, the Laird of Pitlurg the Laird of Pitmedden younger William Keith younger of Ludquhaim Leslie younger of Kintaraigie James Keith of Clarrich Gordon of Auchridie Gordon of Craig Gordon of Kegnith William Pantoun of Milnetoun.

Cromarty.

The Master of Tarbot, M^r Roderick McKenzie of Prestounhall M^r James McKenzie of Fairs, Aenes Mackleod of Cathall William Gordon of Delfolly John Dallas of Bannana.

Argyll.

[John] Mackerthour of Arthourhal, M^r John Fullartoun of Greenhall Hugh Campbell of Leicks John Campbell of Orchard the Provost of Inverary for the time James Campbell Bailie of Inverary Patrick Mackerthour of Steirlich Archibald Campbell of Clynicie Sir James Campbell of Auchinbreck Dougal Campbell of Kilberrie Coline Campbell younger of Glendaruel Archibald Campbell younger of Leicks.

Fyfe.

The Duke of Argyll the Earls of Rothes Kellie and Haddington the Laird of Lundin M^r Thomas

Hope younger of Rankellor Patrick Moncrief younger of Reidie Alexander Gibsons of Durie John Crauford younger of Montwhannie Lunden of Auchtermuiry younger M^r David Barclay of Touch Sir Michael Balfour of Deanmills John Riddel of Grange Burne younger of Midlemill Major William Arnot of Achmair the Viscount of Roseberry Sir James Halket of Pitfirren Livellement Collonell Forbes of Pittencrief Sir William Hope of Craighall Sir Andrew Ramsay of Abbotshall David Douglas in Easter [Law], Sir John Prestoun of Prestounhall John Cowan of Constoun.

Forfar.

Carnegie of Balmamoone Carnegie of Boysack Sir James Wood of Bonniestoun Halyhurstoun of Pitcair David Lindsay of Edgill Sir Coline Campbell of Abernuchill David Falconer of Newtown George Maxwell of Tollen John Fullartoun of Kinnaber George Ogilvie of Luuen Charles Ogilvie of Dysart Captain Charles Straton Harie Crauford of Monorgan Alexander Pyper of Newgrange William Caulks of Fullertoun Mudie of Arhykie M^r Robert Forbes of Lenie M^r Thomas Fairweather of Tarric Captain William Craunod of Muirtoun.

Banff.

George Gordon of Carnousie M^r Andrew Hay of Monthlaine James Gordon of Ardmalie John Cathbert of Breckinills William Gordon of Birkington younger Alexander Abercrombie of Glasha John Dumbur of Kirkhill James Deall of Cromry Alexander Wilson of Littlefield Alexander Abercrombie of Skeith Major Anderson of Westertoun.

Stewartry of Kirkcudbright.

John Murray of Bruchtown Captain William Maxwell of Cardoners Provost Robert Johnstoun in Dumfries John Sharp of Hoddan.

Cathness.

The Lord Reay James Sinclair of Lyth Patrick Sinclair of Brighthairdoran Patrick Dunbar of Bowarmaden Alexander Sinclair of Dun David Sinclair Tutor of South Dun George Manson of Bridgeend William Budge younger of Toftengal Donald Groat of Wars John Groat of Duncanshie John Manson of Whitesaker Alexander Sinclair of Olrick Donald Campbell of Ainstor George Sinclair of Barrack John Sinclair younger of Barrack John Sinclair younger of Asten John Sinclair younger of Lyhster James Sinclair of Holburnhead Charles Sinclair of Bilsbater Alexander Sinclair of Olrick Captain Adam Cunningham of Ockingill James Sinclair of Stanyfer Richard Sinclair of Thouray.

Elgine.

James Dunbar younger of Durn Robert Urquhart of Bungeargo.

Orkney.

Sir Archibald Stuart of Burray John Stuart of Burgh George Baikie of Tankerness Robert Baikie of Tankerness younger William Mudie of Melsetter James Mudie of Melsetter younger Thomas Buchanan of Saintside M^r James Stuart of Tuquiboy David Sutherland of Windbreck Henry Ballandine of Hammagar M^r Robert Honyman of Grahamsey Malcolm Scully of Hutton the Stewart of Orkney and his Deputies.

Ross.

Robert Mackenzie of Applecorse younger, Hugh Rofs of Breslanguel.

THE Committees appointed to meet on Monday at Ten a clock.

THE Lord Chancellor by order of her Majesties High Commissioner Adjourned the Parliamt till Tuesday next at ten a clock.

JUNE XXIII, M,DCC,II.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

WILLIAM Alves Commissioner for the Burgh of Sanguhar elected by Warrant of Parliament in place of Sir Alexander Bruce took the oath of allegiance and signed the same with the assurance and took the oath of Parliament.

A LETTER from her Majestie to the Parliament Read and Ordered to be printed, Whereof the tenor follows.

Se superscribitur ANNE R.

My Lords and Gentlemen,

BEING informed that at your first meeting by vertue and warrant of the 17th Act of the 6th Session of this current Parliament and of our Proclamation of Adjournment agreeable thereto several Members of Parliament after Prayers said, and declining to wait the reading of our Commission granted to James Duke of Queensberry Representing our Royall person in this meeting of Parliament did presume to declare openly that they did not conceive themselves warranted to meet and act in this present Session of Parliament And therefore Dissented from any thing should be done or acted therein; And thereupon

did take Instruments and withdraw and remove from their attendance. We have thought fit to signify to you our just resentment of this irregular and ununsual proceeding and our resolution to owne and maintain this present Session of Parliament and the dignity and authority of the same and of our high Commissioner thereto against all opposers. And this We thought fit to declare for your better encouragement That you may proceed vigorously in your work for the defense of the true Protestant Religion the maintaining of the Succession to the Crown, and for the preserving and securing of the peace and safety of the Kingdome And so We bid you heartily farewell Given at our Court at S^t James's the 17th day of June 1702 and of our Reign the first year.

By her Ma^{ty} Command

Sic subscribitur RO: PRINGLE.

Directed thus,

To the Noblemen and to the Barons Commissioners for Shires and to the Commissioners for Burroughs assembled in Parliament in our ancient Kingdom of Scotland.

A REPRESENTATION of the Heretors and others upon the Coast of Lochryan for securing the said coast against privateers read, and Remitted to the Privy Council to do in the matter represented what they shall Judge necessary for the end foresaid as at more length is contained in the following Remit.

HER Majesties High Commissioner and the Estates of Parliament having heard a Representation for the Heretors Tenants and others Inhabitants upon the coast of Lochryan Shewing to them that the Bay of Lochryan being a place most safe and commodious for Shipping and where most of the fleets from Scotland and the west of England do rendezvous and so is continually infested with privateers whereby not only ships at anchors and even in the harbours are robbed and the men taken and carried off But likewise they shut boats and ravage the houses upon the coast and carry away the inhabitants with their goods and even do attempt to come in upon the Countrey and drive out herdhilps of cattle whereby that place during the last war was become almost desolate and was made known not only to the Lords of Privy Council but likewise to the last Session of Parliament by the Depositions and Declarations of several persons exhibite before them in May 17th and vijth years All which dangerous and sad calamities do now again imminently threaten that place severall of the pirats having appeared upon the coasts already since the declaration of the war whereby the samen will be dewasted and

Remit to the Privy Council to do in the matter represented what they shall Judge necessary for the end foresaid as at more length is contained in the following Remit.

A Letter from her Majestie to the Parliament

ruined unless that some effectual means be taken for preventing thereof Which is humbly expected his Grace her Majesties high Commissioner and the honourable Estates of Parliament will not omit by ordaining a competent number of men with six or eight peice of Cannon to reside in that place where with a little expence they may be easily accommodat and be a preservation both to shipping and Countrey as the said representation bears Which being considered by her Majesties high Commissioner and the said Estates of Parliament They have Remitted and do hereby Remit to the Privy Council to do in the matter represented what they shall judge necessary for the end foresaid.

THE further insisting in the Charge continued till the next Sederunt of Parliament.

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Thursday next at ten a clock.

JUNE XXV, M,DCC,II.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

ARCHBALD Douglass of Cavers one of the Commissioners for the shire of Roxburgh being absent the former Sederunts of Parliament took the Oath of Allegiance and signed the same with the Assurance and took the Oath of Parliament.

MORE Lists of Commissioners of Supply read in Parliament and approved.

[Commissioners of Supply]

ORDERED that in printing the Act for the Supply the Quotas of Inverness and Nairn be rectified conform to the tenor of an Act of Parliament 1^{to} vij^c and ninety now produced which is the rule of their payment and whereby it is appointed that Twenty six pound Scots be deduced from the Quota of Cess payed [monthly] by the shire of Nairn and he added to the Quota of Cess payed monthly by the shire of Inverness.

Order concerning the Quotas of Supply payable by the shires of Inverness and Nairn

DRAUGHT of an Act concerning the Union betwixt the two Kingdoms of Scotland and England As also the draught of a Letter from the Parliament to her Majestie expressing their confidence that in the treaty of the said Union Her Majestie will have a gracious regard to the maintaining of the Presbyterian Government in this Church were both read And the Question being put Approve the Act and Letter foresaid or not Carried in the affirmative.

[Assent the Union]

BEFORE calling of the Rolls upon the said vote Walter Stuart Commissioner for the Burgh of Linlithgow declared that he did Dissent from the said vote in respect that by no clause in the draught of this Act the Commissioners to be named were limited or hindered from treating about the reintroduction of prebacie albeit the same be abolished by the Claim of Right and Craved the same might be recorded And thereupon took instruments: And George Moncrief of Reedy one of the Commissioners for the shire of Fife adhered to the dissent.

Walter Stuart's & George Moncrief's Dissent from the voting the Act concerning the Union &c.

THE Act for the Judiciary in the Highlands read a second time and voted & approved.

G

[Commissioners of Supply]

ACCORDING to the order of the former Sederunt of Parliament Lists were brought in of such Commissioners of Supply as were desired to be added to the number And being read in Parliament were approved and leave given to bring in more Lists next Sederunt of Parliament.

[Highland Jurisprudence]

DRAUGHT of an Act assent the Highland Judiciary brought in from the Committee for Security, read a first time.

[Assent the Union]

DRAUGHT of an Act concerning the Union betwixt the Kingdoms of Scotland and England Read a second time and ordered to ly on the table till the next Sederunt of Parliament.

[Assent the Advocates]

THE Dean of Faculty and Advocats appointed to appear and answer this day were called And they appearing and her Majesties Advocats Charge against them read They moved they might have Advocats to assist Whereupon they were allowed seven to assist them in their defence; And in their defence having proponed peremptor defences and then recurring to dilators And a debate arising if this should be allowed It was agreed that the Defenders be heard both upon their dilator and peremptor defences And that the Advocate might answer to both before the Parliament give their Judgement in the Case: Then both dilator and peremptor defences were read And after a long hearing on both sides the Defenders removed and the Question was put Sustain the dilators or Repel them and carried Repel.

THEREAFTER the Question was put If the voting that the Dean of Faculty should signe in Name of the Faculty in a matter extrinseck to their ordinary Administration and his Signeing accordingly be relevant to infer an arbitrary punishment or not and Carried in the affirmative.

[Acts touch-
ed with the
Scepter]

THE Act enabling her Majestie to appoint Commissioners for an Union betwixt the two Kingdoms of Scotland and England: As also the Act for the Justiciary in the Highlands were touched with the Scepter by her Majesties high Commissioner in the usual manner, Of which two Acts, and of the foresaid Letter relative to the first of them the tenors do follow.

ACT enabling her Majesty to appoint Commissioners to treat for an Union betwixt the two Kingdoms of Scotland & England

- 7 THE Estates of Parliament considering that an Union of the two Kingdoms of Scotland and England hath of a long time and often been desired for the mutual good and greater happiness of both Nations, And that the late King William of blessed memory did some years agoe propose it to the Estates of this Kingdom and of late recommended it to the Parliament of England Likens Her Majestie who now Reigns hath out of her Royal care and zeal for the welfare of her Subjects renewed the same desire to the Parliaments of both Kingdoms; And that in compliance with this her royal purpose the Parliament of England hath past an Act for Enabling her Majestie to appoint Commissioners to treat for an Union between the said Kingdoms. And the Estates of Parliament being fully satisfied that the said Union is needfull and would be very advantageous for the defence of the true Protestant Religion and for the better preserving and establishing the peace safety and happiness of both Kingdoms Therefore Her Majesty with advice and consent of the said Estates of Parliament doth Enact Statute and Ordain that such persons and quorum thereof as shall be nominated and appointed by her Majesty under the Great Seal of this Kingdom shall have full power and Commission Likens Her Majesty with advice and consent foresaid doth hereby Give and Grant full power Commission and Authority to the said persons and their quorums to convene and meet at such time and times and in such place and places as her Majesty shall please to appoint to treat and consult with such Commissioners as shall be nominated and authorized by her Majesty in manner foresaid in behalf of the Parliamt and Kingdom of England of and concerning such an Union of the said Kingdoms of Scotland and England and of and concerning such other matters causes and things whatsoever as the said Commissioners or quorum thereof assembled as aforesaid and the said Commissioners to be nominated by her Majesty for the Parliament and Kingdom of England in manner abovementioned shall according to the tenor of their respective Commissions think necessary or convenient for the honour of her Majesty and the Union Common good and Wellfare of

both the said Realms for ever: And the said Commissioners for both the said Kingdoms shall according to the tenor of their respective Commissions set down & reduce their proceedings in the said matter into four severall Writings or Instruments each of them to be subscribed and sealed by the said Commissioners and their quorums to the end that one of those writings or Instruments may in all humility be presented to the Queens Majestie and another of the said Writings or Instruments to be offered to the Parliament of Scotland And the other two of the said Writings or Instruments to be offered to the Parliament of England at their next Sessions to be held in each Kingdom respective after such Writings or Instruments shall be Subscribed and Sealed by the said Commissioners; That thereupon such farther proceedings may be had as by her Majestie and both the said Parliaments shall be thought fit and necessary for the weell and common good of both the said Kingdoms To which Parliaments the Intire Consideration of the whole and the allowing or disallowing of the same or any part thereof as they shall think fit is wholly reserved And it is further Provided that no matter or thing to be treated of proposed or agreed by the said Commissioners by vertue of this Act shall be of any strength or effect whatsoever untill it be first confirmed and established by the Authority and an Act of the Parliament of Scotland.

FOLLOWS the tenor of the foresaid Letter.

May it please your Majesty
THE Estates of Parliament in the due and cheerful prosecution of what your Majesty so graciously Recommended as to the Union of both Kingdoms have past an Act enabling your Majesty to appoint Commissioners for treating thereof in the same extent and almost in the same terms with that past in the Parliament of England.

IT fell under our consideration that when the meeting of the Estates did at the late Kings Accession to the throne Nominate Commissioners for the like Treaty They expressly Reserved our Church Government as it should be established the time of the Union.

BUT the Presbiterian Government being founded in the Claim of Right, with our entire confidence in the full assurance your Majesty has been pleased to give us That you are firmly resolved to protect and maintain us in the full possession of the Presbiterian Government of the Church as at present Established, are our satisfying Security.

AND Therefore hoping that your Majesty both in the naming of the Commissioners and in the

A Letter
from the
Parliament
to the Queen
relative to
the Act
above the
Union &c.

whole procedure of the Treaty will have a gracious and careful regard to the maintaining of the Presbyterian Government of the Church as now Established by Act of Parliament and ratified by your Majesty in this Session of Parliament, and which in the Experience of all is found to be the true interest and solid foundation of the peace and quiet of this Kingdom; We heartily wish for such an Accomplishment of this great work as may be to your Majesties perpetual honour and the lasting welfare and happiness of both Kingdoms.

Signed in presence, by Warrant and in name of the Estates of Parliament by

May it please your Majesty

Your Majesties most humble most obedient and most faithfull Subject and Servant

Sic subscribitur MARCHMONT Cancellar.
Edinburgh I. P. D. Par:
the 25 day of June 1702.

ACT for the Justiciary in the Highlands.

- 8 OUR SOVERAIGN LADY Considering how necessary it is for suppressing the robberies and depredations so frequently committed in the Highlands That the Commission of Justiciary which has from time to time been granted since the year One thousand six hundredth and ninety three should be renewed with such conditions and provisions as may render the same most effectual Doth Therefore with advice and consent of the Estates of Parliament Enact and Declare That her Majesty by vertue of her prerogative royal may of new grant Commissions of Justiciary one or more to such persons and for such times as her Majesty shall think fit for the bounds of the Highlands, That is to say for the shires of Ross Inverness Nairn Elgin Banff Aberdeen Kincardine Angus Perth Stirling Dumbarton and Argyll with all the powers necessary and usual in such Commissions by the advice of the Lords of her Majesties Privy Council consisting allways with the Laws of the Kingdom the nomination of the persons being left to her Majesty And excepting therefrom the bounds and lands lying and comprehended within the heretable right of Justiciary Generall pertaining to the Duke of Argyll within the said bounds Recommending nevertheless to the said Duke that when her Majesty grants the said Commission one or more for the said bounds not above excepted for the space of three years after the date of this Act he shall grant ample Commissions of the like nature for his bounds at the same time during the said space and to the same persons that shall be named by her Majesty at least to so many of them as are willing to act by vertue of the said Commissions To the effect that all the said Commissioners acting or

consent within the whole foresaid bounds, the foresaid robberies and depredations may be the more effectually restrained: Reserving power to the Duke of Argyll as having right of heretable Justiciary Generall within his bounds to sit with the said Commissioners to be nominated as said is, within the said bounds and to preside amongst them when present: And providing farther that the Court holden within his bounds when fenced in her Majesties name shall he also fenced in his name as her Majesties Justiciar Generall in manner foresaid without prejudice allways to the Duke of Argyll and of the Lords of Regality and all others of their respective heretable rights and jurisdictions And reserving to them their rights of prevention for fifteen dayes with their rights to all the escheats and other casualties as accords Likewise her Majesty with advice and consent foresaid Statutes and Ordnaies That in case any robberies and depredations shall happen to be committed within the bounds of the said Commissions and the persons committers or bounders out shall happen to fly after being attacked by citation or arrestment without the bounds of the said Commission the Judges within whose bounds any such delinquents bounders out or abettors live or reside or shall be found shall be obliged to give their concurrence to apprehend the said delinquents to the effect they may be slated before the said Commissioners who are hereby empowered to judge them tho they do not reside within the bounds of their Commissions.

THE further insisting on the Charge at her Majesties Advocates instance against the Dean of Faculty and certain Advocates continued till the next Sederunt of Parliament.

[Faculty of Advocates]

THE Lord Chancellor by order of her Majesties High Commissioner Adjourned the Parliament till Saturday next at ten a clock.

JUNE XXVII, M,DCC,II.

PRAYERS said Rolls called.

MINUTES of the last Sederunt read.

MOVED that when the Act concerning the Union shall be printed, the Letter from the Parliament to her Majesty relative thereto be also printed; Which was ordered accordingly.

[Act & Letter sent the Union to be printed]

SOME more Commissioners of Supply were added and being read were approved, the List of all which Commissioners added in this Session are before inserted after the Act assent the Supply.

[Commissioners of Supply]

[Annet ab-
juring the
Prince of
Scotland]

DRAUGHT of an Act for Abjuring the Pretended Prince of Scotland commonly called the Pretended Prince of Wales and now taking upon him the title of King of Scotland, read; and moved that a first reading be marked thereupon.

MOVED that the Act being of great importance might ly on the table till the members had further considerations thereof And after much debate which of the motions should be received and how the vote should be stated: Agreed that the state of the Vote should be Mark a first reading upon the Act or Ly on the table; and carried Mark a first reading.

[Faculty of
Advocats]

THE charge at her Majesties Advocats instance against the Dean of Faculty and certain Advocats continued till the next Sederunt of Parliament.

THE Lord Chancellor by order of her Majesties High Commissioner Adjourned the Parliament till Tuesday next at ten a clock.

JUNE XXX, M,DCC,II.

PRAYERS said Rolls called.

JAMES Broddie of that ilk one of the Commissioners for the shire of Elgine being absent the former Sederunts of Parliament took the oath of Allegiance and signed the same with the Assurance and took the oath of Parliament.

MINUTS of the last Sederunt read.

THE Dean of Faculty and the Advocats convened with him being called and the Interloquitor in the cause of the twenty third instant read to them, they were ordered to withdraw; And it being moved and debated Whether to proceed further ag^d them before the Parliament or to Remit their case to some of the Judicatures Her Majesties high Commissioner and the Estates of Parliament have Ordered and hereby Order the process as it stands to be Remitted Likewise they by this presents Remit the same to the Privy Council to be further proceeded in before their Lordships as they should see cause.

THEREAFTER Her Majesties high Commissioner made the following speech.

My Lords and Gentlemen,

THE cheerfulness and unanimity of your proceedings in this Session of Parliament in recognizing her Majesties Royal authority securing the Protestant Religion and Presbyterian Government and

expediting the other Acts that have been past for her Majesties Service and the good and safety of the Kingdom, will, I am persuaded be very acceptable to her Majestie and satisfying to all her good subjects, and I do assure you is very obliging to me.

BUT I must regret that when I was expecting we should have parted in the same happy manner a proposal which I had some ground to think was laid aside was offered the other day to my surprize as well as that of her Majesties other Ministers which occasioned some debate and difference in the house.

MY early engaging and firm adherence to the present Establishment is so well known that none can doubt my readiness to enter into all measures for her Majesties Service and securing our happy settlement according to the Claim of Right and I am confident that you are all of that mind.

SINCE then we are all perfectly the same as to our dutiful and faithfull adherence to her Majestie and that the Claim of Right is our unalterable security; I judge it fit for her Majesties Service and your own interest to prevent further contest and debate amongst persons I know to be so intirely well affected to her Majestie and for whom I have all imaginable honour, to dismiss this Session of Parliament.

WE have had no particular Acts or Ratifications that do require an Act Salvo, And I do render you hearty thanks in her Majesties name for the Loyalty you have testified by your publict acts and which I shall be carefull to report to her Majesty and shall only Recommend to you to let the Countrey know the gracious assurances her Majestie has been pleased to give us and to dispose them to their duty and to comply with her Majesties royal intentions for their own welfare and happiness: And thus I do in her Majesties name, and by her authority Adjourn this Parliament till Tuesday the Eighteenth day of August next, which my Lord Chancellor is to declare in the usual form.

THE Queens Majestie Declares this Parliament current and Adjourns the same to the Eighteenth day of August next to come; Ordaining all Members of Parliament Noblemen Commissioners from Shires and Burghs and all others having interest to attend at Edinburgh that day at ten a clock; and that there be no new Elections in Shires or Burghs except upon the death of any of the present Commissioners.

Act of Adjournment.

The Commissioner's
Speech.

Apud Edinburgh,

VI DIE MAII, A. D. M,DCC,III.

THE LAWS and ACTS of the PARLIAMENT of Our most High and Dread Sovereign ANNE by the Grace of God Queen of SCOTLAND ENGLAND FRANCE and IRELAND Defender of the Faith Holden and Begun at Edinburgh the Sixth day of May One thousand seven hundredth and three years by His Grace James Duke of Queensberry Marquess of Dumfries Shire Earl of Drumlanrig and Sanquhar, Viscount of Nith, Torthorwald and Rods, Lord Douglass of Kilmount, Middlebie and Dornock &c. Principal Secretary of State for the Kingdom of Scotland, One of the Lords of Her Majesties most honourable Privy Council Treasury and Exchequer, an Extraordinary Lord of Session and Knight of the Most Noble Order of the Garter, Her Majesties high Commissioner for holding the same By virtue of a Commission under the Great Seal of this Kingdom

WITH the special advice and consent of the Estates of Parliament underwritten.

THE EARL OF SEAFIELD LORD HIGH CHANCELLOR

The Marquess of Annandale Lord President of the Secret Council

The Marquess of Atholl Lord Privy Seal

DUKES of

Hamilton
Argyll

MARQUESESSES of

Montrose
Tweeddale
Lothian

EARLS of

Crawford
Erroll
Marischall
Mar
Rothes
Mortoun
Buchan
Glencairn
Eglintoun

Home
Wigtoun
Strathmore
Roxburgh
Kellie
Haddington
Galloway
Lauderdale
London
Dalhousie
Findlater
Leven
Selkirk
Northesk
Kincardin
Belcarras
Forfar
Kintoir
Aberdeen
Dunmoir
Melvill
Ruglen
March
Marchmont
Hyndford

VISCOUNTS of

Turbat Secretary
Stormont
Stair
Teviot
Roseberry

LORDS

Forbes
Saltoun
Semple
Elphinstoun
Rofs
Landoirs
Blantyre
Cranstoun
Reay
Forrester
Pitbligo
Fraser
Bargany
Ellbank
Belhaven
Rollo
Colvill
Bellenden
Kinnaird
Boyle Thes' dep'

LESSER OFFICERS OF STATE

The Lords Register
Advocat
Justice Clerk
H

COMMISSIONERS FROM THE BARONS
OF THE SEVERAL SHIRES

Edinburgh

Robert Dundas of Arncliffe
Sir James Primrose of Carington
Sir Robert Dickson of Inveresk
George Lockhart of Carnwath

Haddington

Sir John Lauder of Fountainhall
Andrew Fletcher of Saltoun
William Nisbet of Dirleton
John Cockburn younger of Ormiston

Berwick

Sir Robert Sinclair of Longformacus
Sir John Home of Blackadder
Sir John Swintoun of that ilk
Sir Patrick Home of Rentoun

Roxburgh

Sir William Ker of Greenhead
Sir Gilbert Elliot of Haddington
Archibald Douglas of Cavers
William Bennet of Grubbet

Selkirk

M^r John Murray of Bowhill
M^r John Pringle of Hayning

Peebles

William Morison of Prestoungrange
Alexander Horseburgh of that ilk

Lanark

William Baillie of Lamington
George Baillie of Jerviswood
John Sinclair younger of Stevenston
James Hamilton of Aikenhead

Dumfries

Sir John Johnstoun of Westerhall
William Douglas of Dornock
John Sharp of Hoddam
M^r Alexander Fergusson of Isle

Wigtown

M^r William Stewart of Castlestewart
M^r John Stewart of Sorbie

Ayr

M^r Francis Montgomery of Giffen
M^r William Dalrymple of Glenmuir
Hugh Cathcart of Carleton
John Crawford of Kilbirnie

Dumbarton

M^r W^m Cochran of Kilmaronock
Sir Humphrey Colquhoun of Luff

Bute

Sir James Stewart of Bute
M^r Robert Stewart of Tillicoultry

Renfrew

Sir John Houston of that ilk
M^r John Stewart yo^r of Blackhall
Robert Pollock of that ilk

Stirling

John Grahame of Kilsnane
James Grahame of Buchlieve
Robert Rollo of Powhouse

Linlithgow

Charles Hope of Hopetoun
Thomas Sharp of Houstoun

Perth

John Haldan of Glencogle
Sir Patrick Murray of Auchtertyre
William Oliphant of Gask
Mungo Grahame of Gorthie

Kincardine

Sir James Falconer of Phesdoe
Sir Thomas Burnett of Leyes

Aberdeen

Alexander Gordon of Pitlurg
John Udny of that ilk
William Seton younger of Pitmedden
James Moir of Stonywood

Inverness

Ludovick Grant of that ilk
Alexander Grant younger of that ilk

Nairn

Hugh Rose of Kilwick
Duncan Forbes of Culoden

Cromarty

M^r Kenneth M^rKenzie of Cromarty
M^r Annes Mackleod of Cadboill

Argyll

M^r John Campbell of Mammere
Sir James Campbell of Auchinbreck
James Campbell bar of Ardkinglass

Fyfe

Sir William Anstruther of that ilk
David Bethun of Balfour
Major Henry Balfour of Dunboug
Robert Douglas of Strathendrie

Forfar

M^r Patrick Lyon of Auchterhouse
M^r James Carnegie of Phinhaven
James Haliburton of Pitcur
David Graham younger of Platrie

Banf

James Ogilvie younger of Boynd
Alexander Duff of Brecoe

Stewartry

John Murray of Broughtoun
William Maxwell of Cardinefs

Sutherland

David Sutherland younger of Kinnald
Alexander Gordon of Garthie

Caithness

Sir George Sinclair of Clyth

Elgin

James Broddie of that ilk
Robert Dunbar of Grangehill

Stewartry of Orkney
Sir Archibald Stewart of Barray
Alexander Douglass of Eglishaw

Roß
Kenneth Mackenzie of Garloch
Kenneth Mackenzie of Scatwall

Kinroß
John Bruce of Kinroß

COMMISSIONERS FOR THE BURGHS

Edinburgh { Sir Patrick Johnston
Robert Inglis
Perth Alexander Robertson
Dundee John Scrymgeour
Aberdeen John Allardice
Stirling Lieutenant Collorell John
Erskine

Linlithgow Walter Stewart
Saint Andrews Alexander Watson
Glasgow Hugh Montgomery
Ayr John Muir
Haddington Alexander Edgar
Dysart David Chrystie, thereafter
George Edson

Kirkcaldie James Oswald
Montrose James Scot
Coupar Patrick Bruce
Anstruther Easter Sir John Anstruther
Dumfries Robert Johnston
Inverness Alexander Duff
Burntisland Sir John Erskine
Inverkeithing James Spittle
Kingshorn M^r James Melvill
Brichen Francis Molison
Irving M^r Alexander Cunningham
Jedburgh Walter Scot
Kirkcudbright Sir Andrew Hume
Wigtown William Cultrane
Dumfriesling Sir James Halket
Pittensween George Smith
Selkirk Robert Scot
Dumhartane Sir James Smollet
Renfrew Coline Campbell
Dumbar Robert Kellie
Lanerk M^r William Carmichael
Aberbrothock John Hutcheson
Elgine M^r William Sutherland
Peebles Archibald Shells
Crail George Moncrief
Tayne Captain Daniel Macleod
Culroß Sir David Dalrymple
Banf Sir Alexander Ogilvie
Whithorne M^r John Clerk
Forfar M^r John Lyon
Rothsay M^r Donald Stewart
Nairn John Rose
Forres George Broddie
Rutherglen George Spens

Northberwick Sir Hugh Dalrymple
Anstruther Wester Sir Robert Anstruther
Cullen M^r Patrick Ogilvie
Lauder Sir David Cunningham
Kintoir George Allardice
Arman M^r William Johnston
Lochaelben M^r John Carruthers
Sanquhar William Alves
Newgalloway George Hume
Kilreny M^r James Bethun
Fortrose M^r John Mackenzie
Dingwall John Bayne
Dornock John Urquhart
Queensferry Sir William Hamilton
Inverary Daniel Campbell
Inverury M^r Robert Forbes
Weick M^r Robert Fraser
Kirkwall M^r Robert Douglass
Inverbervie M^r Alexander Arbutnot
Strathaver M^r George Dalrymple
Campbeltown M^r Charles Campbell

PRAYERS said.

HER Majesties Commission to James Duke of Queensberry for representing her Royal person in this Session of Parliament was read by the Lord Clerk Register and Ordered to be recorded; Whereof the tenor follows.

ANNA Dei gratia Magnae Britanniae Franciae et Hiberniae Regina fidei, Defensor Omnibus probis hominibus ad quos presentes Literae Nostrae pervenerint Salutem Quandoquidem Nos gravibus magnisque momenti causis motae Parliamentum huius nostri antiqui Regni Scotiae Edinburgi duodecimo die mensis Novembris ultimo elapsi conventurum iudicii curavimus quod in Sextum diem mensis Maii sequentis prorogavimus Nos autem rebus magni momenti in Regno nostro Angliae alio vocantibus in prima Sessione dicti Nostri Parliamenti interesse Nequimus Ideoque eminentissimo eisdem et illustrissimi Ordinibus viro probate fidei eximisque Animi dotibus imbuto sacram Nostram personam et auctoritatem in eodem representandi Commissionem dare Statuimus Atque fidelitatem perpetuam eximias animi dotes et fidem fidelissimam et dilectissimi Nostri Consanguinei et Concilarii Jacobi Ducis de Queensberrie principalis Status nostri Secretarii et unus ex Commissionariis Thesaurarii Nostri in praedicto Regno jampridem summo opere expertus qui variis summis Muneribus ipsi concessitis fideliter functus est Praesertim vero tanquam Noster Commissionarius pro Nostra persona antehac representanda Cum itaque talibus tantisque animi dotibus sic praeditus quae ipsum ad hoc Munus obeundum aptissimum reddunt atque ad promovenda pia nostra ac Regia proposita non solum Nobis fideliter serviendo sed etiam Regni

Commission to the Duke of Queensberry for representing her Majesty in this Session of Parliament

Nostrum tum in Ecclesia tum in Statu commodum et publicam rem augendo Noveritis igitur Nos dedisse et concessisse tenore, presentium dare et concedere predicto nostro fidelissimo et dilectissimo nostro Consanguineo et Conciliario Jacobo Duci de Queensberry sacram nostram personam representandi abq. regionem Nostram auctoritatem gerendi in prima Sessione dicti nostri Parliamenti in predicto antiquo regno nostro Scotie et in quavis alia re ad commodum Ecclesie pacem et Regimen dicti Regni nostri ac servitii Nostri promotionem in singulis ejus administrationibus spectante tanquam supremo nostro Commissionario plenissimam et uberrimam Nostram potestatem et Commissionem Perro tenore presentium memoratam Jacobum Ducem de Queensberrie cum titulo Commissionarii Nostri Regali nostro charactere insignimus plenamq. ipse tribuimus auctoritatem et potestatem omnia et singula ad munus et imperium summi Commissionarii spectantis peragendi tam plane adeoque libere quoad omnes effectus et conditiones quam quisvis alius ejusdem muneris et characteris regnantibus quibuscvis Nostorum antecessorum unquam fecerit vel facere potuerit Quicquidem omnia et singula in dicta hac Commissione proseguenda ab ipso legitime facienda Nos firma et rata habemus et habeturi sumus Omnibus et singulis insuper Status dicti Nostri officariis illis, qui nobis ab intimis Conciliis sunt Judicibus et Tribunalis Nostrum in hoc Regno copiarum et ceteris quibuscvis, subditis dicti Nostri Regni stricte precipimus et imperamus ut prefatum Jacobum Ducem de Queensberrie tanquam supremum nostrum Commissionarium sacram Nostram personam representantem et Regalem nostram auctoritatem gerentem agnoscant ipsiq. Reverentiam et Obsequium prebeant ad effectum et secundum normam in hac nostra Commissione prescriptam Que Commissio a data presentium inchoanda declaratur et durante prima dicti Parliamenti Sessione in vigore et usq. dum nobis placuerit eandem revocare continuanda Et deniq. Declaramus hanc Nostram Commissionem cuivis Diplomati et Commissioni predicti Jacobi Ducis de Queensberrie de quocumq. alio munere a nobis ipse concedito nequaquam derogare aut prejudicare sed eadem durante hac nostra Commissione et etiam post ipsius expirationem in pieno remaneant vigore durante nostro beneficio modo in singulis diplomatis et commissionibus contento In cujus rei Testimonium Presentibus magnam sigillam Nostram appendi mandavimus Apud Aulam Nostram de Saint James's Quarto die mensis Martii Anno Domini Millesimo septingentesimo tertio Et Anno Regni Nostri primo Per signaturam manu S. D. N. Regine suprascript. Written to the great Seal and Registrat the twenty first day of April 1703, Sic subscribitur Charles Ker. Sealed.

THE Rolls called.

THE Earl of Forfar protested in name of the Marquess of Douglas, that the calling of any others in the rolls of Parliament before him may not prejudice him of his first vote in Parliament.

*Protests
taken for
Preceding*

THE Earl of Forfar protested also in name of the Earl of Sutherland against the calling of any Earls before him in the Rolls of Parliament.

THE Earl of Erroll protested against the calling any Earls before him.

THE Earl Marischall protested against the calling any Earls before him.

THE Earl of Mar protested against the calling any Earls before him.

THE Earl of Mortoun protested against the calling any Earls before him.

THE Earl of Eglintoun protested against the calling of the Earl of Glencairn before him.

THE Earl of Findlater protested against the calling the Earl of Airrie before him.

THE Earl of Leven protested against the calling of the Earl of Callender before him.

THE Lord Justice Clerk protested in name of the Lady Lovat against the calling of any Lord before the Lord Lovat.

THE Laird of Glenaglis protested against the ranking of any Shires in the Rolls of Parliament before the shire of Perth.

THE Laird of Cavers protested against the calling any other of the Barons representing the shire of Roxburgh before him who is the most ancient Baron, and against the Lord Clerk Register and Lord Lyon for altering the order of their Commission wherein he is first returned.

THE Lord Anstruther for the shire of Fyfe protested against the ranking of any other shire in the Rolls of Parliament before the shire of Fyfe.

THE Laird of Danboug protested against calling the Laird of Balfour before him who is son to an ancient Lord.

HUGH Montgomery provost of Glasgow protested that the order of the Rolls that is now called might not prejudice the rank of the Burgh of Glasgow.

See John
Areskine's
petition

SIR John Areskine of Alva protested that the calling of him as Burgeß of the Burgh of Brant-island might not prejudget him of his choice to represent the shire of Clackmannan, if his Commission from that shire should be sustained and preferred.

THE Laird of Leuchat for the Burgh of Inuerkeithing protested against the calling of any other Burgh before Inuerkeithing.

UPON calling the Rolls there being several questions moved about double elections, and objections against elections from Shires and Burghs, It was agreed to proceed to constitute the house and to qualifie the unconstraverted members and then to resume the consideration of these questions before the voting of any other business.

AFTER calling of the Rolls the Court of Parliament was fenced in the usual forme by the Lyon King at Arms the words thereof being read by the Lord Clerk Register and repeated by him as follows.

The Parliament
being fenced

FORASMUCH as this present Parliament was called by her Majesties Royal authority and special mandat and is now met and convened in obedience thereto I therefore in the name of her most Sacred Majestic Anne by the Grace of God of Scotland England France and Ireland Queen Defender of the Faith, and in the name of the high and mighty Prince James Duke of Queensberrie her Majesties high Commissioner for this Kingdom do fence and fix this Court to sit hold and continue during her Majesties pleasure, And I command all and sundry to reverence acknowledge and obey the same And I defend and forbid all persons whatsoever to make or occasion any trouble or molestation to this high Court of Parliament as they will answer at their highest peril.

WHEREUPON the Lord Boyle Lord Treasurer Depute took Instruments in absence of her Majesties Advocate.

HER Majesties Gift and Commission in favours of James Earl of Sedfeld to be Lord high Chancellor, read and ordered to be recorded; Whereof the tenor follows.

Commission
to the Earl
of Sedfeld
to be Lord
Chancellor

ANNA Dei gratia Magnæ Britannie Franciæ et Hiberniæ Regina fideiq; defensor Omnibus prohis hominibus suis ad quos presentes littere Nostræ pervenerint Salutem Quandoquidem Nos intelligentes quantum ministerii Nostrî commodo interit summe illud fiduciæ munus et officium Cancellarii Nostrî antiqui Regni Scotiæ unico euidam fidelitate intaminata integritate et eximio animi dotibus

imbito committere Cumq; plurima habeamus testimonii tam de fidelitate quam præclaris animi dotibus et integritate fidelissimî et dilectissimî Nostrî Consanguinei et Conciliarî Jacobi Comitiss de Sedfeld quibus ad summi illius officii namra exacte obeunda et fungenda usquequaq; est idoneus Noveritis Igitur Nos nominasse fecisse constituisse et ordinasse sienti per hasce Nostras patentes litteras nominamus facimus constituimus et ordinamus eundem fidelissimum et dilectissimum Nostrum Consanguineum et Conciliarium Jacobum Comitem de Sedfeld (durante nostro beneplacito solummodo) supremum dieti antiqui Regni nostri Scotiæ Cancellarium et solum et principalem magis nostri sigilli ejusdem Regni custodem Damus pariter concedimus et disponimus illi (durante spatio antedicto) idem manus locum et officium cum universis honoribus præcedentis privilegii feodis et gallariis per quemlibet ex ejus in dicto officio antecessoribus potitis et gaviis sive que de lege et consuetudine eo juste spectare dignoscuntur Et speciatim cum plenaria potestate et privilegio presidendi in omnibus Parliamentis ordinum conventibus curiis aliisq; omnibus conventibus per nos statutis vel statuendis quibus dictus Noster supremus Cancellarius intererit (excepto omnimodo Secretario Nostrò presente Thesaurario Nostrò Principali) Omnibus pariter subditis Nostris mandamus et imperamus ut memoratum Jacobum Comitem de Sedfeld tanquam supremum Nostrum antedicti Regni Cancellarium omni quo par est honore et respectu summo illi officio et muneris debito agnoscant prosequantur et reverentur Secretariis etiam Concilii Nostrî dicti Regni Dominos Requiritur usq; autoritatem tribuimus ut juramentum ejus de fidei administratione in dicto munere et officio exigant utq; iidem juramenta fidelitatis et feueritatis aliq; jnramenta per leges statuta ipsam dicere et subscribere efficiant In Cujus Rei Testimonium presentibus magnum sigillum nostrum cum secreto etiam Nostrò Sigillo appendi præcepimus Apud Aulam Nostram de Saint James's Vigesimo primo die mensis Novembris Anno Domini Millesimo septingentesimo secundo et Anno Regni Nostrî primo Per signaturam manu S. D. N. Reginiæ superscriptam. Written to the Great Seal and Registrat the thirtieth day of November 1702 Sic subscribitur Charles Kerr. Sealed with the Privie Seal the thirtieth day of November 1702 by special Warrant till the seal be renewed Sic subscribitur W^m Johnston. Sealed at Edinburgh the thirtieth day of November 1702 vj^r and two years by special Warrant till the seal be renewed in absence of Sir Andrew Home Sic subscribitur Geo: Rentone.

HER Majesties Gift and Commission in favours of William Marquess of Annandale to be President of her most honourable Privy Council, read

and ordered to be recorded; Whereof the tenor follows.

Constitution to the Marquis of Anandale to be President of the Privy Council

ANNA Dei gratia Magnæ Britannie Franciæ et Hiberniæ Regina fidei, defensor Omnibus probis hominibus suis ad quos presentes littere Nostræ pervenerint Salutem Quandoquidem Nos Regio nostro animo perpendentes præclaram fidelitatem servitia fidelissima et eximios animi dotes fidelissimi et dilectissimi nostri Consanguinei et Conciliarii Gulielmi Marchionis de Anandale unde pro rite obeundo munere fannæ fidei et officii Secreti Nostræ Concilii antiqui Regni Nostræ Scotiæ Præsidis usquequaq; ait idoneus Noveritis Igitur Nos nominasse constituisse et ordinasse sicuti Nos tenore presentium nominamus constituimus et ordinamus præfatum Gulielmum Marchionem de Anandale Secreti Nostræ Concilii dicti antiqui Regni Nostræ Scotiæ Præsidentem durante nostro beneplacito solummodo Cum plenaria potestate illi prædicto munere et officio utendi fruendi gaudendi idemq; exercendi cum universis honoribus dignitatibus privilegiis immunitatibus et casualitatibus quibuscunq; eo spectantibus atq; itidem tenore presentium prædictum Gulielmum Marchionem de Anandale Secreti Nostræ Concilii Præsidentem antedictum prout et præcedentium immediate proximam Thesaurario Nostræ fidei et principi dicti Regni et immediate post locum illum præcedentem quem Thesaurarius principalis perperis retineat seu retinere debuit omnibus loca et temporibus durante spatio antedicto habere ordinamus In cujus rei Testimonium presentibus magnum Signillum Nostrum appendi præcepimus Apud Aulam Nostram de Saint James's Quindecimo die mensis Decembris Anno Domini Millesimo septingentesimo secundo et anno Regni Nostræ primo. Per signaturam manu S. D. N. Regine superscriptam. Written to the Great Seal and registrate the twenty third day of December 1702 Sic subscribitur Charles Kerr. Sealed at Edinburgh the twenty fourth day of December One thousand seven hundred and two by special order till the seal be renewed Sic subscribitur Alex^r Ogilvie.

HER Majesties Gift and Commission in favors of John Earl of Tullibardine to be Lord Privy Seal, read and ordered to be recorded; Whereof the tenor follows.

ANNA Dei gratia Magnæ Britannie Franciæ et Hiberniæ Regina fidei, defensor Omnibus probis hominibus ad quos presentes littere nostræ pervenerint Salutem Noveritis Nos Regio nostro animo revolentes insignem fidelitatem magnosq; animi dotes dilectissimi nostri Consanguinei Joannis Comitæ de Tullibardine &c. quibus ad munus et officium Secreti Nostræ Sigilli dicti Regni custodis fideliter obeundum usquequaq; est adaptatus Igitur

nominasse constituisse et ordinasse tenore, presentium nominamus constituimus et ordinamus dictum Joannem Comitæ de Tullibardine (durante nostro Regio beneplacito solummodo) Dominum Custodem Secreti Nostræ Sigilli dicti nostri Regni Damus pariter concedimus et disponimus illi munus et officium Secreti Nostræ Sigilli Custodis cum loco et ordine præcedentis proxime et immediate post Dominum Præsidentem Secreti Nostræ Concilii dicti Regni una cum universis honoribus privilegiis dignitatibus fœdis casualitatibus proficuis et divocis quibuscunq; eo spectantibus fruendis et gaudendis tam plene et libere in quovis respectu et conditione quam eadem potestas et gavia fuere per Nostrum Consanguineum et Conciliarium Gulielmum Marchionem de Anandale nuperum Custodem ejusdem vel per quovis alios in dicto loco et officio antecessores quolibet tempore retroacto Cum potestate etiam dicto Joanni Comiti de Tullibardine deputatos pro custodiendo dicto secreto sigillo nominandi et constituendi et Clericos et ad dictum sigillum Scribas pro quibus respondebit creandi et generaliter omnia et singula alia facienda utendi et exercendi ad privilegium et libertatem dicti officii perperis spectantis quævis in posterum quovis modo spectare dignoscatur Quandoquidem omnia per dictam Joannem Comitæ de Tullibardine in dicto munere et officio obeundo legitime facienda firma et rata habemus In cujus rei testimonium presentibus magnum sigillum nostrum appendi præcepimus Apud aulam nostram de Saint James's Quindecimo die mensis Decembris Anno Domini Millesimo septingentesimo secundo, et anno Regni nostri primo. Per Signaturam manu S. D. N. Regine superscript. Written to the great Seal and registrat the twenty third day of December 1702 Sic subscribitur Charles Kerr. Sealed at Edinburgh the twenty fourth day of December One thousand seven hundred and two by special order till the Seal be renewed Sic subscribitur Alex^r Ogilvie.

HER Majesties Gift and Commission in favors of George Viscount of Tarbot to be one of her principal Secretaries of State for this Kingdom: As also a Letter from her Majesty to My Lord Commissioner appointing the said Viscount to have the seat and vote of Secretary of State for this Session of Parliament, both read and ordered to be recorded, The tenors whereof follow.

ANNA Dei gratia Magnæ Britannie Franciæ et Hiberniæ Regina fidei, defensor Omnibus probis hominibus suis ad quos presentes littere nostræ pervenerint Salutem Quandoquidem Nos considerantes munus et officium unius ex principalibus statas nostri secretariis antiqui Regni Nostræ Scotiæ nunc vacare per promotionem fidelissimi et dilectissimi nostri Consanguinei et Conciliarii Jacobi

Constitution to the Earl of Tullibardine to be Lord Privy Seal

Constitution to the Viscount of Tarbot to be one of the Principal Secretaries of State

Comitis de Seafield ad officium supremi Cancellarii dicti Regni nostri Et nihil magis in Ministerii nostri et Regnorum nostrorum commodum conducere posse quam ut viri probatæ fidelitatis et integritatis principales coronæ nostræ ministri speciem vero Status Nostri Secretarii constituentur quibus specialem habere poterimus fidem tam quoad authoritatem nostram quam fideiutorum commodum Nosq. etiam abunde satisfacti de proclari animi dotibus probitate aliisq. perpulebris facultatibus fidelissimi et prædilecti Nostri Consanguinei et Conciliarii Georgii Vicecomitis de Tarbat quibus ad munus et officium unius ex principalibus status nostri Secretariis prædictis usquequaq. est instructus Ob prædicta itaq. et multas alias magni momenti rationes et considerations Noveritis Nos nominatim fecisse constituisse et ordinasse sicuti tenore presentium nominamus facimus constituimus et ordinamus eundem Georgium Vicecomitem de Tarbat unum ex duobus status secretariis nobis pro dicto antiquo Regno Sotiae (durante nostro beneplacito solummodo) et quoad presentes scripto non revocatur et exoneratur coprincipalem et conjunctum cum fidelissimo et dilectissimo nostro Consanguineo et Conciliario Jacobo Duce de Queensberry altero pro dicto Regno Status Secretario, Dando et Concedendo sicuti tenore presentium damus et concedimus prædicto Georgio Vicecomiti de Tarbat (durante spatio antedicto) locum officium et munus unius ex duobus principalibus conjunctis status nostri secretariis prædictis cum justo et equali dimidio omnium honorariorum emolumentorum beneficiorum casualitatum dignitatum et immunitatum quæ ad dictum munus et officium perprius pertinebant seu pertinere et spectare poterant Una cum annua pensione mille Librarum Sterlingum secundum donationem ejusdem per Nos ipsi concessam datam cum presentibus Cum plena potestate illi utendi et exercendi prædictum munus et officium Et specialiter scribendi subscribendi et Nobis offerendi omnes donationes orationes et signaturas quascunq. Regali Nostro manu munientes et levandi et recipiendi justum et equale dimidium omnium honorariorum præmiorum et casualitatum eo pertinentium Atq. etiam equalem habendi potestatem et privilegium cum dicto Jacobo Duce de Queensberry (altero Nostro Status Secretario pro dicto regno) recipiendi interponendi et conservandi omnia Signeta dicti Regni et equale beneficiorum et emolumentorum inde provenientium dimidium in privatos suos usus et commodum applicandi Atq. etiam potestatem constituendi deputatos et dictorum nostrorum Signetorum casuales et omnes Clericos et Signeto nostro Scribas admittendi et recipiendi Cum omnibus Clericis Vicecomitatuum et Clericis ad pacem in dicto Regno et eo nomine ipsis Commissiões tribuendi quibus dictis muniis ad vitam frui et fungi possunt idq. quoties contigerit dicta munia quocunq. casu esse vacua et com-

positionum et commodorum dimidium ex admisione dictorum Clericorum perveniendum recipiendi ac idem ad privatos accomodandi usus In cujus rei Testimonium presentibus magnum Sigillum Nostrium Appendi præcepimus Apud Aulam Nostram de Saint James vicesimo primo die mensis Novembris Anno Domini Nostri Millesimo septingentesimo secundo Annoq. regni Nostri primo. Per signaturam manu S. D. N. Regine superscriptam. Written to the great Seal and registrat the thirtieth day of November 1703 Sic subscribitur Charles Kerr. Sealed at Edinburgh the thirtieth day of November 1703 vj^o and two years in absence of Sir Andrew Home by special warrant till the Seal be renewed, Sic subscribitur Geo. Rentone.

FOLLOWS the tenor of the forsaid Letter appointing the Viscount of Tarbat to sit and vote as Secretary in this Session of Parliament.

Sic superscribitur ANNE R.

RIGHT trusty and right intirely beloved Cousin and Councilor, We greet you well. Whereas We have Ordered Our right trusty and well beloved Cousin and Councilor George Viscount of Tarbat One of our Secretaries of State for that our Kingdom of Scotland to repair thither and to be present at the ensuing Session of Parliament: And whereas it belongs only to one of our two Secretaries indefinitely to have place and vote in Parliament as an Officer of State Therefore We do Nominate and Appoint the said George Viscount of Tarbat to have place and vote and in every thing to act in the ensuing Session of Parliament as the Secretary of State to whom we will have the said privilege belong for this time So we bid you heartily farewell Given at our Court at Saint James's the day of 1703; and of our reign the second year.

Letter appointing the Viscount of Tarbat to sit and vote as Lord Secretary.

By her Ma^y Command

Sic subscribitur QUEENSBERRY.

Directed thus

To our right trusty and right intirely beloved Cousin and Councilor James Duke of Queensberry our Commissioner to our Parliament of our ancient Kingdom of Scotland.

HER Majesties Gift and Commission in favors of Sir James Murray of Philipburgh to be Lord Clerk Register, read and ordered to be recorded; Whereof the tenor followeth.

ANNA Dei gratia Magnæ Britanniæ Franciæ et Hiberniæ Regina fideiq. defensor Omnibus probis hominibus ad quos presentes Literæ Nostræ pervenerint Salutem Quandoquidem Nobis abunde satis-

Commission to Sir James Murray of Philipburgh to be Lord Clerk Register

factum sit tam de fidelitate et præclaris animi dotibus quam de sincera integritate fidelissimi et dilectissimi nostri Conciliarii Domini Jacobi Murray de Philiphugh specialim vero quod ad munus et officium Registrarum et Rotulorum nostrorum Clerici in dicto Regno nostro obsequium apprime est instructus Noveritis igitur Nos nominasse constituisse et ordinasse sicuti tenore presentium Nominamus constituimus et ordinamus dictum Dominum Jacobum Murray (durante nostro beneplacito solummodo) Nostorum Registrarum et Rotulorum Nostri Concilii et Sessionis et Secretarii nec non omnium Commissariorum Parliamentorum et Ordinum Conventuum in dicto nostro Regno Clericum Dando et Concedendo illi idem munus et officium durante spatio antedicto cum omnibus honoribus dignitatibus privilegiis profectis immunitatibus et casualitatibus quibuscumque eo spectantibus vel quæ de jure et praxi dicti nostri Regni eo spectare dignoscuntur Cum plena et absoluta potestate et authoritate illi eligendi et constituendi clericos substitutos vel deputatos unum seu plures in dictis officiis seu quavis ejusdem parte idq. ad vitam talium substitutorum seu deputatorum qui eorum officiis seu quavis ejusdem parte cum omnibus eorundem emolumentis durius omnibus eorum vite diebus respective potenter Ordinamus deniq. et authoritatem ipsi tribuimus omnia et singula facere et præstare de lege et praxi hujus Regni nostri dicto officio competentia vel perperam a quovis alio in dicto officio prestita Et tenore presentium Ordinamus et Constituimus dictum Dominum Jacobum Murray habere levare et recipere integra præterita profectis divoris perquisita et casualitates quæ per dictum munus et officium exorta sunt a tempore quo idem per nos vacuum declarabatur In cujus rei Testimonium presentibus magnam Sigillum Nostum appendi curavimus Apud Aulam Nostram de Saint James' vigesimo primo die mensis Novembris Anno Domini Millesimo septingentesimo secundo et anno Regni nostri primo, Per signaturam manu S. D. N. Regine superscriptâ. Written to the great Seal and registrot the thirty day of November 1702 Sic subscribitur Charles Kerr. Sealed at Edinburgh the thirtieth day of November 1702 vix- and two years in absence of Sir Andrew Home by special Warrant till the Seal be renewed Sic subscribitur Geo. Rentone.

HER Majesties Gift and Commission in favors of M^r Roderick Mackenzie of Prestounhall to be Lord Justice Clerk read and ordered to be recorded; Whereof the tenor follows.

ANNA Dei gratia Magna Britannie Francie et Hibernie Regina fideiq. defensor Omnibus prohis hominibus suis ad quos presentes littere nostre pervenerint Salutem Quandoquidem Nos abinde satisfacti de integritate et eximâ animi dotibus

fidelissimi et dilectissimi Nostri Magistri Roderici Mackenzie de Prestounhall unde pro munere loco et officio Justiciarie Nostre Clerici infra predictum Nostrum Regnum Scotie fungendo usquequaq. ait idoneas Noveritis igitur Nos Nominasse Constituisse et Ordinasse sicuti Nos tenore presentium Nominamus Constituimus et Ordinamus memoratum Magistrum Rodericum Mackenzie durante Nostro beneplacito solummodo Nostrum Justiciarium Clericum dicti Regni nostri Scotie Dando Concedendo et Disponendo præfato Magistro Roderico Mackenzie durante spatio antedicto dictum munus et officium Justiciarii Clerici cum omnibus honoribus privilegiis feodis profectis immunitatibus et casualitatibus quibuscumque eo spectantibus per eum tam plenarie et libere in quovis respectu et conditione gaudendis et possidendis ac quivis alii in dicto officio prædecessores eodem potiti sunt aut quovia tempore retroacto potiri potuerant In cujus rei Testimonium presentibus magnam Sigillum Nostum appendi præcipimus Apud Aulam Nostram de Saint James' trigesimo primo die mensis Decembris Anno Domini Millesimo septingentesimo secundo et anno Regni nostri primo Per signaturam manu S. D. N. Regine superscriptam. Written to the Great Seal and registrot the Sixth day of January 1703 Sic subscribitur Charles Kerr. Sealed at Edinburgh the Sixth day of January One thousand seven hundred and three years by special Order till the Seal be renewed Sic subscribitur Alex^r Ogilvie.

THE Lord Chancellor took the oath of allegiance and subscribed the same with the assentance, and then took the oath of Parliament all administered to his Lordship by the Lord Clerk Register, And the Lord Clerk Register took the same oaths and subscribed the oath of allegiance with the assentance administered to him by the Lord Chancellor: After which all the other Nobility, Officers of State and Commissioners from Shires and Burghs five by five together in their order took the oath of allegiance and oath of Parliament and subscribed the allegiance and assentance.

[Oaths taken]

HER Majesties Letter to the Parliament was read first by the Lord Clerk Register and thereafter read again by one of the ordinary Clerks; Of which Letter the tenor follows.

Sic superscribitur ANNE R.
My Lords and Gentlemen

WE thought to have brought you sooner together in this meeting of Parliament; But the great and weighty affairs wherein We have been engaged this winter were a necessary hindrance.

WE have on several occasions given you and all our good Subjects Assurances of our firm resolution

The Queens Letter to the Parliament

Commission to M^r Roderick Mackenzie of Prestounhall to be Lord Justice Clerk.

to maintain and protect them in their Religion rights and liberties as at present established by Law.

AND if there be any thing else wanting for the satisfaction of our People and the Security of that our ancient Kingdom We shall be always ready to have it timeously provided for and supply'd.

YOU see that We continue Engaged in a great and necessary war for the defence of the Protestant Religion and the Preservation of the Liberties of Christendom; And We hope you will be careful to guard against all dangers that this war may threaten For which end We recommend to you more particularly the consideration of the state of our forces forts and garrisons that they be duly and sufficiently maintain'd and the necessary Supplies granted for that effect and all kept in such order as may be most conducing to the ease as well as safety of the Country.

WE also recommend to your care that trade be encouraged, and all methods taken for the advancement thereof either by amending former Laws or making new ones or any thing else may be found needfull and expedient for the benefit of the Kingdom.

IT hath been and shall always be our chief study and endeavour to Establish and Secure the peace and promote the good of that our ancient Kingdom And therefore We do expect your concurrence and assistance for such good and great ends and that you will prosecute them with that wisdom prudence and unanimity as may most tend to our common advantage and satisfaction; But chiefly that effectual means may be laid down for promoting of religion virtue and true piety and suppressing vice and immorality and providing for the poor.

WE have appointed our right trusty and entirely beloved Cousin and Councillor James Duke of Queensberry to be our Commissioner to represent our royal person in this Session of Parliament being well satisfied that the experience that both we and you have had of his great abilities and fidelity in his former discharge of this trust will fully commend our choice and render him to you acceptable.

THIS being your first Meeting and we having recommended nothing but what is for your own security and welfare We confidently expect a notable return, and a dutiful and cheerful concurrence in what we propose; And that all differences and animosities laid aside you will with concord and diligence bring matters to such a happy conclusion as shall establish a lasting Union be-

tween us and our people So We bid you heartily farewell Given at our Court at St James's the 30th day of March 1703, and of our Reign the second year.

By her Majestys Command
Sic subscribitur TARBAT

THE Lord high Commissioner made a Speech to the Parliament, and the Lord Chancellor another Both which Speeches with her Majesties Letter to the Estates were ordained to be printed.

[Commissioner & Chancellors Speeches & the Queens Letter to be printed]

THEN the draught of an Act for recognizing and asserting her Majesties authority and her undoubted right and title to the Imperial Crown of this Kingdom was presented by his Grace the Duke of Hamilton and read, and ordained to be marked as read for the first time.

[Act recognizing her Majesties authority]

AFTER which the Lord Chancellor by order of the Lord high Commissioner Adjourned the Parliament till Tuesday next at ten a clock.

MAY XI, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

THE Earls of Glencairn, Hume, Galloway, Kincardine, Kintoir, Aberdeen, Melvill and Marchmont, the Viscounts of Stormont, and Teviot, the Lords Forbes, Saltoun, Colvill, and Rollo, and Sir James Stewart her Majesties Advocate took the oath of allegiance and oath of Parliament and subscribed the allegiance and assurance.

[Oaths taken]

SIR John Lauder of Fountainhall William Morrison of Prestoungrange Duncan Forbes of Culloden Alexander Duff of Bracco and the Laird of Broddie as Commissioners for Shires; David Chrystie M^r James Melvill Robert Johnston William Cultrane, George Moscrief and Sir William Hamilton as Commissioners for Burrows in like manner took the oath of allegiance and oath of Parliament and subscribed the allegiance and assurance.

HER Majesties Gift and Commission in favours of the Loed Boyle to be Loed Treasurer Depute was read, and ordered to be recorded; Whereof the tenor follows.

ANNA Dei Gratia Magnæ Britannie Francie et Hibernie Regina fidei defensor Omnibus pro his hominibus ad quos presentes littere nostrae pervenerint Salutem Quandoquidem Nobis abunde sa-

Commission to David Loed Boyle to be Loed Treasurer Depute

K

tisfactum sit de integritate et præclaris facultatibus fidelissimæ et præsiditæ nostri Conciliarii Davidis Domini Boyle unde usquequaq; sit idoneus pro exercendo munere et officio Thesaurarii nostri deputati infra antiquum Regnum nostrum Scotiæ Noveritis Igitur Nos Nominasse Constituisse et Ordinasse tenoreq; presentium Nominare Constitutuere et ordinare ipsam Davidem Dominum Boyle durante nostro beneplacito solummodo Thesaurarium nostrum deputatum in officiis Thesaurarii nostri Computorum Rotulatores et Thesaurarii novarum nostrarum augmentationum et receptoris generalis dicti nostri antiqui Regni Cum plenaria potestate illi dicto munere et officio durante spatio antedicto fruendi et exercendi Cum omnibus honoribus libertatibus privilegiis immunitatibus præeminentiis proficiis et casualitatibus quibuscunq; eo spectantibus tam plene et libere in omnibus respectibus et conditionibus quam quivis alii ejus predecessores in dicto officio functi et potui sunt seu quovis tempore præterito fungi et potiri poterant Speciatim vero absq; præjudicio generalitatis antedictæ locum et suffragium tanquam uni ex nostris Status officariis in omnibus Nostris dicti regni parliamentis generalibus conciliis et conventibus habendi Ac Nos considerantes plenum potestatem et officium Thesaurarii nostri principalis nunc in Commissionem Thesaurarii veram esse expresse Igitur Declaramus et Ordinamus quod hæc pensura nostra donatio dicti officii Thesaurarii deputati dictæ Commissioni nequam derogari quousque in plena potestate et vigore remanebit et quod prefatus David Dominus Boyle tanquam unus ex nostris Commissionariis Nostri Thesaurarii exercebit Et per presentes Nominamus et Constitumus ipsam unum ex Commissionariis Thesaurarii antedicti in loco Adami Cockburn de Ormiston nuper Nostri Thesaurarii deputati in dicto regno tam plenarie et libere ad omnes intentus et proposita ac si in antedicta Commissione nominatus fuisset quodquidem Declaramus sibi tanquam Thesaurario deputato in quibusvis privilegiis eo spectantibus nullo modo prejudicari si in posterum durante Continuatione presentis Nostræ Commissionis nominatus fuerit Thesaurarius Principalis In cujus rei Testimonium presentibus magnum Sigillum Nostrum appendi præcepimus Apud Aulam Nostram de Saint James's Secundo die mensis Januarii Anno Domini Millesimo septingentesimo tertio et anno Regni Nostri primo Per signaturam manu S. D. N. Regine suprasignatam Written to the great Seal and registrat the eight day of January 1703 Sic subscribitur Charles Kerr Sealed at Edinburgh the ninth day of January One thousand seven hundredth and three years by special order till the Seal be renewed Sic subscribitur Alex^r Ogilvie.

THE Act for Settling the orders of the Parliament house, read, And copies thereof Ordained to be affixed on the doors and other places according to custome.

[Orders of the Parliament House read]

THE consideration of these questions which related to contraverted elections was resumed And the double election for the shire of Clackmannan considered And both the Commissioners elected were allowed to see and interchange such writs and instructions as should be founded upon for either party and diligence allowed to Sir John Eskine against the Clerk of the election and others having to be reported the day of May instant.

[Election for Clackmannan shire]

THE double election of Sir George Suttie of Balgoun and the Laird of Ormiston younger for the shire of East Lothian was considered; And both ordained to produce and allowed to see all writs to be founded upon in the competition to be further considered by the Parliament at the next meeting.

[Election for East Lothian shire]

THE double elections of the several Commissioners for the shire of Berwick considered and their respective objections and answers with the writs to be founded on for instructing thereof Ordered to be given in and seen in the Clerks hands by the parties concerned against the next Sitting of Parliament and then either determined in plain Parliament or remitted to a Committee.

[Election for Berwick shire]

A WARRANT given to the Barons and freeholders of the shire of Selkirk to elect another Commissioner for that shire in place of Sir James Murray of Philiphaugh now promoted to be Lord Clerk Register and to meet for that effect on the day specified in the said Warrant Which is as follows.

HER Majesties high Commissioner and the Estates of Parliament Considering that Sir James Murray of Philiphaugh one of the Commissioners elected for the shire of Selkirk to this present Parliament is now promoted by the Queens Majesty to be Lord Clerk Register and one of her officers of State Therefore they hereby Ordain and Give Warrant to the freeholders of the said shire to meet and elect another of their number to be Commissioner to the effect foresaid at Selkirk the eighteenth day of May instant in the usual manner.

Warrant to Elect a new Commissioner for the shire of Selkirk

THE double Election of the severall Commissioners for the shire of Lanerik considered And the Commission from that shire in favours of the Lairds of Lamington Jerviswood, Stevenson younger and Aikenhead unanimously sustained, And they took the oath of allegiance and oath of Parlia-

[Election for Lanerik shire]

ment and subscribed the allégeance and assurance accordingly.

[Ancient
Protections]

WARRANTS upon Petitions in order to the obtaining Protections granted for citing the Creditors of Sir Archbald Cockburn elder of Langtoun William Cockburn now of Cockburn son to the deceased James Cockburn sometime Goldsmith in Edinburgh and Patrick Steel vintner there.

THEN the Lord Chancellor by order of her Ma^{ty} high Commissioner Adjourned the Parliament till friday next at ten a clock.

MAY XIV, M,DCC,XIII.

PRAYERS said The Rolls called.

THE Minutes of the last Sederunt read.

[Outside
Shires]

THE Lords Sempie Elphinstoun Forrester and Bellenden, Sir John Houstoun of that ilk, the Laird of Blackhall younger and Alexander Gordon of Gaithie Commissioners for shires took the oath of allégeance and oath of Parliament and subscribed the allégeance and assurance.

THE contravensie anent the Commissions of Sir Robert Sinclair of Longformacus and Sir John Home of Blackadder for the shire of Berwick being past from they took the oath of allégeance and oath of Parliament and subscribed the allégeance & assurance.

M^r Robert Stewart of Tillicoultry having chosen to represent the shire of Bute and Sir John Erskine of Alva to represent the Burgh of Burntisland rather than to insist upon their contraverted Commissions for the Shire of Clackmannan, both took the oath of allégeance and oath of Parliament and subscribed the allégeance and assurance.

Order for
the Clerk
Register's
searching in
the records
how the
Lairds of
Cavers when
formerly
elected with
Knights
Baronet for
the shire of
Roxburgh
were ranked
in the Rolls.

THE Laird of Cavers having insisted on his Protestation against the Lord Register and the Lord Lyon for altering the order in the return of the election for the shire of Roxburgh observed in this and former elections where the Lairds of Cavers were chosen: The Lord Clerk Register was ordained to search in the records of Parliament how the Lairds of Cavers when formerly elected with Knights Baronet to represent that shire were in use to be ranked in the rolls, and to report.

[Contraverted
Elections
—Haddington]

THE consideration of the contraverted election for the shire of Haddingtoun betwixt Sir George

Suttie and the Laird of Ormiston younger was of consent of parties continued to the first sitting of Parliament next week.

THE consideration of the double elections for the shire of Berwick Continued of consent to the same day.

[Berwick-
shire]

MOVED that the objections made against the Elections for the shire of Dumfriess might be considered and in regard neither the objectors nor any having their mandat were present to insist, the consideration thereof was let fall.

[Dumfriess-
shire]

THE consideration of the Contraverted elections for the shires of Air and Dumbarton Continued and all parties appointed to produce their several Writs for instructing or answering the respective objections against the first sitting of Parliament next week that the Parliament might then determine With Certification if they produced not that no farther time should be allowed for producing thereof.

[Shire of
Air and
Dumbarton]

THE Contraverted election for the shire of Renfrew in favors of the Laird of Pollock of that ilk and the Laird of Ormiston younger with the several Objections against these freeholders who voted for either party being considered, the Objection against Houstoun elder of Johnston was sustained there being nothing produced to instruct his freehold Then the Objection against the Town of Paisley (that being a Burgh of Barony howbeit in fact and in possession of a freehold yet since no Burghs could be deputed for that end therefore the incorporation could have no vote in the election of Barons) was considered And the house having acquiesced to sustain the vote the Objection was past from by the party and allowed to be withdrawn: After which the Objections against Sempie of Cathcart and some others who had voted for Ormiston younger being Sustained the Commission in favors of the Laird of Pollock was preferred and accordingly he took the oath of allégeance and oath of Parliament and subscribed the allégeance and assurance.

[Renfrew-
shire]

THE competing Commissioners for the respective shires of Linlithgow & Orkney were ordained to produce and interchange such writs as they were to found upon in their several competitions to be seen by either party concerned in order to the determining thereof the first sitting of Parliament next week, With certification if they falldog no further time should be allowed them &c.

[Shires of
Linlithgow
& Orkney]

JAMES Sinclair of Stempeter one of the Commissioners for the Shire of Caithness was ordained to instruct his having right to vote in the election of Commissioners to the Parliament from

[Shire of
Caithness]

that shire against the same day With the like certification.

THE Protestation against the election of the Laird of Straburghie for the shire of Eyfe and grounds thereof being considered, his election was found null as being made without the previous intimation at the head burgh of the shire required by law, and accordingly his name was ordained to be left out of the roll, And a warrant granted to the freeholders of that shire to meet for a new election on Tuesday the twenty fifth of this month in manner following.

HER Majesties high Commissioner and the Estates of Parliament considering that the Commission formerly granted by the Barons and Freeholders of the shire of Eyfe to Robert Douglass of Straburghie for representing them in this Parliament is now by the Parliament Declared null Have therefore Granted and do hereby Grant Warrant and order to the Sheriff principal of the said shire and his deputies to call and convene the Barons and Freeholders of the said shire together at the usual place of their meeting on the twenty fifth day of May instant to the effect they may of new make choice of one to represent them with their other three Commissioners in this present Parliament To which they are hereby impowered, And ordains intimation in the usual manner to be made hereof.

Warrant for a new Election of a Commissioner for the shire of Eyfe

[Election for Haddington Kirkcaldie &c.]

THE competing Commissioners from the Burghs of Haddington Kirkcaldie Abernethock and Dornock, Ordained to inform anent their several cases And to produce their respective instructions to be considered the first Sitting of Parliament next week; With certification that no further time shall be allowed for doing thereof.

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten a clock.

MAY XV, M^{CC}, LIII.

PRAYERS said The Rolls called.

THE Lord Advocat Protested for the Lord Register and himselfe that the calling of the Lord Treasurer Depute in the Rolls before the Register and him, with regard to his being a Peer might not prejudice them of their just rank and precedence.

THE Minuts of the last Sederunt read.

THE Formula subjoined to the Act of Parliament in November 1st viz^t for preventing the growth of Popery as it was Subscribed by the Lord Sempie

Order for the Lord Sempie's signing the formula &c.

and Attested by the Earl of Eglintoun and her Majesties Advocat two of the Lords of her Majesties Privy Council being said; The Lord Sempie was Ordained to take and subscribe it again in Parliam^t and he took and subscribed it accordingly.

IT being moved that the Act presented by the Duke of Hamilton for recognizing and asserting her Majesties authority might have a second reading; Her Majesties Advocat offered to the consideration of the Parliament an additional clause to the Statutory part of the Act viz. That it should be treason to quarrell her Majesties right and title to the Crown or her exercise of the Government from her actual entry to the same; And after reasoning upon the addition the vote was stated Proceed or Delay the consideration of the amendment and carried Proceed.

[Act for recognizing her Majesties authority]

IT was thereafter Moved that in place of these words proposed by her Majesties Advocat the following words might be added viz. That it should be treason to quarrell her Majesties right and title to the Crown or her being in the exercise of the Government thereof conform to the Claim of Right; And thereupon the vote stated Whither the first or second clause should be added, it Carried that the first should be added, And then the Act with the first additional clause was put to the vote and approved.

THE Desire of a Petition for the Earl of Home Craving a warrant to cite Sir Patrick Home Advocat to Compare before the Parliament for discussing a Protestation for remede of Law taken upon his obtaining a Decree of the Lords of Council & Session against the said Sir Patrick was granted.

[Earl of Home against Sir Patrick Home]

WARRANTS on Petitions in order to the obtaining Protections granted for citing the Creditors of M^r William Gordon of Balcomie advocat and M^r John Buchan Clerk to the high Commission for valuation of teinds &c.

[Ancient Protection]

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Wednesday next at ten a clock.

MAY XIX, M^{CC}, LIII.

PRAYERS said The Rolls called.

THE Lord Rae and M^r John Pringle of Hayning Commissioner for the shire of Selkirk in place of Sir James Murray of Philibhaugh now Lord Register took the oath of allegiance and oath of

Parliament and subscribed the allreadgence and assurance.

THE Minuts of the last Sederunt read.

THE Act recognizing her Majesties authority was touched with the Scepter by the Lord Commissioner in the usual forme, Of which Act the tenor follows.

ACT Asserting and Recognizing her Majesties Authority.

- 1 THE Estates of Parliament Considering that by the death of the late King William of ever glorious memory the Crown and Royal dignity of this Kingdom is by right devolved upon Queen Anne Our present Gracious Sovereign conform to the Declaration of the Estates of this Kingdom Therefore the Estates of Parliament for themselves and in name and behalf of the haill Subjects of this Kingdom Assert Recognize and Acknowledge her Majesties undoubted right and title to the Imperial Crown of this Kingdom, And her Majestie with advice and consent of the said Estates of Parliament doth Statute and Declare that it is and shall be high treason in any of the Subjects of this Kingdom to disown quarrell or impugne her Majesties right and title to the Crown of this Kingdom or her exercise of the Government thereof from her actual entry to the same.

[Assent a Supply &c.]

THE Earl of Home presented the draught of an Act and offer of a Supply to her Majestie for the ends therein contained.

[Overture by M of Tweeddale]

THE Marquess of Tweeddale presented an Overture for a resolve of Parliament that before all other business the Parliament might proceed to make such conditions of government and regulations in the constitution of this Kingdom to take place after the decease of her Majestie and the heirs of her body as shall be necessary for the preservation of our religion and liberty; Both which papers were read in order as they were presented and ordered to ly on the table.

[Election for Haddington-shire.]

THE consideration of the Contraverted Elections for the Shire of East Lothian betwixt Sir George Suttie and the Laird of Ormiston younger was resumed and the objection against Home of Gemelshells who had voted for Sir George that his retour did not bear his lands extended to the twenty weeks of old extent mentioned therein as distinct from the feu duty in the reddendo conform to the Act of Parliament 17th vj^e and eighty one was sus-

tained. The objection against Cant of Dryburn-ford another of these who voted for Sir George was past from, And the objection against Ogle of Popillhall (that bowbeit his writs contain a ten pound Land yet he has not right to such a part thereof as effeirs to a forty shilling land within the shire of East Lothian with the answer to it viz. That unless it were proven he was denuded thereof or that so much of his Lands lay in the Shire of Berwick as leaves not such a proportion thereof in East Lothian as effeirs to a forty shilling land he ought still to have his vote) being considered, The party objected against was called and he affirming that he had still remaining within the shire of East Lothian more of the ten pound land in the retour produced for him than effeirs to the forty shilling land: There was a conjunct probation allowed to either party anent Popillhall's having still in his possession within the shire of East Lothian a fifth part of the ten pound land contained in the retour produced according to the several proportions thereof lying in both shires and diligence granted for that effect against the first sitting of Parliament next week with certification that no furdur time should be allowed: Then the objection against Hepburn of Beinstouns vote with the answer made thereto being considered After some reasoning thereupon the vote was stated Proceed to determine or Remit to a new election; and it carried Proceed: After which the vote was again stated Sustain the objection or No, and carried No.

A PETITION for the Lord Robt presented and ordained to be read the next Sitting of Parliament.

[Lord Robt]

THE Lord Chancellor by order of her Ma^{ty} high Commissioner Adjourned the Parliament till Friday next at ten a clock.

MAY XXI, M,DCC,III.

PRAYERS said The Rolls called.

THE Patent given by King James the Seventh in favours of Charles Earl of Dunmoir for the title and dignity of an Earl &c. was read and ordered to be recorded Whereof the tenor follows.

JACOBUS Dei gratia Magna Britannie Francie et Hibernie Rex fidelis, defensor Omnibus probris hominibus suis ad quos presentes literæ pervenerint Salutem Quandoquidem Nos ex serena et seria Nostra animadversione perpendentes magna illa et eximia et fida ministeria perplurima Nobis et charissimo ac serenissimo nostro fratri Carolo Secundo memorie beatissime præstita per fidelissimum et dilectissimum nostrum Dominum Carolum Murray filium legitimum natu secundum fidelissimi et

The Earl of Dunmoir's Patent

L.

apprise dilecti Nostri Consanguinei et Conciliarii Joannis Atholici Marchionis Secreti Nostri Sigilli antiquioris hujus nostri Regni Custodis Quin etiam egregia et grata admodum officia ab ipso charissimæ nostræ cœjugi tanquam sui stabili Magistro indies expleta Nosq; adeo in memoriam revocantes fidelitatem peramplam merita etiam eximia nobilissimarum et antiquissimarum familiarum unde immediate est oriundus gravis etiam eorum damna et offensiones iis justis diadematis nostri prerogativis firmiter adherentibus eoq; nomine inflicta. Oh prædictas itaq; et multas alias res et rationes satis momentosas ex summa augusta et ferens nostra gratia singularem et daraturam Regi Nostri favoris et munificentie illustrem quandam notam in ipsum ejusq; familiam conferre Statuimus ut subiect tibi subseq; posteris in officio suo et erga nos Regioq; Nostros Successores fidelitate continuare fœdum fiat incantamentum Utq; etiam ad obeunda munera et exornandas provincias in diadematis nostri ministerio ipsis committendas validiores omino reddantur Noveritis Igitur Nos Nominatim Fœdite Constituisse et Creasse sicut et per Nos Nostros patentes litteras Nominamus Facimus Constituissemus et Creamus dictum nostram fidelissimum et dilectissimum Dominum Carolum Murray Comitem Vicecomitem et liberum Parliamenti Dominum Baronem Comitem de Dunmore Vicecomitem de Fincastle et Dominum Murray de Blair Moulin et Tillimet in dicto Regno nostro Scotie Nominandum et Appellandum Damus porro Concedimus et Conferimus in præfatum Dominum Carolum Murray et heredes masculos de ejus corpore in perpetuum titulum dignitatem gradum et honorem Comitæ Vicecomitis et liberi Parliamenti Domini ut antedictum Cum uberima ipsi ejusq; antedictis potestate iisdem fruendi et gaudendi Cum universis et singulis prerogativis præsentibus præeminentiis privilegiis libertatibus et immunitatibus quibuscunq; eo affinentibus et spectantibus quibuscum antedictum Dominum Carolum Murray ejusq; prædictos spectantem vero cum libero in Parlamento Suffragio per presentes has nostras litteras Nobilitamus et Inauguramus Tenendum et omino Habendum supradictum titulum dignitatem gradum et honorem Comitæ Vicecomitis et liberi Parliamenti Domini Cum omnibus et singulis prerogativis præcedentibus præeminentiis privilegiis libertatibus immunitatibus aliisq; quibuscunq; eo spectantibus per antedictum Dominum Carolum Murray ejusq; antedicti de nobis nostrisq; Successoribus in omnibus Parliamentis Ordinum Convencionibus Conciliis Generalibus aliisq; dieti nostri Conventibus quibuscunq; publicis seu privatis tam plene adeoq; libere in quovis respectu et conditione quam quilibet alius Comes Vicecomes et liberi Parliamenti Domini eundem titulum dignitatem gradum et honorem possidebat et gaudebat seu tempore quolibet retroacto præsentis sui futuro possidere et gaudere poterit Leonis Poreo Armorum

Regi ejusq; fratribus facilibus prænominato Domino Carolo Murray (nunc Comiti de Dunmore &c.) tale additamentum præci suo paludamento et insigniis armoris quod sibi et iis congruum fore videbitur et secundum consuetudinem simili occasione observatam dare et præscribere Imperamus Ordinamus deniq; et Declaramus has nostras litteras patentes magno nostro sigilla munitas ejusdem fore valoris antedicto Domino Carolo Murray (nunc Comiti de Dunmore &c.) ejusq; supradictis pro possidendo titulo dignitate gradu et honore Comitæ Vicecomitis et liberi Parliamenti Domini antedicto Cum universis privilegiis aliisq; quibuscunq; eo attinentibus ac si cum solemnitatibus et cæremoniis simili occasione antiquitus usitatæ nobilitati et inaugurati fuissent Quocirca pro nobis nostrisq; successoribus in perpetuum Dispensamus In cujus rei testimonium præsentibus magnum Sigillum nostrum appendi Mandavimus Apud Castrum nostrum de Windore Decimo sexto die mensis Augusti Anno Domini Millesimo sexcentesimo octogesimo sexto et anno Regni nostri secundo Per signaturam manu S. D. N. Regis superscriptam. Written to the great Seal and registrat the nineteenth day of November 1686, Sic subscribitur Jo: Grahame dp. Sealed at Edinburgh the twenty fourth day of November 1686 Sic subscribitur Tho: Gurdone.

THE said Earl of Dunmore took the oath of allegiance to her Majesty and oath of Parliament and subscribed the Allegiance and Abjureance.

THE Minutes of the last Sederunt read.

ORDERED that the action upon the Protestation for removal of law taken by the Laird of Pourie against the Lord Gray be heard first of privat business.

[Laird of Pourie vs^d Lord Gray]

MOVED that Sir George Suttie might administer his Commission by proving that the Laird of Beinstoun truly voted for him at his election notwithstanding of what is contained in the last minute relating to that objection; Whereupon he was allowed a diligence for adducing his witnesses to that effect against the first Sitting of Parliament next week.

[Election for Beinstoun-shire]

THE Petition for the Lord Roßs agent the altering of the common road about his house in the country in favour of his parking and policy was read and granted, and a new way appointed to be made at sight of the Commissioners of Supply for that Shire in manner following.

HER Majesties high Commissioner and the Estates of Parliament having heard the Petition of William Lord Roßs humbly Shewing unto them that

Act in favour of the Lord Roßs.

there being several Acts of Parliament Ordaining every herefor liferenter and wadsetter within the Kingdom to park ditch and inclose ground and to plant the same about with trees In obedience to which Acts of Parliament and for Encouragement of others to do the like the Petitioner has imparked diked ditched & hedged a considerable piece of ground in and about his house of Halkhead: And albeit there be but seven or eight common tenants families that were in use to go that way yet since the hudding and planting of the Petitioners parks several others take occasion to do the like and to go through the very clofs of the Petitioners house of Halkhead to the utter ruine and destruction of his parks planting and policie And it being impossible to preserve the dikes hedges and planting without the road and way leading through the Petitioners parks and outter clofs of his house of Halkhead be changed and turned about the park dikes where the leidges who shall have occasion to travel that way will have as near and commodious a way to kirk and mercat as they formerly had the other way And seeing that by the turning of the said way about the parks the Petitioners planting may be preserved and that the Parliament has formerly granted an Act of the same tenor and nature in favours of the Laird of Hopetoun And Therefore Craving His Grace and the Estates of Parliament to Grant an Act in the Petitioners favours allowing him to Stop the former way that leads through his parks and clofs And to ordain the leidges that have occasion to travel that way to go about the Petitioners parks that thereby his planting and policie may not be damnified nor prejudged as the said Petition bears Which Petition her Majesties high Commissioner and the Estates of Parliament having this day considered They allowed and hereby allow the said Petitioner to stop the former way through his parks and clofs And have Ordained and hereby Ordain the leidges that have occasion to travel that way to go about the Petitioners parks by the way to be appointed in manner aftermentioned that thereby his planting and policy may not be damnified nor prejudged And Ordained and hereby Ordains the said now way about the said parks to be made at the sight of the Commissioners of the Supply for the shire of Renfrew.

[Public
Accounts]

A PETITION for Adam Cockburn of Ormiston late Treasurer depute Craving that his Grace and the Estates of Parliament may lay down such rules for inquiring into the Management of the funds imposed by Acts of Parliament as he may hope to see these accounts discharged in his own time, read and ordered to ly upon the table.

A MOTION made by the Marquess of Athol Lord Privy Seal that the Accounts of all funds

given by Parliament during the last Reign and how the same were applied be laid before the Parliament or any Committee or Commission thereof to examine and report was agreed to and ordered to be insert in the Minutes.

A REPRESENTATION for Sir George Stattie relating to the vote of Home of Gemmilshells was read and rejected.

[Shire of
Haddington]

A WARRANT granted for citing the Creditors of Major Alexander Stevenson in order to his obtaining a Protection.

[Major Alex^r
Stevenson]

THE like Warrant granted in favours of Robert Hamilton eldest son to William Hamilton of Wishaw, and Captain Alexander Cockburn second son to Sir Archibald Cockburn of Langtoun.

[Robert
Hamilton &
Cap^t Alex^r
Cockburn]

THE consideration of the elections yet in contraversion for the shire of Berwick resumed, but afterwards at the desire of the parties continued till next Sitting of Parliament.

[Contraverted
Elections
—Berwick]

THE consideration of the contraverted elections betwixt Sir Alexander Home of Castlemaise, the Laird of Kilbirnie and Sir William Cunninghame of Cunninghamehead for the shire of Air was resumed and the objection against Reid of Merkland that he was not qualified to vote in the terms of the Act 1681 was Sustained in regard there was nothing produced to instruct his freehold. The objection against Doctor Dickson that he was husband to a liferenter and not to an heir was insisted in, And after reasoning the vote was stated Sustain the objection or No and carried Sustain. The objection against Catheart of Gainoch was repelled. The objection against Mitchell of Daldrilling that he had not subscribed the assurance was Sustained, The objection against Mackgown of Nether Smeestoun was repelled that he having removed after he was qualified he returned not to give his vote untill the plurality was declared. Then the objection against Cunninghame of Robertson founded on his having a protection was Sustained; And thereupon Kilbirnie being found to have the plurality of legal votes was preferred and admitted and took the oath of alledgeance and oath of Parliament and subscribed the alledgeance and assurance.

[Airshire]

THE consideration of the contraverted Elections betwixt the Lairds of Kilmarnock and Lufs on the one part and M^r James Campbell of Portkill and George Napier of Kilmahew on the other was resumed And the objection against Kilmahew that he is not apparent heir by virtue of his predecessor

[Kilmarnock
shire]

sors infetment hut by virtue of a bond of tailgie whereon no infetment followed and his grandmother in possession was sustained; The objection against

Campbell of Carrick younger and James Grant of Pluscarden that the first was not present and the last not infet were sustained The objection against

Campbell of Rachean that he was neither infet himself nor appeared heir to any who was infet was sustained in regard there was no sufficient production made for instructing his predecessors right in the terms of law; The objection against Gartshore of that ilk that he was only apparent heir and not in possession as such hut administrator to his son having right by a disposition from the grandfather who had been infet was repelled as not instructed; And thereupon the Lairds of Kilmarnock and Lufs were admitted as duly elected and took the oath of allegiance and oath of Parliament and subscribed the allegiance and assurance.

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Monday next at ten a clock.

MAY XXIV, M,DCC,XIII.

PRAYERS said The Rolls called.

THE Minutes of the last Sederunt read.

Allegiance to
Sir Thomas
Wallace to
qualifie
himself

A PETITION for Sir Thomas Wallace of Craigie, Craveing he might be allowed by taking the oath of allegiance and subscribing the same with the assurance to qualifie himself for his employment as an Advocate Read and granted, and he allowed to qualifie himself before the Lords of Session.

[Election for
Haddington-
shire]

SIR George Brown of Colstoun Sir Peter Wedderburn of Gosford and John Hay of Letham witnesses adduced for administering the Commission from the shire of East Lothian in favors of Sir George Suttie of Balgoun were called to prove that William Hepburn of Beinstoun truly voted as he had subscribed to the said Commission and gave their oaths thereunto in presence of Parliament: Upon advising whereof the vote was stated If Sir George Suttie had by the testimonies adduced Adminiculated his Commission by proving that Beinstoun truly voted for him at his election Yea or No, and carried No.

MOVED that the probation adduced to instruct that Ogle of Popillhall had still in the shire of East Lothian a fifth part of the ten pound land

contained in his retour might be advised And thereupon the vote stated If in this case the probation should be allowed by the real rent Yea, or No, and carried No.

A PETITION for Sir George Suttie founded upon new Documents relating to Gemmishells having right to vote at his election read, But the matter represented therein not being instructed, the Electors for the Laird of Ormiston younger were found of equal number to such as were duly qualified of those who had elected Sir George Suttie, And thereupon a Warrant ordered for a new election of a fourth Commissioner for East Lothian, And the freeholders appointed to meet for that end on Tuesday the first of June next in manner following.

HER Majesties high Commissioner and the Estates of Parliament in respect that the contravened Commissions granted by the Barons and freeholders of the shire of Haddington one thereof to Sir George Suttie of Balgoun and the other to John Cockburn younger of Ormiston for representing them in this present Parliament as one of their four Commissioners are now after discussing the objections made against the said Commissions and the Subscribers thereof found both to be Subscribed by an equal number of the Barons and freeholders of the said shire having power by the Act of Parliament to vote at the said Election Do therefore Grant Order and Warrant to the sheriff principal of the said shire and his deputies to call and conven together the Barons and freeholders thereof at the ordinar place of their meeting upon Tuesday the first day of June next to the effect they may of new chose and elect one to represent them with their other three Commissioners to this said Parliament. Which they are hereby Warranted and Ordered to do, and Ordains intimation hereof to be made in the usual manner.

Warrant for
Electing a
new Com-
missioner for
the shire of
Hadding-
ton

THE Instrument and Protestation taken by Sir Thomas Kilpatrick of Closhum and his son against the elections for the shire of Dumfries was read And after hearing the parties upon the objections contained therein and the answers they were allowed to be withdrawn.

[Election for
Dumfries-
shire]

THE Lord Chancellor by order of her Ma^{ty} high Commissioner Adjourned the Parliament till Wednesday next at ten a clock.

MAY XXVI, M,DCC,III.

PRAYERS said The Rolls called.

ROBERT Douglass of Strathendry being duly elected Commissioner for the shire of Fyfe took the oath of allegiance and oath of Parliament and subscribed the allegiance and assurance.

THE Minutes of the last Sederunt read.

ORDERED that when the rolls are called for a vote of Parliament all the Members Stand upright in their places and give their votes audibly And that none presume to answer for another.

MOVED that the Act for the Supply be considered in order to a first reading.

MOVED that the remaining contraverted elections might be determined for the more full representation of the Estates before any further procedure in the Supply.

MOVED that the overture given in by the Marquis of Tweeddale for a resolve to make these conditions of government and regulations in the constitution of the Kingdom to take effect after the decease of her Majesty and the heirs of her body which might be necessary for securing religion and liberty be taken to consideration as being necessary and of greater import to the Nation than any other matter now lying before the Parliament: And the state of a vote thereafter offered in these terms viz. Proceed to the reading an Act for a Supply or to the making an Act or Acts for Securing our religion liberty and trade before all other business: And after long debate on these several motions and state of the vote successively the debate was delayed of consent to the next Sitting of Parliament.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till friday next at ten a clock.

MAY XXVIII, M,DCC,III.

PRAYERS said The Rolls called.

THE Minutes of the last Sederunt read.

SIR Patrick Home and Sir John Swintoun desiring to be admitted Commissioners for the shire of Berwick since the contraverted anent their election was agreed There was a petition read for Simon Majoribanks of Dedrigs and several Freeholders of that Shire Craving they might not be received

because such agreements could not prejudice the privilege of the Freeholders who had a right to choose a new Commissioner when their votes came to be found equal in any election or that any Commission became void as had happened in this case by the Laird of Jerviswoods accepting another Commission for the shire of Lanerk though he had more votes than both these Commissioners at his election for the shire of Berwick, Upon advising of which petition the vote being stated Admit both these Commissioners or No, it Carried that both should be admitted and they took the oath of allegiance and oath of Parliament and subscribed the allegiance and assurance.

A PETITION by Mr Rodger Hepburn craving he might be allowed to take the oath of Allegiance and Assurance for exercising his employment as an Advocate Granted and he allowed to Swear and Subscribe the same before the Lords of Session.

Allegiance to Mr Rodger Hepburn for qualifying himself.

A PETITION for the distanded officers relating to their Arrears and Subsistance read and appointed to be brought in and considered the first Sitting of Parliament next week.

[Distanded Officers]

THE former dayes debate was resumed.

RESOLVED that the Parliament will proceed to make such Acts as are necessary or fit for securing our religion liberty and trade before any act for Supply or any other business whatsoever.

[Order of procedure]

THE draught of an Act for Security of the Kingdom was read And the draughts of the several Acts following were presented and read viz. An Act Ratifying the first Act of the first Session of the last Parliament and of new enacting and declaring that all Acts past in the several Sessions thereof be obeyed as Laws, An Act ordaining that after the decease of her Majesty and heirs of her body all offices civil or military in this Kingdom formerly conferred by our Kings shall ever after be given by the Parliament by way of ballot. An Act declaring that after the death of her present Majesty and failing heirs of her body no person coming to the Crown of Scotland being at the same time King or Queen of England shall as King or Queen of Scotland have power to make peace or war without consent of Parliament, An Act allowing the importation of all sorts of wines and other foreign liquors, An Act for Securing the true Protestant Religion and Presbyterian Government; All which were ordered to be lay on the table.

[Draughts of Acts read]

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Tuesday next at ten a clock.

M

JUNE I, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

Order that
the Clerks of
Thesaurary
prepare &
state an
Account of
the funds
and Arrears
&c.

THE Petition of the disbanded officers delayed until the Act for Supply come to be farther considered, And in the mean time the Clerk of the Thesaurary ordered to prepare and state an account of the funds and of the arrears due to the several Regiments to which the officers belonged.

[Arrest
Toleration
to all
Protestants]

THE draught of an Act for a tolleration to all Protestants in the exercise of Religious worship, read.

A REPRESENTATION by the Commission of the late General Assembly against the tolleration, read.

[Draughts
of Acts read]

THE draught of the following Acts were then given in and read viz. An Act in favors of the Royal Burrows, An Act allowing the exportation of mork lamh Skins, An Act continuing the prohibition of exporting English or Irish wool to the next Session of Parliament An Act anent the measuring and sealing of woollen and linnen cloeth, An Act anent a triennial Parliament An Act Incapacitating persons having pensions not annexed to offices, All officers in the Army and these employed in the customes to have votes as Members of Parliament in imposing of publick burdens, An Act in favors of the Company trading to Africa and the Indies, An Act anent Leasing Makers and Slanderers and an Act for delivering of Meal by weight; All which were ordered to ly on the table.

[Election for
Haddington-
shire]

JOHN Cockburn of Ormiston younger being elected Commissioner for the shire of East Lothian took the oath of alleadgeance and oath of Parliament and subscribed the Alladgesance and Assurance.

[Order of
procedure]

MOVED that the Act for Security of the Kingdom be considered in order to the first reading.

MOVED that the Act for Securing the true Protestant Religion and Presbiterian Government be first considered

MOVED that the Act for ratifying the first Act of the Parliament 1689 turning the Meeting of

the Estates into a Parliament be considered before any other.

MOVED that before any procedure in the consideration of these Acts the remaining contraverted elections be determined for the fuller constitution of the Parliament And thereupon the vote being stated Proceed to consider the Acts or to determine the elections; It carried that the Acts should be considered.

THE Act for Securing the true Protestant Religion and Presbiterian Government read and ordered to be marked a first reading.

THEN the vote was stated Whither the Act for Security of the Kingdom which was first read or the Act for ratifying the first Act of the Parliament 1689 which was next read should be first considered, And it carried that the first read should be first considered.

THE Act for Security of the Kingdom read, and ordered to be printed.

THE draught of an Act for Adjourning the Session read and the vote being stated, Mark a first reading or No, it carried No.

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Thursday next at ten a clock.

JUNE III, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

PETITION for Thomas Viscount of Teviot relating to the clothing money and arrears of his Royal regiment of Dragoons read and delayed until the Act for the Supply be farther considered.

[Petition
read]

PETITION for Patrick Stiel vintner, read.

PETITION for the Magistrats of Lanerk relating to their bridge built over Clyde near that Burgh, read.

PETITION for Major Alexander Stevenson, read.

THE first day the Parliament shall sit after the next week appointed for taking all these Petitions and other privat businets to consideration.

A WARRANT granted for citing the Creditors of the Laird of Clackmannan in order to his obtaining protection.

[Laird of
Clackman-
nan]

[Bailable
Table]

THE draught of an Act defacing what crimes are bailable given in and read and ordered to ly on the table.

[Protestant
Religion]

THE Act for Secureing the Protestant Religion and Presbyterian Government being again read, the first part of it for Security of the Protestant Religion was unanimously acquiesced in without a vote and the last part assent Presbyterian Government being considered there was an exception added of the allowance given to Ministers qualified in the terms of the twenty seventh Act of the fifth Session of King William's Parliament, And then the whole Act put to the vote and approved.

[Act for
Toleration]

THE Act for the Toleration being again read It was moved that her Majesties Letter to the Privy Council assent the Preachers of the Episcopal persuasion might be laid before the Parliament And the said Letter being accordingly brought in and read was immediately returned to the Clerk of the Privy Council.

[Act for
Security
of the
English]

THE Act for Security of the Kingdom read again and ordered to be marked a first reading but not to pass until it be twice read and considered.

[Several
Acts read]

THE Act for Ratifying the Act of Parliament 1689 turning the Meeting of the Estates into a Parliament read and ordered to be marked a first reading. Then the several Acts assent the conferring of offices, the making of peace and war, and the importation of Wines &c. were read, and these three Acts ordered to be printed.

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Monday next at ten a clock.

JUNE VII, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

[Act ratify-
ing the 1st
Act of
K. William
& Q. Mary]

THE Act for Ratifying the first Act of the Parliament of King William and Queen Mary read for the second time And the first part of it Approving the turning of the Meeting of the Estates into a Parliament acquiesced in And after some debate on the last part declaring that it shall be treason to impugn or endeavour by writing malicious and advised speaking or other open act or deed to alter the Claim of Right; The vote was stated Proceed or Delay and carried Proceed:

Then that part of the Act being read again the vote was stated Approve the Act or not and carried Approve.

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Wednesday next at ten a clock.

JUNE IX, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

THE Draught of an act enjoining the Assurance given in and read. [Assurance]

THE draught of an act against the imposing of any other oaths and declarations than those already imposed by law given in and read. [Act against
imposing of
other oaths]

MOVED that the remaining contraverted elections be determined or a day appointed for that end and the next day the Parliament shall sit appointed to consider the same accordingly.

RESOLVED that the Committee for inspecting the publick accounts be named immediately after discussing the elections. [Public
Accounts]

MOVED that the Petition given in by the Laird of Moristoun might be read, And thereupon ordered that Sir James Cockburn be cited by getting a full copy of the Petition with the report to which it refers to Compare and be ready to answer the first Sitting of Parliament next week. [Laird of
Moristoun]

SIR David Dalrymple allowed upon the Petition of Doctor George Oswald to plead for the Doctor against the granting protection to M^r John Buchan. [Allowance for Sir
David Dalrymple
to plead for
Doctor Oswald ag^t
M^r John Buchan]

THE draught of an act in favours of the Burgh of Elgin toward the completing of their harbour at the mouth of the River of Lofay, read and ordered to ly on the table. [Burgh of Elgin]

THE Act for Security of the Kingdom read and considered. [Act for Security]

THE Draught of an Act for rescinding the second act of the third Parliament of King Charles the second read and after reasoning thereon the vote was Stated If the Act should be marked a first reading or should ly on the table, and Carried that it should ly on the table.

THEN the consideration of the Act for Security was resumed And after reasoning on some clauses thereof the farther consideration of the Act was continued to the next Sitting of Parliament.

THE Lord Chancellor by order of her Majesties high Commissioners, Adjourned the Parliament till Friday next at ten a clock.

JUNE XI, M,DCC,III.

PRAYERS said The Rolls called.

MOVED that the Laird of Meldrum might be admitted Commissioner for the Burgh of Dornoch since the competing Commissioner had withdrawn his Commission And after some debate went the admitting him It was agreed that whatever might be legally objected against him by a party having interest should be received at any time even after his admission and the vote stated Admit in these terms or not carried Admit; It was then moved that he being once Papist might take the formula subjoined to the Act for preventing the growth of Popery which he did Desiring it might be insert in the minute that he owned his being Protestant several years before that Act, And thereafter took the oath of allegiance and oath of Parliament and subscribed the said formula with the allegiance and assurance.

THE Minute of the last Sederunt read.

PETITION for Archibald Marquess of Douglas Craving a warrant for citing the Earl of Forfar to insist upon his Protestation for remeod of Law against him read, And at the Earls request allowed to be seen and answered the next Sitting of Parliament.

AGREED that an overture for an act in favors of the Town of Glasgow, a Petition by the delegates of the woolen and silk manufactories, and an overture for an act in favors of the shire of Caithness be all considered the first Sitting of Parliament for privat business.

MOVED that the Petition of the Laird of Moristoun be granted Desiring that her Majesties Advocat Sir Gilbert Elliot and Sir David Cunningham albeit members of Parliament may be allowed to plead his cause against Sir James Cockburn and these advocats allowed to plead for him accordingly.

PETITION for Anna Cockburn for making up the tenor of burnt Writs, read And agreed that the report of her cause be received and considered the first Sederunt of Parliament for privat business.

THE contraverted election betwixt Lieutenant General Ramsay of Cariden and Thomas Sharp of Houstoun for the shire of West Lothian called And the objection against Houstoun's electors being first insisted in, he past from the votes of John Mackfarlin, Alexander Glen, the Laird of Baluskie younger and John Hamilton of Pumphrestoun: It was objected against M^r James Hamilton of Bangour That his Ladies freehold extended to no more than a thirty shilling land of old extent the being one of two heirs portioners to a brother who though he was once infeft in a five pound land was afterwards denuded of a forty shilling land So that the Lady had right to no more than the equal halfe of the remaining three pound land. Secundo The Lady not being infeft could not as apparent heir give right to her husband to vote as a freeholder; To which it being answered that the demanding the brother of forty shilling of his five pound land was not objected at the election and therefore is not now receivable in Parliament, Secundo The general terms of the Act 1^o vj^e and eighty one years gave the right of election to the husband of an apparent heir as well as to that of a freeholder infeft; The vote was stated Sustain these objections or No and carried Sustain. It was objected against Robert Johnston of Straitoun that he was only apparent heir to an annual renter and not a proprietor And it being answered that his father stood infeft in a freehold in the terms of the Act 1681: It was replied that his charter produced instructed not a forty shilling land of old extent: And duplyed that it contained a third part of a land which was instructed by an older charter produced to be of yearly extent Twenty four pound and a merk land ought to be presumed to be of old extent; The vote was thereupon stated Sustain or Repell the objection and carried Repell. It was then objected against John Hamilton of Grange that not being infeft he could have no vote as appearand heir to his father because there were children of his older brother, Secundo tho his Jus apparentie were not questioned he was not in possession without which his apparenay gave him no right of election; And it being answered that his brothers children were declared spurious by decret of the Judge competent and that he truly was in possession; It was replied that he could not possess as heir to the freeholder left infeft his father being denuded by adjudication in the year 1^o vj^e and fventy one And the legal now long since expired The rents were Sequestrat by decret of the Lords in the hands of a factor for the behoove of the ad-

The Laird of Meldrum signs the formula

[Marquess of Douglas against Earl of Forfar]

[Order of procedure]

Allowance for the Lord Advocat Sir Gilbert Elliot and Sir David Cunningham to plead for Moristoun against Sir James Cockburn

[Anna Cockburn]

[Controversed Election for Shire of West Lothian]

judges; And there being several writs produced for instructing the reply, the Advocats for Grange were allowed to see them till next Sitting of Parliament.

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Monday next at ten a clock.

JUNE XIV, M.DCC.III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

AGREED that the Contraverted Elections be considered next Sitting of Parliament before any other business whatsoever.

PETITION by the Lord Advocate for a warrant to cite Robert Johnston of Strathoun and others in order to a proving the tenor of loft writs, read, and the warrant granted.

[Laird of Cavers]

MOVED that the Lord Register make his report from the Records how the Lairds of Cavers when elected with Knights Baronet to represent the shire of Roxburgh were in use to be ranked in the rolls And agreed that the report be considered the next Sitting of Parliament and Sir William Ker of Greenhead allowed to see it in the mean time.

[Hog of Harewood]

PETITION for William Hog of Harewood desiring certain privileges for his woollen manufactory read and ordered to ly on the table.

PETITION for George Lockhart merchant in Glasgow for a recommendation of his case to her Majesty and the Lords Commissioners of the Treasury read, And the desire thereof granted as follows.

Recommendation in favour of George Lockhart

HER Majesties high Commissioner and the Estates of Parliament having heard the Representation and Petition of George Lockhart Merchant in Glasgow now Surveyor of her Majesties Customs at Prestounpans Humbly Shewing unto them That where during the late wars and since the year 1701 vj^r and ninety The Petitioner has sustained great losses in the fair way of trade and merchandizing having had taken from him and lost his share of twenty two ships and their cargoes which were very considerable and amounted to a great value as was clearly and particularly attested by a list of the said ships expressing their names

hardens masters names loadings how and where taken and lost Subscribed by the Magistrates of Glasgow with the common Seal of that City thereto affixed which was given in to the Clerk of Registers hands Likens since the subscribing of the said list the Petitioner did in the years 1701 vj^r and ninety nine and 1702 vij^r and one lose his share of two ships more one loaded with linings herings &c. bound for the Island of Madera the other homeward bound from Norway As also he lost considerably in the joynit Stock of the Company of Scotland trading to Africa and the Indies besides several other losses Whereby it is evident that the said losses that have befallen the Petitioner as a fair adventurer must be very grievous and unsupportable And seeing such extraordinary losses in the way of honest trade for support of himself and familie, the improving the trade of the Nation and for increase of her Majesties Customes, to which the Petitioner hath really payed upwards of Ten thousand pound sterling on account of himself and partners, did deserve his Grace and their Lordships consideration And that the same is also agreeable to her Majesties gracious letter And the Lord Commissioners and the Lord Chancellor's speeches all Recommending the encouragement of trade which cannot be done more effectually than by helping and relieving honest unfortunat adventurers Therefore humbly Craveing his Grace and their Lordships graciously to commiserate the Petitioners sad losses and the hardships that he and his wife and seven children do thereby suffer and at least Recommend him to such an office and employment about her Majesties customes as he may be capable to discharge and whereby he may obtain some honest support and relief he finding sufficient security as use is or otherways as his Grace and their Lordships should think fit as the said representation and petition bears Which his Grace and the said Estates having considered they have Recommended and hereby Recommend the Petitioner to her Majesty and to the Lords of her Treasury to employ him in such office or employment about her Majesties customes as he may be capable to discharge whereby he may obtain some honest support and relief he finding sufficient Security as use is.

PETITION for James Oliphant of Langtoun relating to the survivance of the first office which shall be vacant amongst the six ordinary Clerks of Session, read and ordered to ly on the table.

[Oliphant of Langtoun]

THE draught of an Act Prohibiting Butchers to be graziers, read and ordered to ly on the table and thereupon it was Recommended to the Lords of Session to regulat the prices of wines and vivers within the Town of Edinburgh.

[Butchers & Graziers]

[Annet the
Poor]

MOVED that an overture for the better employing the poor offered by Doctor Hugh Chamberland be considered and the consideration thereof delayed till the first Sitting of Parliament for privat businefs.

[Alex^r
Nisbet]

PETITION by Alexander Nisbet for inhaling him to perfect his book of Heraldry, read and ordered to ly on the table.

[Toun of
Glasgow]

AGREED that the Act in favours of the Toun of Glasgow be considered the next Sitting of Parliament.

[Woollen
Manufactu-
ries]

PETITION for the managers of the woollen and filk manufactories read, and delayed untill the condition of the trade of the Nation be considered.

THE Summonds for liberation and protection raised by M^r William Gordon against his Creditors being called in common form and Sir William Hope of Balcomie the only composing Creditor having consented with that quality, The pursuer was ordained to be liberat and his protection granted conditionally; That if at any time he or any of his bounding out or ratification should molest the said Sir William in the peaceable possession of the lands of Balcomie the protection in so far as concerned Sir William's interest should ipso facto become void and null, as is fully exprest in the following Act pronounced in the said matter.

[Act for Li-
berating &
Protecting
M^r William
Gordon of
Balcomie
Advocat]

ANENT the Summonds and Action raised and pursued before her Majesties high Commissioner and the Estates of Parliament at the instance of M^r William Gordon of Balcomie Advocat against James Fairfull sometime of Kildonan now tenant in Newbigging John Jollie Merchant in Edinburgh Sir William Hope late Deputy Governour of the Castle of Edinburgh Charles Meinziez Writer to the Signet Sir Thomas Young of Rosebank Thomas Learmonth eldest lawfull son to the deceased Mark Learmonth Advocat Jean Hay his mother and John Hay of Alderscroum his tutors Margaret Mackgill daughter to urn^g John Mackgill Merchant in Edinburgh and Alexander Swintoun Baillie of Dysart Creditors to the said M^r William Gordon Mentioning that where the said Sir William Hope late Deputy Governour of the Castle of Edinburgh having (as it is too well known) without ever being a Creditor to the Lord Balcomie the Complainers grandfather, or the Complainer in a six pence or any disobligation given him not only bought in from M^r James Balfour and M^r George Arnot the Complainers trustees the haill heretabill rights that the Complainer

had impignorat in their hands By which after the most barbarous and unheard of manner that ever was practised in a Christian cuntry the said Sir William Hope has ejected the Complainer his wife and family from their ancient inheritance But finding that could be no sufficient Security to him he next buyes in all the personall debts he could find out against the Complainer And albeit he had poynded the Complainers corns and other goods to the value of five thousand pounds Scots altho the haill that ever was due to him did not amount to two thousand pounds thereafter incarcerated the Complainers person where he has remained these twenty four months bypatt of designe to compell him to grant to Sir William Hope a voluntar Disposition to his haill rights that so being master thereof he might posselt the haill estate for a very little thing and defraud all the others of his grandfather lawfull Creditors Albeit Primo By Sir William's intromissions with the haill effects of the Complainer for these two years bypast he is much more than satisfied and payed of all is due to him either as come in place of the Complainers trustees or as assigney to any other of the Complainers Creditors as is evident by the procefs of compt & reckoning concluded before the right honourable the Earle of Lauderdale Secundo As to any other debts he can pretend right to the Complainer did at Whitsunday One thousand seven hundredth and two years Consigne the Sum of forty two thousand three hundred merks and did thereupon execute a declarator of Redemption Upon which there was an act of compt and reckoning extracted last Session as the summe bears Tertio In the Session of Parliament 1th vijth the Complainer gave in a Petition to the Parliament for a warrant for a sale of the lands of Kilsinnan, mill thereof and teinds thereof which the Complainer was still willing that the price of the same should be applied for clearing of all his pretensions if any thing should be found due after the conclusion of the foresaid two proceses [as the said Petition doth testifie] Notwithstanding of all which he was still detained prisoner in the Cannongate Tolmuth and debarred from attending his affairs about the Parliament house to his great losse and hazard of his life whereby he had already Contracted very heavy and lethiferous diseases as testificats under skilfull and experienced Physicians hands do bear And the said Complainer having no other remedy under God now left but to apply to her Majestic and her Commissioner and Estates of Parliament for a liberation from the said tedious imprisonment and for protection to his person for the future as was granted in the like case to Sir David Cunninghame of Robertland who being incarcerated in the tolmutth of Air by his Creditors was by order of the Parliament 1th vijth and ninety three set at liberty and upon citation of and granting a Disposition to his Creditors ay and while

they were payed Protection was granted to him during life Wherefore needfull it was for the Complainer to have Summons direct at his instance for Citeing the said Sir William Hope and his other Creditors to hear and see the said Protection granted and Warrant for his liberation upon a disposition of his Estate in manner underwritten as was alleaged And anent the charge given to the said Defenders in manner aftermentioned to have Compared before her Majesties said Commissioner and the Estates of Parliament at a certain day now bygone to answer at the instance of the said Pursuer in the action and cause libelled in the foresaid summons And to have heard and seen Protection granted by her Majesty with advice and consent of the Estates of Parliament to the said M^r William Gordon and him ordained to be set at libertie upon the above disposition of his estate in the terms of the Act of Parliament anent Protections or else to have given in objections why the said Protection should not pass with Certification if they failed Protection would be granted in manner foresaid as the said summons with the executions thereof in themselves more fully bears The said M^r William Gordon Pursuer Comparing be M^r Francis Grant Advocate his Pro^r who produced in presence of her Majesties said Commissioner and the said Estates a Disposition and Assignation granted by the said M^r William Gordon on the seventh day of June instant whereby he Made Constitutoe and Ordained the said James Fairbairn John Jollie Charles Melnzies Sir William Hope Sir Thomas Young Thomas Learmonth Joan and John Hayes Janet Mackgill and Alexander Swintoun his very lawfull undoubted and irrevocable Cessioners and Assigneyes in and to all debts sums of money goods and gear outlight and inlight plenishing horse nolt sheep corns cattle and other goods and gear whatsoever belonging to him any manner of way And specially not with the generality foresaid in and to all right title interest he had or could pretend to a decret and process of Apprising led at the instance of the deceased M^r William Mortoun against the estate of Balconic for the sum of Twelve thousand two hundred and fifty merks and to a decret and process of Apprising led at the instance of the deceased Alexander Dounie against the said Estate for the Sum of Two thousand merks of principal And in and to an infeftment of annualrent equivalent to the principal Sum of sixteen hundred merks due by the deceased Sir James Learmonth of Balconic to Sir John Aytoun of that ilk And in and to an infeftment of annualrent equivalent to the principal sum of one thousand merks Scots money granted by the said Sir James Learmonth to M^r

Martine And in and to an infeftment of annualrent equivalent to the principal sum of One thousand pounds Scots granted by the said Sir James Learmonth to

Gourlay of Kin-

crage And in and to the sum of five hundredth merks contained in a bond granted by the said Sir James Learmonth to Alexander Black in Anstruther And in and to the hall teinds parsonage and vicarage of the said Lands of Balconic and Kilminnan And that in full payment and satisfaction to the forenamed persons and lik any of them for their respective interests ay and while they be satisfied and payed of the Sums of money principal annualrents and expences mentioned in the said Disposition and Assignation as the sames lying in the said process bears And also produced an Testificat dated the second of March 1703 vjth and three years under the hand of Sir Patrick Maxwell and Alexander Hay Bearing that they did find the said M^r William Gordon to a great degree affected with scurbutick humours the marks of the blood being spoiled which did evidently appear after he had received some things proper for his cure All which in their judgement hath been occasioned by his long imprisonment For it was their opinion that his disease being grown to a great and dangerous degree can hardly be cured without he go on to take such medicine from time to time as may put a stand to the growth of the dislemper and truly proper for his cure and have the liberty of the free air especially then in the spring time Without all which he must certainly be in great danger not only of health but of his life being it is the nature of this disease still to grow more and more dangerous as the said Certificat also extant in process bears And the said Sir William Hope one of the said Defenders compearing by Sir Walter Pringle advocat his pro^r And the remanent Defenders abovesummed being lawfully summoned to this Action oft times called and not compearing the foresaid Summons and Executions thereof and hail process with what was represented by either party in manner aftermentioned being all at length heard seen and considered by his Grace her Majesties said Commissioner and the foresaid Estates of Parliament And they being therewith well and rpyly advised Our Sovereign Lady the Queen's Majesty with advice and consent of the Estates of Parliament hath Ordained and hereby Ordains the said M^r William Gordon pursuer to be set at liberty out of the tolbuith of the Cannongate where he is prisoner And for the future has Granted and hereby Grant to the said M^r William Gordon personall Protection against all diligence for civil debts at the instance of his forenamed Creditors called in this process With this expresse quality that if ever hereafter the said M^r William Gordon or any of his bounding out or rathabitation shall trouble molest or disturb the said Sir William Hope or his Tennents in their persons or in the peaceable possession of their houses and estate of Balconic otherways than by order of law he shall lose the benefite of the Protection hereby Granted in so far as concerns the said Sir William Hope

Because the said John Jollie Sir William Hope Charles Meinziez Sir Thomas Young Thomas Learmonth and Jean Hay being all lawfully Summoned personally apprehended by an Messenger at arms And the remanent other defenders being lawfully cited at their respective lodgings dwelling houles and chambers to have Compeared at an certain day now bygone with continuation of dayes before the said high Commisfioner and the said Estates to have answered at the instance of the said pursuer in the foresaid action and cause lybelled with Certification as said is And none of the forenamed defenders Compearing except the said Sir William Hope The said M^r Francis Grant at calling of the foresaid action and cause upon the day and date of thir presents Resumed his procefs for the pursuer and Craved liberation and protection in respect of the reasons libelled and disposition by M^r William Gordon in favors of his Creditors lying in procefs in manner foresaid Whereupon the said Sir Walter Pringle pro^r foresaid for the said Sir William Hope Declared he was satisfied that M^r William Gordon should have his liberty and personal protection but with this quality that if ever hereafter M^r William Gordon or any of his bounding out or rathabitation shall trouble molest or disturb the said Sir William Hope or his Tennents in their persons or in the peaceable possession of their houses and estate of Balcomie otherways than by order of law he shall lose the benefite of his Protection Which shall procefs with what is above represented being advised by his Grace her Majesties high Commisfioner and the said Estates of Parliament there was order for Setting the said M^r William at liberty and a Protection to him Granted in manner and with the quality foresaid.

[Shire of
Cathness]

THE draught of an act Enlarging the time of Compearing in summonds and other legall executions within the shire of Cathness read and ordered to ly on the table.

[Marquis of
Douglas ag^t
Earl of
Forfar]

ORDERED that unless the Earl of Forfar's answers to the Petition of the Marquess of Douglas be given in the next Sitting of Parliament the desire of the Petition be granted.

[Laird of
Pourie ag^t
Lord Gray]

THE action for remeod of Law at the instance of the Laird of Pourie against the Lord Gray called and debated by the Advocats for either party at full lentb; In adviseing of which debate it being moved that the Lords of Session should be declined to Judge in the cause as having pronounced the decret in question; It was put to the vote If the Lords of Session were Members of Parliament could be declined in the cause Yea or No

and carried No It was then moved that in order to the decision the vote might be stated in those terms viz. If the size fish libelled fell under the disposition and claufe of warrandice in favors of Pourie Yea or No; And it being moved thereafter that the vote might be rather stated in the words Adhere &c. or Alter the decret It was put to the vote Whither the first or second should be voted And carried the second state.

THE Lord Chancelour by order of her Majesties high Commisfioner Adjourned the Parliament till Thursday next at ten a clock.

JUNE XVII, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Soderunst read.

THE Warrant for citing the Earl of Forfar conform to the Petition of the Marquess of Douglas granted.

[Earl of
Forfar]

THE consideration of the cause pursued by the Laird of Pourie against the Lord Gray being resumed The decret of the Lords of Session was read and the vote stated Adhere or Alter the decret, carried Adhere; And so decret was pronounced in the said matter in manner underwritten

ANENT the Supplication given in and presented to His Grace the high Commisfioner and honourable Estates of Parliament by David Fotheringham of Pourie against Patrick Lord Gray and John Gray of Crichtie And thereafter wakened and insisted in at the instance of Thomas Fotheringham now of Pourie as air fervod and retoured to the said unsq^d David Fotheringham of Pourie his father against the said Patrick Lord Gray John Gray of Crichtie and Gray his Lady in manner underwritten The whilk Supplication maketh mention That where the said David Fotheringham of Pourie having purchased in Anno 1^o vj^r and sixty six years from Patrick Lord Gray the Craig of Brughie with the salmon fishing size fish and other fishings belonging thereto, In the disposition thereof the said Lord Gray did oblige himselfe to Warrand the fimen at all hands in most ample form And in the terms of the foresaid Disposition he stands publictly infest and did for many years continue in possession of the said Craig and fishings and particularly of the size fish which was nine fish out of every boat with white fish passing by the said Craig but at last many of the fishers who were tenants to the Earl of Panmure refused to pay the same Whereupon the Petitioner was necessitat to raise a Declarator of his right against

Decret the
Lord Gray
&c. against
Fothering-
hame of
Pourie

the Earl and his Tennents And he did raise a counter Declarator of Immunity against the Petitioner And at the same time the Petitioner did duly intimat this distress to the present Lord Gray who represents the Petitioners author And after litigious debate wherein the Petitioners infestments and his authors were not Sustained as a sufficient title to the fild size fild He was necessitat to propone prescription by offering to prove forty years possession And the Earl and the Petitioner were allowed an joynit probation And after deducing and advising thereof the Earl and his Tennents were Absolved from the Petitioners Declarator and were Declared free from payment of the said size fild Whereupon the Petitioner was necessitat to intent an action of warrandice against the Lord Gray for payment of the value of the fild size fild so evicted from him And notwithstanding that the said size were expressly disposed and also expressly warranted yet the Lords of Session did think it fit to Absolve the said Lord Gray whereby the Petitioner did judge himselfe leazed And did before Extracting conform to the late Act of Parliament ancient Appells, Appeal to the Parliament for remedie of law And seeing his Grace his Majesties high Commissioner and their Lordships would not summarily take a review of the foresaid Sentence and Decreet unless the said Lord Gray and others concerned were duly cited Therefore the Petitioner humbly Craved that His Grace and their Lordships would take the promises to their consideration and grant Warrant to Messengers and others to cite the said Lord Gray

Gray of Crichtie and all others concerned as also the Lord Register and his Deputes to Compare before them upon fifteen dayes to answer in the foresaid appeal Bringing with them the said decreet of the Lords of Council and Session with the hail Minuts of proceis and Interloquitors therein with the grounds and Warrants thereof Which Supplication and Desire thereof having been considered by his Majesties high Commissioner and Estates of Parliament they Gave and Granted Warrant to Macers or Messengers at Arms to Cite and Summond the above mentioned persons on fifteen dayes to Compare before his Mat^{ty} high Commissioner and Estates of Parliament at Edinburgh the day of

1th vjth and ninety five years to the effect abovementioned, as an Act made thereabout of the date the Sixteenth day of May 1st vjth and ninety five years extant in proceis bears Be vertue whereof the said Patrick Lord Gray and John Gray of Crichtie were lawfully summoned to have Compared before the fild high Commissioner and honourable Estates of Parliament at an certain day now hygone to have heard and seen decreet and sentence given and pronounced in the said matter in manner and to the effect abovementioned as in the said Act and Executions thereof more fully is

contained Which Act being called after elapsing of the said day of comparance by an Clerk and Macer at the open gate of the Parliament Houle as use is and been and returned in common form the said David Fotheringham of Pourie then Compeared by Sir James Ogilvie (now Lord high Chancellour) and M^r George Alexander Advocats his procurators and the said Thomas Fotheringham now of Pourie afterwards Compearing by M^r Francis Grant Advocat his procurator who produced an Contract of wadset betwixt the right honourable William Master of Gray heretablie proprietar of the lands and others therein mentioned on the one part and M^r James Kidd of Craige on the other part Whereby for the sum of Twelve thousand merks then payed by the said M^r James Kidd to the said William Master of Gray the said Master of Gray Sold Annalijed and Disposed to the said M^r James Kidd his heirs and Assigneyes whatsoever heretablie under reversion all and hail the Craig of Brughitie with the castle fortalice salmon fishing size fild and other fishings belonging thereto lying within the shierfdom of Forfar And all and hail his Town and Lands of Northferrie near Brughitie commonly called the forth of Brughitie with the teinds included together with the fishing on the water of Tay with the cunniger lands thereof belonging to the said lands of Northferrie And all and sundry the parts pendicles annexis connexis dependencies and pertinents thereof few farms few millis and few dykes of One hundred and fifty three pounds six shilling eight pennies Scots money foresaid and an burrell of Salmon fild addibet to him furth thereof yearly lying within the Lordship of Aberbrothock and shierfdom foresaid as the said contract of wadset containing a procuratory of resignation and several other clauses of the date the seventh day of June 1st vjth and fifty five years at more length bears Item Instrument of Seasine in favours of the said M^r James Kidd of the foresaid Craig of Brughitie size fishings and other fishings abovementioned proceeding upon a charter granted by the said William Master of Gray to the said M^r James Kidd in implement of the foresaid Contract of alienation and disposition and containing an precept of Seasine for infesting the said M^r James Kidd and his foresaid in the foresaid Craig of Brughitie castle fortalice salmon fishing size fild and other fishings belonging thereto and others therein specified as the said Instrument of Seasine under the subscription of William Gray Sherif Clerk of Forfar dated the Sixth of July 1st vjth and fifty five years and duly registered conform to the Act of Parliam^t in the Register of Seasines reversions and others of that nature within the Shierfdom of Forfar upon the third day of September 1st vjth and fifty five by Thomas Weichtoun Clerk depute and Keeper of the said Register bears Item Instrument of Seasine in favours of Patrick Kidd of

the foresaid Craig of Braghtie fortalice falmond fishing size fishing and other fishing thereto belonging proceeding upon a charter and precept of Session therein mentioned granted by the said M^r James Kidd his father as the said Instrument of Session under the subscription of William Gray Notar publict dated the twenty second day of January 1st vj^{re} and sixty two years and registered conform to the Act of Parliam^t in the publict Register of Session reversions and renunciations within the said Sheriffdom of Forfar upon the eleventh day of February 1st vj^{re} and sixty two years by M^r Patrick Yeaman Clerk to and Keeper of the said Register also bears Item an disposition be the said Patrick Kidd of Craigie eldest lawful son and heir ferved and retoured to the said M^r James Kid of Craigie his father and also Assigney therein mentioned to and in favors of David Fotheringham of Pourie and his heirs male whilkis failzieing his heirs and assigneys whatsoever Of all and hail the foresaid Craig of Braghtie with the castle tower fortalice falmond fishing size fishing and other fishings belonging thereto And all and hail the foresaid town and lands of Northferry near Braghtie commonly called the forth of Braghtie with the teinds included together with the fishing on the water of Tay with the cumming lands thereof belonging to the said lands of Northferry And with all and fandry the parts pendicles annexis connexis dependencies and pertinents thereof whatsoever few farms few mills and few duties and others therein specified lying in manner foresaid as the said disposition containing procuratory of resignation and precept of Session and other clauses of the date the twenty Sixth of March 1st vj^{re} and sixty six years at more length bears Item an Instrument of Session in favors of the said David Fotheringham of Pourie of the foresaid Craig of Braghtie with the castle tower fortalice falmond fishing size fishings and other fishings belonging thereto And of all and hail the said Lands of Northferry and others abovementioned following upon the foresaid disposition as the said Instrument of Session under the fabscription of William Gray Notar publict dated the twenty ninth day of March 1st vj^{re} and sixty six and regist conform to the Act of Parliament in the publict Register of session reversions and others within the Sheriffdom of Forfar upon the first of May 1st vj^{re} and sixty six by M^r Patrick Yeaman Clerk to and Keeper of the said Register Item Disposition by Patrick Lord Gray to and in favors of David Fotheringham of Pourie whereby for the sum of Twenty one thousand Merks then payed by the said David Fotheringham to the said Patrick Lord Gray the said Patrick Lord Gray Sells Annulgies and Dispones to and in favors of the said David Fotheringham of Pourie all and hail the foresaid Craig of Braghtie with the castle tower fortalice falmond fishing size fishing and others belonging thereto

lyand as fild is And also all and hail the town and lands of Northferry and others above narrated as the said disposition containing an procuratory of resignation and several other clauses of the date the fiventh day of February 1st vj^{re} and sixty six and day of April the said year at more length bears Item an General Retour whereby the said Thomas Fotheringham now of Pourie is heir ferved and retoured in general to the said David Fotheringham of Pourie his father dated the day of 1st vj^{re} and ninety six years Item an Instrument of Session in favors of the said Thomas Fotheringham of Pourie of the foresaid Craig of Braghtie falmond fishing size fishing and other fishing thereto belonging and containing several other lands and others therein narrated Whilk session proceeded upon a precept forth of the Chancellary for infettling the said Thomas Fotheringham as heir ferved and retoured to his said father as the said instrument of Session under the subscription of M^r John Lyon of the date the thirteenth of May 1st vj^{re} and ninety six years and duly registered conform to the Act of Parliament in the new general Register of Sessiones and reversions kept at Edinburgh upon the twenty seventh day of June 1st vj^{re} and ninety six years by Sir John Poulls Clerk to and keeper of the said Register more fully bears Item two several instruments and protests for remede of law taken by the said David Fotheringham of Pourie bearing that in presence of the Notar afternamed and witnesses therein insert and also in presence of the deceased James Viscount of Stair then Lord President of the Session and remanent Lords of Council and Session then convened and sitting in the inner house of the session house of Edinburgh and also in presence of the now deceased Sir Alexander Gibson of Adistoun and Alexander Gibson his son two of the principal Clerks of the Session and Clerk to the proceis above and therein mentioned Compeared personally the said David Fotheringham of Pourie and there alleaged to the said Lord President and remanent Lords of Council and Session that he found himselfe grieved be the Interloquitor pronounced be their Lordships upon the eleventh of February then instant in the Action aftermentioned pursued before them at the instance of the said David Fotheringham And therefore the said David Fotheringham exhibited and produced in presence of the said Lords one Protestation subscribed by him narrating that he found himselfe grieved by their Interloquitor of the date the eleventh day of February then instant in the action of Warrandice pursued at his instance against My Lord Gray Whereby the Lords fand that by the Disposition the size fish are disposed only in so far as the disposer had right thereto And therefore fand that the Eviction does not make the Defender lyable for repetition of the size fish And therefore pro-

tested for remede of law to King and Parliament dated the thirteenth of February 1st vj^{re} and ninety two Which Protestation the said David Fotheringham Gave in and Delivered to the said Sir Alexander Gibson Clerk in presence of the said Lords of Council and Session And conform thereto protested for remede of law to the King and Parliament against the said Sentence and interlocutor abovementioned and Craved that the said protest might be recorded and thereupon took Instruments as the said two Instruments and Protests both dated the thirteenth day of February 1st vj^{re} and ninety two years under the subscription of Robert Carstairs Notar publick more fully bears And the foresaid Action having been moved in plane Parliament on the second of July 1st vj^{re} and ninety five years the Lord high Commissioner and Estates of Parliament Declared they would hear both parties Procurators on the above action in their own presence on Saturday then next And the said David Fotheringham having dyed before any farther procedure therein the said Thomas Fotheringham now of Pourie as heir foresaid produced another Instrument taken by him against the Lord Gray John Gray of Crichtie and his Lady bearing Mr William Ramsay in Fotheringham as pro^r for the said Laird of Pourie to have past to the personal presence of John Gray of Crichtie and mentioning that the said Laird of Pourie was summoned by vertue of Summons of poinding the ground raised at the instance of Andrew Burnet second lawful son of the deceased Thomas Burnet of Kenney (designed in the heretablie bond and infestment therein mentioned Writer in Edinburgh) as having right be adjudication thereto in manner therein specified with which the castle of Brughitie and salmon fishing thereof is allenged to be affected w^{ch} was sold to the deceased David Fotheringham of Pourie be Patrick Lord Gray and the deceased Barbara Murray his Lady, to Compare before the Lords of Council and Session at an certain day therein mentioned to answer at the instance of the said Pursuer in manner lybelled And there the said Pro^r made intimation of the said Summons and Strefs to the said John Gray personally and desired to have access to the said Patrick Lord Gray and to Dame Marjory Gray his only daughter and heirs spouse to the said John Gray to have made intimation thereof to them And the said John Gray answered that he could not have access to them by reason of their indisposition But he would accept of the said intimation made to him to be as valid as if he had met with them both personally for that effect And there the said Pro^r required them to concur with and assit the said Thomas Fotheringham of Pourie in defending the said Andrew Burnet aent the said action and pursue And protested for all cost skits damage and expences the said Laird of Pourie might sustain therethrough And for all

other remede of law as the said Instrument under the hand of James Gourlay Notar publick dated the fifteteenth day of January 1st vj^{re} and ninety eight years more fully bears Thereafter the said Thomas Fotheringham now of Pourie gave in and presented to the high Commissioner and Estates of Parliament an Petition Shewing that where the Petitioners deceased father having an procefs depending before the Commissioner and the honourable Estates of Parliament for reviewing an decret pronounced be the Lords of Session against him at the instance of the Lord Gray which came to be called in anno 1st vj^{re} and ninety five but could not in that session of Parliament be brought to an period And his father having died before the next Session there was no farther progress made therein And now the Petitioner being served heir to his said father he is of intension to prosecute the said action And seeing at the calling it is like it may be objected by the Lord Gray that the affair is sleeping Therefore humbly Craveing His Grace and honourable Estates of Parliament would be pleased to grant Warrant for Citing the said Lord Gray and others formerly cited to Compare before them upon six dayes to answer to the former lybell and to ordain the Lord Gray to bring the decret quarrelled and such of the grounds thereof as he has and to ordain the Clerks of Session to produce such grounds as they have Which Petition and desire thereof being read in presence of and considered by the High Commissioner and the Estates of Parliament They gave and granted Warrant to Masters or Messengers to Cite the above mentioned Lord Gray and others formerly cited to Compare before the said Commissioner and Estates of Parliament on six dayes warning to the effect abovescriitten as an act extracted thereanent of the date the twenty seventh of July 1st vj^{re} and ninety eight extant in procefs bears Be vertue whereof the said Patrick Lord Gray John Gray of Crichtie and Gray his Lady and also Mr Alexander Gibson one of the Clerks of Council and Session and then Depute Clerk to the Lord Register and Clerk to the foresaid procefs were all summoned to Compare before the said high Commissioner and Estates of Parliament at an certain day now hygone in manner and to the effect abovementioned After elapsing of which day of compearance the foresaid Act being called be an Master and Clerk at the open gate of the Parliament house as use is The said Thomas Fotheringham of Pourie compearing be the said Mr George Alexander Advocate his Procurator and the said Patrick Lord Gray and John Gray of Crichtie and his Lady compearing be Sir David Dalrymple and Mr Charles Gray Advocats their Procurators the said Thomas Fotheringham of Pourie and his said Procurators thereafter produced his said General Retour as heir to his father and Sesaine thereon of the date tenor and contents

abovementioned Item an Instrument of Intimation by M^r William Ramsay as pro^r specially constitute by the said Laird of Pourie to John Gray of Crichtie whereby the said M^r William Ramsay as pro^r foresaid made intimation to the said John Gray personally that the Laird of Pourie was to insist in that Action of reduction before the Parliament of that decreet obtained be Patrick Lord Gray the said John Gray and

Gray his spouse before the Lords of Council and Session against him as the samen Instrument of Intimation dated the Sixteenth day of May 1st and vijth years under the hands of James Gourlay Notar publick more fully bears Item an procuratory granted by the said Thomas Fotheringham of Pourie in favors of George Clerk his servitor nominating and appointing him his lawfull pro^r to the effect underwritten Giving Granting and Committing to him his full power warrant and commission for him and in his name to pass to the personal presence of Patrick Lord Gray John Gray of Crichtie and

Gray his Lady and to their dwelling places and ther make intimation to the foresaid persons that the said Laird of Pourie was to insist in his procefs of Warrandice at his instance against them before the Parliament then sitting at Edinburgh With power to his said pro^r to take instruments thereon in the hands of ane Notar publick and to protest that the persons abovenamed may not pretend ignorance of the premises as the said procuratory dated the twenty seventh of February 1st vijth more fully bears Item an Instrument of intimation taken by the said George as pro^r foresaid for the said Laird of Pourie against the said Lord Gray John Gray of Crichtie and his spouse intimating to them that the said Thomas Fotheringham of Pourie was to insist in the foresaid procefs of Warrandice pursued at his instance against them in manner more fully mentioned therein and in the above procuratory And protesting that they might not pretend ignorance of the premises as in the samen under the hand of Thomas Crichton Notar publick of the date of the foresaid procuratory more fully is contained And farther produced for satisfying the production in the foresaid action of reduction the foresaid Decreet craved to be reduced at the instance of the said Patrick Lord Gray against the deceased David Fotheringham of Pourie before the Lords of Council and Session Whereby the said Lords fand that by the foresaid disposition produced, the size sith therein mentioned is disposed only by the said Patrick Lord Gray disponer thereof in so far allennarily as be had right thereto And therefore Fand that the eviction does not make the said Patrick Lord Gray defender lyable for repetition of the value of the size sithes lybelled And Aboliged the said Patrick Lord Gray from the hail points and articles of the said Summonds and desire of the pursuers pro^r craved thereby and Decerned and Declared the

said Defender quite thereof and free therefrae now and in all time coming as the said Decreet of the date the eleventh day of February 1st vijth and ninety two years bears And also produced another Instrument of intimation taken by M^r George Pitcairn Commissar of Dunseld as pro^r and attorney for and in name and behalf of the said Laird of Pourie against Sir James Steuart of Goodtrees his Majesties Advocat M^r David Dalrymple and M^r Charles Gray Advocats pro^r for Patrick Lord Gray and John Gray of Crichtie making intimation to each of them that the said Thomas Fotheringham of Pourie had intimat to the said Lord Gray and John Gray of Crichtie by an Notar and Witnesses that he was to insist that Session of Parliament in the procefs above narrated And which intimation with the hail procefs already seen and returned before the Parliament with the Decreet absolvitor at the instance of the said Lord Gray against the said David Fotheringham of Pourie father to the said Thomas were all produced and lying in the hands of Alexander Gibson of Durie Clerk to the procefs And therefore if the said Lord Advocat M^r David Dalrymple or M^r Charles Gray Advocats as procurators foresaid for the said Lord Gray or

Gray of Crichtie desired inspection of the said procefs or any part thereof that they might apply to the said Alexander Gibson who would give them inspection thereof in the Clerks hands that when the same came to be called they might pretend no ignorance nor plead any excuse as the samen under the hand of David Hutchison Notar publick dated the twenty third day of December 1st and vijth at more length proports Together also with an procuratory by the said Thomas Fotheringham of Pourie nominating and appointing John Crokat his Servitor his lawfull pro^r and giving granting and committing to him his full power and commission to pass to the personal presence of the said Lord Gray and Gray of Crichtie and failing thereof to their dwelling places And there to make intimation in manner and to the effect therein spilt and mentioned in the foresaid procuratory granted be him to the said George Clerk as the samen dated the twenty sixth of April 1st vijth and three more fully bears Item an Instrument of intimation by the said John Crokat abovespecified for and in behalf of the said Thomas Fotheringham intimating to Patrick Lord Gray and John Gray of Crichtie that the said Thomas Fotheringham was to insist in the foresaid procefs in manner and at the time therein specified as the samen under the hand of James Gourlay Notar publick of the date of the foresaid procuratory more fully bears Item an Procuratory by the said Thomas Fotheringham of Pourie in favors of David Craig Writer in Edinburgh nominating and appointing him his pro^r and giving granting and committing to him full power warrant and commission to pass to the

personal presence of M^r Charles Gray Advocat for the said Lord Gray and John Gray of Crichtie and failing thereof to their dwelling places and there to make intimation that he was to insist in the above process before the Parliament which met at Edinburgh the Sixth day of May then instant With power to his said pro^r to do all things necessar and requisite thereunto in manner therein mentioned dated the eight of May 1703 vij^e and three Together with an Instrument of intimation taken by the said David Craig as pro^r for and in name and behalf of the said Thomas Fotheringham against the said M^r Charles Gray Advocat intimating to him as Advocat foresaid that the said Thomas Fotheringham of Pourie was to insist in the above mentioned process in manner at the time therein specified As the fairsen under the hand of John Guthrie Notar publick of the date of the above procuratory more fully bears Whilk action having been thereafter several times moved in plain Parliament the fourteenth instant was ordained and appointed to both parties pro^r to be in readines to debate the cause in plain Parliament And accordingly the fairsen Action and cause having been called as use is from the Throne and at the open gate of the Parliament house by an Clerk and Maer both parties comparing by their respective procurators abovesaid The said M^r George Alexander and M^r Francis Grant Advocats pro^r foresaid for the said Thomas Fotheringham of Pourie resumed the matter of fact That the Lord Gray having been in possession of the Craig of Brughitie and the castle built on it together with a salmon fishing adjacent thereto and a privileged of exacting nine fish out of every white fish boat of the Northferry every day that they passed by the castle for fishing The last was called the Size fish Which being considerable both in respect of the homage implied in it and profits arising from it Kid of Craigie did take a wadset of the Craig and fishing in anno 1703 vij^e and fifty five which bears size fish both in the dispositive part precept of fessine and Sessine following thereon with absolute Warrantice relative thereto The deceased David Fotheringham of Pourie the pursuers father finding that not only the Lord Gray but likewise his said wadsetter did peaceably enjoy the said size fish he is prevailed to buy the interest And that the Lord Gray's disposition to him bears the receipt of twenty one thousand merks as the full price and avail not only of the Lands but likewise of the fishings &c. And Disposes the Craig of Brughitie with the castle salmon fishing size fish and other fishings belonging thereto as also the town and land called the firth of Brughitie with the cumming lands thereof belonging thereto In which he oblidges himselfe to infect which infectment either of them shall bear absolute Warrantice Likewise he Warrants against all evictions and all inconveniencies whatsoever and Assigns

to the wadsetters reversion dated in anno 1703 vij^e and sixty six By vertue whereof Pourie continued in possession till the Earl of Panmure heretof of the boats lyable in five fish did obtain declarator of immunity To which distress Pourie did call the Lord Gray for defending against it And upon eviction pursued an action of recourse against the Lord Gray upon the warrantice of the disposition for payment of the value of the size fish But the Lords of Session in anno 1703 vij^e and ninety two did Absolve him in these precise terms The Lords find that by the disposition the size fish is disposed only in so far as the disposer had right thereto And therefore find the eviction doth not make the defender lyable for repetition of the value of the said fish and therefore Absolved, Whereupon the late Pourie protested for remede of Law and raised a reduction of the said interlocutor and decret following thereon before the Parliament founded on the protestation for remede of Law and other grounds and reasons of reduction But nothing having followed on the reduction in the deceased Pouries time this Pourie as heir to his father raised a Wakening of the foresaid reduction the last Session of Parliament and having then insisted therein there was nothing proposed for the Lord Gray but dilators But these being now over the precise state of the case stands thus Primo That the Interloquitor is not so much the sentiment of the Lords as the fault of the Clerk who has not certainly read the several parts of this disposition and other writs which clears that the size fish are simply disposed and not alienably in so far as the disposer had right thereto On which ground only the Interloquitor is founded And this is manifest in the sequel words of these writs from the meaning of them from the iniquities that others would be brought on Pourie and from the absurd consequences to the Leidges which would follow if it were not so To which it was Answered by the said M^r Charles Gray Advocat Procurator foresaid for the said Lord Gray That the protestation for remede of Law is altogether groundless and vexatious And the Lords of Session their sentence is most just and conform to the precise principles of Law for there can no eviction arise upon the Earl of Panmure's declarator of immunity Because the defender did not sell the size fish as payable out of the boats belonging to the Earl of Panmure nor did he dispose the size fish of a certain number of boats nor yet a definit number out of each boat but only in general he sold the lands with the size fish belonging thereto So that now the Lords having found the Earl of Panmure's lands free of that servitude the same does not fall under the Defenders disposition And the Pursuer cannot alledge on any eviction so long as he does possess any size fish Because a disposition of size fish belonging to lands cannot oblige the disposer for all that the acquirer shall

claim as belonging thereto but only for what does truly and justly belong to the same no more than a disposition bearing in the general clause with common pasturage &c. does oblige the disponent had no common pasturage or tho the licetore of an particule commonly moor or muir obtained a declarator that the acquirer had not a servitude upon that commonly Whereunto it was Replied by the said M^r Francis Grant pro^r foressid for the said Thomas Fotheringham that it is clear and evident that the size fish are expressly disposed in the same manner as the salmon fishing The Wadsetter who is likewise Pouries author hath likewise the size fish both in his dispositive clause precept and instrument of cession as said is And Pouries Session on the Lord Gray's right both symbols for the fishings The Lord Gray's disposition to Pourie bears the price to be the full avails of the fishings thereafter mentioned which is the size fish as well as the salmon This disposition bears not only the size fish in special by the Lord Gray as proprietor But likewise all other right and interest which he had thereto or to the other subject disposed Which shews a manifest distinction betwixt an absolute disposition of what is specially express and a disposition only of all right the disponent has for the warrandice is not generally of the infetment (which yet would suffice since there were infetments of the size fish) but either of them And so it is that ther were infetments of the fishing as well as of the land And therefore the Warrandice extends to it and appears designedly calculat for it Besides which there being some consenters to this disposition these consenters warrant only from fact and deed which indeed implies no more than the communication only of what right they had But the Lord Gray's warrandice as principal disponent is absolute which demonstrates the difference and Contraria juxta se posita clarius elucescent For it cannot be imagined Pourie would have given his money for nothing pro tanto Or can it be dreamed that if the question had been fairly stated then by the Lord Gray to Pourie, Sir Are you willing to give so much price even the three or four or five hundred merks by year be evicted from them on the account of the size fish so that you will lose the proportional stock thereof, that he would have been so tame as to acquiesced Is it not absurd that when a mill is disposed with the abticted maultures of other men's lands or a house is disposed with a particular moor or grassings without which it cannot subsist or a tenement is disposed with the right of an brent few duty or teinds all which are kinds of servitude upon another and these often of greater value than the subject first named itself that these being evicted the purchaser should be cheated of the price which he gave out upon the faith of the dispensers right, In a word the Lord Gray warrants against all evictions But this was

an eviction against all inconveniencies And this is an inconveniency arising from the defect of the dispensers title against all perils to the fishings in the plural number and not the fishing of salmon only but the size fish is such the loss of which is greater than that of salmon in respect that tho the rent should differ yet this is overbalanced by the certainty of the one above the other And therefore unto all the Lord Gray's arguments for eliding recourse on eviction of the one would likewise exclude it on eviction of the other the price being payed equally for both the word being dispositive equally of both and all the luges being concerned in the precedent as to both its plain that by the words meaning and common sense of parties the size fish were simply disposed and not alienably in so far as the disponent had right thereto Whereunto it was Duplied by the said Sir David Dalrymple and M^r Charles Gray Advocats pro^r foressid for the said Lord Gray That he the defender cannot be lyable at all in any action of eviction for size fish supposing the whole adjacent licetors as well as the Earl of Panmure were declared free thereof which he doth urge from the following grounds Primo The dispositive Clause bearing only the crag of Brughitie with the size fish thereunto belonging and there being no more mention of the size fish in the precatory of resignation or in the clause of warrandice which doth only oblige to warrant the infetments of the Lands and others above disposed in general such a disposition doth only import a conveying of the Lands with the pertinent tales quales the disponent had them And if it were not so disposers would be miserably insured by the general and ample clauses in all dispositions which in stile doth bear mines quarries &c. with all parts & pertinents belonging thereto Which general clause was never pretended to infer any obligation against the disponent that there was any servitude of common pasturage or any of the particulars abovementioned belonging to the Lands disposed But the Lands which are only considered in the purchase being disposed and warranted So that if any of these particulars specially or generally express be found to belong as part and pertinent thereof they are conveyed but not all warranted because the stile bears that they are only disposed in so far as they do belong to or are part and pertinent of the Lands for a disposition of size fish in so far as they do belong to the lands have the same import and sigification in Law Secundo Where it is designed that these particulars should be specially disposed and warranted it is so expressed both in the dispositive clause and warrandice As if it had been designed to warrant the size fish the same would have been narrated both as to the quantity payable by every boat and as to the subject lyable to that servitude or the premium serviens viz. That the same were payable out of every boat belonging to

the possessors of the Lands belonging to the Earl of Panmure And the Warrandice would have been that there was such a quantity payable out of such boats per expressum which would have founded a clear eviction But such a general clause can no more found recourse than the receiver of a disposition of lands with common pasturage or the like could return if no such pasturage were found Tertio The disposition doth narrate the several rights of the Lands which were stated in the disposer person viz. Three or four several appurtenances with a gift of recognition none of which appurtenances or the charter of recognition or any of the former and ancient rights of these lands did in the least mention the said size fish otherways than by general term of part and pertinent So that the disposer having narrated his special rights & titles to the Lands and these special rights never once mentioning the size fish it cannot be imagined that any man of common reason would have designed to have subjected himself to a Warrandice thereof by such a general clause of size fish thereunto belonging Quarto These fish were never in any rental of the estate nor could the value thereof which was various and uncertain be liquid But that which was sold was a constant fixed rental amounting to twelve hundred merks of money and a hogshedd of wine yearly together with Two hundred and thirty merks of few duty and a barrel of salmon All which were sold for twenty thousand merks of price To which it was Triplyed by the said M^r Francis Grant Primo The words, thereto belonging, must by all the rules of construction be referred and enjoyned to the proximum antecedens viz. the other fishings And it is plainly obvious that the size fish is disposed expressly even as expressly as the salmon fishing and thereby was understood to be disposed by the Lord Gray as proprietor thereof whereby if he had no right to either of them he incurred the warrandice But as to other fishings belonging to Brughitie such as fluckis fruits &c. if any were they were only disposed as part and pertinent whereof the purchaser took his hazard Secundo As an evidence hereof Suppose the disposition had run only of the Craig of Brughitie size fish and other fish belonging thereto without mention of salmon or any other subject Is it possible that the size fish being evicted Pourie should have nothing for his money but a barren rock Or that in the parallel case a person who bought a mill with the astricted multurs of particular lands or a house with a particular graving or moft should have the walls of the house and no more if these emoluments belonging to it were evicted Tertio It is not possible in reason law or common sense that the size fish be disposed only as a common pertinent belonging to the Craig of Brughitie Because in the first place they are specially mentioned in the disposition And in the next place the sessine

has special Symbols for fishings And in the third place this is clear by the size fish being so distinct from common pertinent (for which usually there is no separat infettment) in the Wadefitters rights And in the fourth place the Lands called the firth of Brughitie are disposed in the same writ as the cunninggar lands belonging thereto But it will not be said If the cunninggar lands were evicted (tho disposed as belonging to the firth of Brughitie as said is) there could be no recourse And hence in the last place There is a great difference betwixt pertinentis exspect, for a pertinent is so far under the bargainers consideration as to be special exspect becomes a part of the subject disposed and consequently under the warrandice in case of eviction Whereunto it was quadruplyed by the said Sir David Dalrymple & M^r Charles Gray That the size fish are only disposed as part and pertinent and consequence of the lands and not as a positive right Because the same are not all circumstantiat as to the quality nor as to the predium ferviens And whereas it is alledged that there is a parallel betwixt the salmon fishing which is the hulk of the subject disposed and the size fish It was answered It is an absolute mistake And the disparity betwixt the two appears in the following particulars Primo The salmon fishing is specially narrated in all the rights mentioned in the disposition and was alwayes a great part of the rental Secundo The salmon fishing is inter regalia and does not fall under the general designation of part and pertinent but must be particularly disposed and here specially contained in the rights conveyed And besides the general clause of salmon fishing there is subjoyned a particular disposition of the fishings in the water of Tay So that the salmon fishing is more amply and specially disposed than the size fish, Tertio The salmon fishing is a positive right belonging either to the King or to the heretor of the alvens or channell of the water where the fishes are taken And so the benefite thereof is a condition arising out of the heretors property Whereas the size fish is no proper separat right but a Servitude upon an other heretors tenement And such Servitudes are never understood to be specially disposed or warranted unless it be so exspect and so does never fall under an action of recourse upon eviction Nor does eviction properly take place upon a declarator of immunity for the definition of eviction in Law is Rei nostre ab adversario recuperatio, and a declarator of immunity can not fall under that definition uet being the recovering of any positive right to the heretor but only the free enjoyment of his own Quarto The law is very plain in the case of all Servitudes That they do not fall under eviction unless it be so particularly exspect As if a man should sell Lands that were subject to a servitude and should pursue for eviction of that servitude he would not be lyable unless he had disposed the

Lands tanquam optimum maximum And were specially obliged in case of eviction Leg; 38, ff: de contrahen; emptio; and more expressly Leg; penult; ff: de evictionibus And it was so decided upon the twenty first of June 1703 viz: and seventy two years Sandilands contra the Earl of Haddington Where it was found that Lands disposed with absolute warrantice did found no recourse albeit they were subjected to a thirdly Quinto Whatever might be pled to found a recourse if Lands disposed were found burdened with a Servitude yet there is far left to be said for obliging the disposer to the eviction of a servitude upon other men's lands for the Law states a clear difference in these cases Leg; 90, and Leg; 169, ff: de verborum significatione qui uti optimum maximum, aut ades tradit non hoc dicit servitutem illis deberi sed illud solum ades ipsas liberas esse hoc est nulli servire And as it has been found that a clause of absolute warrantice of the Lands and pertinents does not import that the same are free of servitudes or that the Disposition is tanquam optimum maximum doth only import that no servitude affects the same but that it imports and infers no obligation or warrantice that there is any Servitude due to the same out of other mens Lands And the reason is clear Because Actions of eviction do only arise upon a positive burden that is found to affect the subject disposed Whereas a declarator of immunity of a neighbouring tenement is no positive burden but a freedom It was further et separatim alledged for the defender that he cannot be liable for the eviction Because it is a principle in law, That Exceptiones ex persona emptoris objectæ si obstant venditor de evictione ei non tenetur Leg; 27, ff: de evictionibus And here the Earl of Panmure's immunity was founded upon a personal objection against the pursuer viz: That the pursuer who was heritor of the Craig of Brughie did purchase a proper wadset of the Lands now belonging to the Earl So that the pursuer being heritor of both tenements dominantis et servientis, res sua sibi servit And the years that the pursuer was heritor of both were expressly found by the Lords to be deduced from the years of prescription So that albeit the pursuer proved fifty years possession yet subducing seven years minority and four years of the pursuers possession of the wadset lands there remains only thirty nine years Whereupon the Earls lands were declared free Whereas if these wadset lands had not been possessed by the pursuer the prescription had run and was complete, From which the defender argues Primo That the objection was personal against the pursuer And that the immunity is personal to the Earl as to his proper lands Whereas the other heritors who have no minority or personal objection against the pursuer are still subject to the exaction Secundo et separatim the Earls immunity did arise from the pursuers fault

and mismanagement As appears from the particulars following viz. Primo The pursuer did alter the method of exaction And whereas the dues were formerly received at Brughie castle he did unwarrantably exact the same at the cross of Dundee and thereby created disturbance to the mercait and offence to the persons lyable and by changing the manner of possession did weaken the right Secundo The pursuer did grossly mismanage the process in so far as there were several old witnesses who would have deposed on more than sixty years possession if they had been interrogat and one did actually depone upon the same But the pursuer did neglect to examine the other old witnesses thereon albeit he knew both his own possession and the Earls minority and albeit the old concurring witnesses deposed in general terms that the possession had been since his memory and he was aged eighty two Yet the Lords found that the memory of men in general is understood to be forty or fifty years And that the said particular witness having deposed specially on fifty years the generality of his deposition since his memory was not to be extended further Whereupon the pursuer gave in a bill acknowledging his omission in not offering a special interrogat to that witness how many years he did remember that possession And that if he had been specially interrogat he would have concurred with the other two witnesses who deposed upon sixty years and so completed the prescription And therefore Craved that his deposition might be conjoined Which was refused Whereby it appears that the pursuers omission to interrogat the witness was the direct occasion of the decret of immunity And he did not so much as desire the witness to be reexamined for clearing his former deposition And in this case the size fish is not warranted at all for they are neither mentioned in the obligation to infeft procuratory of resignation nec clause of warrantice; For the procuratory of resignation does only resign the lands and filings And the Obligation to infeft is in the same terms And the clause of warrantice warrants only the Lands and filings but mentions not the size fish which is of a very different nature from filings which is a positive right Whereas size fish is but a burden or servitude on another man's property which does not pass by infeftment nor is capable thereof there being no Symbol in the procuratory of feine of the size fish but only for the Lands and filings And lastly protestations for remede of law ought not to be allowed for every trivial case but where there is palpable and manifest injustice which cannot be alledged in this case the decision being on a clear point of law decided according to the points of law and the constant tenor of decisions in such cases To which it was quintuplyed by the said Mr Francis Grant Primo The defender having warranted that the Right was sufficient at the time

of the disposition he cannot quarrell the eviction upon any posterior emergent that could found a defence against the prescription for if the right had been constitute at the time of the disposition there had been no need of any posterior possession to compleat prescription Secundo The plea being intimat to the defender he ought to have comparred and defended and can never quarrell any mismanagement Tertio The warrantice in the Lord Gray's disposition to Pourie does express the size fish in so far as in the first place it warrants the infeftment or either of them But so it is that the size fish are in the infeftments And in the next place the Oblidgement to infeft in the fishing proceeds and then follows the Warrantice relative thereto But so it is that the word fishings is in the plural number and therefore must include all the fishings before express In the next place as an evidence hereof if it were otherways there could be no recourse upon eviction even of the falsmoed fishing which the Lord Gray himself acknowledges to be absurd And in the fourth place there needed no clause of warrantice since the disposition bears expressly that the price was payed as the full avall of the size fish And it is plain that ex natura rei Warrantice is alwayes competent where the disposition is for an onerous cause The Consideration and Advising of which debate being upon the said fourteenth instant delayed till the next Sederunt of Parliament And the said High Commissioner and Estates of Parliament having this day again met And the consideration of the foresaid action and cause being again moved And the sames resumed to them and they having heard the foresaid lybell haill debate and advised the same with the foresaid contract of wadset betwixt the said Lord Gray and Mr James Kid of Craigie and the foresaid disposition granted be the said Lord Gray to the said David Fotheringham of Pourie and haill other writs abovementioned produced be the said pursuer and alledged on him inde With the foresaid decret pronounced be the said Lords of Council and Session And they being all upon this instant day heard seen and considered by her Majesties high Commissioner and Estates of Parliament And being therewith well and rype-ly advised They Adhered and hereby Adhere to the foresaid decret Absolvitor pronounced by the said Lords of Council and Session in favors of the said Patrick Lord Gray defender against the said now deceased David Fotheringham of Pourie of the date the eleventh of february 1703^{vj} and ninety two years And therefore Absoljged and hereby Absoljges the said Lord Gray Defender from the foresaid Appeal for remede of Law made by the said deceased David Fotheringham of Pourie to the Parliament from the said Lords of Session ag^t the foresaid decret Absolvitor pronounced by them as said is And also from the foresaid process and action of reduction of the said decret Absolvitor

raised and intened before the said Parliament at the instance of the said David Fotheringham of Pourie and thereafter insisted in by the said Thomas Fotheringham now of Pourie against the said Patrick Lord Gray defender in manner abovementioned simpliciter And Decern and Declare the said Patrick Lord Gray defender quite thereof And free therefrae now and in all time coming.

PETITION for the Earl of Melvill for changinge the high way about Melvillhouse in favors of his planting and inclosures read, and the desire thereof granted And the new way ordained to be made at sight of the Justices of Peace for the shire of Fyfe in manner following.

HER Majesties high Commissioner and the Estates of Parliament havinge heard the petition of George Earl of Melvill humbly Shewing unto them That there being several Acts of Parliament ordaining all heretors wadsetters and liferenters within the Kingdom to park ditch and inclose ground and to plant the same with trees In obedience to which Acts and for the encouragement of others to do the like the Petitioner hath enclosed diked ditched hedged and planted a considerable piece of ground about the house of Melvill And it being impossible to preserve the dykes hedging ditching and planting except the roads or wayes leading through the petitioners parks upon the west side of his house of Melvill be changed and turned about the said ditches and park dykes where the Leidges who have occasion to travell may have as commodious a way and almost as near as the others which were formerly used through the ground now inclosed And since the cutting the said wayes about the Petitioners said parks may be a mean to preserve his planting and that the Parliament have granted Acts of the same tenor and nature particularly in favors of the Lord Robt and the Laird of Hope-toun Therefore Craveing that his Grace and the honourable Estates of Parliament would grant an Act in the Petitioners favors allowing him to stop the said wayes which formerly led through his parks and to ordain the Leidges who have occasion to travel that way to go about his parks and inclosures that his planting and policie may not be damnified or prejudged as the said petition bears And ber Majesties high Commissioner and Estates of Parliament foresaid having this day fully considered the abovescribten petition and being therewith well and rype-ly advised They have Allowed and hereby Allow the Petitioner to stop the former way that leads through his parks And have Ordained and hereby Ordain the Leidges that have occasion to travel that way to go about the Petitioners parks and inclosures that thereby his planting ditches hedges and other policie may not be damnified nor prejudged And have Ordained and

Act in favors
of the Earl
of Melvill

do by thir presents Ordain a new way to be appointed about the abovementioned parks inclosures and ditches and that at fight of the Justices of Peace of the shire of Fyfe.

[*Burgh of Glasgow*] THE Act formerly offered in favors of the Burgh of Glasgow, read.

[*Order of Procedure*] RESOLVED that these Acts that are offered in favors of particular Burghs be considered the first Sitting of Parliament for privat business.

[*Cochran of Ferguslie*] PETITION by William Cochran of Ferguslie for an abatement of his tack duty of the pole tax, read, and ordered to ly on the table untill the Committee for inspecting the public accounts be named.

[*Captain Borwick*] PETITION by Captain Boiswell and other officers and Seamen who served on board her Majesties ship the Royal Mary complaining of abuse of the publick faith by the said William Cochran in keeping up their pay and spent some of their arrears, read, and he ordained peremptorily to make answer thereto the next Sitting of Parliament for privat affairs.

[*Laird of Moriston*] RESOLVED that the petition for the Laird of Moriston be considered the first Sitting of Parliament for privat affairs.

[*Callender & Higgins*] A WARRANT granted upon a petition offered by John Callender of Craigforth for citing M^r Alexander Higgins Advocat to insist in his depending Action for remeid of Law against him, And M^r Higgins ordained to answer it the first Sitting of Parliament next week With certification &c.

[*Election for West Lothian*] THE consideration of the Elections for the shire of West Lothian, resumed, And the Objections and reply against John Hamilton of Grange insisted in After advising the same and the answers and duplys made thereto with the writs produced for instructing thereof The vote was stated Sustain or Repell and carried Sustain. The objection against George Dallas of Parkley that he instructed not his right to forty shilling Land of old extent distinct from the few-duties nor to Lands lyable in publick hurens for four hundred pounds of valued rent, And the answer being considered with an Extract from the valuation books of the shire bearing the Lands to be valued to four hundred and two pounds, The objection was Repelled without a vote. The Objection against M^r Thomas

Rig of Rigland that he was hut an adjudger not in possession the Lady Cardrofs being in possession of the Lands and uplifting the rents, And the answers being considered with the instructions, The objection was sustained without a vote.

THE Lord Chancellor by order of her Majesties High Commissioner Adjourned the Parliament till Saturday next at ten a clock.

JUNE XIX, 1703.

PRAYERS said The Rolls called.

MINUTS of the last Sederunt read.

MOVED that the Minut for the seventh current anent the Act Ratifying the turning the Meeting of Estates into a Parliament be amended as to an omission which happened at the reading thereof, And thereupon Ordered that the clause of that Act declaring it high treason to Quarrell Impugn or Endeavour by writing malicious and advised speaking or other open act or deed to alter or innovat the Claim of Right or any article thereof be insert at full length in the said Minut and that it be reprinted accordingly.

THE Contraverted Elections for West Lothian being again called Sir Walter Pringle as Advocat for Livetensant General Ramsay past from the Objection against Sir John Houston of that ilk; And the Objections against the Electors of the Lieutenant General being insisted in he past from the vote of Patrick Dundas of Brexmill. The objection considered against Robert Broun of Colstoun that he was only a singular Successor in a Superiority and not in possession with the answer That being infest as Superior his vassalls possession ought in Law to be accounted as his possession; The vote was stated Sustain or Repell the objection and carried Repell. The objection against Andrew Paterson of Kirkcoun that he stood not infest in a forty shilling land of old extent nor in a Land of four hundred pounds valuation being considered with the answer that he was infest & in possession of more than a third part of the Barony of Bathgate which was Retoured as a ten merk land of old extent; Upon advising the Instructions of the answer the Objection was sustained without a vote.

THE objection against John Binning of Drumcrofs that he stood not infest in a forty shilling land And the answer that he was infest and in possession of more than a third part of the Ten

[*Election for West Lothian*]

merk land of Drumcroft, the old extent of which was offered to be instructed by an Extract of the Tax roll in the year 1st y^e- and thirteen And it being Replyed that he could not have a third part of the said ten merk land the haill being valued to a thousand and pounds And his Lands only to Two hundred and sixty pounds; And Duplyed that the thousand and odd pounds valuation comprehended another Drumcroft which was a part of the Barony of Barbecklay and no part of that Drumcroft recorded as a ten merk land in the tax rolls; Parties procurators were ordained to inform thereagent against the next Sitting of Parliament.

RESOLVED that the Act for Security of the Kingdom be farther considered the next Sitting of Parliament before any other businss whatsoever; And then that the remaining objections at the Election for West Lothian be discussed.

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Tuesday next at ten a clock.

JUNE XXII, M,DCC,III.

PRAYERS said. Rolls called.

THE Minuts of the last Sederunt read.

ORDERED that all writs to be founded upon for either party or voter in the competing Elections for West Lothian be given to the Clerk of competition betwixt and ten a clock to morrow to the end either parties Procurators may have inspection thereof before the next Sitting of Parliament, With certification that the said Contraverted Election shall be then determined peremptorie.

THERE being four several Overtures in form of Acts for Security of the Kingdom presented and read: Her Majesties Solicitors were allowed to cause print these Overtures that copies thereof might be delivered before Thursday next at ten a clock for the information of the members.

THE Act anent Leasing makers and Slanderers, read, and ordered to be marked a first reading.

THE draught of an Act and Commisfion of Parliament for inspecting the publick accounts, presented and read.

OVERTURE in form of an Act for the more effectual payment of the drawback of customes imposed upon exported victual presented and read.

THE draught of an Act anent Copper coin read.

[Copper coin]

THE draught of an Act anent Coalgiers, read.

[Coalgiers]

AGREED that the two actions for remede of Law the one at the instance of Robert Hepburn against George Suttie and the other at the instance of John Callendar against M^r Alexander Higgings be heard next Sitting of Parliament for privat businss.

[Hepburn ag^t Suttie & Callendar ag^t Higgins]

AN other draught of an Act for a Commisfion to examine the publick accounts, read.

[Public Accounts]

THE draught of an Act in favours of the Inhabitants of the Isles of Orkney and Zetland, read.

[Orkney & Zetland]

THE draught of an Act on the report of a Committie for making up the tenor of burnt writs in favours of Anna Cockburn, read and ordered to be marked a first reading.

[Anna Cockburn]

THE Petition for the Burgh of Lanerk read again And the Petitioners ordained to condescend on the customes related to in the petition.

[Burgh of Lanerk]

OVERTURE in form of an Act anent the Alimmenting prisoners for debts; and another for Exportation of Pork; and a third for preventing the disloyal curing of Salmond, presented and ordered to be read the next Sitting of Parliament.

[Acts read]

AGREED that the Overtures prepared by the Laird of Stonywood for improving woollen manufactories be read the next Sitting of Parliament.

[Woollen Manufactories]

THE Act prohibiting Butchers to be grasers read again and ordered to be marked a first reading.

[Butchers & Grasers]

AN overture for exporting Sheep skins and Lamb skins read and ordered to ly on the table.

[Lamb skins]

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Thursday next at ten a clock.

JUNE XXIV, M,DCC,III.

PRAYERS said. The Rolls called.

THE Minuts of the last Sederunt read.

THE Condescendence of the custom mentioned in the petition for the Burgh of Lanerk, given in.

[Burgh of Lanerk]

[Election
for West
Lothian]

THE Contraverted Elections for West Lothian being called and the objection against the vote of John Binning of Drumcrofs insisted in the Advocats for both parties were heard thereon, and the writs produced to verifie their respective alledgements considered And then the vote stated Sustain or Repell the objection, carried Sustain ; After which Thomas Sharp of Houstoun being found legally elected, took the oath of alledgement and oath of Parliament, and subscribed the Alledgement and Assurance.

RESOLVED that the Parliament proceed to discuss the remaining Contraverted Elections at their first meeting, and the next thereafter proceed to consider the Act for Security of the Kingdom.

ORDERED that all Acts marked a first reading be printed.

THE Lord Chancellor by order of her Majesties high Commissioner, Adjourned the Parliament till Saturday next at ten a clock.

JUNE XXVI, MDCCLIII.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt, read.

AGREED that the Action at the Laird of Moristoun's instance against Sir James Cockburn be first heard the first day the Parliament shall proceed upon privat affairs.

[Laird of
Moristoun
ag^t Sir James
Cockburn]

RESOLVED that the Earl Marischalls report anent the fitting of the house for the better Accommodation of the Members be taken the next Sitting of Parliament.

[Fitting of
the house]

ORDERED upon a Complaint against one M^r Senton Ensigne in the foot guards that he and the witnesses present at his alledged challenging Sir Robert Dickson of Inveresk and David Sutherland of Kinnald for voting against the Lieutenant General Ramsay, in deciding the debatable Elections of West Lothian be cited to Compare the next Sitting of Parliament peremptorie.

[M^r Senton]

THE Petition for the Burgh of Lanerk with the Condescendance of the customes to which it refers, read, and ordered to be read again the next Sitting of Parliament.

[Burgh of
Lanerk]

OVERTURE in form of an Act for making the Elections of Commissioners to Parliament in the several Shires and Stewartries yearly at the Michaelmas head Courts read and ordered to ly on the table.

[Anent
Electing
Commis-
sioners
yearly]

THE objection against James Sinclair of Stempster Commissioner for the shire of Caithness considered and the Instrument taken thereupon at his Election, read, And the Advocats for and against him being called and heard the Answer founded on the defects of a Mandat was insisted in viz. That the Letter was not formally dated, wanting the place

Resolv^t
the shire of
Caithness for
electing a
Commissioner
in place of
James Sin-
clair of
Stempster

Order for
considering
how the
house may
be best fitted
for Accom-
modation of
the Members

ORDERED that the Earl Marischal and such members of Parliament as shall please to attend him do meet in the Parliament house at eleven a clock in the forenoon the first day of intervall of Parliament and consider how the house may be best fitted for the accommodation of the members and make a report thereanent the next Sitting of Parliament.

[Regulations
1695]

AN Overture in form of Act Rescinding the thirteenth Article of the Regulations 1695 viz. and ninety five, read, and ordered to ly on the table.

[Burgh of
Calrofs]

PETITION for the Burgh of Calrofs, relating to the feut of the said Burgh read and ordered to ly on the table.

[Inveresk &
Rolls against
Forbes of
Culloden]

PETITION for the Heretors of the shires of Inveresk and Rolls against Duncan Forbes of Culloden relating to the Excise of Aquavitic browen within his Lands of Ferrintosh, read, And he ordained to see and answer the petition the second day the Parliament shall sit next week.

[Election for
Caithness-
shire]

MOVED that the Objection against James Sinclair of Stempster as Commissioner for the shire of Caithness might be considered. And thereupon the Advocats for the Objectors and for him being called, It was alledged for Stempster that the Objection could not be received unless there were some Freeholders from that Shire present to insist in it or some legal Mandat from a party having interest for that effect, And there being a mislisse Letter from Sir William Dumb of Hemprigs one of the Freeholders to M^r Robert Fraser produced and read, giving him warrant to insist in the Objection and an order alledged upon from the Minuts of the fifteenth ordaining Stempster to produce the writs for instructing his freehold, The Advocats for Stempster craved to see the mislisse Letter till the next Sitting of Parliament, Whereupon the vote was stated Proceed or Delay and carried Delay.

at which it was subscribed, nor mentioned the name of any mandatar who should be lyaible in the penalty of Law in case he succumbed in the objection, borbeit both a place and a name be written in the letter; And that his right was a charter and fessine upon an adjudication in the person of his father disposed to his elder brother With a provision of substitution to him by vertue whereof he being in possession as heir to his brother had right to Elect and be Elected And it being Replied that the Letter was both sufficiently dated and directed to Mr Robert Fraser who sisted himself lyaible to the penalty in the terms of the Act of Parliament 1st vje- and eighty one years, And that the apparence in this case (supposing the possession) could give no such right being only heir or apperand heir to a brother who himself was only a singular successor in the Adjudication and never infest in the Lands adjudged so that he was neither apparent heir to a freeholder infest nor infest himself on the singular title; After advising the vote was stated Sustain the Commission or Remit to the shire to elect another, and carried Remit.

Sir Archibald Steuart was admitted as legally elected and took the oath of allegiance and oath of Parliament and subscribed the Alledgeance and Assurance accordingly.

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Tuesday next at ten a clock.

JUNE XXX, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

RESOLVED that the remaining Contraveried Elections, as well that of the Laird of Egilshaw for the Steuartry of Orkney as these for the Burghs of Haddingtoun, Kirkaldie and Aberbrothock be determined immediately after adjusting the Act for Security of the Kingdom without the intervening of any other affair whatsoever.

[Order of
proceeders]

THE Complaint against Ensigne Souton being called he was brought to the bar and the names of the witnesses adduced for proving the grounds of the Complaint with the interrogatores whereupon they were to be examined read in his hearing after which the Witnesses were called and deposed; And the Complaint being found not proven by their testimonies, the Ensigne was absolved.

Absolver
in favours of
Ensigne
Souton

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten a clock.

JUNE XXX, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

PETITION by the Lord Belhaven and Sir Alexander Ogilvie both in custody by order of the Lord high Constable, being read, wherein they Acknowledged their fault by unbecoming expessions and other undutifull behavior in the house, and intrested her Majesties high Commissioner and the Estates might be pleased to pardon their offence and that they might be repored to their Seats as members of Parliament: Her Majesties high Commissioner Signified from the throne that since the petitioners had made such humble submission and given such satisfaction for their offences he would not stand in the way of what favour the Estates might incline to shew them Whereupon the Lord high Constable was ordered

[Lord Bel-
haven &
Sir Alex^r
Ogilvie]

R

[Election for
Orkney]

THE contraveried Elections for the Stewartrie of Orkney called, and the Advocats for either party being heard the objection was made against the Elections of Sir Archibald Steuart of Burray and Alexander Douglass of Egilshaw that there was no legal intimation for certiorating the freeholders, And it being answered that the Election was at the Michaelmas head court and so needed no previous intimation, And Replied that there was never a Michaelmas head court held in Orkney, And Duplyed that the Act of Parliament appointing the annual Elections at the Michaelmas court was sufficient both for a warrant and intimation of the present Election; and Triplyed that the constant custom of Orkney was to hold the first court after Michaelmas on the second day of November And therefore this Election being at Michaelmas cannot be understood to have been at the Michaelmas head court, And Quadruplyed that the Act of Parliament makes the Michaelmas head court to be the first Court after Michaelmas day And this Election having been made upon Michaelmas day must be understood to have been as it ought in Law to be, the first Court after Michaelmas; The minuts of the Court of Election and the Instruments and Protestations taken thereat with a protestation taken thereafter against the Clerk of the Court were then read and the vote stated Sustain or Repell the objection and carried Repell After which Sir William Craigie of Gairney and Henry Graham of Braikneth having withdrawn their Commissions and offering to object against Egilshaw as being incapable to Elect or be Elected And there being no further objection against

to cause the officer of his guard to bring the Petitioners before the Parliament And they being accordingly brought to the bar and Craveing pardon of his Grace and the Estates for their offence in the terms of their Petition the desire thereof was granted as follows.

Act in favours
of the Lord
Bellhaven, &
Sir Alexander
Ogilvie.

HER Majesties High Commissioner and the Estates of Parliament having heard the petition of John Lord Bellhaven and Sir Alexander Ogilvie of Forgiein Humbly Shewing unto them That the Petitioners having been so unfortunat as to incur the displeasure of her Majesties Commissioners Grace and the honourable Estates of Parliament by unbecoming expressions and other undutifull behaviour for which they are most heartily sorry and grieved Therefore they did in all humility Acknowledge their faults and did Crave pardon of her Majesties Commissioner and the Estates of Parliament for the offence committed by them And did intreat that their most humble submission might be received and they reponed to their places in Parliament as the said petition bears, Which petition Her Majesties high Commissioner and the said Estates having Considered And having also heard the petitioners acknowledgement of their offence in the terms abovescriben They have Accepted and hereby Accept of the petitioners Acknowledgement have Pardon and Forgiven and do by this presents Pardon and Forgive their offences and Reponed Likens they do hereby Reponne the Petitioners to their respective places in Parliament.

[Sir Alex^r
Dalmahoy]

PETITION by Sir Alexander Dalmahoy of that ilk, read, and ordered to ly on the table till next Sitting of Parliament.

THE Petition for the Burgh of Lanerk read, and the desire thereof granted for nineteen years from this date in manner following.

Act in favours
of the Burgh
of Lanerk

HER Majesties high Commissioner and the Estates of Parliament having heard the Petition of the Magistrats & the Burgh of Lanerk Humbly Shewing unto them That whereas the Burgh of Lanerk has been at a vast Expence in building a bridge over Clyde it being frequently unpassable at that place either by boat or foot (there having several perished there within these few years) and that by reason of the great repair and the violent current of the water it will require frequent reparations which the petitioners are unable to do unless they get some fond for it And therefore Craveing His Grace and the honourable Estates of Parliament to grant an act in favours of the Petitioners allowing them the custome thereof And Ordaining the same to be payed by each passenger

at the same rate as is payed at Bothwell bridge or Clydes bridge which are within the same shire And to grant the Petitioners the like priviledges which have been granted to either of them By which the Petitioners will be enabled to maintain the bridge for the ease and safety of all who pass this road as the said petition bears, Which Her Majesties high Commissioner and the said Estates of Parliament having this day fully Considered They have Granted and hereby Grant the desire thereof and Ordained and hereby Ordain the Customes aftermentioned to be payed to and uplifted by the Petitioners to the effect abovescriben viz. Twelve pennies Scots of every horse and load Eight pennies Scots of every cow and horse Two pennies Scots of every sheep and Two pennies Scots of every footman that shall pass alongst the said bridge And this imposition to Continue for the space of Nineteen years after the date hereof.

A WARRANT granted to Sir Gilbert Elliot for Citing the Minister and heretors of the paroch of Ashkirk to insist in their Action for remede of Law against him With certification.

[Warrant
for citing
the heretors
of Ashkirk]

THE Act for making up the tenor of burnt writs in favours of Anna Cockburn read a second time then put to the vote and approved.

[Anna
Cockburn]

THE Act assent Leasing makers and Slanderers being read a second time with the several Acts of Parliament to which it refers was after reasoning upon some of these Acts put to the vote and approved.

[Leasing
makers]

ORDERED That a book published by the title of *Historia Anglo Scotica* by James Drake M. D. and dedicated to Sir Edward Symour containing many false and injurious reflections upon the Sovereignty and Independency of this Crown and Nation be burnt by the hand of the common Hangman at the merest cross of Edinburgh at Eleven a clock to morrow, And the Magistrats of Edinburgh Appointed to see the order punctually executed.

Order for
burning
a book
published
by James
Drake

THE Lord Chancellor by order of her Majesties high Commissioner Adjourns the Parliament till to morrow at ten a clock.

JULY 1, M.DCC.XIII.

PRAYERS said The Rolls called.

MINUTS of the last Sederunt being read, The Earl Marischall protested That what is mentioned in these Minuts relating to the Exercise of the

Protestation
the Earl
Marischall

Lord high Constables office might not prejudice his right as Earl Marischall since he had the jurisdiction as to delinquencies committed within the doors of the house conform to his ancient rights and altho his writs were not now at hand to instruct his right, He would not fail in due time to clear both his right and possession.

WHEREUPON the Earl of Erroll Protested his right and possession might remain intire and not be interrupted by such a protestation founded upon the production of no right nor document to instruct the Earl of Marischals ever having possessed any such jurisdiction.

THE Act for Security of the Kingdom being read It was agreed that the Act should be considered paragraph by paragraph, And the first paragraph being accordingly read, the farther consideration of the Act was continued untill the next Sitting of Parliament.

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten a clock.

JULY II, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

THE consideration of the Act for Security being Resumed The vote was stated If the Parliament should first consider of the Meeting of the Estates or where the Government should be lodged during the interval before their meeting And carried that the Meeting of Estates should be first considered, And there being some progress made therein, The further consideration of the Act was Continued till the next Sitting of Parliament.

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Monday next at ten a clock.

JULY V, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

THE Act for Security of the Kingdom farther considered, And a clause added excluding Papists from being members of the Meeting of the Estates mentioned in the act And after long reasoning upon some other motions and amendments the

consideration thereof was continued till the next Sitting of Parliament.

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten a clock.

JULY VI, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

THE consideration of the Act for Security being resumed, A clause was offered in writing that no English man or foreigner having a Scots title and not having an Estate of Twelve thousand pounds yearly rent within this Kingdom shall in the event foresaid have place and vote in the Meeting of Estates, And after reasoning thereon the vote was stated Add the clause or not; But before asking the vote The Marquess of Athole Lord Privy Seal protested to behalf of himself and all other Protestant Peers who shall adhere to his protestation That the Excluding of the English who are Scots Peers from sitting & voting at the Meeting of Estates after her Majesties decesse shall not be a preparative or be any wayes prejudicial to the undoubted right of all Scots Protestant Peers their sitting and voting in all Parliaments and Conventions in time coming, And accordingly the Earls of Erroll, Marischal, Mar, Mortoun and Sir David Cunningham in name of the Earl of Glencairn absent, The Earls of Home, Strathmore, Kelly, Lauderdale, Aberdeen, Dummore and Rnglen, The Lord Secretary of state and Viscount of Stormont adhered to the protestation. And thereafter The Marquess of Amundale Lord President of the Council The Duke of Argyll and The Earl of Kincardine Protested that the vote might not be prejudicial to the priviledges of the Peers of Scotland whither they be Scots men or English or to their peerage in any fort; The vote was asked, and Carried in the affirmative.

MOVED that an oath be insert in the Act to be taken by the members of the Meeting of Estates, And accordingly the form of an Oath was presented in writing to maintain the true Reformed Religion and the Chaimse of Right, Which being read and considered, After debate the vote was stated Proceed or Delay and carried Proceed. And then after some farther debate it was agreed that nothing should be moved concerning an oath to be insert in this act untill all the other clauses of the Act be adjusted.

THE Lord Chancellour by order of her Majesties High Commissioner Adjourned the Parliament till to morrow at ten a clock.

[Act for Security]

Protestation the Marquess of Athole

Protestation the Marquess of Amundale, Duke of Argyll and Earl of Kincardine

JULY VII, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

[Act for
Security]

THE Act for Security proceeded in And a further clause being read, It was moved that such limitations as shall be thought necessary to be put upon the successor might be considered, And after some reasoning about these limitations in general there was a particular clause offered in Writing that this Kingdom shall not be engaged in any war or continue in the same last by advice and consent of Parliament, And that all treaties wherein this Nation may be concerned be managed and transacted by Natives thereof commissioned and instructed by advice and consent of Parliament or Privy Council in the intervall of Parliament and accountable thereto; After reading whereof and a long debate thereupon the vote was first stated in these words, Insert any limitations upon the successor in this Act Yen or No, And being thereafter stated in these words Add the clause ament peace or war in this act Yen or No, The vote was stated Whether the first state or the second state should be voted and Carried that the first state should be voted; Which first state being then put to the vote, It carried in the negative.

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Friday next at ten a clock.

JULY IX, M,DCC,III.

PRAYERS said The Rolls called.

JAMES Hamilton of Aikenhead as one of the Commissioners for the shire of Lanerk took the oath of allegiance to her Majesty and oath of Parliament, and subscribed the allegiance and assurance.

THE Minuts of the last Sederunt read.

[Order of
procedure]

MOVED That there be a resolve of Parliament that after the Act for Security of the Kingdom is adjusted and voted, and the Contraverted Elections mentioned in the former resolve are considered the Parliament will take into consideration and determine a motion now lying upon the table concerning the power of making peace and war preferable to all other matters and motions nothing to intervene And after debate the vote was stated in these words Resolve or Not And thereafter stated in these words Make the resolve or

Proceed upon the act, And the Question put, Whither the first state or the second should be voted, It carried that the first state should be voted Then the Question put Resolve or Not was Carried in the affirmative.

THE Act for Security farther proceeded in and some clauses being added It was considered If the heir of her Majesties body or the successor declared were in Under-age how long in that case a Regency should continue; And after reasoning upon the question If it should terminate when the heir or successor attained the age of Seventeen years compleat or should continue untill their age of Twenty one years compleat, The vote was stated Seventeen or Twenty one, and carried Seventeen years compleat.

[Act for
Security]

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Monday next at ten a clock.

JULY XII, M,DCC,III.

PRAYERS said The Rolls called.

THE Lord Bluntyre took the oath of allegiance to her Majesty and oath of Parliament and subscribed the allegiance and assurance.

THE Minuts of the last Sederunt read.

THE act for Security farther proceeded in, and the time and manner of the Regency to be settled by the Meeting of the Estates in the events provided for in the Act being considered; It was moved that the time during which the Regent or Regents to be named by the Estates were to continue might be determined, And the question being put If that time should be now determined or Remitted to the Meeting of the Estates, The vote was accordingly stated Determine or Remit, and carried Remit; After which some other clauses of the act were adjusted.

[Act for
Security]

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Wednesday next at ten a clock.

JULY XIV, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

THE Act for Security proceeded in, And it being moved that the clause Impowering the Meeting of

[Act for
Security]

the Estates to declare a Successor to the Crown of the Royal line and of the Protestant Religion might receive the addition of these words viz. Of the true Protestant Religion as by law established within this Kingdom; It was also moved that the matter being of such import the consideration of that part of the clause might be delayed till the next Sederunt Whereupon the vote was stated Proceed or Delay and carried Proceed After which the question being first stated Add to the clause or not; It was moved That the state might rather be Add these words to the clause or Rest upon the Security by the Coronation oath And the vote being asked Whither the first state or the second state should be voted, Carried that the second state should be voted, Then the vote was asked in these terms Add to the clause or Rest upon the Security by the Coronation oath, and carried Rest upon the Security by the Coronation oath.

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Friday next at ten a clock.

JULY XVI, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

[Lady Edin-
burgh
said as
Laird of
Pourie]

PETITION of the Lady Edinglassie against the Laird of Pourie presented and ordered to ly on the table till the next Sitting of Parliament.

[Act for
Security]

THE Act for Security proceeded in and a clause offered in write, ' Providing the Successor to be named by the Meeting of the Estates (in the event mentioned in the act) be not the Successor to the Crown of England unless that in this Session of Parliament there be such conditions of Government settled and enacted as may secure the honour and independency of the Crown of this Kingdom the freedom frequency and the power of the Parliament and the Religion liberty and trade of the Nation from the English or any forraigne influence'; And upon debate If the clause should be added to the act The vote was stated Proceed farder on the consideration of this clause in this act Yea or No, and carried Proceed: And accordingly after some farder consideration of the clause the Lord Chancellor declared That the matter not being ripe for a vote and that it was now late it might be marked in the Minuts that the Parliament should resume the farder consideration of the clause before any other business next Sederunt; And then by order of her Majesties high Commissioner Adjourned the Parliament till Tuesday next at ten a clock.

JULY XX, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

MOVED by some Lords and other members that the Protest taken on Friday last against the Adjournment of the Parliament as a breach of privilege and interruption of their reasoning may be marked in the Minuts; It was declared by the Lord Chancellor that there was no manner of design by that Adjournment to incroach upon the privileges of Parliament; but it being then late and fundry of the members pressing for a delay, the Adjournment followed; But it was expressly declared that the debate was to be resumed the next dyet of the Parliament: Upon which declaration the said Lords and other Members rested satisfied and declared they had no other intention in using that protestation but singly for conservation of the privilege of Parliament; Whereupon the Parliament resolved to proceed where they left.

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten a clock.

JULY XXI, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

A WARRANT granted on the Petition of the Lady Edinglassie for Citeing the Laird of Pourie to insist in his action for remede of law against her with the usual certification.

[Lady
Edinglassie]

THE Act for Security proceeded in, and the clause offered in write and proceeded upon the former Sederunt being farder considered a new clause was offered: ' Providing that after her Majesties decease without heirs of her body the same person shall in no event be capable to be King or Queen of both Kingdoms of Scotland and England unless a free communication of trade the freedom of Navigation and the liberty of the Plantations be fully agreed to and established by the Parliament and Kingdom of England in favours of the Subjects and Kingdom of Scotland at the sight and to the satisfaction of this or any ensuing Parliament of Scotland or the said Meeting of the Estates': After reading whereof it was moved that the house might be regulat and the several members appointed to take their proper seats Whereupon the vote being stated Proceed in the Act or to the Regula-

[Act for
Security]

tion of the house carried Proceed in the Act; And accordingly after long reasoning on the two clauses under deliberation the question was first stated Add both clauses to the Act Yea or No And being thereafter stated Proceed or Delay, The vote was asked whither the first state or the second should be put to the vote and Carried that the second state should be put to the vote; Then the question being voted Proceed or Delay it carried Delay.

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Friday next at ten a clock.

JULY XXIII, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

[Act for
Security]

THE Act for Security proceeded in and a clause offered comprehending both the clauses which were formerly under consideration, And there being another draught offered of the same clause with some alteration After much debate upon these clauses the vote was at length stated Proceed or Delay; and carried Delay.

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Munday next at ten a clock.

JULY XXVI, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

[Act for
Security]

THE Act for Security proceeded in, and the draughts of the two clauses offered the former Sederunt given in by the respective members with some variation; And it being moved that the question might be stated Whither the first or the second clause of these two should be considered, After some debate the question was accordingly stated first or second and Carried that the first clause should be considered Whereupon an amendment being offered to the first part of the clause it was agreed to without a vote, And an amendment offered to the second part of the clause being in like manner acquiesced to the clause was adjusted in the terms following viz. 'Providing always that the same be not the Successor to the Crown of England unless that in this present Session of Parliament and any other Session of this or any ensuing Parliament during her Majesties Reign, there be such conditions of Government settled and enacted as may secure the Honour and Sovereignty of this Crown and Kingdom the free-

dom frequency and power of Parliaments the Religion liberty and trade of the Nation from English or any foreign influence With power to the said Meeting of Estates to add such further conditions of Government as they shall think necessary the same being consistent with and no wayes derogatory from those which shall be enacted in this or any other Session of Parliament during her Majesties Reign: And farther hat prejudice of the generality foresaid it is hereby specially Statute Enacted and Declared that it shall not be in the power of the said Meeting of Estates to name the successor of the Crown of England to be successor to the Imperial Crown of this Realm nor shall the same person in any event be capable to be King or Queen of both Realms unless a free Communication of trade, the freedom of navigation and the liberty of the plantations be fully agreed to and established by the Parliament and Kingdom of England to the Kingdom and Subjects of Scotland at the sight and to the satisfaction of this or any ensuing Parliament of Scotland or the said Meeting of Estates: And then the vote was stated Add the clause to the Act, or No; But before asking the vote the Marquess of Annandale Lord President of the Privy Council and the Duke of Argyle for themselves and all that should adhere to them Declared their Dissent to the clause and thereupon took instruments desiring their dissent should be marked, To which dissent the Earls of Crawford, Lauderdale, Leven, Kintore, Melvill, and Hyndford, The Lords Elphinstoun, and Ross, The Laird of Prestoungrange, Sir Gilbert Elliot, The Laird of Cavers, M^r Francis Montgomery, Sir James Campbell, Sir Patrick Johnston, Walter Steuart of Pardovan, and Hugh Montgomery adhered.

Dissent The
Marquess of
Annandale,
the Duke of
Argyle and
others

THE Viscount of Tarbat Lord Secretary in like manner declared his dissent from the clause in so far as it might derogate from the freedom and privileges of Parliaments or Meetings of the Estates in their legal established Constitution by the Laws of the Kingdom; And the vote being thereafter asked, Add, or No, was Carried in the affirmative.

Dissent The
Viscount of
Tarbat

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Wednesday next at ten a clock.

JULY XXVIII, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

THE Act for Security proceeded in and a clause offered 'Declaring that the Estates should not Nominate the successor in the event contained in the

[Act for
Security]

Act during some dayes after their first meeting, Which being considered the Question was first Stated if the number of these dayes should be Twenty or Thirty, And thereafter it being moved that the Question might rather be Stated if the dayes should be Thirty or Sixty; The vote was asked whither the first state or the second should be put to the vote and Carried that the first state should be put to the vote; Then the vote being asked whither Twenty or Thirty dayes Carried Twenty; After which it was acquiesced to without a vote that these twenty dayes being elapsed the Estates shall proceed to make the said Nomination with all convenient diligence.

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Friday next at ten a clock.

JULY XXX, MDCCLIII.

PRAYERS said. The Rolls called.

THE Minuts of the last Sederunt read.

AN Act of the Commission of the General Assembly for a day of fasting and humiliation over the Kingdom, offered and read. Appointing application to be made to the Parliament for adhibiting the civil function thereto, And accordingly the draught of an ordinance of Parliament appointing the said fast to be observed the last Tuesday of August next was given in and read, and agreed to without a vote, Of which ordinance the tenor follows.

HER Majesties high Commissioner and the Estates of Parliament taking into their serious consideration the application made to them by the Commission of the General Assembly of this Church That a day of solemn fasting and humiliation may be authorized and appointed to be observed by all persons in this Kingdom for the reasons and causes therein mentioned and hereto subjoyned They do hereby Command and Appoint that the said day of fasting and humiliation for prayers and supplications to God for the reasons and ends aftermentioned be religiously and strictly observed by all persons and all Churches within this Kingdom upon the last Thursday of August next to come and Ordain all Ministers to read these presents with the Act of the Commission hereto subjoyned publicly in their Congregations on the Lords day at least before the keeping of the foresaid fast Injoyning all the Subjects of this Kingdom to observe the foresaid day appointed for the reasons and ends foresaid as they will be answerable And certifying such of the Leidges who shall not give due obedience or who shall contemn and neglect the keeping and observing of the said day That they shall

be proceeded against in manner contained in former Acts of Parliament for observing dayes of fasts and humiliations And Her Majesties high Commissioner and the Estates foresaid Ordain these presents with the Act of the Commission hereto subjoyned to be printed, and published at the merest cross of Edinburgh and the other mercat crosses of the head Burghs within this Kingdom And that Copies be dispatched by the Solicitors to the Sheriffs and other Officers of the Law in the usual manner that none pretend ignorance.

FOLLOWS the Act of the Commission of the General Assembly for a Solemn National Fast and Humiliation

AT EDINBURGH the twenty seventh day of July 1^m vije and three years Although we have many eminent mercies for which we of this Church and Nation ought to praise and bless God; yet any considering person may easily discern many sad causes even for publick humiliation fasting and prayer, For that alace after all that God hath done to us and for us by word and work mercy and judgement we are not yet reformed nor amended which provoketh to more and bitter wrath Yea though we have been oft called by the supreme authority of Church and State to solemn national humiliation and reformation yet people do not amend their wayes and doings nor turn to the Lord, the sins of former times are not repented of, and the sins of the present time are continued in, There are also sad divisions in the Nation both in things sacred and civil, and few lay these to heart, The remembrance of some former years of famine and dearth and how the lives of many depend on a good harvest, The engagement also of Britain and Ireland in a dangerous war might awaken to fasting and prayer We shall not insist at this time on a particular enumeration of the sins of the Land in former or later times but referring to what hath been done formerly on such occasions shall in the First place Beseech and Obtest all as they stand guilty to lay to heart and mourn for and turn from undeniable shameful immoralities which do so much abound that there may be no more say curse or sweaver or sabbath breaker drunkard or unclean or unrighteous person scoff at piety or contemner of Christ and his Gospel and ordinances amongst us Secondly We exhort all and every on to Search out their own sins in particular and be willing to be searched convinced and humbled for their sins. Thirdly We beseech and obtest all Ministers that they freely and faithfully from the word of God discover to their people their own and the nations sins with such prudence zeal and seriousness as may be most convincing and edifying, improving former ancient fasts for their help in this. Fourthly As we beseech all ranks of persons to search and try their

wayes and turn to the Lord in truth and to flie to the blood of Jesus Christ for pardon and renovation; so We exhort and obtest all to be fervent in prayer for pardon and mercy for themselves and the Nation and that the Lord would make the Gospel more successfull among us Stop the growth of popery and prophaneness & all corruption of faith and manners, would Preserve and Bleſs the Queens Majestie in her person and Government Establish her throne by Religion and righteousness Direct her Councells here and elsewhere Prosper her forces by Sea and Land and those of the Princes and States her Allies And that God would send the light of the Gospel to the Nations who have it not Advance the reformation in Christendom Preserve his reformed Churches Relieve and Deliver the oppressed and persecuted Protestants in France and elsewhere particularly those who are hazarding their lives for their Religion and liberty and Break the power of the French oppressor And that the Lord would remove all divisions among us and unite us all to God and one another in him for the common good and welfare of this Church and Nation And give seasonable weather for ripening and gathering in the fruits of the earth for food to man and beast and so Crown the year with his goodness. For all these causes and reasons the Commission of the General Assembly appoints the last Thursday of August next to come to be observed in all the Congregations of this Church and Nation as a day of solemn fasting humiliation and prayer Beseeching and Obtesting all pastors and people of all ranks to be sincere and serious therein as they would find mercy of the Lord and would have his wrath averted from the Land And Ordains Ministers to read this Act publicly from the pulpit a Sabbath or two before the said day of humiliation And farder Appoints application to be made unto his Grace her Majesties high Commissioner and the most honourable Estates of Parliament for the civil function for the observation thereof. Signed in name and at the appointment of the Commission of the General Assembly By sic subscribitur Geo: Meldrum, Mod^r.

there be a clause Declaring the said crime irremissible without consent of Parliament, The vote was stated If that clause should be added Yes or No and Carried in the affirmative.

IT was then considered Whether the Government should be lodged for the interval of time betwixt the decease of the Sovereign and the elapsing of the next twenty dayes thereafter in such members of the Estates as should happen to be at Edinburgh or come to it for the time, or in the Privy Council of the then last deceased King or Queen, And the vote being first stated Whither in the Estates or in the Privy Council And being thereafter stated Whither in the Estates jointly with the Council or in the Estates alone; The Marquess of Montrose Protested for himselfe and in name and behalf of all the Peers of this Kingdom who should adhere to his protestation That no vote to be past should in any manner of way prejudice the said Peers in their native and undoubted right and Dissented from the present vote in so far as it might derogate thereto And thereupon asked instruments Which protestation was adhered to by His Grace the Duke of Hamilton, The Marquess of Tweeddale, The Earls Marischall, Rothes, Buchan, Home, Strathmore, Roxburgh, Haddingtoun Selkirk, Ruglen and Marchmont, The Viscounts of Stormont and Teviot And the Lords Blantyre, Bellhaven Colvill and Kinnaird. Robert Dundas of Arncliffeston Protested for himselfe and in name of the Barons and freeholders of Midlothian whom he had the honour to represent and in behalf of any other thine of this Kingdom whose representatives shall think fit to Adhere to his protestation That no clause to be voted and insert in the Act for Security of the Kingdom shall in any manner of way prejudice the legal and undoubted right and privilege of the said shire or their lawful representatives, And Dissented from the present vote in so far as it might derogate from the said right and privilege of the Commissioners for Shires Whereupon he asked Instruments Which Protestation was likewise adhered to by Sir Robert Dickson of Invercauld, The Laird of Carnwath, Sir John Lauder of Fountainhall, The Laird of Saltoun, The Laird of Dieltoun, Sir Robert Sinclair, Sir John Home, Sir John Swintoun, Sir Patrick Home, Sir William Ker of Greenhead, William Beazet younger of Grahbet, The Laird of Lamingtoun, the Laird of Jerviswood, the Laird of Stevenson younger, the Laird of Aikenhead, M^r William Cochran of Kilmazonock, Sir Humphry Colquhoun of Luſk, John Grahame of Kilearn, James Graham of Buchlirie, Robert Rollo of Powhouse, Thomas Sharp of Houstoun, John Haldan of Glenesgales, Sir Patrick Murray of Auchtertyre, William Oliphant of Gask, Mungo Graham of Gorthie, Sir Thomas Burnet of Leyes, Alex-

Dissent and Protestation
The Mar-
quess of
Montrose
and others

Protestation
and Dissent
Robert
Dundas
of Arncliffe-
ston and others

[Act for
Security]

THE Act for Security proceeded in and a clause offered, 'declaring it high treason to administrat the Coronation oath or be witness to the administrating thereof but by the appointment of the Estates of Parliament in manner mentioned in the Act or to own or acknowledge any person as King or Queen of this Realm in the respective events mentioned in the clause until they have sworn the Coronation Oath and accepted the Crown on the terms of the Claim of Right and the other conditions to be settled in this or any ensuing Parliament or added in the said Meeting of the Estates and be thereupon declared and admitted as above; Which clause was acquiesced to; But it being moved that

ander Gordon of Pitlurg, William Seton of Pitmedden, James More of Stonywood, The Lairds of Grant elder and younger, The Laird of Kilravock, The Laird of Balfour, Major Henry Balfour of Danboig, Robert Douglas of Strathendrie, M^r James Carnegie of Phinhaven, James Halyburton of Pitcur, David Graham of Pintrie, Alexander Duff of Braco, Sir George Sinclair of Clyth, James Brodie of that ilk, Robert Dunbar of Grangehill and John Bruce of Kinroß, Alexander Watson of Aitherny Commissioner for the Burgh of S^t Andrews Protested for himself and in name of all the Burghs of this Kingdom whose Representatives shall adhere to his protestation That no such vote or act should prejudice the said Burghs of their just and legal title and privilege and Disfranchisement from the present vote in so far as it might derogate to the said legal right title and privilege of the Commissioners for Burghs and thereupon he took Instruments, Which protestation was adhered to by Alexander Robertson, Patrick Bruce, Sir John Erskine, James Spittie, Alexander Duff, Francis Molesone, Sir Andrew Home, Sir James Halket, George Smith, Robert Kelbie, M^r John Lyon, George Brodie of Aulick, George House, M^r James Bethun, and M^r Alexander Arbuthnot, After which protestations the vote was asked Whether the first or the second state should be voted, and Carried that the second should be voted. Then the vote was asked Whether in the Estates jointly with the Council or in the Estates alone, and Carried in the Estates jointly with the Council.

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Monday next at ten a clock.

AUGUST II, M.DCC.III.

PRAYERS said The Rolls called.

THE Minutes of the last Sederunt read.

THE Lord high Commissioner signified to the Estates that in regard a great many of the Commissioners from the Royal Burrows were to meet in the Convention of Burrows this week at the Burgh of Glasgow, He thought fit to Adjourn the Parliament for some days: And accordingly the Lord Chancellor by order of the Lord high Commissioner Adjourned the Parliament till Saturday next at ten a clock.

AUGUST VII, M.DCC.III.

PRAYERS said The Rolls called.

THE Minutes of the last Sederunt read.

THE clause settling the Administration for the interval of the twenty dayes next following the death of the Sovereign being farther considered and adjusted an additional clause was offered bearing Thirty of the said members of the Estates and members of the former Council to be a quorum The plurality being always of the Estates who were not of the former Council And thereupon the vote stated Add the clause or No, But before asking the vote The Earl of Mar protested for himself and all who should adhere to his protestations that this vote might not prejudice the Peers of their birthright by Secluding them from Sitting at any time amongst the members of Estates and Counsellors that are to meet during the interval because of their being Members of the Privy Council that was at the King or Queens decease and thereupon took Instruments; Which Protestation was adhered to by The Marquiss of Annandale Lord President of the Privy Council, The Marquiss of Athole Lord Privy Seal, The Earls of Crauford, Morton, Glencairn, Eglington, Wigton, Kelly, Galloway, Findlater, Leven, Balcarnas, Kintoir, Dunmore, Melvil and Hindsford, The Lords Forbes, Elphinstoun, Rollo, and Bellenden.

THE Laird of Kilmory in like manner Protested for himself and all that should adhere to his protestation against the Clause, as prejudicial to the privilege of the State of Barons, And that it might not be drawn in consequence as a precedent to the prejudice of that Estate and thereupon took Instruments, Which protestation was adhered to by the Laird of Cavers, M^r Francis Montgomery and M^r William Dalrymple.

SIR Patrick Johnston also protested That the vote might not prejudice the Provost of Edinburgh for the time he being usually a Privy Counsellor and thereon he took Instruments; After which protestations the vote was asked Add the clause or No, And carried in the affirmative.

MOVED that a clause be adjected Ordaining that all Commissions granted to the officers of State Lords of the Treasury and Exchequer President of the Privy Council and all other Civil Commissions that are now granted during pleasure shall by the decease of the King or Queen reigning become null and void excepting Sheriffs Stewarts and Justices of the Peace in their respective bounds,

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[Act for Security]

Protestation the Earl of Mar and others

Protestation the Laird of Kilmory and others

Protestation Sir Patrick Johnston

Protestation and Disfranchisement of Alexander Watson and others

And after debate the Question was first stated Add the clause or No And being thereafter stated in these words viz. Whether the Commissions of the Officers of State shall fall at the death of the King or Queen or Continue until the Meeting of the Estates The vote was asked whether the first state or the second state should be voted And carried that the first state should be voted; Then the vote being asked Add the clause or No, was Carried in the affirmative.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Tuesday next at ten a clock.

AUGUST X, M,DCC,III.

PRAYERS said The Rolls called.

THE Minutes of the last Sederunt read.

[Act for
Security]

THE Act for Security proceeded in and a clause offered Ordaining all Protestant Heretors and all Burghs within the Kingdom furthwith to provide themselves with fire arms for all the fencible men who are Protestants in their respective bounds of the bore proportioned to a hallet of fourteen drop weight running. And that the said heretors and hurghs discipline and exercise their said fencible men once in the month at least Upon which after long debate, the vote was stated Add the clause to the Act or No, and Carried in the affirmative.

A CLAUSE then offered Ordaining all Commissions of Officers in the standing forces above Captains to be null in the time and event mentioned in the clause, And that all Captains and Lientenants of Companies and troops which belonged to officers above Captains continue their several Commands without extending the same farther then their company and troops till farther Orders from the Estates or Committee in the interval, And requiring all officers and souldiers in dayly pay at the said time to continue in or repair to their quarters or garrisons and not to repair from thence but by order foresaid under the pain of treason And ther being another draught of the clause offered Providing that in the said event all Officers having military Commissions and their Commissions and all Souldiers of whatsoever degree shall be absolutely at the disposal and under the subjection of the said Committee in the interval, or of the Estates when once met; And that no officer or souldier remove from their quarters where they shall be for the time without orders from the said Committee or Estates or presume to disobey the Commands of the said Committee or Estates under the pain of treason: The vote was stated after

some debate Add the first or the second draught of the clause, And carried that the first draught of the clause should be added.

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten a clock.

AUGUST XI, M,DCC,III.

PRAYERS said The Rolls called.

THE Minutes of the last Sederunt read.

THE Act for Security proceeded in and a clause offered to be adjected to the former clause for arming the fencible men bearing that the said heretors shall take the oath of allendgeance and assurance As also appointing such heretors or fencible men as are suspect of popery when required to take the Formula in the Act One thousand seven hundred years in presence of the Sheriff or any other Judge within whose jurisdiction they reside which was agreed to without a vote; And thereafter a clause was Ordained to be added Rescinding Calling and Annulling the seventeenth Act of the Session of Parliament one thousand six hundred and ninety six years and all other Laws and Acts of Parliament in so far as they are inconsistent with this Act; And thereupon it being moved that the second Act of the Parliament One thousand six hundred and eighty one years affecting the right of succession might be expressly rescinded: After debate the Question was at length put to the vote, If the Act One thousand six hundred and eighty one years should be rescinded expressly or by the general clause, And carried that it should not be rescinded expressly but by the general clause: Then the vote being asked Proceed to approve the hault Act or Delay, carried Delay.

[Act for
Security]

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Friday next at ten a clock.

AUGUST XIII, M,DCC,III.

PRAYERS said The Rolls called.

THE Minutes of the last Sederunt read.

THE Act for Security read, voted and approved.

PETITION by Alexander Lord Blantyre read, Intresting that his Grace her Majesties high Commissioner and the Estates might Accept of his submission and most humble acknowledgement of the

Sentences
against
the Lord
Blantyre

indecent and undutiful expressions uttered by him in presence of her Majesties Advocat against his Grace her Majesties high Commissioner contained in a subscribed Complaint exhibited ag^t him there-
 against by her Majesties Advocat for which he was in custody by order of the Lord High Constable; Upon reading whereof, the Petitioner was ordained to come to the bar and there kneeling to beg pardon of his Grace the Lord high Commissioner and the Estates for his said offence to pay a fine of five thousand pounds And to continue in custody untill the fine be payed or a valid bond given to the Cashkeepers for payment thereof; And the Lord Blantyre being sisted at the bar the Lord Chancellor resumed the order of Parliament, and by Warrant of her Majesties high Commissioner Declared that his Grace was pleased to dispense with the Petitioners making his Acknowledgement kneeling To which the Estates having agreed, the Lord Blantyre gave obedience to the rest of the sentence and was thereupon diffristed and allowed to take his place.

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Munday next at ten a clock.

AUGUST XVI, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

MOVED that the Contraverted Elections not yet discussed be now determined And accordingly the objection against Alexander Douglass of Eglishay one of the Commissioners for the Steurtry of Orkney was insisted in, And after debate by the Advocats for and against him the objections being past frae He took the oath of alleadgence and oath of Parliament, and subscribed the alleadgence and assurance, and was admitted accordingly.

THE competing Elections betwixt Alexander Edgar late Provost, and William Mackcall present Provost for the Burgh of Haddingtoun being called, and the Advocats for either party heard The Minuts of the Town Court at the Election of Alexander Edgar were read And after some debate the vote stated Admit of Alexander Edgar as lawfully elected Yea or No, was Carried in the affirmative, And be thereupon took the oath of alleadgence and oath of Parliament and subscribed the alleadgence and assurance and was admitted in like manner.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten a clock.

AUGUST XVII, M,DCC,III.

PRAYERS said. The Rolls called.

THE Minuts of the last Sederunt read.

THE Lord Clerk Register having informed the Parliament that Captain John Boiswell who competed with James Oswald Commissioner for the Burgh of Kirkcaldie had taken up his Commission, James Oswald took the oath of alleadgence, and oath of Parliament and subscribed the alleadgence and assurance and was admitted.

THE Contraverted Elections betwixt John Hutchieson present provost and Patrick Stephen late provost for the Burgh of Aberbrothock being called, The Advocats for either partie were heard, and the severall protestations against their respective elections being read, After some debate the vote was stated, Sustain the Commission in favours of Provost Hutchiesone, or Remit to the Burgh to make a new Election; and carried Sustain the Commission.

[Election for Aberbrothock]

THE draught of the Act anent the making peace and war, read, and ordered to be marked a first reading.

[Act anent making peace & war]

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten a clock.

AUGUST XVIII, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

THE Act anent Peace and War farther considered, And there being a clause offered Declaring that the Act should not be understood to impede the Sovereign of this Kingdom to raise and employ the Subjects thereof for suppressing any insurrection within the Kingdom or repelling any invasion from abroad according to former Laws: After reading thereof, it was moved that the Narrative of the Act might be first considered, And thereupon the vote was stated Whether the narrative or the clause should be first considered and Carried the clause be first considered And then the Clause being considered and amended was agreed to be added without a vote.

[Act anent Peace & War]

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten a clock.

[Election for the burgh of Haddington]

AUGUST XIX, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

[Peace & War]

THE Act anent peace and war proceeded in, And several clauses offered, relating to the manner of treating and managing Treaties of peace; And there being an alteration offered adapting it to a clause leaving every thing relating to treaties of peace alliance and commerce to the Wisdom of the Sovereign with Consent of the Estates of Parliament who shall declare the war; After some debate the vote was stated Approve or Alter and carried Alter; Then another additional clause being offered and read anent the bringing forces into or transporting forces forth of this Kingdom for forreigne service without consent of Parliament; The consideration thereof was delayed.

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten a clock.

AUGUST XX, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

A WARRANT granted for electing a new Commissioner in place of David Christie deceased for the Burgh of Dysart on Monday next as follows.

Warrant for electing a Commissioner for the Burgh of Dysart

HER Majesties high Commissioner and the Estates of Parliament in respect of the decease of David Christie Commissioner to this present Parliament for the Burgh of Dysart do hereby Grant order and warrant to the Magistrates and Town Council of the said Burgh to meet there in the usual place upon Monday next being the twenty third of August instant And to choose and elect a Commissioner for representing them in this Parliament in place of the said David Christie and ordains intimation hereof to be made in the accustomed manner.

[Peace & War]

THE Act anent peace and war being read a second time, The Question was stated Approve the act or Not; And being put to the vote was Carried in the affirmative.

[Public Accounts]

THE draught of an Act and Commission for examining the Public Accounts given in and read, and ordered to be marked a first reading.

AN other draught of an act to the same purpose given in and read; And both these draughts ordained to be printed for information of the members.

AGREED that the number of the Commissioners be five of each state, And that no person who can be accountable be chosen a member of the Commission.

AN Overture by way of Act anent the qualifications of the Members of Parliament read and given in and Ordered to ly on the table.

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Monday next at ten a clock.

AUGUST XXIII, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

MOVED that the members of the Commission of Parliament for examining the Public Accounts be chosen in plain Parliament and not by the Estates separately; But after some debate thereupon, it was acquiesced to, that they should be chosen by the Estates separately conform to the former custome.

[Public Accounts]

THE draught of the said Act and Commission which had received a first reading read again and after several amendments, it was put to the vote and approved.

THE Lord Chancellor by order of Her Majesties high Commissioner, Adjourned the Parliament till Wednesday next at ten a clock.

AUGUST XXV, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

THEN the Estates separated and choosed five of each Estate to be Commissioners for examining the Public Accounts which were reported in Parliament as follows viz. The Earls of Galloway, Northesk, Belcarra, and Dunmoir, and the Viscount of Stair, for the Nobility; Robert Dundas of Arnistoun, Sir John Lauder of Fountainhall, John Haldan of Glenegles, William Seatoun of Pitmedden younger, and James Ogilvie of Boyn younger, for the Barons; Colin Campbell, Mr John

[Public Accounts]

Clerk, M^r Dougald Steuart, Sir David Cunningham, and M^r Robert Frazer for the Barrows.

AGREED that all members of Parliament may be present in the Commission, And after leave obtained may speak their opinion upon any matter treated therein.

THE Act in favors of the Company trading to Africa and the Indies read again, and ordered to be marked a first reading. [African Company]

THE Act in favors of the Royal Barrows anent the Communication of Trade again read and ordered to be marked a first reading. [Communication of Trade]

THE Act for the more effectual execution of the Laws prohibiting the Importation of Irish victual With the clause anent Irish horse and cattle read again and ordered to be marked a first reading. And that it be forthwith printed to the end it may be further considered the second meeting of Parliament next week. [Importation of Irish victual]

THE Act continuing the prohibition of exporting English and Irish wool till next Session of Parliament read again and ordered to be marked a first reading And that it be likewise printed in order to the further consideration thereof the said second meeting of Parliament next week. [English & Irish wool]

THE Act allowing the Importation of wines and foreign liquors read again, And thereupon after long debate, the vote being asked if the Act should be marked a first reading or delayed, And carried that the Act should be marked a first reading. [Importation of wines & foreign liquors]

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Munday next at ten a clock.

AUGUST XXX, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

ORDERED that the Lord Register cause print an exact list of all the Members of Parliament as they stand in the Rolls, And that the Earl of Dunbar be insert in his place according to the Decree of Ranking in the year 1606. [List of Members to be printed]

THE Act in favors of the Company trading to Africa and the Indies, read, voted and approved. [African Company]

PETITION by Patrick Steel Vintner, read, And the summons at his instance against his Creditors being called and none comparing, There was protection granted him from personal Execution for U

[Order of procedure &c.] AN Overture being presented in form of Act for the more effectual execution of the Laws prohibiting the importation of Irish victual; It was moved that before the consideration of any such Overture for trade the Parliament might proceed to the consideration of other Overtures for the further security of the liberty of the Nation, And after much debate the Question was at length stated If the Parliam^t should proceed first to the consideration of further Overtures for securing our liberty or of Overtures for trade; And being put to the vote It carried proceed to consider Overtures for trade Whereupon several new Overtures, a Representation and Petition with some Overtures for acts formerly given in were read as follows viz. The act in favors of the Company trading to Africa and the Indies with severall reasons offered for passing thereof, Representation in behalf of the Royal Barrows anent the Communication of trade With the draught of the Act to which it refers The act for the more effectual Execution of the Laws against importing Irish victual With a clause to be added against importing Irish horse and cattle, Act for turning the Excise from the liquor to malt, The act anent the draw backs for exported victual, The act for allowing the Exportation of Sheep and Lamh skins with wool on them, Act for Encouraging of coal and salt works, Petition for M^r George Campbell anent his new invention to improve the making of felt, Act anent planting and policy and lyming of corn ground, The Act for delivering meal by weight, Act for declaring this Kingdom a free port, and all ordered to ly on the table And the members who presented the several Overtures allowed each of them to print his Overture.

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Friday next at ten a clock.

AUGUST XXVII, M,DCC,III.

PRAYERS said The Rolls called.

GEORGE Edson Commissioner for Dysart took the oath of Allegdgence and oath of Parliament and subscribed the Allegdgence and Assurance.

THE Minuts of the last Sederunt read.

payment of all sums of money for year and day after this date, in manner particularly following.

Protection
in favour of
Patrick Steel

ANENT the Summons and Action raised and pursued before Her Majesties high Commissioner and the Estates of Parliament at the instance of Patrick Steel Vintner Burgess of Edinburgh against Hugh Cunningham Writer to the Signet M^r James Grahame senior Advocate S^r Robert Chisely late provost of Edinburgh S^r William Melnicks of Gledfanes late Baillie there M^r John Duncan Merchant in Edinburgh Andrew Sutherland Writer to the Signet and Guthrie his spouse Deans's children to the deceased Alexander Deans merchant in Edinburgh

John Marjoribanks late Baillie in Edinburgh James Gordon senior Merchant there John Russell Writer there John Hamilton Baillie of the Abbey of Halyrudehouse David Denoon Baillie in the Cannongate and his spouse Henry Boithwell of Glencorse Robert Watson of Murehouse merchant in Edinburgh

Relict of M^r William Bullo Minister and Bullo her daughter and James Johnston Messenger in Edinb^r her husband for his interest Roß relict of William Allan Writer in Edinburgh and William Allan his eldest son of the first marriage M^r George Douglass of Friernhaw Advocate Hugh Somervell Writer to the Signet Alexander Deuchar Writer in Edinburgh factor for Coltonell John Buchan Henry Burn Merchant in Edinburgh S^r Patrick Home of Lamsdene Advocate Robert Forrester late Baillie in Edinburgh

Mirrilies children of the deceased James Mirrilies Writer in Edinburgh M^r Walter Stirling Writer there Jean and Elizabeth Brouns daughters to unqu^d John Broun merchant in Edinburgh James Cleland Merchant there Andrew Ker in Dysart David French Writer in Edinburgh and Elizabeth Thomson his spouse John Grahame of Dougaldston and his copartners Mathew and Daniel Campbells Merchants in Glasgow Andrew Houston Writer in Edinburgh M^r Andrew Mortimer late minister of the gospell Burgham Forbes Relict of James Allan of Sauchlane Robert Miln of Balfarg Mañon in Edinburgh Robert Walwood Merchant in Edinburgh M^r James Smith of Whitehill

Stivensons children to the deceased Hugh Stivenson of Montgreenan Archbald Nisbet of Carlin Walter Porterfield Apothecary in Cannongate James Broun Apothecary in Edinburgh

Scots children to the deceased Sent farmer in Dean James Fairholm Mer^t in Edinburgh Gilbert Steuart merchant there Roebhead daughter to the deceased Sir James Roebhead of Inverleith Stephen Cuthell Vintner in Edinburgh M^r George Suttie son to the deceased Suttie late Dean of Gld of Edinburgh James Graham late Baillie there Alexander Baird late Baillie there David Mitchell

Baxter there Thomas Fisher Chamberland to the good Town of Edinburgh Patrick Currae Mañon there William Gordon of Bridges Merchant there Andrew Paterson of Kirkcoun Gavlin Plummer Merchant in Edinburgh Mary Lochhead Vintner there Andrew Tennent Vintner there John Calender of Craigforth John Steel Brewar in Edinburgh Alexander Dunbar Merchant there James Nicolson one of the Clerks of the hill chamber Samuel Macklellan Merchant in Edinburgh George Iasson Merchant there M^r Steuart Collector in Glasgow David Gourlay and Alex^r Dunbar Factors to the deceased William Dunbar Merchant in Edinburgh Elizabeth Peter Lady Whitley James Broun Tennent in Stenhopanills Robert Darleith son to the deceased John Darleith Writer in Edinburgh Andrew Simpson farmer at Pendreich of Leeswade George Leidingtoun takszeer in Innersk Sir Thomas Young of Rosebank indweller there Thomas Tod Skipper in Fishermaw James Marjoribanks Merchant in Edinburgh M^r Robert Norvell Advocate and Alexander Tait Skipper in Leith all creditors to the said Patrick Steel Mentioning that where it hath been the pursuers very great misfortune partly by Cautiousness for persons who proved insolvent losses at sea and had debtors for considerable sums and unfaithful servants, and partly by the rigour of some of his Creditors to be forced from the management of his affairs and the capacity of making the same effectual to answer his credit Notwithstanding of his having at their first question thereunto made an ample and volunter disposition of all his means in their favours without exception, Which, according to the report of some of the most judicious among them to whom the rest had committed the consideration thereof, exceed all his debts by nineteen thousand one hundred and twenty pounds Scots money besides twelve thousand pounds of bad debts which the pursuer did not offer to them So that in the event it might prove an act of justice to his Creditors as it would be an act of the greatest favor and compassion to the pursuer if the Parliament would be pleased to enable him by their protection to make good his effects for the common benefite of all the persons concerned And anent the Charge given to the said defenders respective in manner aforementioned to have compared before the said Estates of Parliament at a certain day now bygone to answer at the said pursuers instance in the action and cause foresaid and to hear and see the benefite of her Majesties protection from the rigour of his said Creditors granted to him for such time as should be judged requisite for the effect libelled conform to the Laws and Acts of Parliament made thereunto and the practise in the like cases or else to alledge and give in their reasonable objections why the said protection should not be granted With certification if they failed protection would be granted in manner foresaid as

Protection
in favour of
Patrick Steel

the said fummons and executions thereof in themselves more fully bears The said Patrick Steel pursuer compearing by Sir Archibald Sinclair Advocate his procurator who produced in presence of her Majesties high Commissioner and the said Estates the Disposition and Assignation abovementioned granted by the said pursuer on the first day of December last bypass under the provisions therein mentioned to the abovenamed John Marjoribanks late Baillie of Edinburgh Robert Watson of Muirhouse James Gordon Merchant in Edinburgh and to Alexander Glas Writer to the Signet and John Hamilton Merchant burghs of Edinburgh for themselves and as trustees and managers for their own use and for the use and behoove of the said Creditors therein specified whereof say three of them are by the said disposition and acceptation thereof declared to be a quorum And full-judging of them or a quorum by decessie to the said haill creditors their heirs exec^{es} or assignees according to their respective rights and interests of all the debts and sums of money liquors household furniture goods gear accounts writs and others whatsoever pertaining and belonging or any manner of way due to him and particularly and generally therein mentioned as the summe bears And also their being a petition given in and presented for the said pursuer Humbly Shewing unto her Majesties high Commissioner and the said Estates of Parliam^t That the pursuers credit having fallen short in the vacance last when there was no trade And his Creditors having all at once attaqued him by legal diligences he was forced for security of his person to retire to the Sanctuary But that his Grace and the honourable Estates of Parliament might be satisfied of the petitioners fair & upright dealing he begged leave to inform That upon the first breaking out of his condition the petitioner conveyed his Creditors and all of them gave in lists of their debts, And he offered to discover to any Committee they should appoint funds for satisfying these debts; And accordingly Sir Patrick Home and M^r James Graham senier Advocate Baillies Marjoribanks and Gordon and Robert Watson of Muirhouse were appointed as a Committee to examine his effects which were found to be Twelve thousand one hundred and twenty pounds above his debts besides Nine thousand pounds of suspected debts as is instructed by a stated account written with Robert Watsons hand And the same being reported to the general meeting they ordained him to denude himself of his Estate And thereby most of them were so fully convinced of the pursuers honesty that they immediately signed a Supercedere But it being impossible to satisfy all he was concerned with some proved refractory which obliged the pursuer to retire till they could be brought to a more calm and reasonable temper. The pursuer as a token of his willingness to satisfy his Creditors and in obe-

dience to their Sederunt granted two dispositions of his Estate heretable and moveable in favours of the Creditors Trustees mentioned in the disposition for their common behoove which is all he could do in his present circumstances and all the law requires in the like cases; And seeing the pursuer has made no fraudulent conveyances of his means and estate, But that his misfortunes have happened by lots at sea, cautionrie for persons who became insolvent by ill debtors and negligence of servants and other accidents incident to the pursuers imployment and calling, And that in such cases his Grace and honourable Estates of Parliam^t are in use to interpose their compassion and justice to mitigate and put some stop to the rigour of law which will be a justice done to the pursuer and contribute much to the Creditors behoove by recovering the effects disposed Therefore humbly beseeching his Grace and honourable Estates of Parliament to take the premises to their serious consideration And in regard the pursuer has cited his Creditors conform to the Act of Parliament for preventing the pursuers utter ruin to grant their protection to him for such a competent time as their wisdoms should think fit That he may be enabled to follow his trade, make his debts effectual and do every thing that may contribute to the payment and satisfaction of his just Creditors which his confinement hinders him to do to his and their great loss and prejudice all his business running into confusion by the pursuers want of liberty to attend it as the said petition bears And the haill forenamed Defenders being lawfully cited to this action oft times called and not compearing The foresaid Summons and Executions thereof with the calling thereof this day in manner aftermentioned and that no compearance was made for the defenders Together with the disposition abovementioned libelled on And the petition above written given in for the pursuer and read in plain Parliament being all at length heard seen and considered by his Grace her Majesties high Commissioner and the foresaid Estates of Parliament And they being therewith well and ripely advised Our Sovereign Lady the Queens Majestie with advice and consent of the said Estates have Granted and hereby Grants to the pursuer protection from personal execution for civil debts and payments of sums of money for a full year and day from and after the date hereof But prejudice of Execution upon Warrandice of deeds and such prestations as may be done and performed without payment of sums as accords of the law Because all the forenamed persons defenders and the Tutors and Curators if they any have for their interests being lawfully fummonsed by several Messengers at Arms to have compeared at certain dayes now bygone before the said Estates of Parliament to have answered at the instance of the said pursuer in the foresaid action With certification as said is the said

summons being this day called by a Mafser at the great door of the Parliament house no Compearance was made for the defenders or any of them In respect whereof and upon advising of the said hail procefs there was protection granted to the pursuer in manner and for the time foresaid.

[Order of
procedure]

RESOLVED That the Parliament will proceed to consider privat business the first meeting thereof next week as follows viz. The action at the instance of Ker of Maristown against Sir James Cockburn The action at the instance of the Earl of Home against Sir Patrick Home The summons at the instance of the Laird of Clackmannan against his Creditors And the other Petitions and Summons lying before them as they should be ready and insisted in.

[Drawbacks
for exported
vituals]

THE Act anent the draw backs for exported vitual read and ordered to be marked a first reading.

[Communi-
cation of
Trade]

THE Act anent Communication of Trade being read again; there was a Draught of an Act offered and read imposing a tenth part of the ordinary cels payable by the Royal Burrows upon the shires according to their several quotas of cels to be proportioned by their Commissioners of Supply betwixt the Burghs of Regality and Barony, and the land rent in the respective shires, which was ordered to ly on the table and allowed to be printed before next Sitting of Parliament.

[Butchers &
Graziers]

THE act prohibiting Butchers to be graziers read again, And it being moved that the clause therein declaring all tacks of grafs already set to Butchers to become void for years to run after Whitsunday next unless the same were tiled and sown with corn yearly; The vote was put Approve or Reject the clause and carried Approve Then a clause was offered allowing all Persones to sell butcher flesh in all Burghs of the Kingdom every lawfull day of the week paying only the petty customes of the Burgh And thereupon the vote being stated Add the clause or Not, Carried in the affirmative After which the whole act was read; But before voting thereof Sir Patrick Johnston Protested It might not prejudice the privilege of the Royal Burrows or the rights of any incorporation or persons therein who are not heard before the passing of the act And thereupon asked Instruments; Which protestation was adhered to by Robert Inglis, Alexander Robertson for Perth, John Scrimgeour for Dundee, John Allardice for Aberdeen, Lieutenant Colonel John Erskine for Stirling, Alexander Watson for Saint Andrews, Hugh Montgomery for Glasgow, John Muir for Air, Alexander Edgar for

Protestation
Sir Patrick
Johnston
and others

Haddingtoun, James Oswald for Kirkcaldie, Robert Johnston for Dumfries, M^r Alexander Cunningham for Irving, Walter Scot for Jedburgh William Coltrane for Wigtoun, Sir James Halket for Dumfermling, Robert Scot for Selkirk, Sir James Smollet for Dumbartane, Robert Kellie for Dumbur, Archbald Shiels for Peebles, Sir Alexander Ogilvie for Banff, M^r William Johnston for Annan, and Donald Campbell for Inverary; Then the whole Act was put to the vote and Approven.

THE Lord Chancellor by order of her Majesties high Commissioner, Adjourned the Parliament till to morrow at ten a clock.

AUGUST XXXI, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

AN Overture in form of Act for a manufactory of lunc porcelain and earthen ware read and ordered to be marked a first reading.

[Manufactory
of earthen
ware &c.]

THE draught of an act for encouraging shipping and seamen read and ordered to ly on the table.

[Shipping &
Seamen]

THE Act for the more effectual execution of the Laws prohibiting the importation of Irish or other vitual and Irish cattle &c. read again, And the clause punishing the transgressors under the degree of heretics by delivering them to be transported for recruits beyond sea being considered The vote was asked Approve or Alter the clause and carried Approve; Then a clause anent importing Irish horses being considered The vote was asked, Allow the Importation of Irish horses till next Session of Parliament Yea or No and Carried in the negative; After which the act received some furdur amendments and was at length read as amended, put to the vote and approven.

[Importa-
tion of Irish
vitual &c.]

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten a clock.

SEPTEMBER I, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

THE draught of an Act discharging the importation of all forreign wool And the making or

[Importing
of wool]

wearing any woollen cloth above the price of seven pounds four shillings per ell read and ordered to ly on the table.

THE draught of an act for reviving an act past in the twelfth Parliament of King James the Sixth, anent mines and minerals read and ordered to ly on the table.

PETITION by M^r William Black Advocat relating to his woollen manufactory at North mills of Aberdeen, read, And thereupon the said manufactory by a vote and deliverance of Parliament endowed with the ordinary privileges And the Commissioners of Supply in the shire impowred to impose yearly a thousand pounds from year to year for five years on the Land rent of the shire for breeding up boyes in manner and for the ends mentioned in the Petition, as is at length after-mentioned.

HER Majesties high Commissioner and the Estates of Parliament Having heard the Petition of M^r William Black Advocat Humbly Shewing unto them that where the Petitioner out of a very good designe for his Country and at a great charge has set up a Manufactory at Gordon's Mill near Aberdeen; By the constitution whereof the servants are bound to work to any of the Country who shall happen to employ them in any sort of manufacture; and work only to the Petitioner when they have nothing else to do Yea when any work comes from the Country his work is laid aside till theirs be finished And albeit it be little more than a year since the erection thereof yet there has been wrought and dressed for the Country both broad cloths droggats and stuffs of all sorts perhaps as good in their kinds as any have been wrought in the Kingdom. He has also stepders for sorting of wool and sells fleeces wool broken and sorted to any who will buy the same which is a very great improvement of itself And his servants have express orders to give the Country direction to sort their own wool themselves for the better regulating what goods they designe to make, He has also French servants for whitening and scouring of flannell farges and flockings for making droggats in imitation of the French for milling and dressing of stockings whereof considerable quantities are already dressed for exportation He has erected walk mills dyehouses and furnished all materials He has also erected weavers looms for broad cloths droggats of wool or half silk farges damasks and plush made of wool which looks near as fine as that of hair And has employed Masters for each kind of work who are all bound to breed apprentices whereby the Country will not only be provided with work men but in a short time when

the Country come to understand the making of cloaths and stuffs they will both provide themselves and their neighbours And thereby others may be encouraged to set up manufactories of the same kind which will be the only way to bring our Scots manufactories to reasonable prices, The Petitioner has been at all the cost and charge of this undertaking himself knowing that if he had been engaged in any society they would not so unanimously agree in running such hazards and undergoing such difficulties in this undertaking as the Petitioner has done; for his lodies hitherto is considerable and his charges in bringing home servants has been great tho he shall hope for better things for the future His first undertaking was at the desire of several Gentlemen in the shire of Aberdeen And he was so forward for breeding up workmen for the use of that shire that within four or five moneths after he set up his work he made a proposal to the Commissioners of Supply that if they would lend in to his manufactory two boyes from each presbtery in the shire he would cause breed one a clothier and the other a weaver and return them to the place from whence they came within five or seven years thereafter and demanded no prentice fee only that the first five years of their Apprenticeship the boyes should have been maintained in meat and cloth at the charge of the shire This was very much encouraged by some tho disregarded by a few who were unwilling to contribute any thing toward their maintenance And yet if the proposal were followed furth it would be the most effectual way to have good workmen in every corner of the shire for the Country's improvement And seeing the Petitioner has plainly laid down his designe in this matter and the constitution of his manufactory being so useful and the first of this kind set up in the nation he expected that his grace her Majesties high Commissioner and the right honourable Estates of Parliament would Encourage his undertaking so far as to give him such immunities and privileges as any other Manufactory hath in this Nation Therefore humbly Craving His Grace and honourable Estates to Consider the promises And not only to Declare the Petitioners said undertaking to be a free Manufactory under the name of The manufactory of Northmills in Aberdeen shire But also Indue the same with such immunities and privileges as were granted to Newmills or any other free manufactory in this Nation And in regard this Manufactory is so useful to the shire where it is set up and that many there are convinced of the benefits thereof and that the proposal made for breeding of young boyes will very much tend to the improvement of their Manufacture And in respect the Petitioner is resolved to contribute his best endeavours and bestow what of his own stock he can spare on this undertaking It was therefore humbly proposed That his Grace

and the honourable Estates of Parliament would Recommend to the Commissioners of Supply in Aberdeen shire to concur in support of this Manufactory And if they find it necessary for the shire that it be supported and boyes bred in the terms of the Petitioners proposal to impower the said Commissioners of Supply to impose on the shire any sum not exceeding a weeks cels yearly towards the maintenance of such boyes as shall be employed in the said manufactory And that at the sight of the said Commissioners themselves under such limitations and orders either as to the uplifting thereof or paying the same to the Petitioner or masters of the work as they shall think fit as the said Petition bears Which Petition Her Majesties high Commissioner and the said Estates of Parliament having this day considered They have Declared and hereby Declare the above undertaking to be a free Manufactory under the name of The Manufactory of Northmills in Aberdeen shire And have Granted and hereby Grant to the same all the immunities and privileges by Law competent to other manufactories in the Kingdome except the manufactory of Newmills And also for supporting of the foresaid proposal for breeding of young boyes They Allowed and Impowered and do by this presents Allow and Impower the Commissioners of Supply of the shire of Aberdeen after due intimation made to the said Commissioners of Supply for the said shire to meet for that effect to impose from year to year for the space of five years upon the said shire any sum not exceeding one thousand pounds yearly payable according to the proportion of Cels to the Petitioner for maintaining and breeding the abovescribed number of boyes And providing always the former years Thousand pounds be accounted for by the Petitioner to the said Commissioners of Supply before their imposing of another year.

[Exporting
wool]

THE Act anent the prohibition of exporting English or Irish wool till the next Session of Parliament read again And after much debate the vote being asked Proceed or Delay, carried Delay.

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten a clock.

SEPTEMBER II, M,DCC,XII.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

PETITION by the proprietors of the woollen manufactory at Mufsilburgh Desiring it might be Declared a Manufactory with the ordinary privileges, read and granted as follows.

HER Majesties high Commissioner and the Estates of Parliament having heard the petition of John Drummond of Newtown Patrick Home Writer to the Signet and Robert Hunter Merchant in Edinburgh for themselves and remanent proprietors of the woollen Manufactory of Mufsilburgh Humbly Shewing unto them that the petitioners and their partners having been carrying on one woollen manufactory at Mufsilburgh these several years bygone wherein considerable quantities of broad cloath are made and finished tending very much to the employing and maintaining a great many poor people and preserving great sums of money within the Nation which was necessitat to be sent abroad for buying such cloath in former times to the publick honour and advantage of the Nation And the Petitioners having upon the faith of the many good laws made in favours of manufactories been encouraged to adventure a considerable stock there But having no particular Act erecting them in a manufactory Therefore humbly craving his Grace and the right honourable the Estates of Parliament to Create and Erect the said Work in and Declare the same to have been to be now and in all time coming one free Manufactory to be called The Woollen Manufactory of Mufsilburgh And to give and grant to the Petitioners and their partners and such as shall hereafter be assumed by them and their Successors proprietors thereof all and sundry benefites privileges freedoms and immunities granted and provided to any other manufactories by whatever law custome or Act of Parliament made or to be made in favours of the manufactory of this Nation as the said petition bears Which her Majesties high Commissioner and the said Estates of Parliament having this day considered and being therewith rypely advised They have Erected and do hereby Erect the foresaid Work in and have Declared and hereby Declare the same to have been to be now and in all time coming one free Manufactory to be called The Woollen Manufactory of Mufsilburgh and have Granted and do by this presents Grant to the Petitioners and their partners and these whom they shall assume and their Successors all and sundry benefites privileges freedoms and immunities granted to any other Manufactory by whatever law custome or Act of Parliament made in favours of the Manufactories of this Nation except the extraordinary Immunities granted to the Manufactory of Newmills in so far as the same exceeds the privileges granted to other Manufactories.

THE Petition of William Hog of Harcarrie in behalf of his woollen Manufactory of Harcarrie to the same purpose read and granted, as follows.

HER Majesties high Commissioner and the Estates of Parliament having heard the Petition of William Hog of Harcarrie Humbly Shewing unto them

Act in favours
of the
Woollen
Manufactory
of Mufsil-
burgh

Act in favours
of William
Hog of
Harcarrie

that great advantage ariseth to other Nations by erecting and carrying on of Manufactories especially those of cloth and stuff: And that experience testifies that considerable advantage redounds to this Kingdom by several societies and other particular privat persons adventurers in setting up of manufactories having been encouraged thereto by several laudable Laws and Acts of Parliament of this Kingdom And particularly the petitioner hath Adventured and Employed a great part of his flock these two or three years hygone in building of houses walk mill and yeard for Woollen manufactory at his lands of Harcarse and Boigend within the shierifdom of Berwick and employing many persons both of English and Scots tradesmen skilfull in spinning weaveng walking mixing litting and dresing of woollen yarn and other materials for makelng of cloth stuff flockings and others of wool and lint And about which work a number of other poor people are employed to win their livelihood And which Manufactory is now come to a considerable perfection so that it is notourly known the petitioners Manufactory did make drest and lit as much red cloth as did furnish all the Earl of Hyndeboords Regiment of Dragoons with cloaths this last year and that in a very short space And that the said Manufactory may be better improvren if due encouragement be given thereto Therefore humbly Craveing his Grace and the honourable Estates of Parliament to Erect the said work in a Manufactory to be called The Woollen Manufactory of Harcarse and Boigend and to Statute and Ordain the said Manufactory to have right to bruck and enjoy all the privileges and immunities provided in favors of any other Manufactory by the former Laws of this Kingdom And particularly all privileges and immunities granted by Act of Parliament in favors of the woollen Manufactory of Newmills dated the fourteenth day of June 1st vjth and ninety three years as the said petition bears Which her Majesties high Commissioner and the said Estates of Parliament haveing this day considered and being therewith ripely advised They have Erected and do hereby Erect the foresaid work in a Manufactory to be called The Woollen Manufactory of Harcarse and Boigend and have Granted and do by thir presents Grant to the said Manufactory all the immunities and privileges by law competent to other manufactories in this Kingdom except the extraordinary immunities granted to the Manufactory of Newmills in so far as the same exceeds the privileges granted to other Manufactories.

THE Act for continueing the prohibition of Exporting English and Irish wool till the next Session of Parliament being read again, a clause was offered to be added allowing sheep skins and lamb skins with wool upon them to be exported till next Session of

Parliament And after some debate thereon the Act was considered paragraph by paragraph And the Narrative with the clause continueing the prohibition of [Exporting] English and Irish wool till next Session of Parliament inclusive put to the vote and approves, Then the general clause to discharge the Exporting any kind of wool being read The question was stated, If the clause allowing the Export of skins with wool upon them should be added thereto, Yea, or No, and Carried in the affirmative; After which it being moved that an additional duty might be imposed upon all skins to be exported, and some cautions adhibited for hindering other wool to be exported together with that upon skins The question was thereupon first stated Proceed or Delay And thereafter stated Approve the Act as it stands or No; And the vote being asked whether the first or the second question should be voted, Carried that the first question should be voted, And then the vote being asked Proceed or Delay carried Delay.

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten a clock.

SEPTEMBER III, 1705, OCT. III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

PETITION by the Lady Edinglassie against the Laird of Pourie read and Ordained to be seen and Answered the first day in which the Parliament shall think fit to proceed upon privat business, And the Lord Advocate Sir David Dalrymple and Sir David Cauninghame allowed to plead for the petitioner in the Cause mentioned in the petition.

Allowance for the Lord Advocate Sir David Dalrymple and Sir David Cauninghame to plead for the Lady Edinglassie ag^t the Laird of Pourie

PETITION for George Dunda's relating to his fiammonds for a protection offered, And all parties and their procurators in both these causes Ordained to be ready, and attend the said next diet of Parliament for privat business.

[George Dundas]

THE Act anent the Exporting of wool fander proceeded in And a clause offered to Regulat the exporting skins with wool on them read, It was agreed to without a vote That no skins with wool on them be exported from any place in this Kingdom excepting three ports only Two of which three to be appointed in the western coast and One in the firth And the vote being asked whither the port of Leith or that of Borroustounneff should be appointed for the Firth, It carried Borroustounneff; Then the vote was asked whither Newport

[Exporting of wool]

Glasgow or Air should be appointed for the adjacent parts of the western coast and carried Newport Glasgow, After which the vote was asked Whither Dumfries or Kirkcudbright should be appointed for the more southerly parts of the said coast and carried Dumfries.

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Monday next at ten a clock.

SEPTEMBER VI, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

THE Earl of Marchmont desired that he might be allowed to withdraw an Overture by way of Act which had lately been presented by him and was appointed to ly on the table but had not yet been read The which desire was granted, and the Clerks were appointed to give back the Overture.

THEN his Lordship presented an other Overture by way of Act which was read And the question being put If the said Overture should be marked in the Minuts or not; It carried in the negative.

PETITION by the Earl of Crawford anent the arrears due to him and his Regiment being read It was moved that the Petitioners case be Remitted to the Lords Commissioners of her Majesties Treasury And that he have a list of Execution at the instance of his Creditors for the debts mentioned in the petition till the next Session of Parliament Which was agreed to, And the Act thereon in his favors is as follows.

Act in favors
of the Earl
of Crawford

HER Majesties High Commissioner and the Estates of Parliament having heard the Petition of John Earl of Crawford humbly Shewing unto them that in the year 1702th and ninety five the Regiment of foot then under the Command of the Petitioner as Collonell being on the Scottish Establishment, the Petitioner was necessitat to contract with Sir George Home and his partners, and with Alexander Bruce and Patrick Chalmers for cloathing the same And on that occasion became personally engaged to pay to them a very great sum of money and whereof he hath been constrained to make payment of a considerable part But since the disbanding of his said Regiment he has never been able to recover his payment from the Treasury nor obtain himself relieved of his engagement to Sir George Home Alexander Bruce and Patrick Chalmers nor to procure payment of his Arrears; Whereby His Grace and their Lordships might

see plainly how much the Petitioner suffers on this publick Account And how just and reasonable it is that he should not only be reimbursed of what he has advanced, but likewise that he should be relieved of what he stands engaged for, and for payment whereof he is daily molested and threatened with the rigour of all manner of legal diligence And also that he should be payed of his said arrears which are truly resting now these six years bypast And seeing the Petitioner instantly verified what he represented by the said Petition by most probative documents therewith produced And that it is but too certain that after the rising of this present Session of Parliament he will be no longer able to protect either his person or effects from the diligence of his said Creditors Therefore humbly Craving His Grace and their Lordships seriously to consider the pressing and urging circumstances of the Petitioners present case and to provide such effectual remedy and give such certain orders as he may not only be reimbursed of what he shall instruct he has truly advanced and payed with interest; But also that he may obtain his full relief of his said Engagement on the foresaid publick Account and procure payment of his said foresaid Arrears as the said Petition bears: Which Her Majesties high Commissioner and the said Estates of Parliament having on ye date hereof considered and being therewith well and ripely advised They by their Interpolator thereon have Recommended and do by this presents Recommend the Petitioner to the Lords of her Majesties Treasury for the reimbursement of what he has advanced and payed upon account of his Regiment with annualrent and for payment of the arrears due to himselfe and Regiment, and in the mean time They have Sisted and do hereby Sist Execution of diligence against him for the debts abovementioned untill the next Session of Parliament inclusive Thereafter and before Extracting hereof Her Majesties Commissioner and the said Estates of Parliament having heard a Petition given in for Sir George Home of Kello and his partners against the aboveswritten Petition of the Earl of Crawford and Deliverance thereon abovementioned humbly Shewing unto them that where in a Petition presented by the Earl of Crawford it is represented that the Earl having Contracted with Sir George Home and his partners for cloathing to his Regiment in anno 1702th and ninety five, The Earl not only Craves as is informed to be reimbursed of what he hath payed or advanced as Collonell for the Regiment and that he may have a full relief of his engagement upon the publick account as Collonell to the said Regiment But likewise that all diligence at the instance of the said Sir George Home and partners may be superceeded till the next Session of Parliament It was humbly Represented for Sir George Home and partners That whatever ground the Earl may

Crave superceding Execution as to others yet as to Sir George Home and his partners the Earl ought not to crave In respect Sir George Home and his partners offered them to prove that the Earl did actually uplift and receive the cloathing money of the said Regiment from the Lords of the Treasury for the time Sir George Home and his partners clothed them Which if the Earl had applied for their payment they had been compleatly payed of what is still resting them And further they offered them to prove that the Earl contracted with others for cloaths to the said Regiment long after their cloaths were furnished And has payed the said cloathing since contracted for In respect whereof Sir George Home and his partners ought to have the benefite of all legal diligence for payment of their just debt as the said petition also bears. And her Majesties high Commissioner and the said Estates of Parliament having fully considered the foresaid petition They by a vote of Parliament adhered to their abovesaid former deliverance in favours of the said Earl.

RESOLVED that the next day the Parliament shall meet be intirely bestowed on discussing privat cases without the intervening of any publick affair whatsoever.

THE Petition of Alexander Nisbet anent his book of Heraldry read again, and his case Recommended to the Lords Commissioners of her Majesties Treasury as follows.

HER Majesties high Commissioner and the Estates of Parliament having heard the Petition of Alexander Nisbet Shewing unto them that Heraldrie has been highly esteemed for many ages by all the Kings and Princes in Europe and the knowledge thereof sought after by the most honourable persons in Christendome is so well known that the Petitioner supposed there's none will call in question its worth or usefulness which will evidently appear by the Petitioners treatise of Heraldry speculative and practical now almost ready for the press Wherein the Petitioner has fully described the nature of Arms and given a particular Account of their beginning and rise, Also a large description of all the proper and natural figures in heraldrie shewing by whom they are carried amongst us and for what reasons so far as can be learned from the Memorials of their worthy Progenitors with such Genealogicall deductions of many noble and ancient families as will instruct the rise of their paternal bearings and conduce to the knowledge of their Genealogicall penons gathered with great care from authentick documents In fine as the Petitioner hath with much pains and labour collected from foreign authors, our own histories,

manuscripts, old rights, evidents, charters, monuments, tombs, and seals whatsoever may contribute to the reviving and perfecting the science of heraldrie so he hath continued his diligence in searching after such things as may render his book more usefull and pleasant To which he hath also added a description of justings and turnaments and their use of old with us, So that after the space of many years the petitioner has brought his work near a close which (it's humbly presumed) will tend to the honour of the Nation the advantage and satisfaction of many families, (whose names and honours will be thereby transmitted to posterity and made known to the eugenious both at home and abroad) and may be of general use to Noblemen and others when they travel and behold the multitude of Ensigns Armorial which are met with abroad in every house whither religious or common Lastly what assistance a work of this nature may afford curious antiquaries for the better understanding seals medalls historie and ancient records is so well known to his Grace and the high and honourable Estates of Parliament that the petitioner needed discourse it no further The Petitioner not being able to defray the great charge his book will amount to in furnishing fine large paper, printing, (especially Italic types whereof there are very few in this Kingdom) and the expences of cutting in copper plate the armorial Ensigns of this ancient Kingdom, the several divises of our Kings and many coats of arms that are to be found upon monuments churches tombs and seals of honourable families now extinct whose names and honours are worthy to be perpetuat Therefore be humbly Craved his Grace and honourable Estates of Parliament to take the premises to their generous consideration and grant an allowance (out of what fund his Grace and honourable Estates should think fit) as might enable him to perfite his foresaid designe and to nominate a Receiver of the said money who shall see it applied to the said ends, and to be countable to his Grace and honourable Estates therefore And lastly to Commission such persons as his Grace and honourable Estates should think fit to revise the Petitioners papers and oversee the press that nothing pass derogatorie to the honour of this ancient Kingdom or any particular family as the said petition bears. Which her Majesties high Commissioner and the said Estates of Parliament having this day considered They have Recommended and hereby Recommend the case of the Petitioner to the Lords Commissioners of the Treasury to grant him allowance of Two hundred forty eight pounds six shilling eight pence sterling out of what fund they shall think fit And to appoint persons to revise the Petitioners papers to the end mentioned in the petition.

[Mealmongers
at Leith]

PETITION by the Mealmongers at Leith read,
And the Magistrate of Edinburgh appointed to
make answer thereto the next Sitting of Parlia-
ment peremptorie.

[Martin of
Burntbrae]

PETITION by Robert Martin of Burntbrae re-
lating to his tack of the Exche in Aberdeen shire,
read and delayed till the Parliament appoint the
funds for maintaining the forces and other publick
Expences.

[Shire of
Caithness]

THE Act in favours of the shire of Caithness read
again.

THE Lord Chancellor by order of her Ma-
jesties high Commissioner Adjourned the Par-
liament till to morrow at ten a clock.

SEPTEMBER VII, M.DCC.III.

PRAYERS said The Rolls called.

THE Minutes of the last Sederunt read.

THE Petition by Sir Alexander Dalmahey of
that ilk for a relief of his fathers Cautionrie for
Henry Legat late Collector of the Cefs in the shire
of Mid Lothian who at the desire of the Commis-
sioners of Supply in the shire for the time had
furnished certain quantities of corn straw and hay
to the forces in the year 1st vjth and ninety one
read again, And it being moved and agreed to
That no Singular successor in Lands within the
shire since the said time could be lyable to any such
relief, The vote was asked Grant the desire of the
Petition with that quality, or not, and Carried in
the affirmative, And accordingly the same was
granted in manner following.

Act in favours
of Sir
Alexander
Dalmahey.

HER Majesties high Commissioner and the Estates
of Parliament having heard the Petition of Sir
Alexander Dalmahey of that ilk Humbly Shew-
ing unto them That the Commissioners of Supply
of the shire of Edinburgh having appointed
Henry Legate their Collector to furnish the forces
with hay corn and straw at the rates appointed by
the Act of the Lords of his Majesties Privy Coun-
cill and engaged that he should be no loser by
haying at the current price though the same
should exceed the rates appointed by the Privy
Council By vertue whereof he began to furnish
at Castlemaff 1st vjth and ninety one years and
the current price at the time having been far
above the price appointed by the Privy Council
he did represent the same in April thereafter to
the Commissioners of Supply who desired him to
continue to furnish the forces as formerly and re-

newed their Engagement that he should be no
loser thereby Upon the faith whereof he continued
to furnish accordingly, By this and other losses
sustained through the publick Henry Legate turned
bankrupt And Sir John Dalmahey the Peti-
tioners father his Cautioner was distressed for Cest
and other Arrears due by him And upon ultimate
diligence was necessitat to pay ten thousand pounds
Scots And the petitioners father having applied
to the Commissioners of Supply foresaid for Re-
imbursing Henry Legate of the damages he had
sustained by furnishing the forces in manner fore-
said And they having appointed a Committee to
consider his Accounts and to report; After full
consideration thereof and probation taken ament
the difference of the current rates and these ap-
pointed by the Privy Council upon Report they
found that the said Henry Legate was no less loser
during his service as Commissar than the sum of
one thousand and seven hundredth pounds Scots
hut scrupled to lay on the same upon the shire
unless the authority of Parliament be Interposed
thereto as was instructed by the Sederunt, Prob-
ation Report and Acts of the said Commissioners of
Supply produced. And seeing that the foresaid
sum is hut a small part of the loss the petitioners
father and he hath sustained and a true and real
debt upon the shire and the only small fund of the
petitioners relief and nowayes proportional to what
his father payed as said is he Therefore humbly
begged that his Grace and the honourable Estates
of Parliament would be pleased to take the pre-
misses and the great loss the petitioners father and
he have sustained to their consideration And to
authorize the Commissioners of Supply to lay on
the foresaid sum of One thousand and seven hun-
dredth pounds Scots upon the respective Heretors
conform to the valuation And to allow the peti-
tioner such diligence for inhering thereof as is
granted for supply and other publick burdens as
the said petition bears For instructing whereof the
said Sir Alexander Dalmahey the petitioner pro-
duced in presence of her Majesties high Commis-
sioner and the Estates of Parliament the Minutes
of Sederunt of the said Commissioners of Supply,
the probation taken before their Committee and
their report with the acts abovementioned relating
to the matter above represented as the flamen bears
Which petition with the said instructions thereof
produced Her Majesties high Commissioner and
the said Estates of Parliament having this day
considered They Authorized and do hereby Autho-
rize the Commissioners of Supply of the shire of
Edinburgh to lay on the above sum of seventeen
hundred pounds upon the respective Heretors of
the shire conform to their valuation And have
Allowed and hereby Allow such diligence for in-
hering thereof as is granted for supply and other
publick burdens Declaring always likewise it is by
their presents Declared that this Act shall not

extend to these Heretors of the shire who are singular successors in their Lands since the year 1st vjth and ninety one.

[Sir George
Home of
Kelso]

PETITION by Sir George Home of Kelso and partners relating to the list of Execution granted by deliverance upon a petition in favors of the Earl of Crumford, read, and the vote asked Adhere to the said deliverance Yes or No carried Adhere, as is fully contained in the Earls act dated and recorded the sixth instant.

THE Petition by the Heretors of the shires of Inverness and Ross with the Answers for Duncan Forbes of Culloiden, read, relating to an act of Parliament obtained by the said Duncan in the year 1st vjth and ninety Taxing the yearly Excise of Aquavite brown in his lands of Perintosh to four hundredth merks yearly; And after debate the vote being stated Rescind the act in so far as concerns the excise or No, Carried in the negative: But the effect of the act was restricted of consent to the growth of the said lands annually in manner at length following.

Act in favors
of Duncan
Forbes of
Culloiden

HER Majesties high Commissioner and the Estates of Parliament having heard the Petition of John Master of Tarbat Roderick Mackenzie of Applecross and Hugh Monro of Tennish for themselves and the other Heretors of Inverness and Ross shires humbly Shewing unto them That where Duncan Forbes of Culloiden upon a petition to the Parliament in the year 1st vjth and ninety representing that his Lands of Perintosh had been about that time laid waste did procure an act of Parliament farming to him the Excise of the said Lands for the sum of four hundredth merks yearly And reducing the valuation thereof from Two thousand pounds to Twelve hundredth pounds Scots and a great part of this abatement laid upon the shire of Inverness and added to the quota of their Cels The Petitioners did not there quarrell the said representation albeit it was sufficiently known that no part of these lands was laid waste for one year and the greatest abatement given to the Tenments did not Exceed one half years rent; But certainly it cannot but be noticed that though the lofs had been far greater it is long since abundantly repayed and it can never be thought that the Parliament intended the foresaid grant to be perpetual it being so manifestly prejudicial both to all the Country about and more especially to her Majesties interest In as much as first under the colour of the said four hundredth Merks yearly Culloiden upon a very reasonable computation may have browen within these Lands Two thousand bolls of malt for aquavite yearly Which at two merks per boll as others do pay amounts to four

thousands merks yearly Whereas at Culloiden rate of four hundredth merks he does not really pay three pence per boll So that in a manner he brews Excise free and thereby undersells and ruins his neighbours as effectually as if he had a monopolie which all laws condemna And farther her Majestie is obviously prejudged in Three thousand six hundredth merks yearly Besides that Culloiden may augment his brewing and make the said prejudice both to Queen and Country far greater, And as to the valuation of the said Lands at Two thousand pounds Scots It is really as easie as any valuation of lands in either of these shires tho it was restricted to Twelve hundredth pounds without any probation which ought the rather to be redressed because the Act of Parliament 1st vjth and seventy for revaluation of the shire of Nairn doth plainly afford the proper remedy by the Commissioners of the shire Besides that the shire of Inverness ought not to be burdened with the foresaid abatement, Therefore Craving His Grace and their Lordships in consideration of the premises to Declare the foresaid act in Culloiden favours expired and extinct as to the foresaid tack of his Excise and to ordain the foresaid undervaluation to be rectified and the just proportions of the shires to be adjusted by such Commissioners as His Grace and their Lordships should think fit for that effect as the said Petition bears Upon Reading whereof on the twenty fourth of June last His Grace and the Estates Having Ordained the above Duncan Forbes to answer it the second day wherein the Parliament should Sitt the then next week The said Duncan conform to the foresaid Interloquitor Gave in the following Answers Mentioning that his Lands of Perintosh being laid waste in October 1st vjth and eighty nine by a body of seven or eight hundred men sent there by Buchan and Cannon and he and his Tenments being prejudged thereby in upwards of Thirty six thousand pounds Scots as was made appear to the Parliam^t by whose order full probation thereunto was taken, The Estates did by their Act in July 1st vjth and ninety ease him of an exorbitant valuation which he had long complained of upon condition he should pay Cels from that date And also for encouragement to his Tenments to come back and brew and pay Excise from that Lambmas forward the King and Parliament did grant a perpetual tack of their Excise for the payment of four hundredth merks yearly at which rate they had tacks formerly betwixt the 1st vjth and seventy and 1st vjth and eighty year of God as was proven in presence of a Committee of Parliament before the act past though it is constat that immediately before the Revolution they were more rigorously exacted upon This justice done to Culloiden in his valuation and this small ease to his Tenments in their Excise is all the reparation be or they have of their Thirty six thousand pounds Lofs for their

affection to the Government Yet it is complained upon by the Master of Tarbat in behalf of the shires of Inverness and Roß, Alledging first that Culledens valuation wrongs the shire of Inverness &c. Secondly That his tack of Excise wrongs the Queens revenue in Three thousand six hundred merks per annum Thirdly That his tack of Excise wrongs his Neighbours in so far as he can undersell them and monopolize the brewing trade &c. Fourthly That all his lofs was not above half a years rent &c. Fifthly Altho it were as much as he called it yet he is payed Because he had the benefit of four thousand merks of Excise yearly for twelve years bypast And therefore Concludes that since his Loßes are repaired his said tack of Excise should be declared expired and extinct To the first Auent the shire of Inverness it's being wronged by Culledens valuation It's answered that it's jus tertii to the Master of Tarbat and the shire of Roß or any man in it who has no Estate in the shire of Inverness, to inquire in that. If the Commissioners of Inverness or Nairn shire say nothing upon the head, It is out of the road of any else whatsoever to quarrell it Secundo The Laird of Grant in anno 1703 vj^r and ninety did represent the shire of Inverness in Parliament and gave consent and approbation to Culledens valuation in the terms of his act and was witness to the unanimous satisfaction of all the Commissioners of that shire in accepting of that small burden proposed by the act But Tertio If what is said were not sufficient Culledens can say that none of the shire of Inverness bears a farthing of that burden but himselfe upon his other Lands in the shire Referring the verity of what is said to the Laird of Grants own testimony. As to the second Objection That Culledens tack of Excise wrongs the Queens revenue Thirty six hundred merks per annum &c. It is answered first That this is founded upon a false ground as if Culledens tennents brewed Two thousand bolls yearly (which is very far from the truth) and reckoning all these bolls at two-merks the boll which is the rigour of the act of Parliament Whereas it is known that except it be in Edinburgh and some of the principal Burghs there is no such thing exacted as the rigour of the Law Yea in many Country places the excise will not reach half merk upon the boll else there would be no brewing. But letting this alledgeance pass It is answered Secundo That the whole excise of the Kingdom is and has been farmed, above what it went to be, ever since the granting of Culledens act and that without diminution of one Six pence on account of his said act So that it is impossible the Queen can be wronged in her revenue unless the Tacksmen and their Cautioners break which would also be nothing to the purpose in hand, And therefore this objection utterly falls. But as to the third aient Culledens underselling &c. and monopolizing the trade from his neighbours by

means of the vaste benefite of this tack It is answered that Culledens Tennents never undersold their neighbours (except in the cases aftermentioned) nor can they undersell them upon account of Excise; But it is both possible and probable that in the two or three dear years when he took but eight pounds for his boll and all the rest about him took the highest prices such an occasion might occasion his tennents to undersell but never upon account of excise which has been as cheap with them at other times as now notwithstanding of all the noise is made of it And Secundo as to monopolizing It is no great symptome of a monopoly that at this hour his years rent should ly upon hand without any to buy But to answer this part of the objection distinctly let the supposition be as the Complaint would make it and that the Lands of Forintosh were intirely exempted from Excise as well as Newmillis or Foet William or that they were lyable in a great excise and that the King forgave it, either of which the King or Queen can certainly doe, Nor is it the business of any living to quarrell it unless it can be said that the King or Queen and Estates have also given them a power to carry it from other places and brew and vend that too as well as their own Excise free to the prejudice of their neighbours which is the thing insinuat and most groundlessly Because Culledens denies that ever he took, or that his act of Parliament gave him or his any such latitude But on the contrary understands the meaning of the act to be only for the excise of what grows upon his own lands (and lets the Parliament could not mean) to which he is and was always satisfied to be restricted With Certification that whatever grain shall be carried from any place into his lands (except it be to eat or sow) shall be lyable to excise by and attour the tack duty which secures to the worlds end against all Monopolies or ever encreasing the trade by him or his to any bodys prejudice, And as to the fourth objection, That Culledens lofs in giving allowance to his Tennents was not above half a years rent It is ill alledged But esto he had allowed them nothing does that say that they lost nothing And if they were losers to so great a value whatever ease there is in the excise they have it (as in reason they ought) and not Culledens For there is none alive can say that ever he had a single half penny by it Which also answers the fifth objection viz. That though Culledens had as much lofs as he alledges yet he has had four thousand Merks per annum of benefite by the excise tack for thirteen years which may pay all those loßes and therefore his loßes being payed his Act of Parliament ought to expire It is answered the alledgeance is but a jest Because as is already said Culledens never had nor can have an half penny by that Excise the principal good of it being that it keeps his Tennents free from the trouble and Exactions of subtacksmen by whom

they were formerly oppressed And since this hit of ease to the poor people is all that he or they have to repair the Thirty six thousand pounds Scots of damages sustained for his affliction and theirs to the Government It was hoped His Grace and the Estates of Parliament would not deprive them of it but would rather lay aside this invidious complaint and Ratifie what has been given to Colloden and his Tennents upon so good grounds, as the said Answers also bear. And the Petition above-written being again upon the day and date of this presents read together with the aboveswritten answers thereto in presence of her Majesties high Commissioner and the said Estates of Parliament and they having fully Considered the same They have Refused and hereby Refuse to Rescind the foresaid Act of Parliament But have Restricted and hereby Restrict the priviledge thereby granted to the growth of Colloden's own lands of Perintosh allennary fo as all other grains to be imported unto the said Lands to be brown shall be lyable to Survey and Excise as in any other lands in that Country.

PETITION by Sir William Douglass anent his Arrears and some reparation for the loss of his Estate in France, read And the Petitioner there-upon Recommended to the Lords Commissioners of the Treasury for his Arrears, And to the Queen's Majestie for the said reparation in manner fully aftermentioned.

HER Majesties high Commissioner and the Estates of Parliament having heard the Petition of Sir William Douglass humbly Shewing unto them that the Petitioner having had his Regiment disbanded at the late peace and great sums of both subsistence and arrears owing him at that time he was necessitat to contract debts upon the Credit of the publick which he has since partly payed out of his own and is like to be disfreed for the remainder He humbly begged leave to represent That during the late war he was forfeited of his whole Estate in France and never had any consideration in lieu thereof And that in June 1st 1702 and two years he was to have been payed off near the one half of the said estate which he fold when last in France but the declaration of this present war has frustrate him of it Which having been Represented to the Queen Her Majestie has been graciously pleased to shew a good intention to do for him Therefore humbly Craving His Grace and the honourable Estates to Consider the Petitioners singular case in laying down a way that his Arrears of Two thousand five hundred and nineteen pounds Sterling (as it appears by the stated accounts of the Lords of her Majesties Treasury) may be payed him And that he may in consideration of the loss of his Estate and as a just premium

due to his long faithful services have such a recommendation from his Grace and the honourable Estates to her Majestie that something may be done to keep him and his family from starving having nothing left him but their equity and justice to depend upon as the said Petition bears Which Her Majesties high Commissioner and the said Estates having this day fully Considered They have Recommended and do by thir presents Recommend the Petitioner to the Lords Commissioners of her Majesties Treasury for the payment of his above arrears As also They have Recommended and hereby Recommend him to her Majesties grace and favour for some reparation for the loss of his Estate.

THE draught of the Act for a Manufactory of lame purslane and esethen ware in favours of William Montgomery and George Lind, read for the second time, put to the vote and approved.

[Manufactory of Esithen ware]

THE action at the instance of the Laird of Moristoun against Sir James Cockburn to declare the trust of certain bonds in the defenders person for the behoove of the pursuers father, called, And the Advocats for either party heard, The cause was Remitted in statu quo to be difussed fummarly before the Lords of Session, as it particularly follows in the Remit.

ANENT the Petition given in and presented in the moneth of July 1st 1702 and ninety years to his Majesties then Commissioner and the right honourable the Estates of Parliament by John Ker of Moristoun humbly Shewing that where Sir James Cockburn of that ilk was debtor to the deceased Mr Mark Ker of Moristoun in more than the sum of forty thousand merks principal and that for above twenty years for which he payed interest all that time And at length the debt was brought to seven or eight thousand merks for which he also payed annualrent ever till within a twelve moneth before the giving in of the said petition and never did move any question there-ant until Candlemas then last that his condition became incumbred and be plainly failed as was notour to all At which time when the petitioner came to crave him or to get security from him for the said sum of seven or eight thousand merks He instead of granting of it pretended that there was due to him (as Abigney) by the said deceased Moristoun as debitor the sum of fourteen thousand merks or thereby of principal with fifteen or sixteen years annualrent which he pretended that the petitioner as heir to his father should pay to him; Which demand was a great surprise not only to the petitioner, but to all that ever heard or knew of the dealings that had been betwixt the said

Remit to the Session of Ker of Moristoun cause against Sir James Cockburn

deceased M^r Mark Ker and the said Sir James; who justly thought that there could not be but a great mistake in it And that in effect the said Sir James had either taken Assignations to the said bonds in place of Discharges the same having been truly payed by Moristoun's money; or had filled up Assignations taken blank in the name to Moristoun's behoof now with his own name there having been certainly a most exorbitant trust and great intimacy betwixt them And seeing that a fraud and circumvention of this nature is hardly discoverable by ordinary methods but doth indeed deserve a parliamentary cognition And therefore humbly Craving His Grace and their Lordships in consideration of the premises to assume this affair to their own cognition and to refer the tryal thereof to the Commission for fines and forfeitures With power to them to cite parties and witnesses and to examine and cognosce upon the whole matter and to report to the next Session of that Parliament for the better discovery of so pressable a fraud as the said petition bears, WHICH being upon the nineteenth of the said month of July 1^{to} vjth and ninety years considered by their Majesties high Commissioner and the said Estates They Remitted the tryal thereof to the Commission appointed for fines and forfeitures With power to them to cite parties and witnesses and to examine and cognosce upon the whole matter and to report the same to the next Session of that or any ensuing Parliament TO which Commission of Parliament the said John Ker of Moristoun Gave in a petition Shewing that where there being a great intimacy and trust betwixt the deceased M^r Mark Ker of Moristoun the petitioners father and Sir James Cockburn of that ilk particularly as to the contracting and discharging of debts by the issue whereof Sir James was debtor to the petitioners father in no less than the sum of Thirty three thousand Merks for which Sir James had not only payed annualrent for many years then bygone but by payments from time to time partly to the petitioners father partly to his eldest brother and partly to himself diminished the principal Sum to a small remains of Eight or nine thousand merks In all which space Sir James never made the least mention of any debt due by the petitioner, his father or brother to him until of late that Sir James his condition came to be encumbered and that the petitioner thereupon applied to him either for payment or better security of the same he owes him At which time and not before that he was pleased to say that the petitioner was debtor to him by bonds granted by his father and assigned to him for about fourteen thousand merks principal and sixteen years annuallent Which being a great surprize and certainly a great abuse the petitioner for preventing the transferring of the bonds or arrestments of his Creditors thought fit to raise Declarator for dis-

covering the abuse and defeating so evil a contrivance But the affair appearing to be more dark and mysterious by reason of the foresaid exuberant trust than can well be discovered by the ordinary Courts and methods of Law The petitioner applied to their Majesties and Estates of Parliament as in a matter deserving a parliamentary Cognition and obtained it to be referred to the aforesaid Commission for to try and report Whereupon he then represented to the said Commission his Complaint and reasons thereof in manner following And the thing that the Petitioner Complained of was that there having been several bonds as one of five thousand merks principal to Alexander Bothwell younger of Glencairn another of three thousand merks to Walter Riddell another of Two thousand merks to M^r James Aikenhead, another of Three thousand merks to Linplum with one or two more In all which Bonds the petitioners father and M^r Alexander Spottiswood are bound either as coprincipalls or as principall and cautioner And which bonds Sir James hath been either obliged to pay for the petitioners father or hath actually payed them with his fathers money Yet having taken blank assignations first to several of them for the petitioners fathers use and kept those assignations by him undelivered he had then at length filled up his name or the name of some others to his behoove in those assignations and then owned them as bonds due to himself by virtue of the said Assignations To which wrongdoers for the reasons following viz. First Because to give a true Account of the said affair appears to be the truest method for discovery of the abuse that certainly lyes at the bottom; But so it is that the true scheme of it appears to be thus viz. That the Petitioners father was engaged with and for the deceased Alexander Spottiswood to one Stevenson for the sum of Twenty seven thousand merks which afterward fell to and was divided amongst four of his daughters And for the petitioners fathers relief he got a disposition and infeftment from Spottiswood of his Lands of Crumstane And in the mean time the daughters and their husbands Craving the moneys, the petitioners father was necessitated to pay them and for to raise moneys he and Spottiswood do again give the foresaid bonds which were then in contravention betwixt Sir James and the petitioner And as the Petitioners father did therewith pay the Stevensons so he took blank Assignations to three of their parts and the half of the fourth part Thereafter Sir James designs the purchasing of the Lands of Crumstane and the petitioners father having an Infeftment upon it for thirty three thousand merks besides the foresaid infeftment for his relief Sir James became debtor to the petitioners father for the thirty three thousand merks and takes the petitioners fathers right upon the Lands As also his father makes over to the said Sir James

his infestment of relief for the Twenty seven thousand marks and fills up Sir James his name in the blank assignations that he had taken of these parts of it that he had payed to the Stevensons. Whereupon Sir James granted the petitioners father a backbond which was produced to the Commission Wherein he declares that he was to make no use of these assignations against the petitioners father but only to affect the Lands of Crumstane And farther obliges him to relieve the petitioners father of that half of the fourth part of the Stevensons money that was then unpaid. But that Sir James might not have the petitioners fathers Infestment of relief with those blank assignations for nothing Sir James was to pay and retire the petitioners fathers bond abovementioned which he had granted for to raise money for to pay the Stevensons in manner above declared; But whither Sir James became obliged in write to do this or that it was an exuberant trust left upon Sir James without any formal engagement is the point still in the dark. Only that thus it truly was appears by two Letters written and subscribed by the petitioners fathers own hand two months before his death to the Lord Meringtoun about this affair wherein he plainly shows what bonds Sir James was to pay and that he had got the aforesaid assignations for the doing of it Which Letters being the Letters of a person long since deceased when the matter was recent and no Contraversion raised about it neither then nor for years thereafter are indeed to be received as probative documents But Secundo to evince that these bonds were to be payed by Sir James and that he was only intrusted to retire them in manner foresaid doth further appear by this argument That for some of the bonds viz. Glenorchies bond of five thousand marks he takes a discharge when for others of the same nature he takes blank assignations which plainly infers the same trust as to the whole, for as it cannot be imagined how Sir James came to pay a bond of five thousand marks due by the Petitioners father and Spotswood to Glenorchies and only take a discharge of it unless he had been a mere trustee for the petitioners father in manner above represented. So it is as evident that the other bonds to which he has assignations being in the same case these blank assignations were taken in trust in the same manner with the foresaid discharge. Tertio that Sir James had recovered these bonds and assignations merely in trust as said is appeared by this obvious argument of Sir James's taciturnity viz. Is it to be imagined that Sir James would be constantly paying to the petitioner and his deceased brother and father for the space of Sixteen years and more sometimes the annuities sometimes parts of the said principal sum of Thirtie three thousand marks untill then that he had brought it down to eight or nine and in all that time never offer either to Compense with these bonds that now he pretends

right to or so much as to crave the ordinary annulment thereof. But the truth is Sir James knew and still knows that he was but a trustee therein for the petitioners father And it is more than probable that if his late straits had not put him to new shifts he had never disowned this trust And fourthly to make out this trust yet more evidently it was offered to be proven by Writers and Witnesses concerned in these transactions and men above exception That this affair was carried and managed in manner above related and that Sir James as to these bonds was only the petitioners fathers trustee and ante omnia Sir James's oath of calumnie was required And seeing that by the aforesaid narrative and reasons it may be easily perceived that there is a mystery and circumvention in the said matter that deserves the Parliam^t reference and also their determination after the said Commission should have fully tried and examined the case in all its circumstances and that it were a grievous hardship if the petitioners Estate should come to be burdened with upwards of Twenty eight thousand marks of a latent debt never heard of and whereof not one farthing is due Therefore humbly craving the aforesaid Commission appointed for fines and forfeitures to grant Warrant to Masters or Messengers for Summoning the said Sir James Cockburn and also Henry Lord Sinclair Mark and Elizabeth Kerr brother and sister to the petitioner M^r Alexander Swintoun of Meringtoun one of the Senators of the Colledge of Justice Sir William Paterson of Grantoun and M^r James Dallas of Saint Martines younger his Trustees and Attorneys to compare before the said Commission at an certain short day and failing thereof the next lawful day of their meeting thereafter to answer in the premises peremptorie in respect they are to get full copies and to bring with them the foresaid bonds and assignations and to hear and see the premises verified and proven and being so verified and proven to hear and see it found and declared by Decree of their Majesties and Estates of Parliament upon the trial and report of the aforesaid Commission to be made in this matter that the said bonds were truly retired by the said Sir James Cockburn as Trustee for the petitioners father and to his behoove and that Sir James hath nothing to pretend against the petitioner or his fathers Estate by virtue of the said bonds or assignations that he hath thereto and for which he was long since satisfied by the petitioners father in manner above narrated and that therefore the said bonds and assignations are void and null and of no force or effect and to Clie Witnesses and for coast faith and dammage as the said petition fully bears WHICH being upon the last day of July 1^o vj^{re} and ninety years read before the said Commission appointed for fines and forfeitures and they having considered the same The aforesaid Commission did Grant Warrant to

Messers or Messengers to cite the above designed Sir James Cockburn and his above designed Trustees and Arresters to appear before the said Commission on a Citation of fifteen dayes to answer to the said petition and also to cite Witnesses With Certification &c. reserving to Sir James Cockburn at the dyet of appearance to be heard about the competency of the cause before the said Commission as an act of the foresaid Commission of the date abovementioned extant in process bears Conforme whereunto and by vertue whereof George Gardener Messenger did upon the fourth of August 1703 vjth and ninty lawfully cite the said Sir James Cockburn personally apprehended And Donald Cameron Messenger did on the eight ninth and eleventh dayes of the said month of August 1703 vjth and ninty lawfully Cite the forenamed Mark Ker Sir Alexander Swintoun M^r James Dallas and Elizabeth Ker all also personally apprehended and the said Henry Loed Sinclair and Sir William Paterson by leaving doubles and copies at their dwelling houses to compare before the said Commission in manner to the effect and for the causes mentioned in the said act and executions thereof THEREAFTER upon the twenty ninth day of September 1703 vjth and ninty the foresaid Claim and Act being called before the said Commission of Parliament The said pursuer then compared by Sir James Stewart (now her Majesties Advocate) his procurator who for him produced in presence of the said Commission the two missive Letters abovementioned written and subscribed by the said M^r Mark Ker of Moristoun and directed to M^r Alexander Swintoun of Meringtoun one dated the eleventh of January 1703 vjth and seventy five and the other dated the twenty second day of the said month of January Together with a bond of relief and discharge or backband as is abovementioned granted by Sir James Cockburn to the said deceased M^r Mark Ker of Moristoun of the date the second of April 1703 vjth and seventy three Whereby he Oblidged him that he should use no Execution personal nor real against the said M^r Mark and his heirs and executors upon the three bonds which are therein narrated to wit a bond granted by the said M^r Alexander Spotswood and him the said M^r Mark to Margaret Stevenson daughter to unquille James Stevenson Merchant burghes of Edinburgh for the principal sum of Seven thousand five hundred and fifty one merks Scots money dated the twenty ninth of January 1703 vjth and Sixty six years, and upon another bond of the same date granted by the said M^r Alexander Spotswood and M^r Mark to Gilbert Fyfe Merchant burghes of Edinburgh and Susanna Stevenson his spouse for the principal Sum of Nine thousand five hundred and twenty eight merks money foresaid And upon another bond of the foresaid date granted by them to M^r James Rois Writer in Edinburgh for the principal sum

of five thousand seven hundred and fifty merks To wit three bonds the said Sir James was assigned in manner mentioned in the said bond of relief or backband Whereby he also exonerat the said M^r Mark of the whole execution and effect of the said bonds so far as they might operate against him and his foresaids Reserving the latine effect thereof and Sums therein contained against the said M^r Alexander Spotswood By which Bond of relief or backband the said Sir James is likewise obliged that if the said M^r Mark should be distressed at the instance of the said M^r James Rois upon another bond therein deduced granted to him upon the said twenty ninth of January 1703 vjth and sixty six by the said M^r Alexander Spotswood and him the said M^r Mark for the said principal sum of five thousand seven hundred and fifty merks or at the instance of any of the said Sir James's cedents for any of the annuallments of the principal sums abovementioned, to which he was assigned, preceeding his Assignations thereto in that case to warrant free relieve and disburden the said M^r Mark and his foresaids frae all payment of the same and of all cost faith and damage they should incur therethrough providing that upon distress he should make timestous intimation thereof to the said Sir James And also produced the foresaid Act of the Commission or Lybell and Executions thereof abovementioned and craved that his lybell might be read which was done accordingly And the said Sir James Cockburn comparing by Sir Patrick Home and M^r James Leslie Advocats his procurators they for him presented a petition Which was read craving that Moristoun might be ordained to deliver back to Sir James several Assignations which he and Andrew Hog his Agent borrowed from Sir James and which papers have relation to the present process and that diligence might be granted to Sir James for citing such of his Creditors to whom he hath given right to the assignations to Moristouns bonds now quarrelled Without the inspection of which Sir James's Lawyers can give no advice in the matter and that the Commission would be pleased to grant a protection to Sir James to the end he might safely come and attend the dyets of this process especially seeing the Complainer craves Sir James's oath of calumnie in his lybell Whereunto it was answered by the said Sir James (then James) Stewart Advocate procurator foresaid for the Laird of Moristoun That the papers in Moristouns receipt belonging to Sir James had no contingencie with the Lybell and opposed the same as to the particular writts therein enunciat And the Creditors to whom Sir James hath given right were cited and full copies of the lybell given and they were content that protection should be given to Sir James to depose To which it was Replied by the said Sir Patrick Home and M^r James Leslie that some of the papers contained in the said receipt

are truly those now quarrelled and the lybell besides the particular Writs hath a clause, and others. The inspection whereof is absolutely necessary before answers can be made And albeit the Creditors were cited yet the diets of the process being so uncertain did not think themselves concerned to answer unless they had been again certified WHICH Lybell and debate abovescribed being on the said twenty ninth of September 1703 and ninety considered by the foresaid Commission of Parliament they then appointed Sir James Cockburn to give his oath of calumnie upon the lybell And to the effect he might appear before them Recommended him to the Privy Council to get personall protection AFTERWARDS on the first of October 1703 and ninety the foresaid Claim being again called The said Sir James Steuart insisted that the depositions of Baillie Fyfe Linplum and others to be condescended on might be taken before answer on the points of the Lybell As also that Sir James Cockburne might be appointed to exhibit the bonds and assignations To which it was answered by the said M^r James Leslie That upon the Complainers consent the Defender was appointed to give his oath of calumnie upon the lybell and Recommended to the Council to get a protection for that effect And therefore there can be no Examination of other persons till he first depone as also till opinion be given asent the Relevancie And the said M^r James Leslie Declared that he was not informed And that untill the defender came to Town he could not answer and craved that he might be marked absent Whereunto it was then replied by the said Sir James Steuart that he pused frue the oath of calumnie pro loco et tempore Upon which debate the said Commission by their other Interloquitor dated the said first of October assigned the third of November then next to the abovementioned persons to depone upon the lybell and granted diligence to the said Complainer against them for that effect THEREAFTER on the twenty eight of November 1703 and ninety The said Claim being again called the above named Sir James Steuart resumed the same and the two Misive Letters abovementioned by the deceased Moristoun Which were read to discover the Contrivance and repeated the foresaid other admittels in process Whereunto it was answered by the said M^r James Lesly That the backbond produced doth meet the case of the assignations questioned And as to the misive Letters produced being by Moristoun the party, cannot prove And as to the discharge granted to Glencorse it was by the advice of Mersington that a discharge instead of an assignation was given to Glencorse being the same in Law being payed by a Tutor for his pupill And the reason of the taciturnity was because Cockburn had never seen the backbond whereby he was better informed of his right And Cockburn did insist process before the Lords of Session

upon the assignations quarrelled To which it was Replied by the said Sir James Steuart that the contrivance is so deep that it is not to be discovered by the ordinary methods of Law and therefore presumptions must be founded on and Witnesses examined And tho the misive Letters would not be probative if Moristoun who wrote them were the pursuer yet be being dead shortly after the writing of them and long before Cockburn did insist upon these pretences the Letters ought now to be respected Whereunto it was Duplyed by the said Sir Patrick Home that the nature of the action being civil, a declarator of trust, the Commission of Parliament doth not proceed in a Legislative but in a Judicative capacity and so must follow the methods of Law which, it's acknowledged are not sufficient to Evince a trust And as to the taking of a discharge it doth neither extinguish that debt as to Moristoun but that Cockburn as negotiorum gestor might have action against Moristoun far less to infer a presumption as to other sums And the taking of a backbond produced doth shew that if there had been a trust in this case he would have also cleared it by a backbond and the misive Letters are not written to Cockburn And if there had been such a trust Moristoun by advice of Mersington would never have rested satisfied so long time without obtaining a declaration or complaining or insisting to get the same And Cockburn being a person of great affairs and credit his not seeking these sums or annualrents thereof is no qualification of trust unless the same were proven scripto vel juramento Which Debate abovescribed being considered by the said Commission of Parliament they by their Interloquitor thereon dated the said twenty eight day of November 1703 and ninety before answer ordained the depositions of the witnesses to be taken upon the lybell and claime by Sir Robert Sinclair Commissar Smollet and M^r Robert Cleland three of their number or any two of them and ordained Sir James Cockburn to Exhibit the bonds and assignations mentioned in the claim As also to Exhibit upon oath his Count books for clearing of the said matter CONFORM to which Interloq^r the persons afternamed being cited as witnesses in the foresaid action and cause by virtue of Letters of diligence granted by the foresaid Interloquitor of the date the first of October 1703 and ninety And there being Letters of second diligence granted thereupon against them on the seventeenth day of November 1703 and ninety They accordingly did compare on the respective days afterspecified before the Committee foresaid appointed by the said last Interloquitor of the date the twenty eight of November 1703 and ninety for taking their oaths and depositions And there Deponed in the said matter as is aftermentioned viz. On the fourth of December 1703 and ninety Alexander Bothwell of Glencorse comparing as a

Witness before the said Sir Robert Sinclair and Commissar Smollet It was objected against him that he was suspecte fame there being a process of improbation of a discharge depending against him at the instance of Woodhouselie Where to it being answered that it ought to be repelled because no decret produced and any such process denied to be depending Thereupon the objection was repelled And the said Alexander Bothwell married aged fifty four years being purged of partial Council sworn examined and interrogat Deponed that the money that was borrowed by Moristoun from him was payed to Baillie Gilbert Fyfe and that the Baillie received the money on the account of his wife Stevensons tocher as the deponent was informed the time of the borrowing of the money and that the deponent did thereafter assigne his bond to Mortounhall who was a Cautioner for Moristoun to him And that he knows of no concern Sir James Cockburn had in that matter at the time of the borrowing of the money But the deponent heard thereafter and Mortounhall told him that Sir James Cockburn was to retire free him that bond as being a part of the price of the Lands of Crumstane and to relieve Moristoun thereof and that that was the truth as he should answer to God, Causa scientie patet Thereafter compared on the Sixth of December 1st vj^{re} and ninety before the said Commissar Smollet and M^r Robert Clelland two of the foresaid Committee Gilbert Fyfe Merchant and late Baillie of Edinburgh aged past forty five years solutus and being purged of partial Council sworn and examined on Interrogators given by Moristoun vj. First If the deceased Moristoun did make payment to him of the part he had of Stevensons money and what he knew of that payment Secondly at whose desire and to whom he gave the two assignations to his part of Stevensons money And if they were not given blank in the name and if they were not delivered blank to Moristoun or some one or other for him, Thirdly What he knew of the payments were made to Robert Scott and M^r James Redd for their two wives who were also Stevensons daughters, Fourthly Whether he received five thousand merks from Glencorfs and by whose order and on whose account and if it was not on Moristouns and what part of it He Deponed that he received from the deceased Moristoun and M^r Alexander Spotswood of Crumstane the sum of five thousand three hundred thirty four merks as being the half of his proportion of Stevensons money and that he received also the second moiety from the said persons Deponed as to the second Interrogator That he remembers he gave an assignation blank in the name to the deceased Moristoun for five thousand merks of Stevensons money That he gave another assignation of a second moiety also blank either to Moristoun or M^r Alexander Spotswood, but does not remember to which of them, As to the third

Deponed Ignorat, As to the fourth Interrogator Deponed that Glencorfs was present when he received the first five thousand merks and that he heard in the Company that the said sum was borrowed from Glencorfs and that Moristoun and Spotswood gave bond for the money and that he heard them say that the money was gotten from Glencorfs and that Mortounhall brother in Law to Glencorfs was also present Causa scientie patet And that this was the truth as he should answer to God, And on the said day Compared before the said Commissar Smollet and M^r Robert Clelland, William Hay Merchant in Edinburgh aged about thirty nine years married who being solemnly sworn purged of partial Council interrogat and examined on the interrogators given in by Moristoun for that end vj. First If he knew any thing of the account kept by Sir James Cockburn of the price and payment of Crumstane and to whom and how Sir James payed it And if Sir James kept any written accounts in books or a-part touching the same Secondly If he knew who payed the Stevensons money And if Sir James Cockburn payed for the Assignations the Stevensons gave and are now in Sir James's name and if these assignations were not first blank in the name and if they were not given to him by Moristoun And if Sir James payed for them Thirdly What he knew of the payment of Glencorfs bond and of Walter Riddella, Corsar the Periwig makers and Lintplums &c. When they gave the blank assignations that Sir James now produces and how it came that Sir James payed that money and on what account And if he kept any account of those payments And if Sir James did not get the foresaid discharge and assignations from the foresaid persons for Moristouns behoove And if he knew wherefore Sir James medled with these bonds since he was bound in none of them Fourthly If Sir James kept any account books in forme about the time that he bought Crumstane And if these books did not contain a particular account of Cals And if he knew where they were And what became of them He Deponed as to the first Interrogator Ignorat As to the second also Deponed Ignorat As to the third also deponed Ignorat As to the fourth Deponed he could not be positive about what time Crumstane was bought by Sir James Cockburn but that the deponent began to keep Sir James's Cals books the beginning of June 1st vj^{re} and seventy three Which books did contain a particular account of the cals that was received in by the deponent on the account of Sir James and payed out by his order and to whom Which books he left in the custody of Sir James when he removed from his service which was in the year 1st vj^{re} and eighty one And for what he knew these books still continued in the custody of the said Sir James Causa scientie patet and that this was the truth as he should answer to God as the depositions of the

ſaid Witneſes extant in proceſs bear THERE-
 AFTER the ſaid Commiſſion by their Interloquit-
 dated the Sixteenth day of February 1⁰ vj⁺ and
 ninety one years in regard that Sir James Cockburn
 being oft times called to produce the bonds Aſſigna-
 tions and Compt books and he failed therein
 Therefore They Granted Certification and Circum-
 duced the terms againſt the ſaid Sir James Cock-
 burn and Declared They would adviſe the cauſe
 on the adminicles adduced on Wednesday ther-
 next And ordained both parties to give in their
 informations AND afterwards on the ſecond of
 March 1⁰ vj⁺ and ninety one They by another
 Interloquitur Remitted to Sir William Hamilton
 and M^r James Snollet abovenamed two of their
 number to conſider the libell depositions and other
 adminicles adduced for the purſuit to prepare a
 report in the matter above written and to report
 the ſame to the Commiſſion againſt Monday then
 next AND the ſaid Commiſſion after that on the
 ninth day of the ſaid month of March 1⁰ vj⁺ and
 ninety one years Upon adviſing the cauſe Pre-
 pared and gave their report in this whole matter
 Bearing That they having conſidered the foreſaid
 Complaint purſued by John Ker of Moristoun
 againſt Sir James Cockburn of that Ilk and heard
 both parties pro^a upon the preſumptions and
 qualifications of truſt therein libelled and have-
 ing likewiſe conſidered the depositions of wit-
 neſes taken by them for clearing the truſt and
 two miſſive Letters written by the deceased
 Moristoun to my Lord Mersington With Sir
 James's taciturnity for Sixteen years in not crave-
 ing compensation of the debts due by him to
 Moristoun all that time upon the bonds and aſſig-
 nations quarrelled And Conſidering Sir James's
 contumacie in not producing the bonds and aſſig-
 nations called for with his count books for clearing
 of the truſt conform to the ordinance of the ſaid
 Commiſſion whereupon the terme was circum-
 duced againſt him It was their opinion that the
 bonds and aſſignations called for were retired by
 the ſaid Sir James as truſtee for Moristoun and to
 Moristoun's behoove And that Sir James can nei-
 ther affect Moristoun's eſtate with the ſaid bonds
 and aſſignations nor crave compensation there-
 upon of the debts due by him to Moristoun But
 that the ſaid bonds and aſſignations called for
 ought to be Declared void and null as being re-
 tired by Sir James for Moristoun's behoove as the
 ſaid Report fully contains AFTER which there
 being a Petition Given in and preſented in May
 1⁰ vj⁺ and ninety three for Andrew Ker now of
 Moristoun and his Tutors for their intereſt to their
 Majesties then high Commiſſioner and the right
 honourable the Eſtates of Parliament Humbly
 Shewing unto them That where his deceased father
 Intended a proceſs of Reductiō and Declarator
 before the honourable Court of Parliament againſt
 Sir James Cockburn of that Ilk for making void

certain bonds and aſſignations which the ſaid Sir
 James payed with the petitioners grandfathers
 money and took blank aſſignations now filled up
 in his own name Which complaint and proceſs
 was Referred to the Commiſſion for fines and fore-
 faults and by them brought to a report And
 ſeeing that the ſaid matter was then ready to be
 reported and that it was of a great import to the
 petitioner the ſums now Craved being run up to
 a great debt and burden Whereof without the
 aſſiſtance of the ſt honourable Court of Parlia-
 ment the petitioner cannot hope to be relieved
 Therefore humbly Craving His Grace and the
 then Eſtates of Parliament to Call for and adviſe
 the ſaid report and decide and determine in the
 ſaid cauſe and for the petitioners damages and
 expences according to Juſtice as the ſaid petition
 bears With which petition there being then pro-
 duced for the ſaid Andrew Ker the petitioner an
 account alledged written by the ſaid Sir James
 Cockburn of money due by Crumſtane to Moris-
 toun conſiſting of the articles following viz. For
 bygone annualrent of Thirty three thousand two
 hundred merks reſting to Whitsunday 1⁰ vj⁺
 ſeventy three one per Cent. being deducted Four
 thousand one hundred and twelve pounds, For
 M^r James Roſs as firſt moiſie, Three thousand
 eight hundred thirty three pounds ſix ſhillings
 eight pennies, To annualrent thereof to Whitsun-
 day 1⁰ vj⁺ and ſeventy three ſince Candlemaſs 1⁰
 vj⁺ and ſixty ſeven, One thousand four hundred
 and twenty pounds ſixteen ſhillings, To Gilleſt
 Fyfe Candlemaſs 1⁰ vj⁺ and ſeventy as the re-
 mainder of one of his moiſies ſeven hundred and
 ſixty four merks five hundred and nine pounds
 ſix ſhillings eight pennies By intereſt thereof to
 Whitsunday 1⁰ vj⁺ and ſeventy three ninety ſix
 pounds ſixteen ſhillings, February 1⁰ vj⁺ and ſe-
 venty two By principal ſum to Robert Scot the
 ſum of one thousand one hundred and fifty one
 merks, Seven hundred and ſixty ſeven pounds,
 By intereſt ſince Candlemaſs 1⁰ vj⁺ and ſeventy
 two, forty two pounds ſix ſhillings and eight pen-
 nies Also payed John Walker extending in hail
 to Ten thousand eight hundred and forty nine
 pounds four ſhillings, this beſide the money payed
 by Cockburn to Lintplum and Robert Scot And
 of ſome other ſums whereof Crumſtane was to
 relieve Moristoun and Cockburn conſiſting of thir
 articles viz. By bond to Glencorſe Three thousand
 three hundred thirty three pounds ſix ſhillings
 eight pennies, By bond to Walter Riddell Two
 thousand pounds, By
 Periwigmaker One thousand pounds, By bond to
 Commiſſarie One thousand three hundred thirty
 three pounds ſix ſhillings eight pennies, By a moi-
 tie of M^r James Roſs Three thousand eight hun-
 dred thirty three pound ſix ſhillings eight pennies
 Extending in all to Eleven thousand five hundred
 and one pounds four ſhillings At the end of which

account there is written a Memento That Moristoun should be also discharged of the bail bonds and annualrents preceeding the date of the assignations granted by Mr James Ross Gilbert Fyfe and Robert Scott THEIR Majesties said Commissioner and the then Estates of Parliament having on the fourth of the said moneth of May 1st vjth and ninety three years Heard and Considered the said petition they Ordained Sir James Cockburn and his advocates to see and answer the said petition and to be in readiness on friday then come eight dayes being the twelfth of the said moneth of May With Certification if they failjed That they would proceed at the said dyet LIKEAS there being at the same time a petition given in and presented to the said Commissioner and the foresaid Estates of Parliament by Sir James Cockburn of that ilk humbly shewing unto them that where the petitioner having acquired assignations to several bonds due by the late Laird of Moristoun and Cramstane for aduocat onerous causes and having transferred rights thereof to several of his Creditors the last deceased Moristoun did quarrell the assignations allendging that the petitioner was only Trustee for his father and that the sums ought to have been payed by the Petitioner himselfe Against which proceßs the petitioner proposed several most relevant Exceptions in Law But the honourable Committee for fines and forefaulures were pleased to receive depositions of witnesses for proving the trust and also to ordain the petitioner to produce the bonds and assignations together with his Count books And for not doing of which the term was circumvented against the petitioner as to which the petitioner did humbly represent First That no report of the Committee can be brought in to Parliament till the bonds assignations and the petitioners Count books be Considered and his defences in Law heard for it was no Contumacie in the petitioner not to produce the same before The bonds not being in the petitioners custody but in Creditors hands and the petitioner being under a great many captions and other diligence So that he had not safe access to attend the Committee And having petitioned the Committee for a protection their Lordships were pleased to refuse the same because the Parliament was not then sitting And seeing the petitioner had unanswerable grounds in Law and clear documents to elide Moristouns pursue And that the pursuer being dead and a long time intervening He Therefore humbly Craved His Grace and the most Noble Lords and other honourable Members of Parliament not to receive the report of the Committee but to Remit the Consideration of the proceßs to a further Examination and to grant a protection to the petitioner that he may in safety attend the honourable Committee before whom he should produce bonds assignations Count books and other documents which would sufficiently

elide the proceßs at Moristoun's instance as the said petition bears; THE said high Commissioner and the Estates of Parliament for the time having on the said fourth of May 1st vjth and ninety three heard and considered the said petition They by their Interloquitor of that date Discharged all messengers and other officers to use any personal Execution by Caption Acts of warding or otherways against the petitioner untill the twentieth day of May then instant inclusive That he might in safety attend and produce the abovementioned bonds assignations and others abovescriben he intends to make use of for eliding Moristouns proceßs against him and that in the Clerks hands that Moristouns Advocats might have inspection thereof Which Interloquitors upon the two last mentioned petitions were duly intimated at the dwelling house of the said Sir James Cockburne by David Denholm writer in Edinburgh Agent and Procurator for the said Andrew Ker of Moristoun and his Tutors who there also caused shew and read the foresaid account of the tenor abovementioned produced for Moristoun and left a copy thereof with the said Sir James's daughter as an Instrument taken thereupon under the hand of Mungo Buchanan notar publick dated the twenty seventh day of the said moneth of May 1st vjth and ninety three years fully bears THEREAFTER on the thirtieth day of the said moneth of May 1st vjth and ninety three the said high Commissioner and the said Estates of Parliament in respect that the foresaid case betwixt the Laird of Moristoun and Sir James Cockburn was not then taken to their consideration did by their other Interloquitor of that date Continue the foresaid personal protection granted to Sir James on the fourth of the said moneth of May to the life of June then next inclusive AND there being no furder procedure in the said matter made untill November 1st vjth years there was then a petition given in to His Majesties high Commissioner and the right honourable Estates of Parliament for the time for the said Sir James Cockburn of that ilk and his Creditors Humbly shewing That the petitioner having been cited to Compare before the first Session of that present Parliament at the instance of the deceased John Ker of Moristoun to hear certain bonds granted by the deceased Mark Ker his father and to which the petitioner for onerous causes had acquired right, reduced and extinguished; The said John Ker did obtain the matter to be Remitted to the Committee of fines and forefaulures And taking then advantage of the Petitioners circumstances who was under the apprehension of many personal Diligences at the instance of the Laird of Langtouns Creditors to whom he also stood bound and could not for this reason Compare to defend himselfe did insist before the said Committee with the utmost application But as soon as the petitioner was in safety to Compare and make his defence

by the production of his Writs the matter was appointed to be heard in full Parliament And since the second Session of that said Parliament the heirs of the said John Ker had not thought fit to insist Wherefore seeing there are just and considerable debts due to the petitioner by virtue of these bonds upon which no other Judicatory in the Kingdom could sustain process because of the dependence before the Parliament and that the pursuers had never insisted in this process during the many Sessions of Parliament that had been since it was first intended, that the Committee to whom it was Remitted was then long ago extinct and that it was reasonable a pursue in Law should sometime have an end and lastly that the case is purely civil and proper to be decided by the Judge ordinary in the first instance the Remedy of Appeal to the Parliament being still competent to either party as they should find themselves lesed That Therefore it would please his Grace and the said right honourable Estates of Parliament to Remit the trial and decision of the foresaid process depending before the Parliament to the Lords of Council and Session WHICH petition the said High Commissioner and Estates having on the twentieth of November 1th and vijth considered They ordained the heirs of the said deceased John Ker of Moristoun and their Tutors and Curators to see and answer the same the then next dyet of Parliament Conforme to which Interloquitor there were Answers by way of petition then presented for the said Andrew Ker of Moristoun and his Tutors humbly Shewing unto the said high Commissioner and the said Estates of Parliament That the deceased M^r Mark Ker of Moristoun the petitioners grandfather having the two first and preferable rights on the Lands of Crumstane viz. A wadset for thirty three thousand and two hundred merks and an infestment of relief for Twenty eight thousand five hundred and seventy nine merks wherein Moristoun was bound Cautioner for M^r Alexander Spotswood of Crumstane Sir James Cockburn having an earnest desire for thir Lands as lying contiguous with his Barony of Dunce he buyes in Moristouns two rights in anno 1th vjth and seventy three And for the principal sum in the wadset be and Langtoun Grants an heretable bond to Moristoun and for the bygone annualrents resting of the wadset and for such sums as Moristoun himselfe had actually out of his own Cash payed in part of the same contained in the infestment of relief Sir James Cockburn at the same time grants bond to Moristoun; But as to the sums Moristoun had borrowed to clear and pay off the debts in the heretable bond of relief and to make his infestment of relief effectual Moristoun had that intire Confidence in Sir James Cockburn that he by an exuberant trust fills in Sir James Cockburns name in the Assignations he had taken from the Creditors in the infestment of relief and leaves it on

Sir James Cockburn to pay the money he had borrowed to satisfy the Creditors in the said Infestment of relief and retire him the bonds which Sir James undertook to do and accordingly payed a part of the bonds and took discharges but as to the rest he most unjustly after Moristouns death took assignations, M^r Mark Ker dying soon after his bargaining with Sir James Cockburn he had still that confidence in Sir James that he makes him one of the Tutors to his Children sine quonon and all the while he was Tutor and Curator to Moristouns children he never once pretended that there were any such debts due by Moristoun to him notwithstanding that Cockburn himselfe was continually paying annualrents to Moristouns children and their factor for very considerable sums all the time and no rational man would think that Sir James Cockburn would have payed annualrents for sums when he had debts due to him that would have compensated them Likewise during all the time Sir James Cockburns credit was intire there was never any word of thir pretended debts but so soon as he was broken his fruits prevailed with him to make over the said debts and assignations to some of his Creditors against Moristoun Which being a great surprize to Moristoun and all his friends and Sir James having endeavoured to deprive them of the benefite of his oath by making over his right of the said debts to his Creditors and Moristoun having only an unsubscribed account under Sir James's hand with the foresaid other arguments to make out the trust Moristoun was necessitat to apply to the Parliament 1th vjth and ninety for an extraordinary remedy in such an extraordinary and surprizing case; Whereupon, it pleased the Parliament to refer the matter to the Committee of fines and forfeitures Who after hearing of both parties in their presence and examining several Witnesses brought the matter to a clear report which was also laid before the honourable Court of Parliament; Likewise when Moristoun afterwards gave in a petition to have the same advised Sir James by way of counter petition gave in long answers thereto so that the matter was fully prepared for the Parliaments advising and deciding therein But Moristoun coming to dye and leaving his son the petitioner an infant under age the matter had lyeen over the Tutors judging rightly that it was plainly brought to such a state that their pupil could have no detriment by the delay But Sir James thinking to turn this to his own advantage did then petition His Grace and their Lordships that this matter might be remitted to the Lords of Session as an extraordinary Declarator of trust and pretending also that the foresaid Committee was extinct and all matters Remitted thereto by a late act of Parliament Remitted to the Lords of Session To which it was answered That his Grace and Lordships might perceive that this was no ordinary Decla-

sake of trust But rather such a singular and extraordinary case as did very well deserve a parliamentary remedy But Secondly The matter being brought to a subscribed report and laid before the said honourable Court It was no longer a case depending before the said Committee but is most evidently a case lying ready prepared for the Parliaments determination So that to Crave it to be Remitted to the Lords of Session as a depending matter before that Committee when it plainly lay as a prepared report before the Parliament itself was wholly groundless and without any precedent But because Sir James alleged that he suffered by the delay and that a pursuit of that kind should sometimes have an end Moristoun did fully close with him And therefore humbly Crave His Grace and their Lordships to call for the said report and to proceed to decide and determine in the said matter which was so fully prepared for his Grace and their Lordships final Judgement It being evident that Sir James only shifted the advising of the said report and craved a respite to the Lords of Session that he might evade the trial already taken and opinion given by the Committee and involve the petitioner in new process and difficulties against all form and reason AND the said petition and answers being on the twenty third day of December 1st vjth Considered by the said high Commissioner and the said Estates for the time They by their Interlocutor of that date Declared they would hear the case betwixt the said Laird of Moristoun and Sir James Cockburn Sir William Paterson and the other Creditors of the said Sir James and appoint a diet for that effect when they should come to consider privat affairs After which time untill June last the said affair having lyeen over there was a petition to her Majesties high Commissioner and the Estates of Parliament then given in by the said Andrew Ker of Moristoun with consent of his Curators humbly Shewing that where it is not unknown to many of the Members of the honourable Court of Parliament how long the petitioner has depended before them for discharging of a declarator of trust at his instance against Sir James Cockburn of that ilk and what advance hath been made therein so that in effect it lyes only at the advising of a report of the Committee of Parliament who fully heard and prepared the matter And yet now after more then twelve years time the petitioner has not been able to bring it to any decision Which being premised for obtaining his Grace and their Lordships serious consideration to bring this matter to a final conclusion The short and plain account then of the matter is that the deceased Mr Mark Ker of Moristoun the petitioners grandfather having the two first and preferable rights on the lands of Crumstaine viz. A Wadset for thirty three thousand two hundred merks and an Infeftment of relief for twenty eight thousand five hundred

and seventy nine merks wherein his said grandfather was bound Cautioner for Mr Alexander Spotswood of Crumstaine And Sir James Cockburn having a mind for thir lands as lying contiguous with his Barony of Dunfries Sir James buyes the petitioners grandfathers two rights in April 1st vjth and seventy three And for the principal sum in the first Wadset he and Langtoun grants an heretable bond (which is not now in question) and for the bygone annualrents relief of the said wadset and such sums as the petitioners grandfather had actually payed out of his own cash in part of the sums contained in his Infeftment of relief Sir James Cockburn at the same time grants his bond But as to the sums the petitioners grandfather had borrowed to clear and pay off the rest of the debts contained in the heretable bond and Infeftment of relief so as the same might be made effectual to Sir James (to whom the petitioners grandfather had made his right over) he had that intire confidence in Sir James That by an exonerat trust he fills up Sir James's name in the blank Assignations he had taken from the Creditors in his Infeftment of relief and leaves it on Sir James to pay the money that he had borrowed to satisfy these Creditors and to retire him his bonds which Sir James undertook to do and accordingly payed a part of the bonds and took discharges; But as to the rest he after the petitioners Grandfathers decease did very unjustly take assignations and the petitioners Grandfather dying very shortly after the bargain he according to the intire confidence he then had in Sir James makes him one of the Tutors sine quibus non to the Children And all the while Sir James was tutor and curator to the children he never once pretended that there was any such debts due to him by the Petitioners Grandfather notwithstanding that Sir James himself was continually paying annualrents for considerable sums that he was due to him Which annualrents no rational man can think that Sir James could have payed when he had debts as now he pretends due to himself that would have compensated them And further during all the time Sir James's credit was intire (which was for fifteen years thereafter) there was never a word of thir pretended debts But Sir James coming to fall in his credit his straits moved him to make over the forebaid debts and assignations to some of his Creditors which was a great surprize to the petitioners father and friends and so much the more that Sir James by making over these debts to his Creditors had endeavoured to deprive the petitioners father of the benefite of his oath But the case being very extraordinary and there being only an unsubscribed account under Sir James's hand with such arguments as might arise from the case of his trust; the petitioners father was necessitat to apply to the Parliament 1st vjth and ninety Who considering the extraordinary merit of the cause were

pleased to refer the matter to the Committee for fines and forfeitures And before this Committee parties were often and fully heard and several Witnesses examined and the whole affair brought to a clear report in the terms following viz. "Edinburgh March 9, 1691, The Commission for fines and forfeitures having considered the Complaint pursued by John Ker of Moristoun against Sir James Cockburn of that Ilk and heard both parties pro^o upon the presumptions and qualifications of trust therein lybelled and having likewise Considered the depositions of Witnesses taken by them for clearing the trust and the two misive Letters written by the deceased Moristoun to my Lord Mersington with Sir James's taciturnity for sixteen years in not craving Compensation of the debts due by him to Moristoun all that time upon the bonds and assignations quarrelled And considering Sir James his contumacie in not producing the bonds and assignations called for with his count books for clearing of the trust conforme to the Ordinance of the said Commission whereupon the term is Circumsuaded against him It is their opinion that the bonds and assignations called for were retired by the said Sir James as Trustee for Moristoun and to Moristoun's behoove and that Sir James can neither affect Moristoun's estate with the said bonds and assignations nor crave compensation thereupon of the debts due by him to Moristoun But that the said bonds and assignations called for ought to be declared void and null as being retired by Sir James for Moristoun's behoove Sic subscribitur Crauford P." Likens this Report was laid before the Parliament by a petition from the petitioner's father to which Sir James gave in long answers so that the matter was ready for the Parliaments advising and final decision But the petitioners father coming to die and leaving him an infant under age the matter was laid aside by his Tutor as judging rightly that he could have no detriment by the delay But Sir James laying hold on this seeming advantage did move by a bill for a furdur bearing but without any success By all which his Grace and their Lordships may plainly perceive how this whole affair is prepared & fully ripe for the Parliaments decision And that the only point that remains is to advise the foresaid report And seeing upon an intimation to both parties their Informations for his Grace and their Lordships may easily be given in which will bring the whole cause before his Grace and their Lordships so that there needs neither farther debate nor evidence nor probation to be taken therein And that all that is needfull is to advise the said report with the informations Therefore humbly craving his Grace and their Lordships to appoint a day for taking in and advising the said report with the informations that shall be offered him inde and to cause intimat the same that both parties may be in readiness and a

matter of this Importance so long depending may be brought to a final issue according to Justice as the said petition bears WHICH petition being on the ninth day of the said moneth of June last read in presence of and considered by her Majesties high Commissioner and the Estates of Parliament They by their Interloquitor of that date granted warrant to Masters to Cite the said Sir James Cockburn by giving a full copy of the said petition and report abovementioned therein related that he might be ready to answer the first Sederunt of Parliament on the then next week By virtue of which Interloquitor and Warrant therein contained the said Sir James Cockburn was so cited or summoned being personally apprehended by Charles Maidland one of the ordinary Masters before the Session and Parliament upon the tenth of the said moneth of June as is fully mentioned in execution of the foresaid Warrant extant in process AND thereafter on a petition to her Majesties high Commissioner and the Estates of Parliament given in by the said Andrew Ker of Moristoun and his Curators humbly Shewing That in the action at the petitioners instance against Sir James Cockburn of that Ilk which had so long depended before his Grace and honourable Estates of Parliament His Grace and their Lordships had now declared That they will hear both parties pro^o thereupon and advise the report made by the Committee therein the first Sederunt of Parliament of the then next week And seeing the petitioners Lawyers viz. Sir James Stuart her Majesties Advocate Sir Gilbert Elliot of Headshaw and Sir David Cunningham Advocates are all members of Parliament and cannot plead for the petitioner in this action without his Grace and their Lordships special allowance and liberty Therefore humbly craving his Grace and their Lordships to appoint and allow the said Sir James Stuart her Majesties Advocate Sir Gilbert Elliot and Sir David Cunningham Advocates to plead for the petitioner in the foresaid action according to justice The said high Commissioner and the Estates by an Interloquitor dated the eleventh day of the said moneth of June last byaskt Appointed and Allowed her Majesties Advocate Sir Gilbert Elliot and Sir David Cunningham to plead for the petitioner in the above written action And after that on the seventeenth of the said moneth of June Her Majesties high Commissioner and the Estates of Parliament by another Interloquitor appointed the petitioners case to be considered the first sitting of Parliament for privat affairs Afterwards upon another petition to her Majesties high Commissioner and the said Estates for the said Andrew Ker with consent of his Curators humbly Shewing that his Grace and their Lordships (upon a former petition given in by him in June last) were pleased to declare That they would allow the report made by the Commission for fines and forfeitures (in the process at the

petitioners influence against Sir James Cockburn) to be brought in and advised the first of all privat business. And seeing his process has long depended and is ready to be advised Therefore craving his Grace and the honourable Estates to appoint a day for advising the said report and appoint intimation to be made thereof to both parties as the said petition bears; THE said Commissioner and Estates foresaid by their Interloquitor dated the thirtieth of August last Appointed the above report to be first read the first Sederunt of the week then next at which time privat business was ordered to be proceeded in And on the said Sederunt which was the sixth of September instant The Parliament having Resolved that the next day thereafter they should meet should be intirely bestowed in discussing privat sates The said action and cause was accordingly upon the day and date of thir presents called in the usual forme by an Mafier at the gate of the Parliament house And the said pursuer Comparing by the said Sir James Stewart her Majesties Advocat and Sir Gilbert Elliot (by vertue of the allowance abovescriben granted to them) and by Sir Walter Pringle Advocats his pro^r who having for him formerly produced in presence of her Majesties high Commissioner and the said Estates the foresaid account of money due by Crumstaine to Moristoun extending as said is to Ten thousand eight hundred and forty nine pounds four shilling and of the other sams abovementioned whereof Crumstaine was obliged to relieve Moristoun and Cockburn extending as above to Eleven thousand five hundred and one pounds four shilling Together with a mandat granted by Andrew Ker of Moristoun with consent of his Curators thereto subscribing to George Swintoun writer in Edinburgh giving him power and Commission to deliver to Sir Archibald Cockburn of Langtoun and Sir James Cockburn of that ilk the bonds which are set down above the said mandat Amongst which is a bond by the said Sir James Cockburn for Ten thousand eight hundred and fifty pounds Together also with another Account betwixt the said Sir James Cockburn and Moristoun bearing that there was resting at Martinmas 1701 vj^r and eighty seven by the said Sir James to Moristoun the sum of three thousand three hundred and twenty pounds ten shillings and six pennes which two accounts abovescriben are both unsubscribed They the said pro^r for the pursuer at calling of this action upon this day in manner foresaid Resumed the process That by remitt of Parliament it was brought before the Commission for fines and forfeitures and that after calling several times and hearing the cause and that the defender had declined upon oath to exhibite his Count books for clearing the trust and several witnesses examined thereunto the Commission signed a report to the Parliament giving opinion That the assignations to the bonds were taken by Cockburn

the defender to the use and behoove of Moristoun and could not be made use of against the pursuer either for compensing the debts due to him or to affect his Estate and Craved that the report probation and grounds whereupon it is founded might be advised And the said Defender then comparing by M^r Thomas Kennedy Advocat his procurator It was represented by him for the said defender That the Warrant to cite him before the Commission of Parliament anno 1701 vj^r and ninety was in absente the Defender not being allowed to see or answer it That by vertue of legall diligence against him at the instance of the Creditors of Langtoun and his own he could not appear at that time before the Commission of Parliament and that any appearance made in his behalf was for a protection that he might appear and defend his right and procurators craving delay that they might be instructed to plead and so the report hath proceeded in absence of the Defender and on supposition of contumacy that he would not when he could not appear and that he would not produce bonds and assignations when he had them not they being given up by him to Sir William Paterson and his other Creditors And therefore the matter is yet intire to him to propose his defences as if no report had been made which he now doth That the matter being civil and which did depend before the Session it can not be brought in the first instance before her Majesties high Commissioner and the honourable Estates of Parliament as contrary to the Acts of Parliament Act fourth fourth, Parliament second, King James the first and twenty fifth Act, Parliament sixth, James third, and sixty second Act, Parliam^t eight, James third, Ordering all civil actions to be decided in the first instance by the Judge ordinary WHICH debate abovescriben her Majesties high Commissioner and the Estates of Parliament foresaid having this day heard and considered They have Remitted and do hereby Remitt the case in statu quo to the Lords of Session to be discussed by them flammarily without abiding the course of the Roll.

THE Action at the instance of the Earl of Home against Sir Patrick Home for insisting upon his protestation for remeod of Law against the Earl, called, and the Advocats for either party ordained to be ready and insist in their feveral actions the next diet of Parliament for privat business. After which the vote was asked Whether the Parliament should at their next meeting proceed upon publick or privat business, and Carried they should proceed upon publick business.

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Thursday next at ten a clock.

[Earl of Home ag^t Sir Patrick Home]

SEPTEMBER IX, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

THE draught of an Act containing certain limitations on the succesor of the Crown of this Kingdom failing heirs of her Majesties body offered But before reading it was moved That the Parliament might proceed to finish the Act relating to the exporting English and Irish wool and not lay that aside to begin the consideration of new overtures.

MOVED that the proceedings of the Commissioners in the treaty for the Union with England be laid before the Parliament And thereupon it was Ordered that the progress and advancement in the said treatie be laid before the Parliament next Sederunt And Declared by a vote of Parliament that the Commission of Parliament granted for the said treaty is terminat and extinct and that there shall be no new Commission for treating of an Union betwixt the Kingdoms of Scotland and England without consent of Parliament.

THE Act continuing the prohibition to Export English and Irish Wool proceeded in and a clause offered appointing all packs of Skins with wool upon them to be Sealed by the severall Collectors at the three ports of Export and to pay a certain duty, which was read And thereupon the vote was asked If the duty should be five or eight of the hundred of the value of ilk pack and Carried five; And then the clause agreed to be added to the Act And before voting the Act Sir Patrick Johnston and Robert Inglis in name of the Town of Edinburgh and the rest of the Royal Burrows Protested That the Act or any thing therein contained might not prejudice the right and priviledge of the Royal Burrows and their free ports and particularly the Burgh of Edinburgh and Burgesies thereof of their right of free ports and priviledge of Export belonging thereto conform to their rights and infeftments thereof And thereupon entred their Dissent and craved the same might be marked Which protestation was adhered to by Alexander Robertson John Scrimgeour John Allardice, Collonell John Erskine Walter Stuart Alexander Watson of Aitherny, Hugh Montgomery John Muir James Scot Robert Johnston Alexander Duff of Drumore Sir John Erskine M^r James Melvill Alexander Cunninghamne Walter Scot William Coltrane Sir Andrew Hume Sir James Smollet Archibald Shiells Sir Alexander Ogilvie of Forglan M^r

William Johnston, Alexander Edgar Daniel Campbell James Bethan John Hutchiesone; who all Protested for their severall Burghs to the effect abovementioned After which the Act was put to the vote and approved.

PETITIONS by Collonell George Mackgill, Collonell George Hamilton and Lieutenant General George Ramsay ordained all to be seen and answered against the next Sitting of Parliament.

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten a clock.

SEPTEMBER X, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

THE Lord Secretary Protested that the deliverance on the petition of the Heretors of Inverness and Ross in favors of Duncan Forbes of Culloiden might not prejudice her Majesties interest in the annexed property of the Excise that it might neither operat an extension of, nor addition to the Acts in favors of the said Duncan Forbes nor import any monopoly in prejudice of the petitioners or others and that it might not derogat from nor prejudice any obligation upon the said Duncan to any faire or person as accords of the Law And thereupon asked instruments.

THEN her Majesties high Commissioner made a speech to the Parliament in manner following.

My Lords and Gentlemen
IT was with great uneasines to me that I was forced to be silent yesterday when so many did appear earnest that I should speak, I have all the inclination in the world to give yow full satisfaction; But I thought that I ought not to be pressed to give the Royal assent or to declare my instructions in Parliament which I had made known to many noble and worthy members besides the Queens Servants.

NOW that these instances are let fall and that yow have proceeded to other business, to tellife how willing I am to give yow contentment in any thing that's in my power, I tell yow freely that I have received her Majesties pleasure and am fully Impowered to give the Royal assent to all the Acts voted in this Session excepting only that Act intituled Act for Security of the Kingdom; Yow may easily believe that requires her Majesties

C c

Protestation
the Lord
Secretary
concerning
the Act in
Culloiden
favors.

The Com-
missioners
Speech

further consideration, At the same time her Majesty expects that you will mind your own safety in making necessary provisions for the troops upon the present Establishment and that you will put the trade and Customs on that foot, that the Civil list may be supported; And I intreat your Lordships to finish these as quickly as possible that this Session may be put to a speedy and happy conclusion.

[Act for
Security
of the
Kingdom]

IT was thereupon moved That there may be an Address of Parliament to her Majesty humbly intreating that her Majesty may be pleased to give the Royal assent to the said Act And after some debate upon that motion the vote was stated Address or Proceed to other business and carried Proceed to other business.

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Monday next at ten a clock.

SEPTEMBER XIII, M,DCC,III.

PRAYERS said The Rolls called.

THE Minutes of the last Sederunt read.

THE Lord Pitligo took the oath of allegiance and oath of Parliament and subscribed the allegiance and assuesance.

[Succession
to the
Crown]

IT being moved That the draught of the act offered the ninth current by the Laird of Saltoun, for Limitations on the successor to the Crown failing heirs of her Majesties body might be considered It was proposed that the Parliament might conforme to their vote on the twenty fifth past, proceed upon farther Overtures for trade And thereupon the vote being asked Whither the Parliament should proceed on the said act for Limitations or upon the Overtures for trade It carried that they should proceed on the Overtures for trade.

[Importation
of Wines]

THE Act for allowing the Importation of all wines and foreign liquors read And after long debate the Question was stated Approve the first clause allowing the Importation of all sorts of wines and other foreign Liquors, or Not But before voting the Marquess of Tweeddale protested for himself and in name and behalfe of such as should adhere to his protestation That this act allowing the importation of French wines and brandie ought not to pass, as being dishonourable to her Majesty inconsistent with the grand alliance wherein she is engaged and prejudicial to the ho-

Protestation
the Mar-
quess of
Tweeddale
and others

nour safety interest and trade of this Kingdom and therefore Desired his protestation might be marked and insert in the records of Parliament and thereupon asked Instruments: To which protestation adhered His Grace the Duke of Hamilton, The Marquess of Montrose, The Earls of Erroll, Marischall, Rothes, Home, Strathmore, Roxburgh, Haddingtoun, Selkirk, and Ruglen, The Viscount of Stormont, The Lords Sempie, Blantyre, Forrester, Bergany, Elibank, Bellhaven, Colvill, and Kinnaird, Robert Dundas of Arnistoun, Sir Robert Dickson of Inveresk, George Lockhart of Carnwath, Andrew Fletcher of Saltoun, William Nisbet of Dieltoun, John Cockburn younger of Ormistoun, Sir Robert Sinclair of Longformacus, Sir John Home of Blackadder, Sir John Swintoun of that Ilk, Sir Patrick Home of Rentoun, Sir William Ker of Greenhead, William Beimet of Grubhet, William Baillie of Lamingtoun, George Baillie of Jervieewood, John Sinclair younger of Stevenstoun, James Hamilton of Aikenhead, M^r William Cochran of Kilmarnock, Sir Humphrey Colquhoun of Luss, Sir John Houston of that Ilk, John Graham of Kilsarnie, James Graham of Backlivie, Robert Rollo of Powhouse, Thomas Sharp of Houston, John Haldea of Glenegles, Sir Patrick Murray of Auchtertyre, William Oliphant of Galk, Mungo Graham of Gorthie, Sir Thomas Burnet of Lyles, Alexander Gordon of Pitburn, John Udney of that Ilk, William Seton of Pitmedden, James Moir of Stonywood, Ludovick Grant of that Ilk, Hugh Ross of Kilmock, Sir William Anstruther of that Ilk, David Bethun of Balfour, Major Henry Balfour of Dunboig, Robert Douglas of Strathendry, M^r Patrick Lyon of Auchterhouse, James Halyburton of Pitcur, David Graham of Fintrie, Alexander Duff of Braco, James Broddie of that Ilk, Robert Dunbar of Grangehill, and John Bruce of Kinross Commissioners for Shyres, Alexander Robertson, Alexander Watson, Alexander Edgar, George Eufon, James Oswald, Patrick Bruce, Sir John Anstruther, Sir John Erskine, James Spittle, Francis Mollison, Sir James Halket, George Smith, Robert Kelbie, M^r John Lyon, George Broddie, Sir Robert Anstruther, M^r John Carruthers, George Home, M^r James Bethun, John Baine, and M^r Alexander Arbuthnot Commissioners for Burghs: Then the vote was asked Approve the Clause, or Not, and Carried in the affirmative.

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten a clock.

SEPTEMBER XIV, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt being read, Sir John Lauder of Fountainhall, Desired his adherence to the Marquess of Tweeddale's protestation made the last Sederunt might be marked.

[Sir John
Lauder
Adherence
to the last
Protestation]

THE Act allowing the Importation of Wines and foreign liquors was proceeded in, and a Clause being offered to Declare that any Nobleman or Baron may in return for effects of their native product Exported by them on their own risk Import wines for their own use free of all customs excise or other duty, And that if they sell the same they shall lose that privilege thereafter and be fined in five thousand marks whereof the half to the informer; There was another clause offered, Reserving to the Peers and Barons the same immunities and freedoms from Customs for wines which they had by the two hundredth and fifty first act, fifteenth Parliament King James the Sixth, And after debate The vote being asked whether the first clause or the second clause should be added, and it Carried that the second clause should be added; Then a clause was offered obliging the Importer to instruct his having exported of the product of this Kingdom to the value of the wines and liquors imported, and Confiscating the wine and liquors Imported above the value of the Export, Whereupon the vote was asked Add the clause to the act or Not, and Carried in the negative, After which the act was put to the vote and approved.

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten a clock.

SEPTEMBER XV, M,DCC,III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

THE Act appointing thirty dayes to be the time for legal Execution within the shire of Caithness, read, and ordered to be marked a first reading.

[Shire of
Caithness]

PETITION by the Earl of Breckinbain Craving to be heard before passing of the act as being prejudicial to his Jurisdiction in that shire, read; and the petitioner allowed to see the act and to give in his particular reasons against it before the second reading.

[Earl of
Breckinbain
Petition.]

THE Act in favors of the Queens Vassalls and Tenants within the Isles of Orkney and Zetland, read, and ordered to be marked a first reading.

[Orkney &
Zetland]

PETITION by Colonel George Mackgill Desiring the Recommendation of the Estates to her Majesty and the Lords Commissioners of her Majesties Treasury for relieving him of a debt contracted for cloathing his regiment, read, and granted, as follows.

HER Majesties high Commissioner and the Estates of Parliament having heard the petition of Colonel George Mackgill humbly Shewing unto them that he was necessitat to engage his privat Credit to the deceased Patrick Chalmers and others for cloathing the Regiment he had under his Command Which being shortly thereafter disbanded he was pursued by John Watson Agent for the Regiment and his assigney for which he is dayly in hazard to be distressed And seeing he has not only expended his privat patrimony for paying his publick debts But likewise as a further testimony of his zeal to the Government he delivered the compleat Cloathing of his Regiment for its service as the books of Treasury and store masters receipts can instruct And seeing his case seems very favourable and deserves the same redress and justice which his Grace and their Lordships have given to others Therefore humbly Craving His Grace and their Lordships to take what is above represented to their serious consideration And in compassion to the petitioners present suffering circumstances to order his reimbursements with the interest of what he has payed or stands engaged for upon the account of the said regiment and to Recommend him to her Majesty and Lords of Treasury for a remuneration of the said new Cloathing for which there is a Letter already drawn by her Majesties Advocat and signed by the whole Lords of Treasury as the said petition bears Whereupon Her Majesties high Commissioner and the said Estates of Parliament, by an Interloquitor dated the ninth day of September instant Ordained the representatives of Patrick Chalmers and all other parties concerned to see and answer the same against the then next Sederunt of Parliament And having this day again fully Considered the said petition and that there were no answers made thereto They have Recommended and do hereby Recommend the petitioner to her Majesty and the Lords Commissioners of her Majesties Treasury to have his circumstances considered with respect to the new cloathing furnished by him to his Regiment that he may have such reimbursement and remuneration for the said cloathing as her Majesty and their Lordships shall think fit.

Recommendation
in
favors of
Colonel
George
Mackgill.

[Succession
to the
Crown]

MOVED That the Act for Limitations on the
successor to the Crown failing heirs of her Ma-
jesty be considered.

[Act for
Supply]

MOVED That the Act for a Supply receive a first
reading, And after long debate on these motions,
It was agreed that the Parliament should next Se-
derunt proceed upon Overtures for liberty.

THE Lord Chancellor by order of her Ma-
jesties high Commissioner Adjourned the Par-
liament till to morrow at ten a clock.

SEPTEMBER XVI, M^{CC}, III.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

[Acts re-
ceived the
Royall
Assent]

THE following Acts Received the Royall Assent,
viz. Act for securing the true Protestant Religion
and Presbiterian Government, Act Ratifying the
turning the Meeting of the Estates into a Parlia-
ment, Act anent Leasing makers and Slanderers,
Act for proving the tenor in favors of Anna
Cookburn, Act anent peace and war, Act anent
the publick Accounts, Act anent Butchers, Act in
favors of the Company trading to Africa and the
Indies, Act Dischargeing the Importation of Irish
victual, Act continuing the prohibition of Export-
ing English and Irish wool till the next Session
of Parliament inclusive, Act in favors of William
Montgomery and George Lind for a Manufactory
of lunc purllaine and earthen ware, Act allowing
the Importation of Wines and other Forreigne
Liquors; Which several Acts are as follows.

ACT for Securing the true Protestant
Religion and Presbiterian Government

2 OUR SOVEREIGN LADY The Queens Ma-
jesty with advice and consent of the Estates of
Parliament Ratifies Approves and perpetually
Confirms all Laws Statutes and Acts of Parliament
made against Popery and Papists, And for establish-
ing maintaining and preserving the true reformed
Protestant Religion and the true Church of Christ
as at present owned and settled within this King-
dom, As likewise for establishing ratifying and
confirming Presbiterian Church Government and
Discipline, That is to say the Government of the
Church by Kirk Sessions, Presbitries Provincial
Synods and General Assemblies as agreeable to the
word of God and the only Government of Christs
church within this Kingdom And particularly
without prejudice of the generality foresaid Her
Majesty with advice and consent foresaid Ratifies

Approves and Confirms the fifth Act of the Second
Session of King William and Queen Mary's Par-
liament Intituled Act Ratifying the Confession of
Faith and Settling Presbiterian Church Govern-
ment in the said heads clauses and articles thereof
as if at length herein set down But prejudice ne-
vertheless to the twenty seventh act of the fifth
Session of King Williams Parliament Intituled
Act concerning the Church as to the allowance
therein given to certain Ministers not actually
assumed by the established Church judicatories un-
der the conditions and provisions alwayes express-
ed in the said act.

ACT Ratifying the turning the Meeting
of the Estates in the year 1699. into a
Parliament.

OUR SOVEREIGN LADY with advice and 3
consent of the Estates of Parliament Ratifies Ap-
proves and perpetually Confirms the first Act of
King William and Queen Marys Parliament dated
the fifth of June One thousand six hundred and
eighty nine Intituled Act Declaring the Meeting
of the Estates to be a Parliament, And of new
Enacts and Declares That the three Estates then
met together the said fifth of June One thousand
six hundred and eighty nine consisting of Noble-
men, Barons and Burrows were a lawfull and free
Parliament And it is Declared that it shall be high
treason for any person to dishonour quarrell or im-
pugne the dignity and authority of the said Par-
liament And farther the Queens Majesty with con-
sent foresaid Statutes and Declares That it shall be
high treason in any of the Subjects of this King-
dom to quarrell impugn or endeavour by writ-
ing malicious and advised speaking or other open
act or deed to alter or innovat the Claim of Right
or any article thereof.

ACT anent Leasing Makers and Slanderers.

OUR SOVEREIGN LADY Considering that 4
by the Acts of Parliament following viz. The Act
James first Parliament second Cap: forty third,
intituled, Leasing makers times life and goods Act
James fifth, Parliament Sixth Cap: Eighty third,
Of Leasing makers, Act James Sixth, Parliament
Eight Cap: one hundred and thirty fourth Anent
Slanderers of the King his Progenitors and Realm
Act James Sixth Parliament tenth Cap: tenth,
Intituled Authors of Slanderous Speeches or Writs
should be punished to the death, Act James Sixth
Parliament fourteenth Cap: two hundred and fifth,
Anent Leasing makers and authors of slanders
And Act James Sixth Parliament twentieth Cap:
ninth intituled Act against Scandalous Speeches
and Lybells, the Crimes therein mentioned are made

capital and punishable by death and confiscation And that the said Laws have been lyable to statutes, And that in respect of their generality and the various construction which the same may admit They may be as to the foresaid capital punishment of dangerous consequence Doth therefore with advice and consent of the Estates of Parliament Abrogate and Discharge in all time coming the foresaid function and pain of death and confiscation contained in the said Acts And Statutes and Ordains that the punishment of the Crimes therein mentioned shall for hereafter only be arbitrary according to the demerit of the transgression That is by fining imprisonment or banishment, or if the party offender be poor and not able to pay a fine, then to be punished in his body (life and limb always preserved).

ACT for proving the tenor of burnt writs in favours of Anna Cockburn daughter to the deceased Patrick Cockburn of Borthwick.

- 5 OUR SOVEREIGN LADY with advice and consent of the Estates of Parliament Considering that upon one petition given in by Anna Cockburn daughter to unquahle Patrick Cockburn of Borthwick to his Majesties Commissioner and Estates of Parliament in November 1st and vijth Mentioning that her writs and evidents were in the custody of Sir David Hume of Croisrig one of the Senators of the Colledge of Justice her Uncle and Tutor the time of the late dreadful fire, and were burnt with his own in his Lodgings in the Mead meercat on the third of February 1st and vijth And seeing there are still Inventars of the said papers extant One signed by the said Sir David and Sir Archbald Cockburn of Langtoun in April One thousand six hundred and eighty three, Another that is lying in the Commissar Clerk of Edinburghs hands And that the Parliament has been in use in such cases to fall on wayes for making up of writs destroyed by such unforeseen accidents And therefore craveling that his Ma^{ty} 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 and to grant diligence and after report to take such course for making up and supplying her papers as the Commissioners Grace and the honourable Court of Parliament should think fit as the s^umme more fully reports An Commission was accordingly granted 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 said Commissioners havinge given in and returned their report of their proceedings and judgement concerning the premises

Bearing, That they are of opinion that the Causa amissionis or manner how the said writs were lost is notourly known to the Commissioners Grace and many others members of the honourable Court of Parliament And is sufficiently proven by the testimonies of diverse famous witnesses adduced by the said Sir David Hume in an proving of the tenor of his own Writs conforme to one Remit granted by the high Court of Parliament to the said Committee thereunto As to the writs wanting belonging to the said Anna Cockburn they were of opinion That there are several pregnant presumptions for Evincing that such writs did exist and were of the ordinary tenor of such writs viz. Primo by the testimony of Thomas Mercer Commissar Clerk depute of Edinburgh who depones that the Inventar aforementioned of writs belonging to the said Anna Cockburn was truly given in of the date it bears by the Lord Croisrig her Tutor dative before the Commissaries of Edinburgh And gives his causa scientie that he wrote the signature afterwards specified on the foot of the said Inventar and was present in Court when it was given in And that he had kept it amongst the warrants of the said Court ever since Secundo By the oath and testimony of Sir Archbald Cockburn of Langtoun who Depones That upon the death of Patrick Cockburn of Borthwick he became Tutor to the said Anna Cockburn and her deceased brother John, preceat by the said Patrick on the deceased Isobell Hume daughter to the Laird of Blackadder And that the said Patrick Cockburns writs were brought to his house at Langtoun and havinge taken inspection of an Inventar of the said writs consisting of twenty six piece of paper relating to one Wadset of the annis of Ladykirk and filhing thereof and several other things bearing to be subscribed by him and the Lord Croisrig the petitioners uncle dated at Langtoun the fifteenth day of April 1st vijth and eighty three and marked by the said Committee of the date of the said deposition He thinks he received the writs contained in the said Inventar and that the subscription is like his hand writ, but cannot be positive as to all the writs in the Inventar or to his subscription until such time as he can have liberty and leisure to goe to Langtoun where his writs and evidents ly to search for his own double of the said Inventar and what other documents he may have to clear him in the matter Tertio By the Oath and Testimony of the said Sir David Hume of Croisrig who depones that in April 1st vijth and eighty three he the deponent being at Langtoun Sir Archbald Cockburn and he did inventar certain writs found in the deceased Patrick Cockburn of Borthwicks trunk And the said Sir Archbald and he signed an Inventar thereof consisting of Twenty six piece of paper which is marked by the said Committee Likewise he did receive up the said papers from the said Sir Archbald Cockburn of

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Langtoun And having thereafter obtained an tutory dative to the said Anna Cockburn he did on the twenty one day of May 1703 vj^{re} and ninety two make up an Inventar of the said papers consisting of Twenty three articles And conform to the Act of Parliam^t signed and gave in the same to the Commisars of Edinburgh, And who farther Depones that the said papers were in his hands and hanging in his closet on the third of February 1703 and vij^{re} at which time the fire happened in the meal mercat and were then lost and consumed in the flames And for farther clearing and evincing the existence of the said papers lost the said Sir David Home in name of the said Anna Cockburn produced to the said Committee ane Disposition by M^r Philip Nisbet sometime in Ladykirk in favors of Patrick Cockburn of Borthwick and Isobell Home his Spouse the longest liver of them two in liferent and the heirs procreat or to be procreat betwixt them in fe The part and portion of the Lands of Mains of Ladykirk with the fishing on the water of Tweed called Hallywell Which disposition narrates several of the writs awanting and agrees with the foresaid Inventars as to the dates and tenors of the same and is dated at Ladykirk the twenty fifth of October 1703 vj^{re} and eighty two As also the said Committee has seen a Register book of Sessines beginning upon the sixteenth day of December 1703 vj^{re} and forty six years and ending upon the fourth day of August 1703 vj^{re} and forty seven years wherein they find recorded an Sessine in favors of Agnes Purves of the Mains of Ladykirk Which sessine proceeds upon an charter by James Earl of Home in favors of the said Agnes upon an eik of ane wadset and is dated the ninth of July 1703 vj^{re} and forty seven and registered at Edinburgh the twelfth of July the said year James Wallace Notar And seeing it is notour 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 the same were made up at Langtoun and when he made and gave up the same to the said Commisars of Edinburgh Therefore and for supplying the want thereof It was their opinion that there should be ane Act of Parliament made wherein the said Inventar should be intirely insert verbatim and which should be of the tenor aftermentioned of this present Act Therefore her Majestie with advice and consent of the Estates of Parliament has Allowed and Approven and by this presents Allow and Approve the Report foresaid And for supplying of the said Anna Cockburn her Writs and Evidents burnt and lost upon the foresaid occasion Her Majestie with advice and consent foresaid has Declared Statute and Ordained and by this presents of certain knowledge upon, and for the causes and considerations foresaid after mature deliberation Declares Statutes and Ordains the foresaid In-

ventar (whereof the tenor follows and is hereafter verbatim insert) or Extract of this present Act to be as valid effectual and sufficient authentick and forceable and to make as good faith in Judgement and entwith the same in time coming in sua far as the words of the said Inventar proports for intenting of pursutes founding of exceptions and other allcedgences thereupon instructing of services satisfiing of productions in reductions and implebations and in all other actions and to all other effects ends and purposes as if the principal evidents were extant of the dates tenors and contents mentioned in the said Inventar And which hall writs are presumed and understood to be of the usual file and tenor of such writs and to contain all the clauses and hall solemnities used and wont to be insert by the usual conception of such writs INVENTAR of the bonds compts & tickets due to the deceased Patrick Cockburn of Borthwick together with the names & designations of his Lands now belonging to Anna Cockburn his daughter procreat betwixt him and Isobell Home his spouse made up by M^r David Home of Croisrig her Tutor dative conform to the Act of Parliament. Imprimis Tack be James afterwards Earl of Home to Agnes Purves of the fishing of Hallywell dated September 1703 vj^{re} and thirty five. 2, Item Bond by the said James Earl of Home to the said Agnes Purves for the sum of seven thousand merks dated the fourth of January 1703 vj^{re} and thirty seven. 3, Item Tack by the said Earl to the said Agnes of the mains of Ladykirk for the space of nineteen years commeneing fra Whitunday 1703 vj^{re} and thirty six dated the Sixteenth of July 1703 vj^{re} and thirty six. 4, Item Contract of wadset betwixt the said Earl and Agnes Purves of the said lands of Ladykirk dated the seventh of August 1703 vj^{re} and forty 5, Item An Contract or eik of Wadset betwixt the said Earl and Agnes Purves of the foresaid Lands upon her advancing him five thousand and one hundred merks dated the eighteenth and nineteenth of June and July 1703 vj^{re} and forty seven. 6, Item another double of the said first Contract. 7, Item Charter granted by the said Earl to the said Agnes of the said Mains of Ladykirk dated the sevent of August 1703 vj^{re} and forty. 8, Sessine following thereupon dated Twenty fifth of August 1703 vj^{re} and forty, Bartholomew Samson Notar Registered at Lauder the Sixth of October the said year. 9, Item Charter by the said Earl to the said Agnes upon the eik dated the twenty fourth of June 1703 vj^{re} and forty seven. 10, Item Sessine following thereupon dated the ninth of July 1703 vj^{re} and forty seven James Wallace Notar, Registered at Edinburgh the twelfth of July 1703 vj^{re} and forty seven. 11, Item Another double of the said Contract or eik of Wadset betwixt the said Earl and Agnes Purves. 12, Item Disposition and Assignation be the said Agnes Purves to M^r Philip Nisbet her son of the Mains of Lady-

kirk dated the twentieth of February. 13, Item M^r Philippe Stafine following upon the foresaid disposition dated the twentieth of January 1st vj^{re} and fifty five Registered at Dunee the second of February 1st vj^{re} and fifty five James Wallace Notar. 14, Item Mutual Tack betwixt the Earl of Home and M^r Philip of the Mains of Ladykirk and fishings of Tweed called Halywell for the space of a year beginning at Whitsunday 1st vj^{re} and fifty five and six furth fra year to year till the payment of Twelve thousand and one hundred marks In which Alexander Cockburn and Stevensone are settlers and subscribers dated the twelfth of August 1st vj^{re} and fifty four. 15, Item Disposition by M^r Philip with consent of his Mother to Alexander Cockburn to the parts and portions of the Lands of Ladykirk possit by the said M^r Philip with the fishing called Halywell and that heretaby and irredeemably Dated the thirteenth of June 1st vj^{re} and fifty seven. 16, Item Assignation by the said M^r Philip to Alexander Cockburn of an Decreet of Apprising led against the Lands of Upsettlington &c. within the new felicia house of Edinburgh the ninth of September 1st vj^{re} and fifty four Which Assignation is dated the thirteenth of June 1st vj^{re} and fifty seven. 17, Item Renunciation by the Earl of Home of an reversion contained in an contract of Wadset of the Lands of Upsettlington &c. betwixt the said Earl and Alexander Cockburn in the year 1st vj^{re} and forty six Dated the penult day of July 1st vj^{re} and fifty three. 18, Item An Obligation by Longformacus narrating an Tack of Halywell by him as having right be wadset as Tutor for Stevenson and the receipt of Twelve hundred merks of graium whereby he obliges himself in case of redemption within the years of the tack to refund him a proportion of graium according to the years to run in the tack Dated the thirteenth of June 1st vj^{re} and fifty seven. 19, Item Declaration be Alexander Cockburn of Letham making mention of the disposition made by him to M^r Philip of the wadset of the mains of Ladykirk and fishing belonging thereto whereby he declares That his name was insert for security ament his relief of the sums for which there was bond granted by Longformacus as principal and himself and others as Cautioners to the said M^r Philip obliging him to denude himself in favors of Longformacus Dated the sixth of July 1st vj^{re} and fifty nine. On the back of the said declaration there is another declaration by Longformacus designed Sir Robert Sinclair of Lochend. 20, Item an Contract betwixt the said Earl of Home Lint-hill and M^r Philip on the one part and Alexander Cockburn Narrating Agnes Purves her right and Alexander Cockburns right from her by progress and the Act of Debitor and Creditor whereby the said Earl &c. obligde themselves to pay to the said Alexander Cockburn yearly the back tack duty

extending to seven hundred and twenty six merks With power to the said Alexander to the natural possession in case of failgie Dated the tenth of January and sixteenth of May 1st vj^{re} and sixty three. 21, Item Execution of an precept of warning be Borthwick against M^r Philip Nisbet be Robert Home Messenger dated the twenty second of April 1st vj^{re} and seventy four. 22, Item another Execution against several debtors dated the eighteenth and nineteenth of April 1st vj^{re} and seventy four Robert Home Messenger. 23, Item Instrument of Intimation and Requisition dated the sixth of March 1st vj^{re} and fifty four. Edinburgh xxi May 1st vj^{re} ninety two years This is one of the three Inventars of the Means and Estate belonging to Anna Cockburn the pupill judicially given in by M^r David Home of Croraig one of the Senators of the Colledge of Justice her Tutor dative conform to the Act of Parliament and to which the Judicial act extracted thereout relates Sic subscribitur David Home, Ja: Smollet Patt: Aikenhead Clerk. AND Lastly Our Sovereign Lady with advice and consent foresaid Declares that this present Act shall be and is hereby excepted furth of and from any Act Salvo to be past in this Session of Parliament.

ACT ament Peace and War.

OUR SOVEREIGN LADY with advice and 6 consent of the Estates of Parliament Statutes Enacts and Declares that after her Majesties decease and failgieing heirs of her body no person being King or Queen of Scotland and England shall have the sole power of making war with any Prince Potentate or State whatsoever without consent of Parliament And that no declaration of war without consent foresaid shall be binding on the Subjects of this Kingdom Declaring alwayes that this shall no wayes be understood to impede the Sovereign of this Kingdom to call furth, command, and imploy the subjects thereof to suppress any insurrection within the Kingdom or repell any invasion from abroad according to former Laws; And also Declaring that every thing which relates to Treaties of Peace Alliance and Commerce is left to the wisdom of the Sovereign with consent of the Estates of Parliament who shall declare the war: And her Majestic with consent foresaid Repells Cases and Annuls all former Acts of Parliament in so far as they are contrare herunto or inconsistent herewith.

ACT and Commission anent the Public
Accounts

- 7 FORASMUCH as many great sums of money have been raised for payment of the forces in this Kingdom and for the support of the Government since the eleventh day of April 1st vjth and eighty nine years, that the late King William and Queen Mary were declared King and Queen of this Realm; And it being just and reasonable that her Majestic and the Kingdom may be informed and satisfied if all the said sums of money have been faithfully and truly expended and employed for the ends and uses for which the same were granted Therefore Her Majestic with advice and consent of the Estates of Parliament Nominats Constitutes and Appoints the Earls of Galloway, Northesk, Balcarnea, Dunmoir, and the Viscount of Stair, Robert Dundas of Arncliffe, Sir John Lauder of Fountainhall, John Haldan of Gleneagles, William Seton of Pitmedden younger, James Ogilvie of Boyne younger, Coline Campbell, M^r John Clerk, M^r Dougall Stewart, Sir David Cunningham, M^r Robert Fraser to be Commissioners (and the major part of them to be a quorum) for takinge of the accounts of all moneys of the publick revenues which were in the hands of the Collectors of the Cels Commissaries of the Forces, Tacksmen and Collectors of the Cels and Excise upon the said eleventh day of April 1st vjth and eighty nine, and of all arrears thereof and of all Cels Inland Excise annexed or additional, Pole money, Hearth money & Tunnage falling due since the said eleventh of April 1st vjth and eighty nine, And how and in what manner and by whom and to whom the same hath been ordered payed and disposed; As also for takinge the Accounts of all the stores, provisions, habulgements for war which were in any of her Majesties garisons storehouses or else where upon the said eleventh day of April and to set down what sums of money provisions, stores and other things whatsoever have been provided payed or disposed of at any time since the said eleventh day of April 1st vjth and eighty nine for the payment or maintenance of the forces or other publick charges and for buying furnishing and fitting to sea the Ships of war that were bought for the use of the Nation, And for the better enabling of the said Commissioners or their quorum foresaid to take the said Accounts, They are hereby Impowered and Authorized to call for the Clerks of the Exchequer, General Receivers, Tacksmen, & Collectors of the Excise, Commissaries and Pay masters of the Forces, Collectors and Tacksmen of the Pole money, Hearth money and Tunnage and all other persons employed in managinge paying receiving or disposing of the said Supply, Excise, Pole money Hearth money and Tunnage and all

provisions victuals and stores of war And to call for all other persons whatsoever whom the said Commissioners or their quorum shall think fit to examine in order to the takinge of and inquiring into the said Accounts; And for the better executinge of the said Commission the said Commissioners or their quorum are hereby Impowered and Authorized to send for such Books Papers Writings, or Records as they shall judge necessary for their information in all things relating to the said Accounts and to take information upon oath for the better discovery of the inquiries to be made: And it is specially Provided that whoever shall make discovery of any Imbezements or Misapplications of the said funds shall have ten of the hundred of what shall be discovered for their pains. And further the said Commissioners or their quorum are hereby Impowered to Inquire into and Examine any briberies or corruptions in any persons concerned in the managinge, ordering paying receivinge or disposing of the said publick moneys, if any such briberies or corruptions have been used. As likewise the said Commissioners or their Quorum are hereby Authorized and Required to call for pe Muster Masters and see if they have done their duty in relation to the Mustering of the forces and what faults and neglects have been on their parts As also to inquire if all the Regiments Companies and Troops have allwayes been kept full according to the establishment; And if the Commanders in chief Colonells and other officers have been any wayes wanting in that matter and have not had their Regiments Companies and Troops full according to the Establishment, That a particular account thereof be set down And the said Commissioners or their quorum are hereby Impowered and Authorized to Call for all persons whom they shall think fit and examine them upon oath And to call for all such papers books writings or records as they shall judge necessary for their information in this matter As also the said Commissioners or their Quorum are hereby Authorized and Required to inquire into and take tryal of what excuses and abatementes have been granted and to whom And this Act and Commission is to endure to the next Session of Parliament But it is hereby Provided that all persons who are obliged to Compt to her Majestic for such sums of money as are and shall be received and given out by them shall still be obliged to Compt to the Lords of Treasury or Lord high Treasurer or Treasurer depute for the time for the sums received and given out by them according to the usual custome notwithstanding of any thing contained in this act And the said Commissioners are hereby Ordained to make a report of their proceedings in the said matter in writinge to the next Session of Parliament Providinge allwayes that the proceedings already made by former Commissions of Parliament anent the Pole money

given by the Parliament 1st y^r and ninety three shall stand in full force With power to the said Commissioners and their quorum foresaid to proceed where the former Commission left toward the concluding that affair by making a dividend of the money now in the hands of the Cashier of the former Commission according to the several just pretensions of the Officers And the first diet of their meeting is hereby appointed to be at the Low Council house of Edinburgh the first lawfull day after this Session of Parliament by ten a clock in the forenoon With power to adjourn their meetings thereafter to such times and places as they shall think convenient And Lastly Providing that this Act and Commission shall not prejudge her Majesties right of Annexation of the said Exche by vertue of any former Act of Parliament.

ACT Dischargeing Butchers to be
Greasiers &c.

- 8 OUR SOVEREIGN LADY with advice and consent of the Estates of Parliament Do hereby Prohibite and Discharge all Butchers or Fleshers to take hook or posselt either by themselves or any others for their use and behoove directly or indirectly any parks inclosures or any other Lands whatsoever less or more exceeding one acre under the penalty of one hundred pounds Scots for each time they contravene and also to forfeit the whole nolt and sheep that shall be found in the said parks inclosures and grascings belonging to them the one half thereof to be employed for her Majesties use and the other half to the informer And farther Do hereby Declare the Contraveener to lose his freedom as an Burgh in all the Burghs of this Kingdom And likewise Declares all Tacks already made or to be made with any Butcher or Flesher or for their behoove unent the sett or sum of all parks inclosures and other Lands whatsoever exceeding an acre to each butcher or flesher (unless the same be tilled and sown with corn yearly) to terminat and be void and null after the term of Whitsunday next to come And farther Her Majestie with advice and consent foresaid Statutes and Ordains that it shall be leisum to all persons whatsoever to fill and break all ferts of fleshes on every lawfull day of the week and that in all the Burghs and Towns of this Kingdom free of any imposition whatsoever the petty custome of Burgh excepted.

ACT in favours of the Company trading to
Africa and the Indies

OUR SOVEREIGN LADY The Queens Ma- 9
jestic taking into consideration the many obstructions losses and disappointments which the Company of this her ancient Kingdom trading to Africa and the Indies have from time to time met with in the prosecution of their lawfull endeavours for advancing the interest of so Nationall a Concern And being most willing to give them her Royal countenance and protection in all their just designs and undertakings doth with advice and consent of the Estates of Parliament as a mark of her Royal favour Ratifie Approve and Confirm the Eight act of the Fifth Session of King Williams Parliament with the Letters patent following thereupon in all the heads clauses articles and conditions therein contained As also the thirtieth Act of the Eight and Ninth Sessions of the same Parliament and all others already past in favours of the said Company: And likewise her Majestie with consent foresaid Declares that as the said Company is fully and sufficiently authorized and empowered to grant permission and communicat it's privileges to others whether natives or foreigners; So in like manner all persons and ships trading to Asia Africa, or America by commission or permission under the said Company's seal and returning to Scotland in the terms of the said act of Parliament and Letters patent are and shall be thereby intituled to, and invested with all the privileges and immunities contained in the said Acts as fully and freely in all respects as if the absolute property of both Ship and Cargo did intirely belong to the said Company.

ACT Dischargeing Importation of Irish
Vidual, Beef and Cattle

OUR SOVEREIGN LADY with advice and 10
consent of the Estates of Parliament Ratifies and Approves the third act third Session second Parliament King Charles the Second 1st y^r and seventy two, entitled Act Dischargeing the importation of Irish vidual As also the fourteenth act of the second Session of the first Parliament of King James the Seventh 1st y^r and eighty six entitled Act against Importing Irish vidual or cattle Excepting the clause in the said second Act 1st y^r and eighty six, That all the vidual that shall be imported shall be sunk and destroyed. Declaring that in place thereof it shall only be Confiscat as in the said former act 1st y^r and seventy two. And farther for the more effectual prohibition of the importing of the said Irish vidual prohibited to be imported by the said Acts Her Majestie

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with advice and consent foresaid Statutes and Declares that all importers of the said Irish victual as well the masters as seamen of the vessels wherein it is imported As also the Receivers, Sellers, Retailers, or Buyers thereof or any part thereof wittingly shall be not only lyable in the fines and penalties statute in the said Act of Parliament 1st 7th and seventy two; but likewise all under the degree of Heretors shall be delivered to any Scots officer serving her Majesties allies abroad and to be transported by them for recruits when once discovered and convicted at any time within the space of Six months after their said delinquencie Which delinquencie may be cognosed and tried by any Judge Ordinary and that at the instance of any person whatsoever that shall think fit to accuse and to be proven pro ut de jure And which Judges Ordinary are hereby fully impowered to that effect Likens for preventing all connivance or collusion in this matter, the Seizer of any such victual imported who for his encouragement is declared by the said Act 1st 7th and eighty six to have the vessel wherein the import was made to be disposed of as his own shall be obliged first to make the victual forthcoming to the said Judge Ordinary without any diminution or imbezement And the foresaid Judge is immediately to give an account thereof to the Lords of the Treasury to the effect that they may order the same to be transported furth of the Kingdom with the first conveniencie the product whereof shall belong to the said seizer or discoverer And if the said Judge Ordinary shall fail in therein or shall any manner of way collude or connive with the foresaid Importers or shall accept of a bribe from them either directly or indirectly by Servants or others intrusted or employed by him for that effect, or shall transact or connive with the said importers or any others for their behoove otherways than in the precise terms of the Acts of Parliament abovementioned, then and in either of these cases the said Judge Ordinary shall be fined in the sum of One thousand pounds Scots to be paid to the said Lord's of Privy Council Lords of Session Commissioners of Justiciary or other Judges competent as they shall think fit and that at any time within two years after committing of the facts And farther Her Majestic with advice and consent foresaid Extends the foresaid Acts hereby Ratified as also this present Act with the prohibition and pains therein contained against all importing by sea or land and against all buying selling, receipting and retailing wittingly of any victual from England or any Countrey whatsoever into this Kingdom Excepting allways

that wheat pease and beans for seed may be imported from England upon payment of forty shilling more than the ordinary custome per boll if fairly imported and entered or otherways the said Import of the said wheat pease and beans though by land shall be judged an unlawfull import and lyable to the pains abovementioned atour the confiscation of the horses that shall be made use of for the said import And farther for preventing all fraud in this matter under the colour of transporting victual from one port or place in the western shires mentioned in the said act 1st 7th & seventy two It is Statute and Ordained that the transporters thereof shall bring Certificats from the Heretors or their factors upon whose Lands the said victual transported grew Testifying the same in the precise quantity and quality to be the growth thereof Which Certificats shall be first shown to the Judge Ordinary of the port or place to which the said transport is made before the victual be liversed or unloaded otherways the foresaid victual shall be holden to be unlawfully Imported And the Importers Receivers Sellers Retailers and the Buyers abovementioned lyable to all the pains foresaid Likens the Granters of the said Certificats if found to be false or the said Judge at the foresaid port or place to which the transport is pretended to be made failing in his duty or any wayes conniving against the true meaning of this act shall be lyable for the same pains as if unlawfull importers And It is Declared that the Vessels wherein the said prohibited import is made may be not only arrested, leased, or confiscated where and when the import is first made but at any phee or time thereafter within the space of Two years It is alwayes hereby provided that when by reason of dearth the prices of victual exceed the rates aftermentioned viz. Wheat Twelve pounds the boll, Barley Malt and Meal Eight pound per boll and Oats and Pease Six pound per boll The Lords of her Majesties Privy Council shall have power after due tryal by them taken to suspend and discharge the Execution of the said prohibitory Acts for such space and time as the exigence of the said dearth shall require and no longer: As also Her Majestic with advice and consent foresaid Prohibites and Discharges the Importing into this Kingdom of any horse kine or other Irish cattle whatsoever and all kind of Irish beef upon any pretext whatsoever And if any Collector surveyor or waiter shall connive at the importing of any such kine horses cattle beef or victual they shall ipso facto be deprived of their said offices and declared incapable of any publick office within this Kingdom in time coming And that the Importers shall incur the penalties and certifications contained in this or any other former Acts anent Importation of any Irish victual or cattle And hereby Rescinds Cafes and Annuls all Acts and clauses of Acts impowering the Lords of Privy Council to give licence for

importing Horses Nolt or other Cattle Beef or Victual except in the case of dearth foresaid.

ACT continuing the Prohibition of Exporting English or Irish Wool till the next Session of Parliament inclusive.

- 11 OUR SOVEREIGN LADY and Estates of Parliament Considering that by the ninth Act, ninth Session King Williams Parliament intituled Act discharging the exportation of wool It is Declared that notwithstanding the general prohibition yet as to the export of English and Irish wool the prohibition should only endure to the then next Session of Parliament inclusive whereby the prohibition is terminat And her Majestie and Estates of Parliament also Considering the prejudice that would arise to the Manufactories of this Nation and improvement thereof by exporting English or Irish wool Do Therefore Continue the Prohibition as to English and Irish wool untill the next Session of Parliament inclusive And all persons whatsoever are hereby Discharged upon any pretence to export any sort or kind of wool under the pain and penalties contained in the Act abovementioned. Providing allwayes that notwithstanding any thing in this Act or the foresaid Act or any former Law it shall be leass to Export all sorts of sheeps skins and lamb skins with wool upon them or otherways untill the said next Session of Parliament inclusive Declaring nevertheless that it shall not be lawfull to export such skins from any other ports within this Kingdom excepting these of Burroughstounnefs, Newport-Glasgow, and Dumfries And her Majestie with advice and consent foresaid Ordaines the said skins to be packed at the said ports in presence of the Collector or Surveyor thereof who shall be obliged to seal the said packs gratis without delay With power to any of the woollen manufactories or counteries of the Glovers within this Kingdom to Commissionat a person to attend at the said ports and to concur with the collector or Surveyor in packing and sealing the said skins Which skins shall be lyable to a duty of five per Cent. of the value in place of all other duty to be exacted by the collector without abatement (excepting moorlamb skins which are hereby allowed to be exported at any port in the Nation free of any duty whatsoever) and the value of the said skins is to be according as the owner or exporter thereof shall estimat the same under his hand at or before sealing And for preventing fraud the owner or exporter shall be bound to sell the same at the Estimat he puts upon them the price being payed or really offered in ready money by the said person to be Commissioned by the Manufactories or Glovers or any other persons who shall be obliged to manufacture the same within the Kingdom; And in case of such payment or real offer and re-

fusall of the price, the Exportation is hereby Prohibited And It is hereby Declared that albeit the wool whither Scots English or Irish be not found or seized before Exportation nor the delinquents whether merchants exporters, maisters skippers of boats or barks collectors surveyors or writers or other connivers assisers or abbettors; Their delinquencie or contravention of the foresaid Act may be proven by their oath or otherways as accords of the Law; And all this but prejudice of the foresaid Act which still stands to its full force except in so far as it is hereby altered.

ACT in favours of William Montgomery and George Linn for a Manufactory of Lame Purslane and Earthen ware.

- OUR SOVEREIGN LADY the Queens Majesty and the Estates of Parliament takinge to their Consideration the great prejudice which the Subjects of this Kingdom do sustaine through the want of tradesmen for making of Lame Purslane and Earthen ware which occasions the yearly Export of great sums of money out of the Kingdom And that the Leidges are not furnished with them here but at double charges of what they cost abroad and in other places where they are made, occasioned not only by the high exchanges of money and sen hazard, but especially by the nature of that ware's being brittle in itself and subject to many accidents all which must be reckoned and computed by the sellers And considering also that the having of a pot-house and all conveniencies for making of the said Lame and Purslane and Earthen ware will also employ a great many of her Majesties Leidges at home within the Kingdom And that William Montgomery of Mackbiehill and George Linn Merchant in Edinburgh have offered upon their own charges to erect and fet up a pothouse with kilns mills warehouse and other conveniencies for making of the said Lame Purslane and Earthen ware and to bring home workmen for that effect upon their own charges untill those of this Nation be capable and instructed in the said trade providing they be allowed such privileges and encouragements for such a certain number of years as the hazard of a project new in it selfe and lyable & subject to many miscarriages and accidents in the beginning and the uncertainty whither when the same is erected the clay of this Kingdom will prove so good and sufficient as to proceed therein Therefore Our said Sovereign Lady said Estates of Parliament do hereby Statute Enact and Ordain that the said William Montgomery of Mackbiehill and George Linn Merchant in Edinburgh their heirs and assignees and such other persons as they shall assume in Company and Society with themselves shall not only have and enjoy all privileges of manufactory

for making of the said Lame Purlane and Earthen ware contained in the Act of Parliament 1st 17th and eighty one and that both as to themselves and all other persons employed by them in the said work or concerning the same But also do Give and Grant to the said William Montgomery and George Linn their heirs and assignees and such other persons as they shall assume as said is the sole power of making the said Lame or Earthen ware within this Kingdom during the time foresaid without the special licence of the said William Montgomery and George Linn and their forefathers first had and obtained thereunto under the penalty of two thousand pounds With power to the said William Montgomery and George Linn and their forefathers and to any commissiōners by them to prosecute the Contraveners, It is hereby Declared that this present Act shall not stop or impede any person from bringing into this Kingdom during the time foresaid from abroad, any of the said Lame Purlane and Earthen ware or to sell the same as they could have done of before Nor shall this Act stop or impede the making of such course Earthen ware within this Kingdom as is in use at this present time to be made therein And Lastly Her Majesty with advice foresaid Revokes and Rescinds any act or gift for making the said Lame Purlane or Earthen ware that hitherto hath not taken effect And further Declares that if the foresaid Undertakers shall not set up the said Manufactory between and Lambonds one thousand seven hundred and five years, this presents shall be thereafter of no force or effect.

ACT allowing the Importation of Wines and other Foreign Liquors.

- 13 OUR SOVEREIGN LADY with advice and consent of the Estates of Parliament Statutes and Declares That it shall be lawfull from and after the date hereof to import into this Kingdom all sorts of Wines and other Foreign Liquors any former Act or Statute in the contrary notwithstanding which her Majesty with advice and consent foresaid Rescinds and Declares void and null in so far as they are inconsistent with or contrary to this present Act, The said Wines or other liquors which shall be imported paying allways the former customes excise and other duties Reserving to the Peers and Barons of the Kingdom the same immunities and freedoms from customes for wines which they had by the two hundredth fifty first Act fifteenth Parliament King James the Sixth.

THEN her Majesties High Commissioner made a Speech to the Parliament as follows.

My Lords and Gentlemen

WE have now past several good Acts for our Religion Liberty and Trade which I hope will be acceptable to all her Majesties good Subjects I wish you had also given the Supplies necessary for the maintaining of her Majesties forces and preserving the peace and safety of the Kingdom But since I hope this may yet be done in due time, and that besides some Questions and difficulties are fallen that in all probability you have no time to determine; And that withall it is fit Her Majesty should have time to consider upon some things that have been laid before her And that we may know her mind therein more perfectly a short speech seems at present to be necessary, and that this Parliament be adjourned for some time; And therefore I have ordered my Lord Chancellour to adjourn this Parliament till the twelfth day of October next.

The Commissioners Speech

THE Lord Chancellour by order of her Majesties high Commissioner Adjourned the Parliament till Tuesday the twelfth day of October next.

Adjournment

Apud Edinburgh,

VI DIE JULII, A. D. M,DCC,IV.

THE LAWS and ACTS of PARLIAMENT,
made in the Second Session of the first Parliament
of Our most High and Dread Sovereign ANNE
By the Grace of God Queen of SCOTLAND
ENGLAND FRANCE and IRELAND
Defender of the Faith Holden and begun at
Edinburgh the Sixth day of July One thousand
seven hundredth and four years, by John Marquiss
of Tweeddale Earl of Gifford Viscount of Walden
Lord Hay of Yester, &c. Her Majesties High
Commissioner for holding the same By virtue
of a Commission under the great seal of this
Kingdom

WITH the special advice and consent of the
Estates of Parliament underwritten.

THE EARL OF SEAFIELD LORD HIGH
CHANCELOUR

The Marquess of Annandale Lord President of the
Secret Council

The Duke of Athol Lord Privie Seal

DUKES of

Hamilton
Argyll

MARQUESSSES of

Montrose
Lothian

EARLS of

Cromarty Secreter
Crauford
Erroll
Marischal
Southland
Marr
Rothes
Buchan
Glencairn
Eglintoun
Caithness
Horne
Wigtoun
Strathmore
Roxburgh
Kellie

Haddingtoun
Galloway
Lauderdale
Loudoun
Dalhousie
Findlater
Leven
Selkirk
Northesk
Belcarras
Forfar
Kintoir
Aberdeen
Dunmoir
Melvill
Ruglen
March
Marchmont
Hindford
Stair
Roseberry
Glasgow
Bute
Hopetoun

VISCOUNTS of

Stormont
Teviot
Duplin
Garnock
Primrose

LORDS

Forbes
Saltoun
Semple
Ross
Torphichen
Lundols
Balmerinoch
Blantyre
Burgheleigh
Forrester
Fraser
Bargany
Eliebank
Belhaven
Duffus
Rollo
Colvill
Belenden
Kinnaird

LESSER OFFICERS OF STATE

The Lords Register
Advocat
Justice Clerk

COMMISSIONERS FROM THE BARRONS
OF THE SEVERAL SHIRES

Edinburgh

Robert Dundas of Arncliffe
Sir Robert Dickson of Inveresk
George Lockhart of Carnwath
Sir James Foulis of Colington

Haddington

Sir John Lauder of Foontainhall
Andrew Fletcher of Saltoun
William Nisbet of Dirleton
John Cockburn younger of Ormiston

Berwick

Sir Robert Sinclair of Longformacus
Sir John Home of Blackadder
Sir John Swintoun of that Ilk
Sir Patrick Home of Rentoun

Roxburgh

Sir William Ker of Greenhead
Sir Gilbert Elliot of Headshaw
Archibald Douglass of Cavers
William Bennet of Grahbet

Selkirk

M^r John Murray of Bowhill
M^r John Pringle of Haining

Peebles

William Morison of Prestoungrange
Alexander Horsburgh of that Ilk

Lanerk

William Baillie of Lamington
George Baillie of Jerviswood
John Sinclair of Stevenston
James Hamilton of Aikenhead Absent

Dumfries

Sir John Johnston of Westerhall
William Douglass of Dorrook
John Sharp of Hoddom
M^r Alexander Ferguson of Isle

Wigtown

M^r William Stewart of Castlesteuart
M^r John Stewart of Sorbie

Ayr

M^r Francis Montgomery of Giffen
M^r William Dalrymple of Glesmure
Sir Hugh Cathcart of Carleton
John Biershens younger of Bithoptoun

Dumbartane

M^r William Cochran of Kilmaronock
Sir Humphrey Colquhoun of Luff

Bute

M^r Robert Stewart of Tillicultrie
John Stewart of Kinwhinlick

Renfrew

Sir John Houston of that Ilk
M^r John Stewart younger of Blackhall
Sir Robert Pollock of that Ilk

Stirling

John Grahame of Kilearn
James Grahame of Buchlive
Robert Rollo of Pourhouse

Linlithgow

Thomas Sharp of Houston
M^r John Montgomery of Wrae

Perth

John Haldan of Glen Eagles
Sir Patrick Murray of Auchtertyre
Mungo Grahame of Gorthie
John Murray of Strouan

Kincardine

Sir James Falconer of Phaedoe
Sir Thomas Barnet of Leyen

Aberdeen

Alexander Gordon of Pitlurg
John Udney of that Ilk
William Seton younger of Pitmedden
James Mair of Stonicwood

Inverness

Ludovick Grant of that Ilk
Alexander Grant yo^r of that Ilk

Nairn

Hugh Rods of Kilnack
John Forbes of Culloden

Cromarty

Sir Kenneth Mackenzie
M^r Eneas Mackleod of Cadhill

Anglye

M^r John Campbell of Mamore
Sir James Campbell of Auchinbreck
James Campbell younger of Ardkinglass

Pyke

Sir William Anstruther of that Ilk
David Bethun of Balfour
Major Henry Balfour of Dunboug
Robert Douglass of Stahendrie

Forfar

M^r Patrick Lyon of Auchterhouse
M^r James Carnegie of Phinhaven
James Haleburton of Pitcur
David Grahame younger of Fintrie

Bamf

James Ogilvie younger of Boyne
Alexander Duff of Braoe

Stewartry of Kirkcudbright

William Maxwell of Cardinefs

Southernland

David Sutherland yo^r of Kinnauld
Alexander Gordon of Gairthie

Caithness

Sir George Sinclair of Clyth
James Sinclair of Stampfar

Elgine

James Broddie of that Ilk
Sir Henry Innes yo^r of that Ilk

Stewartry of Orkney

Sir Archibald Stewart of Burrow

Roß	Kenneth Mackenzie of Seatwall
Kinroß	John Bruce of Kinroß

COMMISSIONERS FOR THE BURGHS

Edinburgh	{ Sir Patrick Johnston Robert Inglis
Perth	Alexander Robertson
Dundee	John Scrimfour
Aberdeen	John Allardice
Stirling	Lieut. Coll. John Erskine
Lindithgow	Walter Steuart
Saint Andrews	Alexander Watson
Glasgow	Hugh Montgomery
Air	John Muir
Haddingtoun	Alexander Edgar
Dysart	George Eadsone
Kirkcaldie	James Oswald
Montrose	James Scot
Coupar	Patrick Bruce
Anstruther Easter	Sir John Anstruther
Dumfries	Robert Johnston
Inverness	Alexander Duff
Barnetland	Sir John Erskine
Inverkeithing	James Spittle
Kilgoburn	M ^r James Melvill
Breichen	Francis Molison
Irving	M ^r Alexander Cunningham
Jedburgh	Walter Scot
Kirkcudbright	Sir Andrew Home
Wigtoun	William Cultrane
Dumfermling	Sir James Halket
Pittowee	George Smith
Selkirk	Robert Scot
Dumbarton	Sir James Smollet
Renfrew	Coline Campbell
Dunbar	Robert Kellie
Lanerk	M ^r William Carmichael
Aberbrothock	John Hutchieson
Elgine	M ^r William Southerland
Peebles	Archbald Shiels
Craill	George Moncrief
Tayne	Captain Daniel Macleod
Culroß	Sir David Dalrymple
Banf	Sir Alexander Ogilvie
Whitherne	M ^r John Clerk
Forfar	M ^r John Lyon
Rothsay	M ^r Dougald Steuart
Nairn	John Rose
Forres	George Broddie
Rutherglen	George Spence
Northberwick	Sir Hugh Dalrymple
Anstruther Wester	Sir Robert Anstruther
Cullen	M ^r Patrick Ogilvie
Lawder	Sir David Cunningham
Kintair	George Allardice
Annan	M ^r William Johnston
Lochmabben	M ^r John Carruthers

Sanguhar	William Alves
New Galloway	George Home
Kilreny	M ^r James Bethun
Fortrose	M ^r John Mackenzie
Dingwall	John Bayne
Dornock	John Unguilar
Queensferry	Sir William Hamilton
Inverury	Daniel Campbell
Inverury	Sir Robert Forbes
Weick	M ^r Robert Fraser
Kirkwall	M ^r Robert Douglass
Inverbervy	M ^r Alexander Arbuthnot
Stranraer	M ^r George Dalrymple
Campbeltoun	M ^r Charles Campbell

PRAYERS said.

HER Majesties Commission to John Marquess of Tweeddale for Representing her Royal person in this Session of Parliament was Read by the Lord Clerk Register and ordered to be recorded, Whereof the tenor follows.

ANNA Dei gratia Magnæ Britannie Franciæ et Hiberniæ Regina fidei defensor Omnibus probis hominibus ad quos presentes literæ Nostræ pervenerint Salutem Quandoquidem Nos ob magni momenti rationes Secundum Sessionem currentis nostri Parlamenti antiqui Regni nostri Scotiæ Apud Edinburgum primo die mensis Junii datam præsentium immediate sequenti Convenire et Sedere Ordinavimus Et rerum nostrarum necessitatibus nos alio vocantibus dicti Parlamenti Conventui interesse nequimus Ideoq. Commissionem nostram cuidam personæ eminentissimi ordinis ac fide eximia et præclaris animi dotibus imbuto sacram nostram personam representandi et Regalem nostram auctoritatem in eodem gerendi concedere Decrevimus Et satis Compertum habentes fidem interminatam insignes facultates et experientiam fidelissimi et dilectissimi nostri Consanguinei et Conciliarii Joannis Marchionis de Tweeddale Cujus etiam insignes animi dotes ipsum reddunt usquequaq. instructum pro eodem flammæ munere exercendo ac piis et regis nostris propositis propagandis tam in promovendo commodo et interesse dicti nostri antiqui Regni et in ecclesiâ et in republica quam in Ministerio nostro Noveritis Igitur Nos Dedisse et Concessisse perq. presentes hæc nostras literas Dare et Concedere prodilecto fidelissimo et dilectissimo nostro Consanguineo et Conciliario Joanni Marchioni de Tweeddale plenam potestatem et Commissionem nostram, sacram nostram personam representandi et Regalem nostram auctoritatem gerendi in sequenti secunda Sessione antedicti currentis nostri Parlamenti predicti Regni Et in re quavis alia ubicunq. de Ecclesiæ commodo firmanda pace, et politia dicti Regni nostra propaganda et servitio nostro promovendo tractandam

Commission to John Marquess of Tweeddale for Representing her Majesty in this Session of Parliament

fuerit in universis ejusdem aduiniistrationibus tanquam Supremo Nostro Commissionario Dando et Concedendo dicto Joanni Marchioni de Tweeddale plenam potestatem et auctoritatem nostram omnis et singula ad manus et imperium summi Commissionarii spectant facienda et peragenda tam plene adeoque libere quoad omnes effectus et conditiones quomodo quilibet alius ejusdem summi muneris et Characteris regnantibus quibuscumque nostrorum serenissimorum decessorum unquam fecerat seu facere potuerat Quarequidem omnis et singula in dicta hac Commissionem prosequenda ab ipso facienda Nos firma et rata habemus et habituri sumus Omnibus et Singulis Insuper Status nostri officialibus iure, qui nobis ab intimis Conciliis Judicibus et Officiariis nostrarum Copiarum ceterisque quibuscumque Subditis dicti Regni nostri stricte Mandamus et Imperamus ut prefatum Joannem Marchionem de Tweeddale tanquam supremum nostrum Commissionarium faciant nostram personam representantem et Regalem nostram auctoritatem gerentem agnoscant Ipsique reverentiam et obsequium prebent ad effectum et secundum normam in hac nostra Commissionem prescriptam Quarequidem hac Commissio a predicto primo die mensis Junii sequentis inclusive durante antedicta Sessione Secunda Parliamenti nostri in vigore durabit Et usque dum nobis placuerit eandem revocare In Cujus rei Testimonium presentibus magnam Sigillum nostrum appendi mandavimus Apud Aulam Nostram de Saint James ultimo die mensis Maii anno Domini millesimo septingentesimo quarto et anno Regni nostri tertio, Per Signaturam manu S. D. N. Regine superscriptam. Written to the great seal and Registered the first day of June 1704 vjth and four. Sealed

ROLLS called.

Protestations
for proce-
dence

THE Earl of Forfar Protested in name of the Duke of Douglass that the calling of any other in the Rolls of Parliament before him may not pre-judge him of his first vote in Parliament.

THE Earl of Forfar protested also in name of the Earl of Sutherland against the calling any of the Earls before him in the rolls of Parliament.

THE Earl of Marr protested against the calling any Earls before him.

THE Earl of Eglintoun protested against the calling the Earl of Glencairn before him.

THE Earl of Findlater protested against the calling the Earl of Airrie before him.

THE Lord Ross protested against the calling the Lord Elphinstoun before him.

HER Majesties gift and Commission in favors of M^r James Johnston to be Clerk Register was read and ordered to be recorded Whereof the tenor follows.

ANNA Dei gratia Magnæ Britannie Francie et Hibernie Regina fidei defensor Omnibus probis hominibus ad quos presentes literæ nostræ pervenerint Salutem Quasdoquidem nobis abunde satisfactum sit tam de fidelitate et præclaris animi dotibus et facultatibus quam de sincera integritate fidelissimæ et dilectissimi nostri Jacobi Johnston nuper Status nostri Secretarii pro antiquo Regno nostro Scotiæ spectatim vero quod ad munus et officium Registrorum et Rotulorum nostrorum Clerici in dicto Regno nostro obeundum apprime sit instructus Noveritis Igitur Nos Nominasse Constituisse et ordinasse sicuti Nos tenore præsentium Nominamus Constituímus et Ordinamus dictum Jacobum Johnston durante nostro beneplacito solummodo, nostrorum Registrorum et Rotulorum nostri Concilii et Sessionis et Senecarii nostri nec non omnium Commissionum Parliamentorum et Ordinum Conventuum in dicto nostro regno Clericum Dando Concedendo et Committendo illi idem munus et officium durante spatio antedicto Cum omnibus honoribus dignitatibus privilegiis proficiis immunitatibus et casualitatibus quibuscumque eo spectantibus vel quæ de jure et praxi dicti Regni eo spectare dignoscuntur Cum plena et absoluta potestate et auctoritate illi durante beneplacito nostro ut predictur eligendi et constituendi clericos substitutos vel deputatos unum vel plures in dictis officiis seu quavis eorundem parte Idem ad vitam talium substitutorum seu deputatorum qui eorum officiis cum omnibus eorundem emolumentis durantibus omnibus eorum vite diebus respective poterint Ordinamus denique et auctoritatem ipsi tribuimus omnia et singula præstare de lege et praxi hujus Regni nostri dicto officio competentia vel per prius a quovis alio in dicto officio præstita In cujus rei Testimonium presentibus magnam sigillum nostrum appendi præcepimus Apud Aulam nostram de Windhor Secundo die mensis Junii anno Domini millesimo septingentesimo quarto et anno Regni nostri tertio. Per signaturam manu S. D. N. Regine superscriptam Written to the great seal and registered the seventh day of June 1704, Sic subscribitur, Charles Kerr, Sealed at Edinburgh the Eight day of June One thousand seven hundredth and four years by special warrant till the seal be renewed Sic subscribitur Alex^r Ogilvie.

THEREAFTER the said Lord Register took the oath of allegiance and subscribed the form with the Assurance and took the oath of Parliament.

Commission
to James
Johnston
to be Lord
Clerk Re-
gister

PATENT Cresting the Marquess of Douglas, Duke of Douglas, read and ordered to be recorded, Whereof the tenor follows.

ANNA Dei gratia magnæ Britannie Franciæ et Hiberniæ Regina fidei, defensor Omnibus probis hominibus ad quos presentes literæ nostre pervenerint Salutem Quandoquidem Nos Regio Nostro animo Revolventes fidelissimum et dilectissimum nostrum Consanguineum Archibaldum Marchionem de Douglas ex familia nobili et illustri ortum esse et a progenitoribus qui maxima fidei munia illis concredita immaculata virtute et singulari fide obierunt Quicque ob res ab illis clarissime gestas regium diadema tuendo ac sustentando fumis honoris ac dignitatis titulis per nostros regios decessores exornati fuerunt nos quoque bujus maxime memores et cupidi per ulteriorem honoris additionem dicto Archibaldo Marchioni de Douglas ejusq. heredibus postea mentionatis sibi animum addere ut nobiles suos predecessores imitet Noveritis igitur nos Fœdæ Constitutionis Creatæ et Inaugurati sicuti tenore presentium Facimus Constitutum Creamus et Inauguramus memorem Archibaldum Marchionem de Douglas Ducem de Douglas Marchionem de Angus Comitem de Angus et Abernethi Vicecomitem de Jedburgh-forrest, Domnam Douglas de Bance, Prestoun et Robertoun, Dando Concedendo et Conferendo sicuti tenore presentium Damus Concedimus et Conferimus predicto Archibaldo Marchioni de Douglas et heredibus masculis ex suo corpore processuris antedictum titulum honorem ordinem gradum et dignitatem Ducis Nec non Declaramus et Ordinamus prefatum Archibaldum Marchionem de Douglas ejusq. antedictos Dnces de Douglas, Marchiones de Angus, Comites de Angus et Abernethi, Vicecomites de Jedburgh Forrest, Domnos Douglas de Bance, Prestoun et Robertoun omni tempore futuro nominandos et designandos, omnesque immunitates, dignitates, præcedentiam prioritatem et suffragium in omnibus Parliamentis, Conciliis generalibus, Ordinibus Conventibus aliisq. Congressibus quibuscumq. tam publicis quam privatis cum omnibus aliis prærogativis præbeminentis libertatibus et privilegiis quibuscumq. ad ullum alium in Regno nostro Scotiæ Ducem spectantibus aut spectare valentibus possidere et frui Tenendum et Hobendum dictum titulum honorem ordinem dignitatem et gradum Ducis Cum omnibus et singularis prærogativis præbeminentis privilegiis præcedentiis et immunitatibus eo spectantibus prefato Marchioni nunc Duci de Douglas ejusq. antedictis de nobis nostrisq. illustrissimis predecessoribus in perpetuum tam plenarie adeoque libere in omnibus respectibus et conditionibus quam ullus alius dicti Regni nostri Dux possidet seu possidere poterit Et Volumus et Concedimus et pro nobis nostrisq. illustrissimis predecessoribus Decernimus et Ordinamus hoc nostrum presens diploma adeo validum

efficax et sufficiens fore dicto Archibaldo nunc Duci de Douglas ejusq. antedictis pro eorum fructione et possessione dicti tituli honoris ordinis dignitatis et gradus Ducis cum omnibus privilegiis eo spectantibus omni tempore futuro ac si adhibitis solennitatibus et ceremoniis ab antiquo usitatæ et similibus occasionibus consuetis investitus et inauguratus fuisset Quocirca Dispensamus tenore, presentium in perpetuum Dispensamus Leonem porro Armorum Regi ac fratribus suis facilibus talia additamenta suo paludamento ut illi se ipsa pro hac occasione conveniens videbitur concedere et præscribere impemus Provisò cernimode sicuti tenore presentium expresse providetur et declaratur quod Concessio et acceptatio hujus presentis diplomatis antedicto Marchioni de Douglas nunc Duci de Douglas et heredibus masculis ex suo corpore nullatenus præjudicabit aut obnoxius erit Diplomatis suis predecessoribus et heredibus inibi mentionatis perpetua concessio de titulo et dignitate Marchionis de Douglas et aliorum titularum et dignitatum inibi expressi quæ (deficientibus heredibus masculis ex suo corpore) nullo modo per presentes innovari aut præjudicari declarantur In cujus rei Testimonium presentibus magnum sigillum nostrum appendi præcepimus Apud aulam nostram de Salut Jamesi decimo die mensis Aprilis anno Domini millesimo septingentesimo tertio et anno regni nostri secundo Per signatorem nram S. D. N. Reginae superscriptum. Written to the great Seal and registred the twenty third day of September, 1703, Sic subscribitur Charles Kerr, Sealed at Edinburgh the twenty third day of September 1703 vj^{re} and three years By special order till the seal be renewed Sic subscribitur Alex^r Ogilvie.

PATENT Cresting the Marquess of Athol Lord Privie Seal Duke of Athol read and ordered to be recorded, Whereof the tenor follows.

ANNA Dei gratia Magnæ Britannie Franciæ et Hiberniæ Regina fidei, defensor Omnibus probis hominibus ad quos presentes literæ nostre pervenerint Salutem Quandoquidem Nos Regio nostro animo revolventes fidem zelum et affectum prædilecti nostri Consanguinei et Conciliarii Joannis Marchionis de Athol Secreti Sigilli antiqui Regni nostri Scotiæ Custodis nobis nostrisq. imperio Ipsiusq. ex Regia Stewartorum Stirpe ortum esse et familiæ de Athol esse inter nobilissimos et antiquissimos dicti Regni Scotiæ emq. ob res clarissime gestas nobis nostrisq. predecessoribus per multa secula non solum immis honoris et dignitatis titulis verum etiam officiis et munis maxime fidei ac exornatum fuisse quæ ipsi singulari honore et immaculata fide semper obierant et dictum Marchionem nobilissimo probissimo et generosissimo gesta sue diæ familie honorem et dignitatem

G g

The Duke of
Douglas's
patent

The Duke
of Athol's
patent

servasse et auxisse Et nos presertim recolentes constantem fidem patris et avi dicti Marchionis Regio nostro avo Carolo primo beatissime memorie in rebus ejus adversis et magna periculis et discrimina quibus se sua, patrimonii hac de causa obcecurant Et Statuentes hiis et multis aliis de causis et considerationibus fassam nostrum et estimationem fidelitatis et clarissimarum rerum posterum dicte familie declarare et patefacere conferendo et concedendo dicto Joanni Marchioni de Atholl ejusq. heredibus infrascriptis alteriorem honoris et dignitatis additionem quo ipsi magis nobis nostrisq. successoribus in talibus manibus et officiis que ipsi aut conceditis sunt aut concedi possunt servire excitentur et ammentur Noveritis Igitur nos Fecisse Constituisse Creadie et Inaugurasse Sicuti tenore presentium Facimus Constituissemus Creamus et Inauguramus memorem Joannem Marchionem de Atholl, Ducem de Atholl Marchionem de Tullibardine Comitem de Strathitay et Strathardell, Vicecomitem de Balquhader, Glenalmond et Glenlyon et Dominum Murray Balveny et Gask, Dando Concedendo et Conferendo sicuti tenore presentium Damus Concedimus et Conferimus predicto Joanni Marchioni de Atholl et heredibus masculis de suo corpore quibus deficientibus heredibus masculis de Corpore defuncti Joannis Marchionis de Atholl sui patris dictum titulum honorem ordinem gradum et dignitatem Ducis Nec non Declaramus et Ordinamus predictum Joannem Marchionem de Atholl et heredes masculos de suo corpore aliosq. heredes supra mentionatos Duces de Atholl Marchiones de Tullibardine Comites de Strathitay et Strathardell, Vicecomites de Balquhader Glenalmond et Glenlyon et Dominos Murray Balveny et Gask omni tempore futuro nominandos et designandos omnesq. immunitates dignitates et precedentis prioritatem et suffragium in omnibus Parliamentis Ordinum Conventibus generalibus Conciliis omnibusq. aliis Congressibus quibuscunq. tam publicis quam privatis cum omnibus prerogativis preeminentiis precedentis libertatibus et privilegiis quibuscunq. ad ullum alium Ducem in dicto Regno nostro Scotie spectantibus seu spectare valentibus possideri et frui Tenendum et Habendum dictum titulum honorem ordinem dignitatem et gradum Ducis cum omnibus et singulis prerogativis preeminentiis precedentis et privilegiis eo spectantibus prefato Joanni Marchioni de Atholl nunc Duci de Atholl heredibusq. masculis ex suo corpore aliisq. heredibus infrascriptis de nobis nostrisq. Regibus successoribus in perpetuum tam plenarie adeoq. libere in omnibus respectibus quam ullus alius dicti Regni nostri Dux possidet seu possidere poterit Et Volumus et Concedimus et pro nobis nostrisq. Regibus Successoribus Decernimus et Ordinamus hoc nostrum premissum Diploma adeo validum efficax et sufficiens fore dicto Joanni nunc Duci de Atholl ejusq. predictis pro eorum fructione et possessione dicti tituli honoris ordinis et dig-

nitatis Ducis cum omnibus privilegiis eo spectantibus omni tempore futuro ac si adhibitis solennitatibus et ceremoniis ab antiquo usitatis et similibus occasionebus consuetis investitis et inauguratis fuisset Quocirca nos dispensavimus tenore, presentium in perpetuum Dispensamus Leoni porro armorum Regi suisq. fratribus facillibus talia additamenta suo paludamento ut ipsis pro hac occasione expediens et conveniens videbitur concedere et prescribere Impensum In cujus rei Testimonium presentibus magnum sigillum nostrum appendi precepimus Apud aulam nostram de Windsor castle Tricesimo die mensis Junii anno Domini Millesimo septingentesimo tertio et anno regni nostri secundo. Per signataram manu S. D. N. Regine superscriptam. Written to the great seal and registrat the twenty fourth day of September, 1703, Sic subscribitur Charles Kerr. Sealed at Edinburgh the twenty fourth day of September One thousand seven hundred and three years By special order till the seal be renewed Sic subscribitur Alex^r Ogilvie.

PATENT Creating the Viscount of Tarbat Lord Secretary Earl of Cromarty read and ordered to be recorded, Whereof the tenor follows.

ANNA Dei gratia Magnæ Britannie Francie et Hibernie Regina fidei, Defensor Omnibus prohis hominibus ad quos presentes littere nostras pervenerint Salutem Quandoquidem nos Regio nostro animo perpendentes fidelitatem continuam et affectum fidelissimam et dilectissimam nostri Consanguinei et Conciliarii Georgij Vicecomitis de Tarbat nostri principalis Status Secretarii pro antiquo regno nostro Scotie erga nostram personam et regimen Et quod diversis insignis maneribus et stationibus a quibusq. nostrorum Regionum predecessorum ipsi concessitis flammis cum bonore et fidelitate functus sit Ob hac igitur et per plurimas alias considerationes quendam Regie nostre gratie characterem in eundem Georgium Vicecomitem de Tarbat conferre benigne Statulum ut sibi et sue familie durabilis fiat addito bonore Noveritis Igitur nos Fecisse Constituisse et Creadie sicuti per has nostras patentes litteras Facimus Constituissemus et Creamus dictum Georgium Vicecomitem de Tarbat Comitem de Cromarty Vicecomitem de Tarbat Dominum Mackleod et Castellavum infra dictum Regnum Dando Concedendo et Conferendo preeminantem Georgio Vicecomiti de Tarbat et heredibus suis masculis et talium titulum honorem dignitatem et gradum Comitis cum omnibus et singulis preeminentiis prerogativis privilegiis et immunitatibus quibuscunq. eo spectantibus Quibuscum nos prefatum Georgium Vicecomitem de Tarbat ejusq. predicti omni tempore futuro per presentes Nobilitamus et Investimus Tenendum et Habendum predictum titulum honorem dignitatem et

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gradum Comitum Vicecomitum et Domini Cum universis et singulis prerogativis precedentibus premissis et privilegiis superscriptis per eundem Georgium Vicecomitem de Tarbat ejusq. antedictos de nobis nostris, Regis successores in omnibus Parliamentis Ordinibus Conventibus generalibus Conciliis aliis, Congressibus quibuscumq. publicis seu privatis in dicto Regno nostro tam plenarie et libere in quovis respectu et conditione quam quis alius Comes, Vicecomes et Dominus simili titulo honore et dignitate perprius gavius est seu quovis tempore preterito presenti vel futuro gaudere poterit Leoni porro Armorum Regi ejusq. fratribus socialibus Imperamus ut prefato Georgio Vicecomiti de Tarbat nunc Comiti de Cromartie talia prioribus insigniis ejus gentilitis additamenta qualia ipsi illisq. hac occasione conveniendi videbuntur dent et prescribant Ordinari et Declaramus hasce nostras patentes literas signo nostro sigillo munitas adeo validas efficere et sufficientes fore illi ejusq. antedictis pro possidendo predicto titulo honore dignitate et gradu cum omnibus privilegiis aliisq. eo spectantibus ac si cum omnibus ritibus et solemnitatibus similibus occasionebus perprius usitatis ille ejusq. predicti investiti et inaugurati essent Quocirca Dispensavimus per, presentes in perpetuum dispensamus In cujus rei testimonium presentibus magnum Sigillum nostrum appendi precepimus Apud Aulam nostram de S. James primo die mensis Januarii anno Domini millesimo septingentesimo tertio et anno Regni nostri primo, Per signaturam manu S. D. N. Regine superscriptam Written to the great Seal and registrat the Eighteenth day of September, 1703, Sic subscribitur Charles Kerr, Sealed at Edinburgh the eighteenth day of September One thousand seven hundred and three years By special order till the Seal be renewed, Sic subscribitur Alex^r Ogilvie.

PATENT Creating the Viscount of Stair, Earl of Stair, read and ordered to be recorded, Whereof the tenor follows.

ANNA Dei gratia magnæ Britannie Francie et Hibernie Regina fidei defensor Omnibus probis hominibus ad quos presentes literæ nostræ pervenerint Salutem Quandoquidem nos Regio nostro animo dependentes egregia vera et preclara admodum servitia nobis nostrisq. Regis progenitoribus per fidelissimum et dilectissimum nostrum Consanguineum et Conciliarium Joannem Vicecomitem de Stair ejusq. predecessores præstita atq. adum ejus et affectum erga nostram personam et regimen per eum ejusq. familiam omnibus occasionebus expressis Ob hæc igitur et per plurimas alias considerationes quendam Regie nostre gratie characterem in eundem Joannem Vicecomitem de Stair Conferre benigne Statuimus ut sibi et sue familie durabilis fiat additio honoris Noveritis Igitur nos

Fecisse Constituisse et Creasse sicuti nos tenore presentium Facimus Constituimus et Creamus dictum Joannem Vicecomitem de Stair Comitem de Stair Vicecomitem de Dalrymple et Dominum de Newliston Glenluce et Stranrawer, Dando, Concedendo et Conferendo in memoratum Joannem Vicecomitem de Stair et beredes masculos sui corporis Quibus deficientibus beredes masculos defuncti Jacobi Vicecomitis de Stair titulum bonorem gradum et dignitatem Comitum cum omnibus et singulis prerogativis premissis precedentibus privilegiis et immunitatibus quibuscumq. eo spectantibus Quibuscumq. nos prefatum Joannem Vicecomitem de Stair ejusq. predictos omni tempore futuro per presentes Nobilitamus et Investimus Tenendum et Habendum predictum titulum gradum et dignitatem Comitum Vicecomitis et Domini cum omnibus et singulis prerogativis premissis precedentibus et privilegiis antedictis per eundem Joannem Vicecomitem de Stair ejusq. predictos de nobis nostrisq. Regis successores in omnibus Parliamentis Ordinibus Conventibus Conciliis generalibus aliisq. Congressibus quibuscumq. publicis seu privatis in dicto Regno nostro tam plenarie et libere in quovis respectu et conditione quam quis alius Comes Vicecomes et Dominus simili titulo honore et dignitate perprius gavius est seu quovis tempore preterito presenti vel futuro potiri poterit Leoni porro Armorum Regi ejusq. fratribus socialibus Imperamus ut prefato Joanni Vicecomiti de Stair nunc Comiti de Stair talia prioribus insigniis ejus gentilitis additamenta qualia illisq. hac occasione convenientia videbuntur Dent et Prescribant Ordinari et Declaramus hasce nostras patentes literas signo nostro sigillo munitas adeo validas et efficaces fore illi ejusq. antedictis pro possidendo predicto titulo honore dignitate et gradu cum omnibus privilegiis aliisq. eo attinentibus ac si ille ejusq. predicti omnibus ritibus et solemnitatibus similibus occasionebus perprius usitatis Investiti et Inaugurati essent Quocirca dispensavimus per, presentes pro nobis nostrisq. successores in perpetuum Dispensamus In cujus rei Testimonium presentibus magnum sigillum nostrum appendi precepimus Apud aulam nostram de Saint James Octavo die mensis Aprilis anno Domini millesimo septingentesimo tertio Et anno regni nostri secundo, Per signaturam manu S. D. N. Regine superscriptam, Written to the great Seal and Registrat the twenty third day of September 1^o vijr and three, Sic subscribitur Sealed at

PATENT Creating the Viscount of Roseberry, Earl of Roseberry, read and ordered to be recorded, Whereof the tenor follows.

ANNA Dei gratia Magnæ Britannie Francie et Hibernie Regina fidei defensor Omnibus probis

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hominibus ad quos presentes littere nostre pervenerint Salutem Quandoquidem nos Regio nostro animo perpendentes fidelis servitia per fidelissimum et dilectissimum nostrum Consanguineum et Conciliarium Archibaldum Vicecomitem de Roseberry nobis prestita atq. zelum ejus et affectum erga nostram personam et regimen per eum omnibus occasionibus expresse Ob hac igitur et per plurimas alias magni momenti rationes quendam Regie nostre gratie characterem in eundem Archibaldum Vicecomitem de Roseberry conferre benigne statuas ut sibi et sue familie durabilis fiat additio honoris Noveritis Igitur nos Fecisse Constituisse et Creade sicuti Nos tenore presentium Facimus Constituis et Creamus dictum Archibaldum Vicecomitem de Roseberry Comitem de Roseberry Vicecomitem de Inverkeithing et Dominum Dumense et Primrose Dando Conferendo et Concedendo in memoratum Archibaldum Vicecomitem de Roseberry et heredes masculos sui corporis Quibus deficientibus heredes femellas sui Corporis titulum honorem gradum et dignitatem Comitum Cum omnibus et singulis prerogativis preeminentis precedentis privilegii et immunitatibus quibuscumq. eo spectantibus Quibuscum nos prefatum Archibaldum Vicecomitem de Roseberry ejusq. predictos omni tempore futuro per presentes Nobilitamus et Investimus Tenendum et Habendum predictum titulum gradum et dignitatem Comitum Vicecomitum et Domini cum omnibus et singulis prerogativis preeminentis precedentis privilegii antedictis per eundem Archibaldum Vicecomitem de Roseberry ejusq. predictos de nobis nostrisq. Regis successoribus in omnibus Parliamentis Ordinum Conventibus Conciliis generalibus aliisq. Congressibus quibuscumq. publicis seu privatis in dicto regno nostro tam plenarie et libere in quovis respectu et conditione quam quivis alius Comes Vicecomes et Domini simili titulo honore et dignitate propriis potius est seu quovis tempore preterito presenti vel futuro potiri poterit Leoni porro Armorum Regi ejusq. fratribus facilibus Imperamus ut prefato Archibaldo Vicecomiti de Roseberry nunc Comiti de Roseberry tali prioribus insigniis ejus gentilitis additamenta qualia ipsi illisq. hac occasione convenientia videbuntur dent et prescribant Ordinando et Declarando hanc nostram patentes litteras magno nostro sigillo munitas adeo validas et efficaces fore illi ejusq. antedictis pro fruendo antedicto titulo honore dignitate et gradu cum omnibus privilegiis aliisq. eo attinentibus ac si ille ejusq. predicti omnibus ritibus et solemnitatibus similibus occasionibus propriis usatatis Investiti et Inaugurati essent Quocirca Dispensavimus perq. prefatos pro nobis nostrisq. successoribus in perpetuum Dispensamus In ejus rei Testimonium presentibus magnam Sigillum nostrum appendi precepimus Apud aulam nostram de Saint James' decimo die mensis Aprilis anno Domini millesimo septingentesimo tertio et

anno Regni nostri secundo Per signaturam manu S. D. N. Regine superscripti. Written to the great seal and registred the twenty fourth day of September, 1703, Sic subscribitur Charles Kerr, Sealed at Edinburgh the twenty fourth day of September 1703 vj^{re} and three years by special order till the seal be renewed Sic subscribitur Alex^r Ogilvie.

PATENT creating the Lord Boyle, Earl of Glasgow, read and ordered to be recorded, Whereof the tenor follows.

ANNA Dei gratia magnae Britanniae Franciae et Hiberniae Reginae fidei, defensor Omnibus probris hominibus ad quos presentes littere nostre pervenerint Salutem Quandoquidem nos Regio nostro animo perpendentes fidelitatem continuam et affectum fidelissimi et dilectissimi nostri Conciliarii Davidis Domini Boyle nostri Thesaurarii deputati pro antiquo Regno nostro Scotiae Et quod diversis muneribus et stationibus sibi concessitis summo cum honore et fidelitate functus est Et nos hujus maxime conciae quendam Regie nostre gratie characterem in ipsum conferre statuentes ut sibi et sue familie durabilis fiat additio honoris Noveritis Igitur nos Fecisse Constituisse et Creade sicuti per has nostras patentes litteras Facimus Constituis et Creamus dictum Davidem Dominum Boyle Comitem de Glasgow Vicecomitem de Kelburn dominum Boyle de Steuarton Cambra, Finnick, Larys et Dabry, Dando Concedendo et Conferendo prenominato Davidi Domino Boyle et heredibus suis masculis quibuscumq. titulum honorem dignitatem et gradum Comitum Cum omnibus et singulis prerogativis preeminentis precedentis et privilegii quibuscumq. eo spectantibus Quibuscum nos prefatum Davidem Dominum Boyle ejusq. antedictos de nobis nostrisq. Regis successoribus in omnibus Parliamentis Ordinum Conventibus generalibus Conciliis aliisq. Congressibus quibuscumq. publicis seu privatis in dicto Regno nostro tam plenarie adeoq. libere in quovis respectu et conditione quam quivis alius Comes, Vicecomes aut liber parliamenti Domini simili titulo honore et dignitate gavidos est seu quovis tempore preterito presenti vel futuro gaudere poterit Leoni porro Armorum Regi ejusq. fratribus facilibus Imperamus ut prefato Davidi Domino Boyle nunc Comiti de Glasgow tali prioribus ejus insigniis gentilitis additamenta qualia ipsi illisq. hac occasione convenientia videbuntur dent et prescribant Et Ordinamus et Declaramus hanc nostram patentes litteras magno nostro sigillo munitas adeo validas

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efficaces et sufficientes fore illi ejusq; antedictis pro possidendo predicto titulo honore dignitate et gradu Cum omnibus privilegiis alijs eo spectantibus ac si cum omnibus ritibus et solemnitatibus similibus occasionibus perprius usitatis Ille ejusq; predicti Investiti et Inaugurati essent Quocirca Dispensavimus perq; presentes in perpetuum Dispensamus In cujus rei Testimonium presentibus magnam sigillum nostrum appendi precepimus Apud Aulam nostram de Saint James's duodecimo die mensis Aprilis anno Domini millesimo septingentesimo tertio et anno Regni nostri secundo Per signaturam manu S. D. N. regine superscript. Written to the great seal and registrat the twenty fifth day of September 1703, Sic subscribitur Charles Kerr. Sealed at Edinburgh the twenty fifth day of September One thousand seven hundredth and three years by special order till the seal be renewed Sic subscribitur Alex^r Ogilvie.

PATENT Creating Sir James Steuart of Bute Earl of Bute read and ordered to be recorded, Whereof the tenor follows.

ANNA Dei gratia magnæ Britannie Francie et Hibernie Regina fideiq; defensor Omnibus probis hominibus ad quos presentes literæ nostræ pervenerint Salutem Quandoquidem Nos considerantes perplurima egregia servitia per fidelissimum et dilectissimum nostrum Conciliarium Dominum Jacobum Steuart de Bute præstita et impensa Nec non perpendentes continuum fiduciam firmam adhesionem et præstata servitia per antiquam familiam Steuartorum de Bute (cujus nunc personam gerit) nobis nostrisq; Regis prædecessoribus facta et præstita Ob hæc igitur et diversas alias causas et consideraciones insignem et durabilem Regiæ nostræ favoris teſeram in eundem Dominum Jacobum Steuart ejusq; heredes subscriptos conferre et impendere benigne statuimus Quo ipse et illi omnibus occasionibus nobis nostrisq; Regis successoribus munia majoris momenti ſubire et præstare magis incitentur et alimentur Noveritis Igitur Nos Fecisse Constituisse et Creasse sicuti nos per has nostras patentes literas Facimus Constituimus et Creamus dictum Dominum Jacobum Steuart Comitem Vicecomitem et Liberum Parlamenti Dominum dicti nostri Regni Intitulandum et designandum Comitum de Bute, Vicecomitem de Kinyarth, et Dominum Mont-Steuart, Cambra, et Inchmarnock omni tempore futuro Dando Concedendo et Conferendo prenominato Domino Jacobo Steuart et heredibus suis masculis quibuscumq; titulum honorem ordinem gradum et dignitatem Comitum Vicecomitis et liberi parlamenti Domini ut dictum est Cum plenaria admodum potestate et auctoritate Illi ejusq; antedictis eundem cum omnibus et singulis prærogativis præcedentibus præeminentiis et privilegijs eo spectantibus possidere et

frui Quibuscum nos eundem Dominum Jacobum Steuart ejusq; antedictos Nobilitamus et Investimus Speciatim vero cum libero suffragio in parlamento Tenendum dictum titulum honorem ordinem dignitatem et gradum Comitum, Vicecomitis et liberi parlamenti Domini Cum omnibus prærogativis præeminentiis et privilegijs eo spectantibus per eundem Dominum Jacobum Steuart ejusq; antedictos de nobis nostrisq; Regis successoribus in omnibus Parliamentis Ordinum Conventibus generalibus Concilijs alijsq; Congressibus quibuscumq; publicis seu privatis in dicto Regno nostro tum plenarie adeoq; libere in omnibus respectibus quam quivis alius Comes Vicecomes et liber parlamenti Dominus simili titulo honore et dignitate cum universalis privilegijs alijsq; eo spectantibus usus et gavius est seu quovis tempore præterito presenti vel futuro uti et gaudere poterit Leon^e porro Armorum Regi ejusq; fratribus facialibus Imperamus ut præfato Domino Jacobo Steuart nunc Comiti de Bute talia prioribus insignijs ejus gentilitijs additamenta quælibet hac occasione expediens et conveniens videbitur deus et præſcribant Et declaramus et ordinamus hæcæ nostras patentes literas magno nostro sigillo munitas adeo validas et efficaces fore dicto Domino Jacobo Steuart ejusq; antedictis pro possidendo predicto titulo honore et dignitate ac si cum omnibus ritibus et solemnitatibus similibus occasionibus perprius usitatis Ille ejusq; predicti Investiti et Inaugurati essent Quocirca Dispensavimus perq; presentes in perpetuum Dispensamus In cujus rei Testimonium presentibus magnam sigillum nostrum Appendi precepimus Apud aulam nostram de Saint James's decimo quarto die mensis Aprilis Anno Domini Millesimo septingentesimo tertio et anno Regni nostri secundo, Per signaturam manu S. D. N. Regine superscriptam; Written to the great Seal and registrat the thirtieth day of September, 1703, Sic subscribitur Charles Kerr, Sealed at Edinburgh the thirtieth day of September 1703 and three years by special order till the seal be renewed, Sic subscribitur Alex^r Ogilvie.

PATENT Creating Charles Hope of Hopetoun, Earl of Hopetoun, read, and ordered to be recorded, Whereof the tenor follows.

ANNA Dei gratia Magnæ Britannie Francie et Hibernie Regina fideiq; defensor Omnibus probis hominibus ad quos presentes literæ nostræ pervenerint Salutem Quandoquidem Nos Regio nostro animo perpendentes præclara et fidelia admodum servitia per antecessores fidelissimi et dilectissimi nostri Consanguinei et Conciliari Caroli Hope de Hopetoun nobis nostrisq; Regis prædecessoribus præstita et peneta per quos maximas fiducie et dignitatis munus concedituri erant ac insignem utilitatem antiquo nostro Regno Scotiæ eorum

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diligentia accrescentem Inveniendo et Promovendo ibidem fodinas plumbæas quibus multi indigentes occupati et sustentati sunt Atq; etiam Considerantes eundem Carolum Hope testimonium suæ probitatis et affectionis erga nostram personam et regimen omnibus occasionibus dedisse Ob hæc igitur et per plurimas alias magni momenti rationes insignem et durabilem characterem Regii nostri favoris in dictum Carolum Hope de Hopetoun et heredes masculos de suo corpore quibus deficiet heredes femellas sui corporis conferre et concedere apud nos benigne statuimus Quo vero ille illis, magni momenti servitiis nobis nostrisq; successoribus prestare in futurum magis animetur et excitentur Noveritis Igitur nos Fecisse Constituisse et Creaße sicut nos tenere præsentium Fecimus Constituimus et Crevimus dictum Carolum Hope Comitem Vicecomitem et liberum parliamenti Dominum in dicto antiquo Regno Scotie Comitum de Hopetoun, Vicecomitem de Aithrie et Dominum Hope omni tempore futuro appellandum et designandum Dando Concedendo et Conferendo in præfatum Carolum Hope ejusq; heredes masculos de suo corpore quibus deficiet heredes femellas sui corporis titulum honorem ordinem gradum et dignitatem Comitis Vicecomitis et liberi parlamenti Domini ut prædictur Cum plena potestate commissione et auctoritate illi ejusq; prædictis possidendi et gaudendi eodem cum omnibus et singulis prærogativis præeminentiis precedentibus et privilegiis eo attinentibus quibuscum nos tenere presentium eundem Carolum Hope ejusq; prædictos spectantem vero cum libero suffragio Parliamenti Investimus et Nobilitamus Tenend et Habend prædicti titulum honorem gradum dignitatem et ordinem Comitis Vicecomitis et liberi parlamenti Domini cum omnibus prærogativis præeminentiis præcedentibus et privilegiis eo spectantibus per dictum Carolum Hope ejusq; prædictos de nobis nostrisq; Regiis successoribus in omnibus Parliamentis Ordinem Conventibus Conciliis generalibus aliisq; publicis et privatis Congressibus in dicto Regno tam plenarie adeoq; libere in quovis respectu ac quavis alia Comes Vicecomes et liberi parlamenti Domini simili titulo honore et dignitate perpetui gavisus est seu quovis tempore præterito presenti vel futuro potiri poterit Leonis porro armorum Regi ejusq; fratribus facilius Imperamus ut præfato Carolo Hope de Hopetoun nunc Comit de Hopetoun talia prioribus insigniis ejus gentilitiis addita qualia ipsi illisq; hac occasione convenientia videbuntur Dent et Prescribant Ordinali et Declari hæc nostras patentes literas magno nostro sigillo raunitas adeo validas et efficaces fore illi ejusq; antedictis pro possidendo prædicto titulo honore dignitate et gradu cum omnibus privilegiis aliisq; eo attinentibus ac si ille ejusq; prædicti omnibus ritibus et solemnitatibus simili occasione per ipsos investiti et Inaugurati essent Quocirca Dispensavimus perq; præsentis pro Nolis nostrisq; Successoribus in perpetuum

Dispensamus In Cuius rei Testimonium presentibus magnum sigillum nostrum appendi præcepimus Apud Aulam nostram de Saint James decimo quinto die mensis Aprilis anno Domini millesimo septingentesimo tertio et anno regni nostri secundo. Per signaturam manu S. D. N. Regine superscriptam. Written to the great seal and registrat

PATENT Cresting John Crauford of Kilbirnie Viscount of Garnock, read and ordered to be recorded, Whereof the tenor follows.

ANNA Dei gratia Magnæ Britannie Francie et Hiberniæ Regina fideiq; defensor Omnibus probis hominibus ad quos presentes literæ nostre pervenerint Salutem Quandoquidem nos perpendentes egregia et permulta servitiis per fideiissimum et prædictum nostrum Conciliarium Joannem Crauford de Kilbirnie præstita et impensa Nec non Considerantes tempestivam suam et fervidam presentiam pro Religiosis reformatæ Commode et hujus Regni nostri Scotie libertatibus dum nuper fideiissima erat revolutio, Atq; etiam permulta et insignia officia per prædecessores ejus Craufordos de Kilbirnie pro coronis nostris et monarchie sustentatione peracta Ob hæc Igitur et diversæ alias magni momenti causas et rationes quendam Regine nostræ favoris et gratiæ teserum in eundem Joannem Crauford de Kilbirnie et heredes suos sub scriptos conferre statuimus Quo ipsi animentur et in posterum validiores reddantur singulis occasionibus vobis fereatissimis, nostris successoribus officia magis insignia subire et prestare Noveritis Igitur Nos Fecisse Nominasse et Creaße sicuti per hæc patentes literas nostras Fecimus Nominamus et Crevimus dictum Joannem Crauford Vicecomitem et liberum Parliamenti Dominum infra dictum Regnum nostrum Vicecomitem de Garnock et Dominum Kilbirnie Kingsburn et Drumry omni tempore futuro appellandum et designandum Dando Concedendo et Conferendo prænominato Joanni Crauford et heredibus masculis sui corporis Quibus deficietibus aliis propinquioribus heredibus suis masculis Titulum honorem gradum et dignitatem Vicecomitis et liberi Parlamenti Domini ut dictum est Cum plenaria admodum potestate privilegio et auctoritate illi ejusq; antedictis eundem titulum Cum omnibus et singulis prærogativis præcedentis præeminentiis privilegiis et immunitatibus eo spectantibus possidere gaudere et frui quibuscum nos eundem Joannem Crauford ejusq; antedictos Nobilitamus et Investimus Speciatim vero cum libero suffragio in Parlamento Tenendum et Habendum dictum titulum honorem gradum et dignitatem Vicecomitis et liberi Parlamenti Domini cum universis et singulis prærogativis præcedentis præeminentiis privilegiis et immunitatibus eo spectantibus per eundem Joannem Crauford ejusq; antedictos de nobis nostrisq; suc-

The Viscount of Garnock's patent

cessoribus in omnibus Parliamentis Ordinum Conventibus generalibus Conciliis aliisque Congressibus in dicto antiquo regno nostro publicis seu privatis tam plenarie adeoque libere in quovis respectu et conditione quam quivis alius Vicecomes et liber Parliamenti Dominus simili titulo honore et dignitate Cum universis privilegiis eo spectantibus usus et gavisus est seu quovis tempore futuro uti et gaudere poterit Leoni porro Armorum Regi ejusque fratribus facilibus Imperamus ut prefato Joanni Crauford nunc Vicecomiti de Garneck et Domino Kilbarnie Kingsburn et Drumry talis insignis gentilitii vel prioribus suis additamenta per se suosque predictos utenda qualia ipsi illis expedientis et convenientis videbuntur et singulis occasionibus usitata dent et prescribant Et Declaramus hæc nostras patentes literas magno nostro sigillo munitas adeo validas sufficientes et efficaces fore dicto Joanni Crauford filisq. antedictis pro fratre pro predicto titulo honore dignitate et gradu Vicecomitis et liberi Parliamenti Domini Cum omnibus et singulis prerogativis preeminentiis precedentis privilegiis et immunitatibus quibuscumque eo spectantibus ac si cum omnibus ritibus et solemnitatibus similibus occasionibus perperis usitatis ille ejusque predicti investiti et inaugurati essent Quocirca Dispensavimus per præsentem in perpetuum Dispensamus In cujus rei Testimonium præsentibus magnam sigillam nostram appendi præcepimus Apud Aulam nostram de Saint James's Vigesimo sexto die mensis Novembris anno Domini millesimo septingentesimo tertio et anno Regni nostri secundo. Per Signaturam manu S. D. N. Regine superscriptam. Written to the great Seal and regist the fourteenth day of December 1703. Sic subscribitur Charles Kerr. Sealed at Edinburgh the fourteenth day of December one thousand seven hundredth and three years by special order till the Seal be renewed In absence of Sir Alexander Ogilvie of Forglie Sic subscribitur Jo: Stewart Dep^t.

PATENT Creating Sir James Primrose of Carlingtoun, Viscount of Primrose, read and ordered to be recorded, Whereof the tenor follows.

ANNA Dei gratia Magnæ Britannie Francie et Hiberniæ Regina fidelisq. defensor Omnibus probis hominibus ad quos præsentem litera nostre pervenerint Salutem Quandoquidem nos Regio nostro animo perpendentes permulta præclara et utilia servitia nostro avo Carolo primo et patru Carolo secundo Regibus per quondam Dominum Archibaldum Primrose de Carlingtoun militem Baronetum præstita et impensa in respectivis muniis et officiis publicis sibi concessitis Qui vero durante rebellionem et usurpationem (in saum particulare damnum et detrimentum) pro familia Regia eminenter apparuit et post restaurationem felicissimam in summo munere et officio Clerici et omnium archivorum et rotulorum custodis infra dictum anti-

quum Regnum nostrum Scotiæ Et deniq. in officio et munere Justiciarii Generalis Quibus ambobus dictis muniis fidelissime functus est Et in omnibus eo spectantibus grata admodum servitia præstitit Nosq. abunde satisfacta de fidelitate et probitate defuncti Domini Gulielmi Primrose de Carlingtoun ejus filii legitimi nata maximi et Domini Jacobi Primrose de Carlingtoun sui Nepotis Ob hæc Igitur aliasq. magni momenti rationes insignem et durabilem Regi nostri favoris characterem in familiam præfati quondam Domini Archibaldi Primrose in persona memorati Domini Jacobi Primrose sui nepotis heredis legitimi et representativi ac de suo corpore heredis masculi Quibus defuncti heredis masculi de corpore predicti quondam Domini Gulielmi Primrose sui patris Conferre benigniter Statuimus Quo vero ille illiq. nobis nostrisq. faucentibus servitia notata digniora prestare in posterum magis animentur et incitentur Noveritis Igitur Nos Nominasse Fecisse Constituisse et Creasse sicuti Nos (in quibus omnes honores et dignitates in dominiis nostris residet et a quibus originem ducunt et in eos de nobis bene meritis benigniter permansant) tenore presentium Nominamus Facimus Constituimus et Creamus eundem Dominum Jacobum Primrose de Carlingtoun Vicecomitem et liberum Parliamenti Dominum in dicto Regno appellandum et designandum Vicecomitem de Primrose et Dominum Primrose et Castlefield Dando Concedendo et Conferendo in præfatum Dominum Jacobum Primrose ejusq. heredem masculum sui corporis Quibus defuncti herodem masculum predicti quondam Domini Gulielmi Primrose sui patris titulum dignitatem designationem gradum et honorem Vicecomitis et liberi Parliamenti Domini ut predictum Cum plena admodum potestate commissione et autoritate illi ejusq. antedictis eodem frui et gaudere una cum omnibus et singulis prerogativis preeminentiis precedentis privilegiis libertatibus et immunitatibus quibuscumque eo spectantibus quibuscumque nos per præsentem dictum Dominum Jacobum Primrose ejusq. predictos Nobilitamus et Inauguramus Et particulatim cum libero in Parlamento suffragio Tenendum et Habendum antedictum titulum designationem gradum dignitatem et honorem Vicecomitis et liberi Parliamenti Domini cum omnibus et singulis prerogativis precedentis preeminentiis privilegiis immunitatibus aliisq. quibuscumque eo spectantibus per dictum Dominum Jacobum Primrose ejusq. antedictos de nobis nostrisq. Regis faucentibus in omnibus Parliamentis Ordinum Conventibus Conciliis generalibus aliisq. Congressibus quibuscumque tam publicis quam privatis infra dictum Regnum nostrum tam plenarie adeoque libere in quovis respectu et conditione ac quivis alius Vicecomes et liber Parliamenti Dominus potius et gavisus est seu predicto titulo designatione gradu dignitate et honore cum universis privilegiis aliisq. quibuscumque eo spectantibus quovis tempore præ-

terito presenti feu futuro potiri et gaudere poterit Leoni porro armorum Regi ejusq; fratribus facialibus prefato Domino Jacobo Primrose nunc Vicecomiti de Primrose talia insignia armores qualia huic occasione convenientia et congrua videbuntur dare et prefcribere Imperamus Ordinam et Declaramus hasce nostras patentes literas magno nostro sigillo munitas adeo validas efficaces et sufficientes fore prefato Domino Jacobo Primrose ejusq; prefictis pro possidendo dicto titulo designatione ordine dignitate et honore Vicecomitis et liberi Parlamenti Domini Cum singulis prerogativis preeminentiis precedentes immunitatibus et privilegiis eo spectantibus ac si ille illiq; omnibus ritibus et solemnitatibus similibus occasionibus perpius usutis investiti et inaugurati essent Quocirca Dispensavimus perq; presentes pro nobis nostrisq; successoribus in perpetuum Dispensamus In casus rei Testimonium presentibus magnum sigillum nostrum appendi precepimus Apud aulam nostram de Saint James's trigesimo die mensis Novembris anno Domini millesimo septingentesimo tertio et anno Regni nostri secundo. Per signatam manu S. D. N. Regine superscriptam. Written to the great seal and registrar

[Oath of
Allegiance
taken]

THE Duke of Argyll, the Earls of Glencairn Bute and Hopetoun the Viscounts of Dupline Garrock and Primrose with the Lord Torphichen took the oath of allegiance and subscribed the same with the assurance and took the oath of Parliament.

JOHN Murray of Strowan one of the Commissioners elected for the shire of Perth in place of the deceased Oliphant of Galk and James Sinclair of Stemer one of the Commissioners elected for the shire of Caithness took the oath of allegiance, signed the same with the assurance and took the oath of Parliament.

WARRANT given to the Barons and Freeholders of the shire of Edinburgh to meet on Tuesday next being the eleventh current to Elect another Commissioner for that shire in place of Sir James Primrose now promoted to be Viscount of Primrose, Which warrant is as follows.

Warrant to
Elect a new
Commis-
sioner for
the shire of
Edinburgh

HER Majesties high Commissioner and the Estates of Parliament in respect that Sir James Primrose of Cringtoun formerly one of the Commissioners for the shire of Edinburgh in this present Parliament is now advanced by her Majesty to the dignity of a Viscount Do therefore Grant order and warrant to the Sheriff principal of the foresaid shire and his deputies to call and convene together the Barons and Freeholders thereof at the ordinary

place of their meeting upon Tuesday next being the Eleventh day of July instant to the effect they may chose and elect one to represent them in this said Parliament as their Commissioner in place of the said Sir James Primrose Which they are hereby warranted and ordered to do And ordain intimation hereof to be made in the usual manner.

WARRANT granted to the Barons and freeholders of the shire of Linlithgow to meet on Tuesday come eight dayes being the eighteenth current to elect another Commissioner in place of Charles Hope of Hopetoun now promoted to be Earl of Hopetoun which warrant is as follows.

HER Majesties high Commissioner and the Estates of Parliament in respect that Charles Hope of Hopetoun formerly one of the Commissioners for the Barons of the shire of Linlithgow in this present Parliament is now advanced by her Majesty to the dignity of an Earl Do Therefore Grant order and warrant to the sheriff principal of the foresaid shire and his deputies to call and convene together the Barons and freeholders thereof at the ordinary place of their meeting upon tuesday the eighteenth day of July instant to the effect they may chose and elect one to represent them as their Commissioner in this said Parliament in place of the said Charles Hope Which they are hereby warranted and ordered to do And Ordain Intimation hereof to be made in the usual manner

Warrant to
Elect a new
Commis-
sioner for
the shire of
Linlithgow

WARRANT granted to the Barons and freeholders of the shire of Air to meet on Wednesday come eight dayes being the nineteenth current to Elect a Commissioner in place of John Crauford of Kilbirnie, now promoted to be Viscount of Garrock, and the said warrant is as follows.

HER Majesties high Commissioner and the Estates of Parliament in respect That John Crauford of Kilbirnie formerly one of the Commissioners for the Barons of the shire of Air in this present Parliament is now advanced by her Majesty to the dignity of an Viscount Do Therefore Grant order and warrant to the sheriff principal of the foresaid shire and his deputies to call and convene together the Barons and freeholders thereof at the ordinary place of their meeting upon wednesday the nineteenth day of July instant to the effect they may chose and elect one to represent them as their Commissioner in this said Parliament in place of the said John Crauford of Kilbirnie which they are hereby warranted and ordered to do, And ordain intimation hereof to be made in the usual manner.

Warrant to
Elect a new
Commis-
sioner for
the shire
of Air.

WARRANT granted to the Barons and freeholders of the shire of Bute to meet on Wednes-

day come eight dayes being the nineteenth current to Elect another Commissioner in place of Sir James Stewart of Bute now promoted to be Earl of Bute, Which warrant is also as follows.

HER Majesties high Commissioner and the Estates of Parliament in respect that Sir James Stewart of Bute formerly one of the Commissioners for the Barons of the shire of Bute in this present Parliament is now advanced by her Majestie to the dignity of an Earl Do Therefore Grant order and Warrant to the sheriff principal of the foresaid shire and his deputies to call and conven together the Barons and freeholders thereof at the ordinary place of their meeting upon wednesday the nineteenth day of July instant to the effect they may chose and elect one to represent them as their Commissioner in this said Parliament in place of the said Sir James Stewart Which they are hereby warranted and ordered to do And ordain intimation hereof to be made in the usual manner.

HER Majesties high Commissioner acquainted the Parliament That he had a Letter from her Majestie to them ; but in respect many of the members were not yet come to Town he thought it more proper to delay presenting of the Letter till the Parliament were more fully assembled which he hoped would be next dyet and that then they would proceed to business.

AFTER which The Lord Chancellor by order of the Lord high Commissioner Adjourned the Parliament till Tuesday next at ten a clock in the forenoon.

JULY XI, 1704.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THE Lord Register did take the oath de fidelit administratione in the usual manner.

THE Earl of Southerland did take the oath of allegiance and subscribed the same with the assurance and took the oath of Parliament.

MOVED that Alexander Bothwell now served and returned heir to the last Lord Holyrudehouse may be marked in the rolls of Parliament conform to his precedence.

ORDERED that the writs produced for instructing thereof may ly in the Clerks bands that the members may have inspection thereof.

HER Majesties Letter to the Parliament presented by her Majesties Commissioner read, Whereof the tenor follows.

Sic subscribitur ANNE R.

My Lords and Gentlemen

NOTHING has troubled us more since our accession to the Crowns of these Realms, than the unsettled state of affairs in that our ancient Kingdom.

WE hop'd that the foundations of the differences and animosities that to our great regrett we discover'd among you, did not ly so deep, but that by the methods we have proceeded in, they might have been remov'd.

BUT instead of Success in our Endeavours, the rent is become wider, nay divisions have proceeded to such a light as to prove matter of Encouragement to our Enemies beyond sea to employ their emissaries among you in order to debauch our good Subjects from their allegiance and to render that our ancient Kingdom a scene of blood and disorder, merely, as they speak, to make you serve for a diversion.

BUT we are willing to hope that none of our Subjects, but such as were obnoxious to the Laws, for their crimes, or men of low and desperate fortunes, or that are otherways inconsiderable, have given ear to such pernicious contrivances ; And we have no reason to doubt of the assurances given us by those now intrusted with our authority, that they will use their utmost endeavours to Convince our people of the advantages and necessity of the present measures, for we have always been inclin'd to believe that the late mistakes did not proceed from any want of duty and respect to us, but only from different opinions as to measures of government.

THIS being the case, We are resolved for the full Contentment and satisfaction of our people to grant whatever can in reason be demanded for rectifying of abuses, and quieting the minds of all our good Subjects.

IN order to this We have nam'd the Marquess of Tweeddale our Commissioner, He being a person of whose capacity and probity or qualifications and dispositions to serve us and the Country neither we nor you can have any doubt, and we have fully Impowered him to give you unquestionable proofs of our resolutions to maintain the Government both in Church and State as by law established in that our Kingdom, and to consent to such Laws as shall be found wanting for the further security of both, and preventing all encroachments on the same for the future.

THUS having done our part we are perswaded that you will not fail to do yours, but will lay hold on this opportunity to shew to the world the sincerity of the professions made to us, and that it was the true love of your Country, and the sense of your duty to it and therefore not the want of duty to us, for we shall alwayes reckon these two inconsistent, that was at the bottom of the late misunderstandings.

THE main thing that We recommend to you, and which We recommend to you with all the earnestness we are capable of, is the settling of the Succession in the Protestant Line, as that which is absolutely necessary for your own peace and happiness, as well as our quiet and security in all our Dominions, and for the reputation of our affairs abroad, and consequently for the strengthening the Protestant Interest every where.

THIS has been our fix'd Judgement and Resolution ever since we came to the Crown, and tho' hitherto opportunities have not answered our intentions, matters are now come to that pass, by the undoubted evidence of the designs of our Enemies, that a longer delay of settling the Succession, in the Protestant Line may have very dangerous Consequences, and a disappointment of it would infallibly make that our Kingdom the seat of war, and expose it to devastation and ruine.

AS to Terms and Conditions of Government, with regard to the Successor, We have Impowred our Commissioners to give the Royal assent to whatever can in reason be demanded, and is in our power to grant for securing the Sovereignty and Liberties of that our ancient Kingdom.

WE are now in a war which makes it necessary to provide for the defence of the Kingdom, the time of the funds that were lately given for maintenance of the Land forces being Expired, and the said funds exhausted. Provision ought also to be made for supplying the Magazines with arms and ammunition, and repairing the Forts and Castles, and for the Charge of the Friggets that prove so usefull for guarding the Coasts.

WE earnestly recommend to you, whatever may contribute to the advancement of true Piety, and the discouragement of Vice and Immorality. And we doubt not but you will take care to encourage trade, and to improve the products and manufactories of the Nation, in all which and every thing else, that can be for the good and happiness of our people, you shall have our hearty and ready Concurrence.

WE shall only add that unanimity and moderation in all your proceedings, will be of great use for

bringing to a happy issue the important affairs that We have laid before you and will also be most acceptable to us. So We bid you heartily farewell. Given at our Court at Whidsor Castle the 21st day of June 1704, and of our Reign the 3^d year.

By her Majestys Command

Sic subscribitur AL: WEDDERBURN

Directed

To the Noblemen and To the Barons Commissioners for Shires And to the Commissioners for Burghs Assembled in Parliament in our Ancient Kingdom of Scotland.

HER Majesties Commissioner made his speech to the Parliament And the Lord Chancellor did also make his speech Both which speeches with her Majesties Letter to the Estates were ordered to be printed.

[Commissioners, Chancellor, & Secretaries Speeches to be printed]

THE Earl of Cromarty Lord Secretary made a speech to the Parliament Which was ordered to be printed.

THE Act and Orders to be observed in the Parliament house read and Copies thereof ordained to be affixed on the doors and other places according to custome, And the Lord Chancellor did intimat to the maceors to put the said orders to execution as they would be answerable.

[Orders of the Parliament House read]

THE double Election of the Laird of Paigoun and Patrick Murdoch of Cumloddin for the steartry of Kirkcudbright in place of the deceased Murray of Broughtoun appointed to be heard the next meeting of Parliament.

[Election Kirkcudbright]

ACT Adjourning the summer Session to the first of November read, and put to the vote Mark's first reading or Not and Carried in the affirmative.

[Ancient Adjourning the Session]

THE Lord Chancellor by order of My Lord High Commissioner Adjourned the Parliament till Thursday next at ten a clock.

JULY XIII, M,DCC,IV.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THE Lord Duffus who was absent the last Session of Parliam^t took the oath of allegiance and subscribed the same with the assurance and took the oath of Parliament.

The Laird
of Cavers's
protestation

THE Laird of Cavers renewed his protestation made the last Session of Parliament against the calling any other of the Barons representing the shire of Roxburgh before him, he being the most ancient Baron and returned first in the Commission.

SIR James Foulis of Collingtoun one of the Commissioners for the Barons of the shire of Edinburgh newly elected in place of Sir James Primrose now promoted to be Viscount of Primrose took the oath of allegiance and signed the same with the assurance and took the oath of Parliament.

JOHN Forbes of Culloiden Commissioner elected for the shire of Naïrn in place of the deceased Duncan Forbes of Culloiden took the oath of allegiance and subscribed the same with the assurance and took the oath of Parliament.

ACT adjourning the Summer Session to the first of November next read for the second time and voted and approved, and then touched with the scepter by her Majesties Commissioner in the usual manner, Of which Act the tenor follows.

ACT Adjourning the Session.

- 1 OUR SOVEREIGN LADY with advice and consent of the Estates of Parliament Adjourn the Session to the first day of November next And Declare all actions depending before the Lords of Session to be continued to the said day And her Majesty with consent foresaid Dispenses in the mean time with the fitting of the Court of Justiciary and all inferior Courts as if the Parliament were not sitting And further Declares that the time and space betwixt the date hereof and the said first of November next shall not be reckoned in any annual prescriptions And ordains these presents to be published at the mercat cross of Edinburgh and to be forthwith printed, that the Leidges may be certified thereof.

THE double Election for the Steuartrie of Kirkcudbright called, and a petition from some of the freeholders read, Craving to be heard against both the competing Commissioners and upon the illegality and unwarrantableness of the intimation made by the Steuart depute with the Protest taken by Murray of Barnhounrie; And the parties and their pro^{rs} being heard It was put to the vote Sustain the intimation or Remit, and carried Remit And Tuesday come a fourth night appointed for a new election and a warrant granted for the same to the Steuart depute there nomination to convene

the freeholders and Barons for that effect in manner following.

HER Majesties high Commissioner and the Estates of Parliam^t Considering that the Elections made by the freeholders of the Steuartry of Kirkcudbright of one to represent them in this present Parliament in place of John Murray of Brightoun deceased are now found to have proceeded upon an illegal intimation Do therefore Grant Order and Warrant to Thomas Alexander in Netherthird Steuart depute of the said Steuartry to call and convene together the Barons and freeholders of the foresaid Steuartry at the ordinary place of their meeting upon Tuesday the first of August next to the effect they may chose & elect one to Represent them in this Parliament as their Commissioner in place of the said unq^d John Murray Which they are hereby Ordered and Impowered to do And ordaine intimation hereof to be made in the usual manner.

Warrant to
Elect a new
Commis^r.
since for the
Steuartry of
Kirkcud-
bright

RESOLVE presented by the Duke of Hamilton That this Parliament will not proceed to the nomination of a Successor until we have had a previous treaty with England in relation to our Commerce and other Concerns with that Nation, read, and ordered to ly on the table; And after some debate thereon It was agreed that the next diet of Parliament they will in the first place resume the consideration of this resolve.

[Resolve
about a
Successor to
the Crown]

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Munday next at ten a clock.

JULY XVII, 1700, IV.

PRAYERS said Rolls called.

SIR Hary Innes younger of that ilk Commissioner elected for the shire of Elgine in place of the deceased Robert Dunbar of Grangehill did take the oath of allegiance subscribed the same with the assurance and took the oath of Parliament.

MINUTS of the last Sederunt read.

THE Duke of Hamilton moved That the Resolve given in by him might be resumed unto consideration And being read after some debate thereon another Resolve was presented by the Earl of Rothes in thir terms Resolved that the Parliament will go in the first place into such conditions and regulations of Government as may be proper to rectifie our constitution and vindicat & secure the Sovereignty and Independency of the King-

Resolves
concerning
the Necessi-
tation of a
Successor
and Limita-
tions &
Conditions
of Govern-
ment &c.

dom and then the Parliament will take into their Consideration the Resolve offered for a treaty previous to a nomination And after debate upon both the said Resolves moved that both the said Resolves may be Conjoined in this manner viz. Resolved That this Parliament will not proceed to the nomination of a successor until we have had a previous treaty with England for regulating our Commerce and other Concerns with that Nation. And farther it is Resolved that this Parliament will proceed to make such limitations and conditions of Government for rectification of our constitution as may secure the Religion Liberty and Independency of this Nation before they proceed to the said nomination; And after reasoning thereon the Question was stated Proceed to the two resolves jointly or seপরately and Carried jointly, and thereafter put to the vote Approve the two resolves jointly or not and carried Approve.

[Papers
concerning
the Plot]

MOVED by the Duke of Athol Lord Privy Seal That her Majesty having been graciously pleased to signify by her Commissioner That the Examination of the plot should be laid before the Parliament; That his Grace the Lord Commissioner would be pleased to write to her Majesty to send down the persons who were Witnesses and all papers relating to that plot as soon as possible that that affair might be Examined to the bottom and those who were unjustly and falsely accused might be vindicated and these who were guilty might be punished according to their deservings.

THE Lord Chancellor Declared by order of the Lord Commissioner That his Grace had writ and would again write to her Majesty to send down the full evidences relating to the plot as soon as possible.

THEN the Lord Chancellor by order of her Majesties Commissioner Adjourned the Parliament till Wednesday next at ten a clock.

JULY XIX, M,DCC,IV.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[An act
Supply &c.
read]

THE draught of an Act for two months supply payable at Lambhask next With the draught of another Act for securing free voting in Parliament presented by the Duke of Hamilton, read; Another draught of an Act presented by the Lord Justice Clerk blank in the sums but declared by his Lordship to be for fourteen months supply payable in two years commencing from Whitsunday last, read and all the said Acts ordered to ly on the table.

RESOLVE presented by the Duke of Hamilton that this Parliament will proceed to make such limitations and conditions of Government for the Rectification of our constitution as may secure the Religion Liberty and Independency of this Nation and that they will name Commissioners to treat with England for regulating Commerce and other Concerns with that Nation previous to all other business except an Act of two months supply first of all to be granted for the present subsistence of her Majesties forces.

[Order of
precedence]

MOVED that the Commissioners appointed by the last Session of Parliament for inspecting the accounts of the publick funds give in their report again the next diet of Parliament to ly on the table that any of the members may have inspection thereof.

[Publick
Accounts]

MOVED that there be an Act brought in for securing against a popish successor.

[Popish
Successor]

MOVED that the Parliament may return an answer to her Majesties most gracious letter and the same remitted till the next dyet of Parliament.

PETITION the Earl of Sutherland and the Laird of Grant mentioning a Remit from the Lords of Session and Craving a warrant to Cite the Lords of Treasury and others for misapplication of the pole money, read and ordered to ly on the table till the said remit from the Lords of Session to the Parliament be produced.

[Earl of
Sutherland
&c. vs.
Lords of
Treasury]

THE Lord Chancellor by order of the Lord high Commissioner Adjourned the Parliament till Friday next at ten a clock.

JULY XXI, M,DCC,IV.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

ACT of dissolution from the Crown of the few duties of Bute and others therein mentioned in favors of James Marquess of Montrose, read, and the Earl of Bute craving to be heard for his interest; Ordered that a first reading be marked on the Act and her Majesties Advocate and the Earle of Bute's procurators appointed to be heard before a second reading.

[Fee duties
of Bute]

MOVED that an order for Levicing money in the parish of Cramond may be censured as illegal and an attested double thereof being read after debate

[Illegal
Levying of
money]

thereon the further consideration thereof delayed to the next dyet of Parliament and the subscriber of the order and Commander of the party and others concerned ordered to be cited.

[Earl of
Sutherland
of
Sutherland]

THE petition given in by the Laird of Grant again taken into consideration and the remit from the Lords of Session being produced and another petition from the Earl of Sutherland being read, Warrant granted for Citation in the terms of the said petitions.

[Agent
acting with
Duke]

OVERTURE for an act presented by M^r Fletcher of Saltoun for nominating persons to be Commissioners to treat with England, read.

[Public
house]

THE Report given in by the Commissioners appointed by the last Session of Parliament for inspecting the accounts of the publick funds laid upon the table and ordered to be printed.

[Acts of
Supply]

MOVED by the Duke of Hamilton that the Resolve presented by him with the Act for the two months supply may be again taken into consideration.

LIKEWAYS moved that the Act presented by the Lord Justice Clerk and declared by him to be for fourteen months Supply payable in two years may be likewise considered and after reasoning thereon the question being stated Whither a first reading should be given to the Act for two months or the Act for Six months Cels and carried to the Act for Six months Cels And a first reading accordingly ordered to be marked thereon.

[Officers of
the Army]

PETITION by the officers of the army and garri- sons who want their clothing and clearing read and ordered to be taken into consideration before a second reading of the Act of Supply.

PETITION by David Baillie prisoner in the Castle of Stirling Craving to be set at liberty read and the desire thereof granted be finding caution to appear before the Parliament when called, which accordingly he did, and thereupon an Act for his Liberation was extracted as follows.

[Act for the
Liberation
of David
Baillie]

HER Majesties high Commissioner and the Estates of Parliament haveing heard the petition of David Baillie prisoner in the Castle of Stirling Humbly Shewing unto them That whereas the petitioner has been a long time in prison in the Castle of

Stirling and other places, and that it is extremely prejudicial to his health to continue any longer in prison he being reduced to that weakness and ill state of health that he is scarce able to walk And therefore humbly Craving that his Grace and the Estates of Parliament would ordain him to be set at liberty he always Enacting himself to appear when called as the said petition bears Which being considered by her Majesties Commissioner and the Estates foresaid They by their Interloquitur thereon ordained the petitioner to be set at liberty He finding caution when called to appear before the Parliament In the terms of which Interloq^t and conform to the Sixth Act of the ninth Session of King William's Parliament William Lord Forrester did before extracting hereof become bound as Cautiomer and sovery for the said David Baillie petitioner That he should when called appear before the said high Court of Parliament And that under the penalty of one thousand merks Scots money In respect whereof her Majesties high Commissioner and the said Estates do hereby ordain him the said David to be set at liberty in manner foresaid.

PETITION M^r Patrick Ogilvie son to the Earl of Findlater Craving that he may have an independent troop of dragoons to the end therein mentioned, read, and ordered to be considered before the Act for Supply be read for the second time.

[M^r Patrick
Ogilvie]

PETITION the disbanded officers relating to their arrears and subsistence, read, and ordered to be taken into consideration with the Report from the Commissioners for inspecting the accounts of the funds.

[Disbanded
Officers]

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Tuesday next at ten a clock.

JULY XXV, M,DCC,IV.

PRAYERS said Rolls called.

THE Earl of Caithness who was absent the last Session of Parliament took the oath of alleadgeance and subscribed the same with the asurance and took the oath of Parliament.

JOHN Birshain younger of Bishoptoun newly Elected one of the Commissioners for the Barons of the shire of Air in place of John Crawford of Kilbride promoted to be Viscount of Garmock took the oath of alleadgeance and subscribed the same with the asurance and took the oath of Parliament.

K k

JOHN Steuart of Kinwhinlick newly elected one of the Commissioners for the Barons of the shire of Bute in place of Sir James Steuart of Bute promoted to be Earl of Bute took the oath of allegiance and subscribed the same with the assurance and took the oath of Parliament.

MINUTS read.

[Acts of
Supply &c.]

THE Act of Supply again taken into consideration, and the Act of Security being offered as a clause to be added to the Act of Supply, read, And after debate thereon, the following resolve was offered by the Lord Rofs, Resolved that the Parliament will proceed to grant two months supply for subsisting her Majesties forces and as soon as the Act of Security now read has got the Royal assent will give four months supply more.

AND then a second resolve presented by the Earl of Roxburgh viz. Agreed and Resolved that there be a first reading marked on the Act of Security and that both this Act and the Act for the Supply by without being further proceeded on untill his Grace her Majesties Commissioner receive instructions as to the Act of Security It being then free to the Parliament to proceed to the Acts jointly or separately as they shall think fit; And after reasoning on both the said Resolves The Question was stated Approve the first Resolve presented by the Lord Rofs or the second resolve presented by the Earl of Roxburgh, and carried Approve the second; And the Act of Security being read, a first reading was ordered to be marked thereon.

M^r John Montgomery of Wrae Commissioner in place of Hopetoun for Linlithgow shire, took the oaths &c.

[Order of
procedure]

MY Lord Commissioner and the Estates of Parliament Appointed the next dyet of Parliament for discussing privat business.

AGREED that previous to all other business the Act of Dissolution in favours of James Marquess of Montrose be taken into consideration.

[Doctor
Chamberlain]

PETITION Doctor Chamberlain Craving a warrant to cite his Creditors in order to a protection, read and the desire thereof granted.

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Thursday the third of August at ten a clock.

AUGUST III, M^oCCCLV.

PRAYERS said Rolls called.

COMMISSION Alexander Mackie of Palgoun newly elected one of the Commissioners for the Steuardry of Kirkcubright being presented; It was objected that the election being on the first of August he had very quickly come up and there is ground to believe his Commission was contraverted After debate thereon he was admitted but it was declared that all persons were free to object against the said Commission notwithstanding of his said admission and thereupon he took the oath of allegiance and subscribed the same with the assurance and took the oath of Parliament.

[Election
Kirkcubright]

MINUTS of the last Sederunt read.

IT being moved that the act of dissolution in favours of James Marquess of Montrose might be read for the second time; The Earl of Bute Declared that he not being cited he did not state himself a Contradictor and entered his Protestation for saving his privat right, which was admitted and ordered to be recorded; And thereafter the act was read, and after reasoning and several amendments made on the act, It was put to the vote Approve, or not; and carried Approve.

[Protestation
for the Earl
of Bute]

PETITION The Earl of Sutherland and Laird of Grant Craving the process depending at their instance against the Lords Commissioners of the Treasury might be remitted to be discussed before the Lords of Session, read, and the Commissioners of the Treasury allowed to see and answer against the next dyet of Parliament; and ordered that then this petition and answers be taken into consideration.

[Earl of
Sutherland
&c. vs^t the
Lords of
Treasury]

PETITION The Dutcheis of Buccleugh against The Earls of Melvill and Leven and M^r James Melvill of Hnhill Craving a dyet may be appointed for hearing the cause against them and that Sir David Dalrymple may be allowed to plead the same, The Earl of Leven desired to see and answer the fumen petition And it being put to the vote Appoint a day for hearing or to see and answer It carried appoint a day for hearing And the second diet of Parliament next week appointed for that effect, And Sir David Dalrymple allowed to plead for her.

[Dutcheis
Buccleugh
vs^t Earls of
Melvill &
Leven &c.]

THE Complaint The Earl of Ruglen against an illegal order for quartering appointed to be heard after the Dutcheis of Buccleughs cause the second diet of Parliament next week.

[Earl of
Ruglen]

[Order of
precedence]

THE next diet of Parliament appointed for considering the report from the Commissioners appointed by the last Session of Parliament for the inspecting the accounts of the publick funds and Declared the Parliam^t will then consider the petition given in by the Duke of Atholl and the officers of his late Regiment, The petition for Lieutenant General Ramsay, The petition for the Viscount of Teviot, The petition for Colleton George Mackgill, The petition for the officers of the army and garrisons who want their clearing and cloathing, The petition for Lieutenant Colonel John Hepburn, The petition for Captain Thomas Hay, The petition of the disbandd officers, The petition for the corporalls in the independent troops of horse, Petition Marquess of Lothian, Petition John Auchmoutie, Petition Sir William Douglas, Petition the relict of Captain Alexander Dunbar, Petition Captain David Lindsay, and all other officers petitions relating to arrears.

[Consent of
Sesforth]

PETITION Frances Countess Dowager of Sesforth, craving an alimant read and the Creditors of the Earl of Sesforth allowed to see and answer.

PETITION the said Frances Dowager of Sesforth craving an warrant for Letters to summons Kenneth Mackenzie and others therein mentioned in order to the making up of a write, read, and the said Kenneth Mackenzie and others allowed to see and answer.

[McDonald
of Glengairn]

PETITION Alexander Mackdonnald of Glengairn Craving the garrison may be removed from his house at Invergairn and the Parliament to modifie and determine a sum to be payed to him in reparation of his losses and damngs, read, and her Majesties Advocate allowed to see and answer again the next dyet of Parliament next week.

[Sir James
Stewart, of
Johnston of
Strathorn]

PETITION Sir James Stewart of Goodtrees her Majesties Advocate, Craving a day may be appointed for hearing his cause against Johnston of Strathorn read and the second diet of Parliament next week appointed for that effect after the Dutchess of Buccleugh's and the Earl of Ruglen's.

[Consent
of
Judiciary]

ACT for more effectual payment of the Commissioners of Judiciary their Salaries, read, and ordered to ly on the table.

[James
Bayne]

PETITION James Bayne Wright Craving reimbursement of a sum of money advanced by him for furnishing the palace of Holyrudhouse read and the

same ordered to be Considered after the Report of the Commission for auditing accounts.

ACT in favors of a maiden hospital erected by the Merchants of Edinburgh With another act in favors of a maiden hospital to be erected by the Incorporations of Edinburgh read, and a first reading ordered to be marked on both the said Acts. [Hospital
of Edin]

ACT Discharging Importing Irish butter and cheese, read, and a first reading ordered to be marked thereon. [Irish Butter
& Cheese]

THE Contraverted Elections of the shire of Ross and Clackmannan ordered to be discussed the next diet of Parliament after Report of the Commission for auditing the accounts. [Elections—
Ross & Clack-
mannan]

ACT in favors of the shire of Caithness read, and a first reading ordered to be marked thereon. [Caithness]

ACT for draining Lochs and Marshes read and a first reading ordered to be marked thereon and the same ordered to be printed. [Draining
Lochs &
Marshes]

THE process The Laird of Clackmannan against his Creditors ordered to be heard the second diet of Parliament next week. [Laird of
Clackmannan]

PETITION James Oliphant of Langtoun against M^r Robert Alexander read and refused Leaving the petitioner to insist in any action competent to him before the Judge ordinary as accords in manner following.

ANENT the petition Given in to his Grace her Majesties high Commissioner and the right honourable the Estates of Parliament By M^r James Oliphant of Langtoun against M^r Robert Alexander One of the principal Clerks of Session mentioning That where it pleased the late Sovereigne King William of ever glorious memory by his gift under the great Seal to nominate and ordain the deceased Charles Oliphant ye pet^r father and him and either of y^e the longest liver successiue the one after the other alternatiue, but no wayes jointly at the same time to a place of a Clerk of the Session and Parliament in the equal half of one of the three offices and that during the life of the longest liver of y^e two in the place of M^r William More who was conjunct with Sir James Dalrymple in the said office So that one of y^e might only enjoy the office at the same time according to the tenor of the Act of Parliament 1st y^e and eighty five as the said gift of the date the fifte-

Act in favors
of M^r Robert
Alexander

teenth day of June 1st vjth and ninety one years bears Whereby it is manifest that the foresaid gift and that by the advice of the best Lawyers was formed and calculated to consist with the foresaid Act of Parliament to which it expressly refers. Likens in view thereof his said deceased father and he did really pay for it the sum of seven thousand merks and farther became bound to pay to the said M^r William Mores the sum of two thousand merks yearly during his life so that at this day it hath cost the petitioner upwards of twenty eight thousand merks and is still a growing burden daring M^r William Mores life. Nevertheless when the petitioners said deceased father and he Craved admission upon their said Gift it was allowed they could not be both admitted in terms of the gift in regard of the foresaid Act of Parliament And thereupon the Lords sustained their gift only in favors of one of them And the petitioners deceased father being appointed to make his Election he made the same in favors of himself; But all this having been done without the petitioners having been called or any wayes concerned when his father happened to decease within one year and an half thereafter he again applyed to be admitted by virtue of the foresaid gift alleadging that what had happened upon his fathers first application or the election he made in compliance with the Lords deliverance could not at all touch him or take from him his jus question of the said gift since he neither had been called nor compearing Secondly That now by the said gift the survivor there provided in the petitioners favors did evidently take place upon his fathers decease and the foresaid Act of Parliament could not now be obstructed Seeing that it was he alone that craved or could be admitted Thirdly That the survivorance provided in the said Gift and now taking place in the petitioners favors was not against any Law or Act of Parliam^t but both lawful and usual, Fourthly That it was a vile and intollerable hardship that the petitioners father and he should have payed and engaged in such a sum in the faith of the said gift granted to them both as said is and yet have the same cut off as to them both by his simple decease which happened within less than an year and an half And now besides the foresaid Seven thousand merks advanced and the hygone yearly annuity of Two thousand merks which hath now run these Eleven years, the same is yet current to his utter ruine and undoing And Fifthly That it had been far more eligible on the petitioners part That the Lords had declared their foresaid gift to be null than to have restricted it in manner foresaid, Since upon the declared nullity the petitioner might have had repetition and saved himself from the foresaid growing and excessive burden But notwithstanding of all these alleadgences It pleased the Lords to refuse the petitioners gift and admission and declare the place simply

vacant by his fathers decease upon no other ground but because they had predetermined themselves by the Act of Sequestrant upon his fathers admission and so they adhered to their Interlocutor past then without considering or declaring the validity or invalidity of his gift Which being so heave a grievance the petitioner was necessitat to protest for remeid of Law to the King and Parliament and thereupon in the year 1st vjth and ninety five he insisted in Parliament upon his said protest and got the same Committed and a report upon it; But this report pointing only by way of expedient at the then Lord Register against whom the petitioner thinks he needs not insist but on the office it felt and the fruits thereof to which a legal and formall gift under the great seal doth naturally carry him. The petitioner has hitherto with great patience suffered one to posses himself of his office and enjoy the fruits thereof these eleven years bygone but not being able to support the excessive harden any longer of M^r William Mores annuity which by this time has gone near to ruine him He does now humbly offer his said gift and Craved that the same might be read and he admitted thereupon And there is no injury done to M^r Robert Alexander the present incumbent since by his enjoying the fruits of the office these Eleven years bygone he has much more than doubled the sum he payed for it, And Therefore craveth His Grace and their Lordships to consider the premises and to allow the petitioners gift to be read which constitute him a member of their honourable house, and him admitted thereon And if there remain any difficulty with them after hearing the same That Lawyers may be allowed to be heard thereupon in place Parliament And for that effect to declare the Lord Register and the said M^r Robert Alexander to be thereto cited apud acta, as the said petition and desire thereof hears. For Instructing whereof the petitioner Produced the foresaid Gift of the date abovementioned written to the great seal and registred the thirteenth day of July 1st vjth and ninety one by Sir William Kerr and sealed at Edinburgh the said day by Alexander Inglis as the same more fully bears Which petition and desire thereof being this day read in presence of his Grace her Majesties high Comissiouer and the said Estates of Parliament And they being therewith and with the foresaid gift produced for instructing the same well and ripely advised They Refused and hereby Refuse the desire thereof Leaving the petitioner to insist in any action competent to him before the Judge ordinary as accords.

REPRESENTATION for the Merchants of Edinburgh against all wearing of Silk, read and the silk manufactories allowed to sue and answer the first diet of Parliament next week.

[Against wearing of Silk]

[Discharge-
ing woollen
manufac-
ture]

ACT discharging the Importing of woollen man-
ufactures and allowing the exportation of wool
presented, and ordered to be printed.

THE Lord Chancellor by order of Her Ma-
jesty's high Commissioner, Adjourned the
Parliament till to morrow at ten a clock.

AUGUST 14, M,DCC,IV.

PRAYERS said Rolls called.

THE Lord Barleigh who was absent the last Ses-
sion of Parliament took the oath of allegiance
and subscribed the same with the assurance and
took the oath of Parliament.

[Election—
Secretary
of Kirkcubright
burgh]

ANOTHER Commission for Patrick Murdoch of
Cumloaden newly elected one of the Commis-
sioners for the Steuwartry of Kirkcubright pre-
sented, And the competition moved betwixt this
Commission and the Commission given to Pal-
goun: After reasoning it was agreed That the
matter should be Remitted intire to be proceeded
in the first diet of Parliament next week and Pal-
goun of consent Declared that he would not vote
till the case was determined.

MINUTS of the last Sederunt read.

[Earl of
Sutherland
ag^t Lords of
Treasury]

PETITION The Earl of Sutherland and Laird
of Grant against the Lords Commissioners of the
Thesaurary and a further delay being craved the first
diet of Parliament was appointed for considering
the same previous to all other business; and in the
mean time the Lords Commissioners allowed to see
and answer the same.

[Order of
procedure]

MOVED That the Act nominating persons to be
Commissioners to treat with England might be
again read in order to have a first reading marked
thereon; Likewise moved that the Act of Secu-
rity might have a second reading And after rea-
soning It was put to the vote Proceed this day to
the consideration of the Report of the Commission
for auditing the accounts of the publick funds or
to one of the two publick acts now proposed, and
Carried to one of the two publick Acts Thereafter
put to the vote Proceed to consider the Act for
nominating persons to be Commissioners to treat
with England or to consider the Act of Security,
and Carried to the Act nominating persons to treat
with England, and the said Act being read, a first
reading ordered to be marked thereon and the Act
ordered to be printed.

THE Lord Chancellor by order of the Lord
high Commissioner Adjourned the Parliament
till to morrow at ten a clock.

AUGUST 15, M,DCC,IV.

PRAYERS said Rolls called.

THE Lords Balmerinoch and Blantyre took the
oath of allegiance and subscribed the same with
the assurance and took the oath of Parliament.

MINUTS of the last Sederunt read.

MOVED that a day be appointed for nominating
Commissioners to be insert in the Act and Com-
mission of treaty with England, Likewise moved
That the Act of Security might be read the second
time And after reasoning Agreed that the next
diet of Parliament be appointed for nomination of
the said Commissioners and the second diet of the
week after the next week for a second reading of
the said Act and Commission and in the mean time
to proceed to the Acts of Security and Supply.

[Order of
procedure]

ACT of Security read the second time And after
advising before voting the said Act The Marquess
of Annandale renewed his protestation made last
Session of Parliament against passing the said Act
and Craved that his dissent might be marked.

The Mar-
quess of
Annandale's
protestation
ag^t the Act
of Security.

THE Act was put to the vote Approve or not and
carried Approve.

NEXT diet of Parliament appointed to consider
the Report of the Commission for auditing the
accounts of the publick funds after the naming of
the Commissioners to be insert in the Act and
Commission of treaty with England.

[Public
Accounts]

THE Act of Supply for six months cess out of
the Land rent to be given to the Queen for the
ends and payable at the terms therein mentioned
read the second time And after some debate and
amendments thereon It was put to the vote Ap-
prove the said Act or not and carried Approve
nemine contradicente.

[Act of
Supply]

ORDERED that the Noblemen and Commis-
sioners for Shires and other members concerned
bring in lists of Commissioners for Supply next
diet of Parliament and if they do not that the Lord
Register fill up the Commissioners formerly named
in the last Act of Supply.

[Lists of
Commissioners
for Supply]

THE petition the Earl of Sutherland and Laird
of Grant with a representation given in by the
Commissioners of the Treasury read And after hear-

[Earl of
Sutherland
ag^t Lords of
Treasury]

L 1

ing her Majesties Advocate and Solicitor for the Queens interest. It was put to the vote Remit the cause to be discussed before the Lords of Session or Relieve the same to be Considered in plene Parliament and that a day be appointed for that effect and carried Remit.

BEFORE the said vote the Marquess of Annandale, Earl of Marchmont and M^r Francis Montgomery gave in their protestation against ye same and Craved the same might be recorded and that they might have Extracts thereof, And the Laird of Grant younger Protested in the contrary, Of which Remit and Protestations the tenors do follow,

*Remit to the
Lords of
Session of
the Actum
The Earl of
Sutherland
& Laird of
Grant ag^t
the Lords
of Thesaury*

HER Majesties high Commissioner and the Estates of Parliament having heard a petition for John Earl of Sutherland and Ludovick Grant of that ilk Humbly Shewing unto them that where their Lordships by their deliverance of the date the twenty first of July having granted warrant for citing the Lords Commissioners of the Thesaury at the petitioners instance before the Parliament for answering the petitioners claims anent the Pole money delinquit by Act of Parliament for payment of the cloathing. True it is that albeit Citations are accordingly given yet the diet of Comparance as to those who are either furth of the Kingdom or not in town being upon so many dayes, that it is not probable this Session of Parliament will continue sitting till then Besides that the Lords of Session by a special Remit from their Lordships may be most proper and competent Judges And therefore humbly Intreating his Grace and the right honourable the Estates of Parliament would be pleased to Remit the tryall and discussing of the case aforesaid betwixt the petitioners and the Lords of Thesaury to the said Lords of Session to be summarily determined by them as the said Petition bears Her Majesties said Commissioner and the Estates foresaid by their deliverance thereon dated the third of August instant Ordained the Lords Commissioners of the Thesaury to sit and answer the same against the then next sitting of Parliament And they having accordingly given in answers thereto in form of Representation Mentioning that the Lords of Thesaury having been first convened at the instance of the said petitioners before the Lords of Session and then upon the Lords of Session their remit again convened before the Estates of Parliament and the day and diet to which they are convened before the said Estates not being yet come They conceive that they are no wayes obliged to notice any anticipating petition given in by the said petitioners It being certain that they being under a citation and the day not yet come they are not at all concerned to answer any petition before hand for otherways by the same consequence they might be put summarily to answer without any Citation,

Secundo They farther judge that the Remit craved by the petition is greatly of their concern for discharge of the trust reposed on them by her Majesty and her Majesties interest in that matter So that being convened as Commissioners acting in a joint Commission and therefore not lyable to answer seperately and all of them obliged by their trust to maintain their privilege and her Majesties concern therein; there can be no remit put upon the petition presented untill the day of comparance in the Citation given them and that all of them be heard thereupon Tertio esto that the Commissioners of the Thesaury were appearing as the Lord high Thesaurer yet without answering the petition or the petitioners the Commissioners think it their duty to Represent to the Estates of Parliament that since the Lords of Session found it a novelty to have the high Thesaurer or the Commissioners of Thesaury in his place convened before them for his or their administration it's hoped the Estates of Parliament that now proceed in this matter in their judicative capacity will not find it reasonable to grant a Remit whereby the novelty avoided by the Lords must come to be introduced and that so much the rather that the novelty is clear in regard it is the known method of administration that for the high Thesaurer's or the Thesauries accounts the Queen hath been in perpetual right and use to give Commissions of audite By which Commission their accounts are examined and controlled and can only be examined and controlled before such a Commission and before no other ordinary Judicatory And therefore seeing the Remit in question would necessarily bring the Examination and Contrall of the Thesauries accounts before the Lords of Session it's submitted to the Judgement of the honourable Estates of Parliament whether this would not be a novelty indeed and prejudicial to her Majesties prerogative specially seeing if any privat party find themselves lased in the ordinary administration Her Majesty hath a Court of Excheq^r which is a Sovereign Court and where all such questions by the Act of Parliament 1^o xj^r and thirty three ought to be cognosced and determined, as the said representation also bears. Her Majesties high Commissioner and the said Estates of Parliament having again upon the day and date of their presents heard and considered the foresaid petition with the foresaid answers in form of representation for the Lords Commissioners of her Majesties Thesaury and they being therewith well and ripely advised They have Remitted and by thir presents Remit the decision of the petitioners causes abovesentioned to the Lords of Session.

THE Protestation given in before voting the said Remit, by the Marquess of Annandale the Earl of Marchmont and M^r Francis Montgomery, is as follows.

Presentation
The Mar-
quess of
Anandale,
The Earl of
Sutherland
and Mr
Francis
Montgomery

THE Marquess of Anandale the Earl of Marchmont and Mr Francis Montgomery having been convened at the instance of the Earl of Sutherland and Ludovick Grant of that ilk before the Lords of Session to answer for their administration of the Pole money as Commissioners of the Treasury; The Lords of Session did refer the cause to the Parliament Whereupon the said pursuers did of new cause cite the foressaid persons Commissioners again before the Parliament to a day not yet come; But in the mean time they present a petition to her Majesties Commissioner and the Estates of Parliament Craving that the said action before the Parliament whereof the day of Comparance was not come might be remitted to the Lords of Session After reading of which petition the said parties craved to be heard before any vote And after the debate, the vote being stated by the Lord Chancellor Remit to the Session or Appoint a day to hear in Parliament The said Marquess of Anandale the Earl of Marchmont and Mr Francis Montgomery all present as members did with all respect humbly Protest that the said vote whither it were determined to Remit or to Hear as above might not prejudice their legal defences against the foressaid anticipating citation or the order of the said action or relevancy of the libell and that they might be held as absent and have the benefite of their fild alleggences And that in respect they and diverse others Commissioners of the Treasury were cited to a day which was not yet come which the pursuers themselves grant So that properly there is not a cause or action depending before the Parliament to be remitted And if the foressaid day of comparance were come as it is not the pursuers could not preclude the defenders of their just Exceptions upon their privilege to be heard only before the high Court of Parliament And farther Protested that the pursuers founded upon a reference from the Lords of Session yet no such reference was produced And they all farther Protested That this vote to be put might not prejudice her Majesties prerogative or the privileges of her Majesties Treasury and Exchequer nor the order of auditing and controlling of the accounts of the Treasury in the administration of publick moneys which has allwayes been seperated from the jurisdiction of the Session and managed and discharged either by a Commission of audit from her Majesty or by the Sovereign Court of Exchequer Whereupon the said parties did feperally take Instruments in the hands of the Lord Clerk Register Craving that they might be allowed Extracts of their protests and that the same might be insert in the Minuts of this Sederunt Sic subscribitur Anandale P, Marchmont F Montgomerye.

THE Laird of Grant younger Protested in the contrary, as fild is.

Presentation
The Laird
of Grant
younger.

ACT of dissolution of the few duties of Bute and other rents allot to the keeping of the castle of Dumbarton and the Constabulary thereof Act for the Security of the Kingdom, and the Act of Supply all touched with the scepter by her Majesties Commissioner in the usual manner Of which several Acts the tenors follow.

[Acts
touched
with the
Scepter]

ACT of Dissolution of the few duties of Bute and other rents allot to the keeping of the Castle of Dumbarton and the Constabulary thereof in favours of the Marquess of Montrose.

OUR SOVEREIGN LADY and the Estates of # Parliament taking to their serious consideration the great and singular services done to the Crown and Kingdom by the Noble families of Lennox and Montrose And that of late Charles Duke of Lennox hath disposed and made over to James now Marquess of Montrose the few-duties of the lands of Bute and Comrie ferme and watch mail of Kilpatrick maines and few duties of Cardross and with the Castle green of the Castle of Dumbarton and the hall other superiorities few-duties and other rents and emoluments belonging to the said Castle and pertaining to the said Duke as heretablie Keeper and Constable thereof; And that her Majesty hath consented to the said agreement betwixt the said Duke of Lennox and Marquess of Montrose under condition that the Marquess should Dispose and Resigne in favours of the Crown the rock and hail fortifications of the said Castle with the office of heretablie Keeper and Constable thereof; As also that he should dispose the said few-duties ferms and watch mail and others abovementioned to the persons lyable in payment thereof at the rates and under the conditions set down by her Majesty Therefore and to the effect her Majesty may freely dispose upon the premises to be holden blench of her Majesty and the Marquess be fully secured therein Her Majesty for the good and weighty reasons and causes abovementioned with advice and consent of the Estates of Parliament for all right and title any manner of way competent to the Crown or principality hath Dissolved and hereby Dissolves the foressaid few-duties of Bute few-duties of Comrie and the said ferm and watch mail of Kilpatrick maines and few-duties of Cardross with the Castle green and hall other superiorities few-duties rents and emoluments belonging to the Keeping and Constabulary of the said castle or to the said Duke of Lennox as Keeper and Constable thereof from her Majesties Crown and principality and patrimony thereof and from the office of keeping the said Castle Rescinding and Annulling all Acts of Parliament annexing the same thereto and that may be any wayes inconsistent herewith Reserving allwayes to her Majesty and her successors the said rock and hail fortifications of the said

Castle to remain with the Crown as a part of the annexed patrimony thereof for ever And her Majesty with consent foresaid Declares and Ordains the right to be granted by her Majesty to the Marquess of Montrose of the premises hereby dissolved to be as valid and effectual as if the feuduties and others abovementioned had never been annexed to the Crown or principality nor the keeping of the said Castle of Dumbarton And that this present Dissolution shall have the full force and strength of any former Act of Dissolution past in the best forme with all clauses needfull.

The Earl of Bute's protestation at passing of this Act is to be found on the third instant.

ACT for the Security of the Kingdom

- § OUR SOVEREIGN LADY The Queens Majesty with advice and consent of the Estates of Parliament Doth hereby Statute and Ordain That in the event of her Majesties death or of the death of any of her Majesties heirs or successors Kings or Queens of this Realm This present Parliament or any other Parliament that shall be then in being shall not be dissolved by the said death But shall and is hereby Required and Ordained if assembled to Sit and Act in manner aforementioned notwithstanding of the said death And if the said Parliament be under adjournment the time of the said death It shall notwithstanding meet precisely at Edinburgh the twentieth day after the said death excluding the day thereof whether the day of the said adjournment be sooner or later And It is further Statute and Ordained That in case there shall be no Parliament in being at the time of the death foresaid then the Estates or members of the last preceding Parliament without regard to any Parliament that may be indicted but never met nor constituted shall meet at Edinburgh on the twentieth day after the said death the day thereof excluded And further providing that in all or any of the said cases if there shall happen to be any vacancie of members by reason of death or promotion the Barons or Burghs concerned shall have power to choose and supply the said vacancie in the accustomed manner As Likewises that in all or any of the said cases no person who hath been, is or shall be then papist and hath not purged himself of popery by taking of the Formula set down in the third act of the Parliament One thousand and seven hundredth before the said death shall be capable to be a member of or to elect or be elected to the said Meeting of the Estates of Parliament And likewise that no English man nor foreigner having a Scots title and not having an Estate of Twelve thousand pounds yearly rent within this Kingdom shall in the event foresaid have place or vote in the said Meeting of Estates And the said Estates of Parliament appointed in case of the

death foresaid to continue or meet as above are hereby Authorized and Impowered to act and administrat the Government in manner aforementioned That is That upon the death of her Majesty leaving heirs of her own body or falling thereof lawfull successors designed or appointed by her Majesty and the Estates of Parliament or upon the death of any succeeding King or Queen leaving lawfull heirs and successors as said is the said Estates of Parliament are Authorized and Impowered after having read to the said heir or successor the Claim of Right and desired them to accept the Government in the terms thereof to require of and administrat to the said heir or lawfull successors by themselves or such as they shall commissionat the Coronation oath and that with all convenient speed not exceeding thirty dayes after the meeting of the said Estates if the said heir or successor be within the Isle of Britain Or if without the same not exceeding three moneths after the said Meeting in order to their Exercising the regal power conform to the Declaration of the Estates containing the Claim of Right And also in case of the said heir or successor their being under age which as to the exercise of the Government is hereby declared to be untill their attaining to seventeen years compleat to Provide for order and settle within the space of Sixty dayes after the said meeting a Regencie for the Kingdom untill the said heir or successor take the Coronation oath and do actually enter to the Exercise of the Government The Regent or Regents to be so appointed alwayes having the Claim of Right read to him or them as above and he or they taking at his or their entry the Coronation oath and to continue for such space as the said Estates shall appoint After the entry of which heir or successor to the Exercise of the Government in manner foresaid or the settling the Regency in case of under age the said Estates of Parliament shall only continue to sit and act for the space of three moneths unless they be sooner lawfully adjourned or dissolved by the said heir or successor being entered or by the Regent or Regents lawfully settled as said is And further upon the said death of her Majesty without heirs of her body or a successor lawfully designed and appointed as above Or in the case of any other King or Queen thereafter succeeding and deceasing without lawfull heir or successor the foresaid Estates of Parliament Convened or Meeting are hereby Authorized and Impowered to Nominate and Declare the Successor to the Imperial Crown of this Realme and to settle the succession thereof upon the heirs of the said successors body; The said successor and the heirs of the successors body being alwayes of the Royal line of Scotland and of the true protestant Religion Providing alwayes that the same be not successor to the Crown of England unless that in this present Session of Parliament or any other

Session of this or any ensuing Parliament during her Majesties reign there be such conditions of Government settled and enacted as may secure the honour and sovereignty of this Crown and Kingdom, the freedom frequency and power of Parliaments, the religion liberty and trade of the Nation from English or any foreign influence With power to the said Meeting of Estates to add such further conditions of Government as they shall think necessary the same being consistent with and no wayes derogatory from those which shall be enacted in this & any other Session of Parliament during her Majesties reigns And It is hereby Declared That the said Meeting of Estates shall not have power to nominate the said Successor to the Crown of this Kingdom in the event above-expressed during the first Twenty dayes after their meeting Which twenty dayes being elapsed they shall proceed to make the said nomination with all convenient diligence And It is hereby expressly Provided and Declared That it shall be high treason for any person or persons to administrat the Coronation oath or be witnesses to the administration thereof but by the appointment of the Estates of Parliament in manner abovementioned or to own or acknowledge any person as King or Queen of this Realme in the event of her Majesties decesse leaving heirs of her own body untill they have Sworn the Coronation oath and accepted the Crown in the terms of the Claim of Right, And in the event of her Majesties decesse without heirs of her body untill they swear the Coronation oath and accept on the terms of the Claim of Right and of such other conditions of government as shall be settled in this or any ensuing Parliament or added in the said Meeting of Estates and be thereupon Declared and Admitted as above Which Crime shall be irremitible without consent of Parliament And because in the foresaid interval of twenty dayes betwixt the said death and meeting of the Estates of Parliament in case there be no Parliament assembled for the time It is necessary that the administration of the Government be provided for in that interim Therefore It is hereby Declared That in case of the death of her Majesty or of any succeeding King or Queen of this Realm then and in all or either of the events abovementioned the foresaid Administration shall be in the hands of such of the members of the Estates of Parliament and such members of the Privy Council last in being as shall be at Edinburgh the time of the said death or shall come to Edinburgh before the said twentieth day and shall meet in the Parliament house there Which members of the Estates and the said members of the said Privy Council are hereby Impowered to Sit and Act in the said interim for preserving the peace and quiet of the Kingdom allennary and till the said meeting of the Estates and no longer Thirty of the said members of the said Estates and members

of the former Council being a quorum the plurality being allwayes of the Estates who were not of the former Council And It is hereby further Statute and Ordained That all Commissions granted to the officers of State Lords of Thesaury and Exchequer President of the Privy Council and all other civil Commissions that are now granted during pleasure shall by the decesse of the King or Queen reigning become null and void Excepting Sheriffs Stewarts and Justices of Peace in their respective bounds And for a further Security of the Kingdom Her Majestic with advice and consent foresaid Statutes & Enacts That the whole Protestant Heretors and all the Burghs within the same shall forthwith provide themselves with fire arms for all the fencible men who are Protestants within their respective bounds and those of the bore proportioned to a bullet of fourteen drop weight running And the said Heretors and Burghs are hereby Impowered and Ordained to Discipline and Exercise their said fencible men once in the month at least The said heretors allwayes taking the oath of alledgeance and asseurance As also such heretors or fencible men who are suspect of popery are hereby appointed when required to take the Formula mentioned in the Act of Parliament one thousand seven hundredth and that before the Sheriff of the shire or any other Judge within whose Jurisdiction they reside And It is hereby likewise Statute and Ordained That upon the decesse of Her Majesty or any of her heirs or successors the Commissions of all officers of the standing forces above a Captain shall immediately become void and null And that the Captains of the several troops and Companies and Lieutenants of those who shall have belonged to the Colonells Lieutenant Colonells and Majors do continue to command their respective troops and companies without extending their command any further under the pain of treason till further orders from the said Estates or Committee in the intervall And further Her Majesty with advice and consent foresaid Requires and Ordains all officers and soldiers who shall happen to be on dayly pay at the time of the decesse foresaid to Continue in or immediately repair to their respective garrisons & quarters and not to remove from thence but by order of the said Estates or Committee abovementioned upon pain of treason And Lastly Her Majesty with advice and consent foresaid Rescinds Cakes and Annuls the Seventeenth Act of the Session of Parliament one thousand six hundredth and ninety six years and all other Laws and Acts of Parliament in so far as they are inconsistent with this Act.

The Marquess of Annandale's protestation against and Dissent from this Act is Recorded at the beginning of this Sedervant at which time the same was made.

M m

ACT sent the Supply of Six Moneths
Cells upon the Land Rent

- 4 THE Estates of Parliament Taking to their consideration the danger that still threatens this Kingdom by reason of the continuance of the present war which visibly requires the keeping up of the standing forces and the supplies necessary for their maintenance and the repairing furnishing and maintaining the forts and garrisons and outlying and maintaining the frigates employed for defence of the coasts Do Therefore humbly and cheerfully for themselves and in name and behalf of this Kingdom whom they represent make offer to her Majesty of the sum of Four hundred thirty two thousand pounds Scots extending to Six moneths Cells Which new Supply is to be raised and uplifted out of the Land rent of this Kingdom in the same manner and conform to the proportion of the Shires and Burrows contained in the fifteenth Act of the Parliament 1st viz^t and one year. Providing always That the proportion of Burghs be rated and payed as their tax roll now is or shall be settled by themselves Which new Supply is to be payed at the terms following viz^t Two moneths thereof the first day of September next Two moneths at Candlemas next and the last Two moneths thereof at Whitsunday next And her Majesty Considering that this new Supply is granted for such necessary uses Doth with advice and consent of the Estates of Parliament Declare that no person or persons shall be exempted from payment of their proportion of this supply for their Lands upon any pretence whatsoever excepting mortified Lands and the Lands of Newmills belonging to the woollen manufactory there for which mortified Lands and Lands of Newmills deduction is to be allowed in the quotas of the respective shires notwithstanding of any former Law or privilege in the contrary And her Majesty with advice and consent foresaid Appoints the persons contained in the Lists which are to be given in this Session of Parliament being always qualified according to Law to be Commissioners for ordering and uplifting the said supply With power to chose their own Clerk and to do every thing concerning the said supply as is prescribed and appointed by the foresaid act and other acts to which it relates holding the same as here repeated And ordains Execution to pass for inbringing thereof as is provided by the said acts in all points and ordains the first meeting of the said Commissioners of shires to be at the respective head Burghs thereof the last Tuesday of August instant And Requires the Sheriffs and Stewarts or their deputies to intimat the same to the Commissioners of their shires and Stewarts with power to the said Commissioners to appoint the subsequent diets of their meetings

and their Conveeners from time to time As also to appoint Collectors with sufficient caution as they shall think fit And Commits to her Majesties Privy Council upon the death or not Acceptance of the Commissioners of Supply appointed by this act to nominate and appoint others in their places And her Majesty with advice and consent foresaid Declares all clauses contained in former Acts of Parliament and Conventions of Estates in relation to the inbringing of Cells and quartering and went riding money to stand in full force as to the supply now imposed as if they were herein expressed and were observed before the making of this act And It is hereby Declared that no persons whither Heretor or Collector lyable in payment of the said supply shall be holden to produce their receipts or discharges of the same after three years from their respective terms of payment unless diligence be done therefore by denunciation within the said three years In which case of diligence by denunciation a year farther is only added to the said three years And none shall be holden to produce their receipts or discharges thereafter And because by the Supply hereby granted The Land rent and Burghs of this Kingdom are only burdened And it being just that personal Estates in money should bear some proportionall burden Therefore Her Majesty with advice and consent foresaid Statutes and Ordaines That every Debitor owing money within this Kingdom at Six per Cent. of interest shall in the payment of his annualrent have retention in his own hands of a twelvth part of Six per Cent. and this Retention to be from the term of Whitsunday last bypast exclusive to the term of Whitsunday next And It is Declared That it shall be nury for any Creditor to refuse to grant the said retention And It is further Statute and Ordained That no part of the said Supply be applyed to any other uses than those particularly above-expressed upon any pretence whatsoever And more especially that the clearance and arrears due to the forces on the present Establishment for the fourteen moneths last past be payed to them punctually The one half thereof out of the two moneths cells payable at Candlemas, and the other half thereof out of the two moneths cells payable at Whitsunday next as above.

FOLLOWS the Commissioners of Supply Given in by the Noblemen and Commissioners for the several Shires as was ordered in Parliament.

For the Shire of Edinburgh

The Marquess of Tweeddale the Marquess of Lothian the Earl of Dalkeith the Earl of Landerdale the Earl of Dalhousie the Earl of Ruggen the Earl of Cromarty the Earl of Roseberry the Viscount of Primrose the Lord Roß the Lord Tor-

phlehen the Lord Bellenden Sir John Lauder of Fountainhall Sir Robert Dundas of Arnistoun M^r Roderick Mackenzie of Prestounhall Lord Justice Clerk Sir James Stuart of Goodtrees Sir James Foulis of Colington Sir Robert Dickson of Inveresk George Lockhart of Carnwath Sir James Richardson of Smootoun Sir Patrick Nisbet of Dean Henry Nisbet younger thereof Sir John Ramsay of Whitehall Sir William Baird of Newbyth Sir James Baird of Saughtounhall Sir Alexander Gilmore of Craigmillar Sir John Foulis of Ravelftoun Sir William Binning of Walyfoord Sir James Dick of Prestounfield Sir James Dalrymple of Killoch Sir Thomas Moncrief of that ilk Sir James Elphinstoun of Logie Sir James Mackburg of Vogrie Sir Alexander Brand of Brandsfield Sir John Clerk of Pennycook Sir Robert Chiesly of Bonnyton Sir James Justice of Crichtoun John Hoppingle of Torsonce James Somervell of Drum John Borthwick of Cruickston George Loch of Drylaw Sir Andrew Myrton of Gogar William Bigger of Woolmet James Murray of Deuchar Robert Prefeton of that ilk
Muirhead of Linhouse Cranstoun of Dewar Robert Craig of Riccartoun James Kyles of Southside Hugh Wallace of Inglistoun Foulis of Batho M^r William Foulis of Woodhall Robert Watson of Muirhouse M^r John Meinzie of Cambo Alexander Brand of Castlehead M^r James Oliphant of Longtoun the eldest Bailie of Muirfieldburgh the eldest Bailie of Dalkeith M^r Patrick Craw of Heaghead M^r David Forbes of Newhall Advocat M^r John Mitchellson of Middleton Advocat M^r John Fairholme of Babertoun Advocat Henry Bothwell of Glesmore Collesell Wilheart of Cliftounhall Archibald Burnet of Carlips M^r James Smith of Whitehill M^r Adam Wat of Rosehill M^r David Pitsairn of Dreghorn M^r George Alexander of Peppermill Jasper Johnston of Wariestoun William Turnhall of Currie M^r John Mackenzie of Cannond George Warrander of Benatsfield Thomas Inglis of Mannerhead George Pringle of Haltree William Morison of Prestoungrange the Laird of Mortounhall James Deans of Woodhouse Andrew Houtoun of Calderhall Edward Masjoribanks of Hal-yards M^r John Mitchell of Alderston Robert Gray of Wariestoun the Laird of Lihbertoun William Martine of Harwood the Bailie of the Regality of Muirfieldburgh Robert Barr of Cofertoun the Duke of Argill the Lord Yester the Earl of Haddington Lord Charles Kerr Sir Patrick Home of Rentoun John Dalrymple younger of Killoch Lauder younger of Fountainhall the Provost of Edinburgh for the time John Clerk younger of Pennycook John Inglis of Auchindine Walter Welch of Lochherret James Stuart younger of Goodtrees the Master of Ross M^r William Johnston of Sheems.

For the Shire of Haddingtoun

The Marquis of Tweeddale the Earl of Wintoun the Earl of Roxburgh the Earl of Haddingtoun the Earl of Hopetoun Lord Yester the Viscount of Kingstoun the Viscount of Primrose the Lord Elibank the Lord Belhaven the Lord Blantyre Lord David Hay Lord Alexander Hay the Master of Belhaven Sir James Hall of Dungleis Sir John Hepburn of Blackeslie White of Crich-ness Wauchop of Stotincleugh elder Wauchop of Stotincleugh younger Ludovick Cant of Dryhamfoord Cant of Thurstoun Alexander Gordon of Woodhall Sir Robert Sinclair of Longformacus M^r Andrew Oswald portoner of Kalfburn Purves of Ewfoord younger Sir Robert Lauder of Bellmouth Sir Alexander Anstruther William Sandilands portoner of Kalfburn James Hamilton of Hetherwick Home of Gemmilhills the Laird of Hiltoun the Laird of Bourhoufe the Laird of Poppillhall the Laird of Whitlaw Sir John Home of Blackadder the Laird of Pilmure Sir Andrew Ramsay of Woughtoun Sir Francis Kinloch of Gilmerston the Laird of Beantoun Alexander Miller of Gourbank Sir David Dalrymple of Halls Richard Miller of Farnythott Sir William Baird of Newbyth William Brown of Dalgonrie the Laird of Lamington Sir John Clerk of Pennycook M^r John Clerk younger of Pennycook Sir John Hay of Alderfozan M^r James Dods portoner of Nungate the Laird of Beerfoord George Seaton of Burns Sir Robert Sinclair of Stevenson John Sinclair younger of Stevenon Patrick Cockburn of Clerkington Doctor George Stirling of Lethem David Forrest of Gimersmill Sir George Seaton of Cairleton the Laird of Nunraw elder the Laird of Nunraw younger Douglas of Garvald John Hay of Hopes Sir Robert Hay of Lyplum Sir Richard Newton of that ilk James Chriflie of Newhall Halyburtoun of Egliscarnie the Laird of Saltoun Doctor Sinclair of Hermistoun James Hamilton of Pencathland Sir John Lauder of Fountainhall John Lauder younger of Fountainhall Adams Cockburn of Ormiston John Cockburn younger of Ormiston David Hepburn of Humble John Hepburn younger of Humble the Laird of Keith David Maitland of Sultray Joseph Douglas of Ethingtoun Skirring of Plewlandhill Sir Peter Wedderburn of Galsford Adam Durham of Lufnes the Laird of Dirletoun the Laird of Congiltoun the Laird of Saltcoats the Laird of Colledgehead Sir Hugh Dalrymple of Northberwick Sir George Suttie of Balgon Brown of Cleghornie Sir John Ramsay of Fauside Sir William Paterson of Grantoun John Paterson younger of Grantoun Hamilton of Olive-shah M^r James Hamilton younger of Olivestob Doctor Oswald of Prestoun the Laird of Prestoun-

grange Sir William Binne of Walyfoord
 Young of Winterfield Lothian of Belsies
 Blackwood of Leffon Jackson
 of Lochhoufes John Deull of Underedge Robert
 Kellie Bailie of Dunbar.

For the Shire of Berwick

The Marquess of Tweeddale the Earl of Home
 the Earl of Haddington the Earl of Lauderdale
 the Earl of Marchmont Lord William Hay of
 Corsbary Lord Maitland Lord Polwarth Lord
 Rods Sir Hugh Dalrymple of Northberwick M^r
 William Hay of Drummeiglor Sir Andrew Home
 Sheriff depute Lord Croisrig Sir Robert Sinclair
 of Longformacus Sir John Home of Blackadder
 Sir John Swintoun of that ilk Sir Patrick Home
 of Rentoun Sir James Hall of Dunglass Sir James
 Don of Newtown Sir William Scot of Harden Sir
 John Pringle of Stitchell Sir Robert Home of
 Rentoun Sir William Purves of that ilk Sir Gil-
 bert Elliot of Headshaw Sir Robert Stewart of
 Allbank Sir Patrick Scot of Ancrum Sir David
 Dalrymple Sir George Nicolson of Kemney Sir
 George Home of Kelso the Laird of Wedderburn
 younger the Laird of Kinnerghame the Laird of
 Cavers the Laird of Lamerton George Bailie of
 Jervivood George Lockhart of Carnwath the
 Laird of Hiltoun the Laird of Kaimes Colkocell
 Charles Swintoun of Meringtoun M^r John Spots-
 wood of that ilk the Laird of Wedderlie the Laird
 of Thorncliffe the Laird of Tofts the Laird of
 Houndwood the Laird of Rymouth the Laird of
 Linthill the Laird of Mortounhall George Home
 of Whitefield Pringle of Torfence the
 Laird of Ednem the Lairds of Littledean elder &
 younger Alexander Home of Berriehough the
 Laird of Greenknow the Laird of Coldinghame-
 law the Laird of Belcheffer Ker of
 Blackburn William Cockburn of Caldow the
 Laird of Coldingknows Alexander Trotter of
 Kettlehill Halyhart of Newnaines
 Aredkine of Shieldfield Trotter
 of Eastend of Fogo the Laird of Balfordane
 Craw of Netherhyres Edgar of Newtown
 Craw of Houghthead the Lairds of Bimer-
 side elder and younger Home of Bottenrig
 Home of Bell Marjoribanks
 of Didrig Douglass of Edrington
 Home of Schlathouse Fish of Castlaw
 Rentoun of Billie Home of
 Whitehouse the Laird of Laughtoun
 Reidpath of Angleraw Nicolson of Tra-
 brown James Pringle of Rigg Logan of
 Burncastle Home of Fairmide
 Home of Blackburn Spens of Spensae-
 mines Reidpath of Byreclough Captain
 Cockburn in Dunee M^r John Home younger of
 Rentoun M^r William Johnston of Hoperig.

For the Shire of Roxburgh

The Marquess of Lothian the Earl of Dalkeith
 the Earl of Roxburgh the Earl of Haddington
 the Lord Cranston Sir Walter Riddell of that
 ilk Sir William Ker of Greenhead Sir Gilbert
 Elliot of Stodds Sir William Bennet of Grubbet
 Sir John Scot of Ancrum Sir John Pringle of
 Stitchell Sir James Don of Newtown Sir Gilbert
 Elliot of Minto Sir William Scot of Harden Sir
 Patrick Scot of Ancrum Sir Alexander Don of
 Rutherford Sir James Scot of Gala Andrew Ker
 younger of Greenhead William Bennet younger
 of Grubbet Ker of Littledean Walter
 Ker younger of Littledean William Ker of Chatto
 William Ker younger of Chatto Andrew Pringle
 of Clifton Robert Pringle younger of Clifton
 Henry Ker of Frogden William Ker of Newtown
 Archibald Douglass of Cavers Scot of
 Hornichill Scot of Resboun Robert Scot
 of Eliestoun Don of Stenham
 Scot of Gottenburry Robert Scot of Hasendene
 William Douglass of Bonjedburgh Doug-
 lass of Tinpladen William Ainslie of Blackhill
 Thomas Rutherford of Wells Robert Elliot of
 Midlummill George Rutherford of Fernistoun
 John Halyburton of Muirhouselaw Gideon Scot
 of Heycheffers Andrew Edmiston of Ednem
 John Ker of Cavers Patrick Murray of Chirietres
 William Scot of Thirstone Gideon Scot of
 Faneash William Elliot of Bowlie Robert Glad-
 stones of that ilk William Elliot of Hardwood
 Robert Langlands of that ilk Thomas Scot of
 Whitehead Gilbert Elliot of Standlee William
 Ker of Abotrue Gideon Elliot of Northstoun
 William Scot of Clarlaw Archibald Bennet of
 Chiffers Francis Scot of Newtown William Elliot
 younger of Sunside John Scot of Well Walter
 Scot younger of Well George Bailie of Jervie-
 wood George Douglass of Friershaw William
 Elliot of Thorlithop Robert Rutherford of Cap-
 hope John Simpson of Sharplaw M^r John Murray
 of Bowhill Francis Gladstones of Whiteaw Cap-
 tain Stewart of Hartrig William Don of Wood-
 side William Turnhill of Tofts Chiffers elder.

For the Shire of Selkirk

Sir James Murray of Philiphaugh one of the sen-
 tors of the Colledge of Justice M^r William Hay
 of Drummeiglor Sir Francis Scot of Thirstone
 Sir Gilbert Elliot of Headshaw Sir William Scot
 of Harden Sir James Scot of Gala M^r John Mur-
 ray of Bowhill M^r John Pringle of Haining Tho-
 mas Scot of Whitelid Gideon Scot of Heycheffers
 James Pringle of Torwoodlie James Murray of
 Deuchar Robert Rutherford of Bowland James
 Murray of Sundhope William Plumber of Middle-
 field John Balfour of Broadmesdows John Scott
 of Gilmersleugh Robert Rutherford of Fair-
 nellie M^r William Scot younger of Thirstone.

Francis Scot of Baillies M^r John Rutherford of
Raik Michael Andison of Tullislaw John Hay
of Haystoun Alexander Horsburgh of that ilk
William Chisholme of Broadies William Ogilvie
of Hartwoodmyres James Cunningham of Hynd-
hope William Elliot of Borthwickhouse William
Currier of Howdoun George Currier of Hartwood-
burn Robert Scot of Kershops Walter Scot of
Todrig William Lowes of Flora Robert Scot of
Ellieston Walter Scot younger of Wool Baillie
to the Dutcheis of Buccleugh or her Graces Bail-
lie for the time Baillie of Edinbrough M^r
William Chisholme of Stricklaw for the lands of
Philip Andrew Wauch of Shaw the eldest Baillie
of the Town of Selkirk for the time.

For the Shire of Peebles

The Earl of March M^r William Hay of Drum-
melyear Sir Alexander Murray of Blackbarony
Sir David Murray of Stenhouse Sir John Clerk of
Pennycook James Nafinith of Pudo John Hay of
Haytoun John Dickson of Hartree John Dick-
son of Whiteside George Hunter of Polmoode
Patrick Porteous of Halkinaw Richard Murray of
Spittlehaugh John Murray of Cringeltie Robert
Graham elder of Slipperfield Doctor Pennycook
of Romanne Alexander Horsburgh of that ilk
David Plenderleith elder of Blyth James William-
son of Cardrouna the Provost of Peebles for the
time William Morison of Prestoungrange Alex-
ander Baillie of Callends Alexander Monteith of
Chapplehill Alexander Veitch of Glen William
Barnet of Barns William Douglas younger of
Garrofoot M^r James Nafinith of Dalk James
Geddes of Kirkurd James Broun of Sootstoun
Walter Murray of Hallmyre M^r William Russell
of Kingest Thomas Tweedie of Ofler Robert
Tweeddy of Kingledoors William Porteous of
Glenkirk William Dickson of Kilbucko Robert
Graham younger of Slipperfield William Little
of Stewartoun Adam Little of Winkstoun David
Scot of Houndillhope James Chisholme younger
of Harehope James Williamson of Bridglands
James Cranfoun of Glen.

For the Shire of Lanerk

The Duke of Hamilton the Earl of Wigton the
Earl of Selkirk the Earl of Aberdeen the Earl of
Foscar the Earl of Eglington the Earl of Ruglen
the Earl of Hyndford the Earl of Hoptoun the
Lord Blantyre the Lord Carmichael the Laird of
Lammington the Laird of Mauldsie the Laird
of Lee the Laird of Canewath Sir William Lock-
hart of Carstairs the Laird of Walstoun the Laird
of Wathill the Laird of Culterness the Lord
Haldray the Laird of Culterness the Laird of
Witoun and Clegborn the Laird of Jerviswood
Sir William Meinains of Gledfains Alex^r Bartram
of Nibet Broun of Dolphington John
Somervell of Spittle Muirhead of Persi-

lands Walter Lockhart of Kirkstoun the Laird of
Stonebyres the Laird of Auchtfordell Samuel
Douglas of Hildeside M^r Andrew Kennedy of
Cleburn Sir George Weir of Blackwood the Laird
of Craignethen the Laird of Uditoun Sheriff de-
pute the Laird of Wicketlaw Lockhart
of Birkhill Claud Mackmoran of Glaspen
Ingils of Eastfield Carmichael of East-
end Broun of Lindsaylands

Dickson of Hartree the Laird of Corhouse M^r
David Carmichael of Corfoord the Duke of Doug-
las's Baillie during minority one of the Magistrats
of Lanerk the Provost of Glasgow for the time
the Lord Whitelaw the Laird of Torrence Sir
William Fleeming of Ferme the Laird of Aiken-
head the Laird of Castlemilk the Laird of Cul-
ness the Laird of Wistaw the Laird of Stevens-
toun younger of Cambusethen the Laird of Rose-
hall Sir John Schaw of Greenock the Laird of
Murdifoun the Laird of Dalgiell the Laird of Car-
phin the Laird of Clelland the Laird of Bradies-
holme the Laird of Garne Kirk John Crauford
of Milltoun the Laird of Airdrie the Laird of Rug-
foles John Stark of Auchinvoile the Laird of Tow-
erose the Laird of Borrowfield the Laird of Jar-
danhill the Laird of Redlay the Laird of Fern
younger the Laird of Dalserfe the Laird of Bogs
James Anderson of Stobcross the Laird of Munk-
land the Laird of Earnock M^r Hugh Corbet of
Hargray William Clelland of Herlaw William
Baillie of Glentewen John Wardrop of Dalmar-
nock John Wardrop of Westtoun James Hamil-
ton of Green James Hamilton of Blanterferme
Robert Cunningham of Gilbertfield Gavin Ham-
ilton of Hill the Laird of Westburn William
Hamilton of Orbistoun James Hamilton younger
thereof M^r John Birnie of Broomhill M^r Thomas
Aikman of Ross and Brinsleton the Sheriff de-
putes for the time one of the Baillies of Hamilton
John Hamilton younger of Halensig Roschall
younger William Hamilton of Overton James
Russell of Gartneis William Callen of Sauchs
William Weir of Sunnleside John Baillie of Wood-
side James Muir of Corbalket George Hamilton
of Brouncastle the Laird of Cairnhill younger
James Young of Netherfield James Cochran of
Priestgill Andrew Hamilton of Parkhead James
Hamilton of Newtown Archibald Hamilton of Car-
nock brother to Westburn the Laird of Dougla-
stoun Doctor Wright of Fafine William Smith
of Brousterland William Somervell of Kennoch
James Lindsay of Marchinholme John Lermont of
Newholm William Hamilton of Greenhead brother
to Dalgiell William Bartram of Nibet younger
the Laird of Aikenhead younger the Laird of Wal-
wood younger of Uddounhead Walter Hamilton of
Shatounhill James Somervell of Glenhope the Laird
of Allantoun John Gibson of Westoun the Laird of
Stielhill John Weir of Newtown Colin Campbell of
Woodside Hutchieson of Threburn.

For the Shire of Nithsdale and Dumfries

James Duke of Queensberry William Marquess of Annandale James Earl of Dalkeith David Viscount of Stormont Sir Robert Grierson of Lag William Grierson younger of Lag Sir Thomas Kirkpatrick of Closeburn Thomas Kirkpatrick younger thereof Sir James Douglass of Kelhead William Douglass younger thereof Sir John Jarden of Aplegirth Sir Patrick Maxwell of Spreikell Sir Walter Laury of Maxwelltown Sir John Johnston of Westerhall William Douglass of Dornock James Douglass younger thereof John Sharp of Hoddam M^r Alexander Fergusone of Isle Alex^r Fergusone of Craigdarroch William Johnston of Corhead James Grierson of Capinoch William Johnston of Grantoun Andrew Johnston of Newton George Maxwell of Carnfalloch George Maxwell of Dalwintoun Robert Murray of Drumcrief Robert Johnston of Wamphray James Wallace of Carzeild George Carruthers of Holmains William Coupland of Colestoun

Johnston of Selkeith William Carruthers of Braken-side Carruthers of Dormont M^r William Graham of Mosknow James Carruthers Chamberlain to the Duke of Queensberry James Wilson of Croglin George Wilson of Spangn James Kirk of Bogrie William Irvine of Bonshaw James Carruthers of Wormanbie John Maxwell of Middlebie John Bell of Crowdieknow Coltonel Thomas Dalziel of Beatfoord Walter Riddell of Frierhaw John Dalrymple of Watterside William Elliot of Arkleston William Irvine of Auchenbedrig Robert Maxwell of Portraet M^r John Cunningham of Bonshaw William Fergusone of Caitloch George Murray of Moriewhat William Johnston of Bearholm William Alves sheriff depute of Dumfries George Johnston of Girthhead Stewart depute of Annandale Archbald Douglass of Fingland Chamberlain to the Duke of Queensberry William White Chamberlain to the Marquess of Annandale John Melvill Chamberlain to the Earl of Dalkeith Gilbert Couper Chamberlain to the Viscount of Stormont the Provost of Drumfries for the time James Fergusone of Four merk land James Graham of Schaw M^r William Johnston brother to Sir John Johnston John Johnston of Persiehall.

For the Shire of Wigton

The Earl of Galloway the Earl of Stair Lord Dalrymple M^r William Stewart of Castleseart M^r John Stewart of Sochie Sir James Agnew of Lochaw Sir Charles Hay of Park Sir William Maxwell of Munreith Sir James Dunbar of Mochnum Alexander Mackdowall of Garthland Robert Mackdowall of Logan elder John Mackdowall of Logan younger Patrick Mackdowall of Freuch M^r Alexander Adair of Drummoir John Blair of Dunsie elder John Blair of Dunsie

younger Andrew Agnew of Shewchen Robert Cathart of Gannoch James Dalrymple of Dunragat William Maxwell of Munreith younger James Mackdowall of Gilsepie William Stewart of Castleseart younger James Gordon of Craiglaw younger David Gordon of Barnarmie Thomas Stewart of Flitloch William Gordon of Grauge George Mackenilloch of Torries William Coltrane of Drumorrall Andrew Agnew of Lochryan Alexander Agnew of Mairton Patrick Vais of Barnhorough Alexander Murray of Broughton William Agnew of Wig George Stewart of Tanderlie William Houston of Culreoch younger John Stewart of Phisgill elder David Stewart of Phisgill younger George Mairton of Cuteloe John Adair of Gennoch Alexander Mackie of Palsoun Andrew Agnew of Whitehills James Dalrymple of Dunragat younger John Nilson of Craigenfife John Murdoch Provost of Whitehorn M^r Andrew Ross of Barsalloch John Grierson in Baldoun John Mackie of Berran.

For the Shire of Air

The Earl of Eglington the Earl of Loudoun the Earl of Kilmarnock the Earl of Gldgow the Viscount of Gannock Sir Robert Montgomery of Skehnae John Binsaine of Bishoptoun James Montgomery of Third part Archbald Ballantine of Kellie Patrick Hunter of Hunterstoun Boyd of Penrose James Cunningham of Carlung Major Hugh Buntain of Kilbride William Binsain of Montford John Fairlie of Caldwell M^r Adam Cunningham of Munkcattle John Park of Dubs William Cunningham of Auchnyards Thomas Mackgown of Smithstoun Francis Baillie the Laird of Blair Thomas Boyd of Pitcon Richard Cunningham of Bedland Blair of Giffordland John Ker of Kersland John Hamilton of Ladyland M^r Francis Montgomery of Giffen M^r John Montgomery his son Gavin Ralston of that ilk Hamill of Hughwood James Cochran of Mainhill

Hamilton of Bruner Sir John Schaw of Greenock Peilhes of Craufeld Major James Cunningham of Aiket Alexander Cochran of Bonshaw James Montgomery of Langshaw Sir David Cunningham of Milleraig Arnot of Lochrie Alexander Porterfield of that ilk Sir William Cunningham of Cunninghamhead Peirston elder Peirston younger M^r Alexander Cunningham of Collelland Adam Fullerton of Bartounholme M^r Zacharias Gemmill of Bogride M^r Alexander Crauford of Fergusill Hugh Montgomery of Broclands Charles Dalrymple of Langlands Hugh Montgomery of Buthie John Crauford of Craufordland Alex^r Montgomery of Asloace John Cunningham of Caddell Thomson of Sevenacres M^r John Campbell of Shankstoun M^r William Dalrymple of Glenmure M^r William Logan of that ilk Charles

Campbell of Glesnock Hugh Douglass of Gairrallan
John Campbell of Hurscleugh James Riddoch of
Midtown Hugh Montgomery of Borland David
Boswall of Auchinleck elder M^r James Boswall
of Auchinleck younger John Cochran of Water-
side David Boswall of Crechilton John Beg of
Dornall Sir John Cochran of Ochiltree elder M^r
William Cochran of Ochiltree younger John Chal-
mers of Bonetoun Alexander Cunninghame of
Polquhairs John Miller of Glesly Allan Master
of Cathcart M^r Charles Cathcart son to the Master
of Cathcart John Earl of Stair John Lord Dul-
rymple Sir David Cunninghame of Millenig
William Fullertoun of Craighall John Blair of
Adamton elder John Blair of Adamton younger
William Baillie of Muretoun Fullertoun
of that ilk Alexander of Black-
house Wallace of Shouulton

Fairlie of that ilk Mackrell of Hill-
house Hugh Montgomery of Colfield John Cun-
ninghame of Enterkine Sir Thomas Wallace

Wallace of Cairnhill George Roth of
Gaistoun Sir Alexander Campbell of Cefnock
Robert Nibbet of Greenholme Sir James Dul-
rymple of Killoch John Reid of Balluchmill
Mungo Campbell of Netherplace Adam Aird of
Catin James Farquhar of Gilmilserock

Campbell of Achmanoch Mitchell of
Dalgin John Mitchell of Daldilling William Cun-
ninghame of Brounhill elder William Cuning-
hame of Brounhill younger George Campbell of
Netherwood Samuel Mure of Park prebent Provost
of Air Crauford of Kers John Chalmers

of Gadgirth William Kelso of Dankeith
Wallace of Camiesean James Campbell of Tres-
bank Andrew Broun of Knockmarloch James

Marquess of Montrose Campbell of Little
Cefnock James Cathcart of Carbetoun Robert
Cathcart of Drumjoan the Earl of Ruglen the

Lord Bargaay Hugh Kennedy of Berman Fergus
Mackibhine of Knockdolian Robert Eccles of Kil-
doman James Crauford of Ardmillan Robert Boid
of Trochbrig Alexander Boid of Pinkill Sir Hugh
Cathcart of Carleton Sir Thomas Kennedy of
Kirkhill Alexander Kennedy of Drumellan Sir
John Fergusson of Kilkerran David Kennedy of
Kirkmichael Brice Whitefoord of that ilk Sir
Adam Whitefoord of Blajraghan George Mac-
kenzie of Dalvennan M^r George Hutcheson of
Munkwood Hugh More of Auchindrain

Montgomery of Bridgend James Crauford of New-
mark Allan Chalmers of Sauchie Sir Archibald
Kennedy of Colcaen John Mackilrain of Grimet
Alexander Kennedy of Kilhingle William Ken-
nedy of Daljarvoek John Kennedy of Colcaen
younger Shaw of Over Grimmer Alex^r

Crauford of Kerse John Crauford of Craufordland
M^r William Crauford of Dealgles James Crauford
of Newark John Crauford of Kers Andrew
Crauford of Crauforditoun Hugh Crauford of

Drumow Charles Barclay of Baslie M^r Alex-
ander Crauford of Fergushill Patrick Crauford of
Killoop John Crauford of Oldmure
Broun of Knockmarloch.

For the Shire of Dunbartane

The Duke of Argyll the Marquess of Montrose
the Earl of Wigton the Viscount of Garnock
the Lord Blintyre Mackfarland of Arqubar
Mackfarland of Gartovertan Sir Humphray Col-
quhoun of Laik the Laird of Plasterden M^r
John Campbell of Manmore Sir John Campbell
of Carriet and the Laird of Carriet younger
Archibald Campbell of Rachean Daniel Camp-
bell of Ardintoun the Laird of Arncapell the
Lairds of Colgreen elder and younger Thomas
Whitehill of Keppoch the Laird of Drumhead the
Laird of Gellstoun the Laird of Kilnabaw the
Laird of Darleith the Lairds of Airdoch elder and
younger the Laird of Tillecheun Sir James Smollett
of Bonhill the Laird of Bonhill younger the Laird
of Kilmaronock the Laird of Glenegles Robert
Grahame of Gallingaid the Laird of Drumnakill
John Colquhoun of Cametradan John Buchanan
of Spittell younger the Laird of Barns the Laird
of Hutcheffon Commissar Spreal of Millstoun the
Laird of Garscadden Walter Buchanan of Auch-
intoulshen the Laird of Maines William Boyd of
Woodmill the Laird of Succoth Walter Grahame
of Kilmerdine John Hamilton of Balloch Sir
John Houston of that ilk M^r Henry Marshall
of Nethercroy William Stark of Dulator Thomas
Calder of Shiry Alexander Wardlaw factor to
the Earl of Wigton.

For the Shire of Bute

The Duke of Hamilton the Duke of Argyll the
Earl of Eglington the Earl of Glasgow the Earl
of Bute M^r Robert Stuart of Tillieultrie one of
the Senators of the Colledge of Justice Hector
Bannatine of Kaimes M^r Dougald Stuart of Blair-
hall M^r William Stuart of Ambrissore John
Stuart of Kilwhinliek M^r John Stuart of As-
cog Walter Stuart of Meeknoch Donald Camp-
bell of Auchwilling John Mackie of Kilmorie
Robert Mackurdie of Kilmeneuch James Boill of
Bellikewn John Glast of Midstog Donald Mac-
kennachie of Ambrissog Robert Bannatine of Las-
tos Archibald Maccauw of Garachie James Stuart
of Kildonne Robert Stuart of Lochie Archibald
Stuart Sheriff depute of Bute the Magistrates of
Rothsay for the time the Earl of Bute sheriff
principal and in his absence his therif depute Con-
vener the Dutcheits of Hamilton's Baillie of Arran
for the time Hamilton of Coats and

Mackloy.

For the Shire of Renfrew

The Marquess of Montrose the Earl of Glencairn
the Earl of Eglington the Viscount of Garnock

the Lord Sempie the Lord Roß the Lord Blantire the Master of Roß Archibald Ballantine of Kellie Sir Archibald Stewart of Blackhall M^r John Stewart younger thereof Sir William Stewart of Castlemilk Sir John Shaw of Greenock Thomas Crauford of Craufordshurn M^r William Cochran of Kilmaronock Alexander Porterfield of that ilk Cunningham of Carncurran John Birbane of Bithoptoun younger John Maxwell of Dargavell George Maxwell of Southbar James Mackgilchrist of Northbar John Graham of Douglasstoun Sir John Houtoun of that ilk Patrick Fleeming of Barrochan Alexander Porterfield of Fullwood William Cunningham of Craigends George Houtoun of Johnston Robert Sempie of Beltrees younger Alexander Napier of Blackroan Alexander Hamilton of Bar younger Gavin Ralston of that ilk William Blair of that ilk James Cochran of Mainhill Ludovick Houtoun younger of Johnston William Cochran of Fergallie Alex^r Cochran of Craigunne one of the Baillies of Paisley James Danlop of Houshill Hugh Crauford of Woodside Robert Alexander of Newton Laurence Crauford of Jordanhill William Walkinshaw of Scotstoun Robert Hall of Fulbar Coline Campbell younger of Blythwood John Walkinshaw younger of Walkinshaw Sir John Maxwell of Netherpollock Robert Sanders of Auldhouse Hamilton of Aikenhead younger John Leckie of Newlands Maxwell of Williamwood M^r John Montgomery of Wrae Sir Robert Pollock of that ilk Doctor George Oswald of Fingletoun Thomas Pollock of Balgry John Fairlie of Caldwell William Cochran younger of Ochiltree William Muir of Glenderstoun Sir Robert Montgomery of Skelmorie John Wallace of Neltounside the Laird of Orbbestoun elder Robert Sempie of Balgreen thier depute of Rosneath.

For the Shire of Stirling

The Duke of Hamilton the Marquess of Montrose the Earl of Mar the Earl of Wigtoun the Earl of Roxburgh the Earl of Hopetoun the Lord Elphinstoun the Lord Forrester the Master of Elphinstoun M^r William Livingstoun of Kileth the Laids of Keir Touch Polmaise elder and younger Carden elder and younger Greenyards Naim, Airth Powfoule Orcheyardend Waffertoun Abbotsbaugh Quarrell Kinnaid Stenhouse Kerr Carsiebank John Bonie of Saltoats Beacrofts John Kinoid of Saltoats Milhall Longcroft Manwellfontes Parkhall Dalquhain Balmullier Bantaskine the Earl of Linlithgow's Chamberland James Burn of Clerkstoun Patrick Bellenden of Parkend Dunpore Garvell Sauchie Seahegs Bantone Glenat Craigharnet Kirkstoun Balquharrage Bardoie elder and younger Douglasstoun Drumakill Killern elder and younger Duntreith Arrepyor Craighaven Baden-dalloch Balglais Balgair Croominno Antermeezie Woodhead Dalnair elder and younger Balquhap-

pel elder and younger Spittle elder and younger Duchray elder and younger Auchinmar Halbertshire elder & younger Glenesgles Alva Buchlivi Duller Broich elder and younger Buquhan elder and younger Leckie Craighorth elder and younger Meiklewood elder and younger Invercullan Livie-lands easter and wester, Powhouse Sir Thomas Nicolson John Haldane of Myrtoun Thomas White of Kavercaid the Laird of Nulck M^r Francis Naper of Craighanet John Forreft of Pardovan Sir James Dunbar Woodside Laith Bagonie Carlie Rathchill One of the Magistrates of Stirling Lieutenant Colonel John Erskine Greenyards Livingstoun.

For the Shire of Linlithgow

The Duke of Hamilton the Marquess of Montrose the Marquess of Annandale the Earl of Buchan the Earl of Ruglen the Earl of Stairs the Earl of Roßberry the Earl of Hopetoun the Lord Fincastle the Lord Torphichen Lieutenant General Ramsay of Carriden Sir William Hamilton of Whitelaw Sir Thomas Daljell of Bins the Laird of Dundas the Laird of Dadingstoun the Laird of Manmer the Laird of Hootstoun the Laird of Dechmont the Laird of Wrae Sir Thomas Nicolson of Balankie Sir Robert Sibbald of Kips the Laird of East Binning the Laird of West Binning the Laird of Auldenthie the Laird of Grange the Laird of Bonhard the Laird of Barbochly the Laird of Bedlornie the Laird of Polkemmet the Laird of Potefshaw Sir John Houtoun of that ilk the Laird of Bangour the Laird of Pumphertoun the Laird of Kilpont the Laird of Langercroft the Laird of Lochcoat the Laird of Bertherstoun the Laird of Carrither the Laird of Carleury the Laird of Philpstoun the Laird of Parkley the Laird of Craigtoun the Laird of Kettleston the Laird of Blackraig the Laird of Westport the Laird of Straltoun the Laird of Coustoun the Laird of Briestmill the Laird of Lenthell the Laird of Duntrevie the Laird of Walhouse the Laird of Balbairdie John Binning of Byres James Auchinleck of Woodcockdale the Laird of Pardovan the Laird of Newhalls Samuel Wilkin of Plewland.

For the Shire of Perth

The Duke of Athol Lord Privy Seal the Duke of Argyll the Marquess of Montrose the Marquess of Tallhardin the Earl of Buchan the Earl of Murray the Earl of Strathmore the Earl of Leven the Earl of Airrie the Earl of Northesk the Earl of Broadalbin the Earl of Danmore the Earl of Hopetoun the Earl of Roßberry the Viscount of Stomont the Viscount of Duplin the Lord Elcho Lord James Murray the Lord Rollo the Lord Colvill the Lord Naim the Lord Kinnaid M^r Joseph Austin of Kilspindie Henry Balnaves of Rotnell James Baird of Blair Alexander Blair of Infairay John Blair of Kinfines James Blair of Arhlar John Blair of Balthack John Blair of

Glescluse Mungo Buchanan of Hiltoun David Campbell of Kethick James Campbell of Balgersho
Campbell of Ardennoch Alexander Campbell of Finah M^r John Campbell of Mamore Campbell of Glenfalloch Patrick Campbell of Mongie Colin Campbell of Lochan Mungo Campbell of Burnbank Campbell of Aberuchill
Campbel of Lawers Henry Cheap of Robie James Coupar of Lochblair Henry Crawford of Monogon Laurence Craigie of Kilginston M^r James Craigie of Dunbarrie Adam Drummond of Megginsh Thomas Drummond of Logie George Drummond of Blair John Drummond of Culqualzie George Drummond of Callander David Drummond of Invermay William Drummond of Machany John Drummond of Pitkelley younger George Drummond of Bellidon John Drummond of Keltie Alexander Drummond of Bellislie Alexander Duncan of Landie Patrick Edmiston of Newtown William Edmiston of Camerwallace John Edmiston of Coldoch Lieutenant Colonel John Erskine of Carnock John Erskine of Balgonie David Forthingame of Baudose Thomas Fleming of Mouels John Fullerton of that ilk
Forrester of Millhill William Foot of Wester Glen-shierop John Foot of Easter Glen-shierop Robert Fyfe of Dron M^r Archibald Givan of Buchaple Patrick Grant of Bonhard John Gray of Creechie David Grahame of Potento Mungo Grahame of Goethy James Graeme of Ordbill Thomas Graeme of Balgoun James Graeme of Garvoek George Graeme of Pitmarie George Graeme of Inehbrackie Thomas Graeme of Duchray John Graeme of Reidford John Graeme of Gartur M^r John Graeme of Buchaple M^r James Graeme of Newtown Walter Graeme of Drunkie David Graeme of Rachalloch John Haldan of Glenragles John Haldan of Lenrick
Hay of Leyes Sir John Hay of Muirie John Hay of Pitfoar Hay of Strowie Herring of Calbie Sir James Kinloch of Kinloch John Keir of Kilnouth Kinloch of Gourdie Sir Alexander Lindsay of Evlick M^r Francis Montgomery of Giffan Sir Patrick Murray of Ochertyre John Murray of Strowan M^r James Murray of Glen-curtis Sir John Murray of Glendoick Sir Andrew Murray of Inchmurray Andrew Murray of Mur-reysall William Murray of Abercainie Patrick Murray of Dollarie Anthony Murray of Dollarie M^r William Murray of Arbenny David Murray of Arbeny Hugh Mackgill of West Grange Thomas Milne of Milnefield Alexander Meikieleson of Hill Sir Alexander Meinzieles of that ilk Archibald Meinzieles of Glenlyon Captain James Meinzieles of Comrie Alexander Meinzieles of Cairth Alexander Meinzieles of Shian Sir Thomas Moncrief of that ilk Thomas Moncrief bar of that ilk David Moncrief of calter Rind Moncrief of Culfargy Moncrief of Tippermalloch
Maxtoun of Cultuquhy John Nairn of Seggieden Thomas Nairn of Kirkhill George Oli-

phant of Cladhbeny James Oliphant of Wil-lamton Oliphant of Ischilton
Oliphant of Carrow David Oliphant of Cultuehar Oliphant of Pitkelthie James Purfain of Kippenrofs Paterson of Craigie Sir George Prefoun of Valeyfield Sir James Ramsay of Bamf James Ramsay of Newtown M^r David Ramsay of Lethintie M^r John Ramsay of Tillyn-dies M^r Leonard Robertson of Straloch Alexander Robertson of Straloch Alexander Robertson of Craig Alexander Robertson of Strowan John Robertson of Lude Alexander Robertson of Faf-kallie Robert Robertson of Essentie Thomas Ratray of Craighall John Ratray of Runnagul-lion Rofs of Invernethie James Smith of Caumo James Stirling of Keir Archibald Stirling of Carden Stirling of Kippendavie John Stewart of Garritully John Stewart of Inver-nitie John Stewart of Stentoun Stewart of Clunie Charles Stewart of Ballachan Alexander Stewart of Craighton John Stewart of Balnackille James Stewart of Urrard Dugald Stewart of Blair-boli David Stewart of Kincaerchie James Strachan of Laureftoun James Spittle of Leuchat Andrew Spalding of Ashintully David Smith of Methven David Smith Tutor of Methven John Stirling of Keir Sir David Threepland of Fingak George Wilson of Sands the Laird of Macknab the Sheriff depute of Perthshire the Provost of Perth for the time One of the Bailies of Culrofs for the time.

For the Shire of Kincardine

The Earl Marischall the Viscount of Arhuthnot Sir James Falconer of Phesdoe Sir David Ramsay of Balmaine the Laird of Newtown Sir Alexander Falconer of Glenfarquhar M^r Robert Reid of Drumhendrie William Stirling of Strath James Forbes of Thortoun elder Thomas Forbes of Thortoun younger Sir David Carnegie of Pit-arrow John Carnegie younger of Pittarrow Peter Forbes of Balfour the Laird of Balbegno the Laird of Allardies the Laird of Benholme the Laird of Comistoun the Laird of Barras elder the Laird of Barras younger the Laird of Brigfoord the Laird of Knox the Laird of Ellick elder the Laird of Ellick younger the Laird of Fordon the Laird of Glenbervie the Laird of Leyes elder the Laird of Leyes younger William Burnet of Creigle M^r Alexander Thomson of Portlethen the Laird of Doors the Laird of Bachory the Laird of Inch-merlo the Laird of Drom M^r Alexander Arhuth-not Provost of Bervie the Laird of Johnstoun the Laird of Balmacrewen the Laird of Brothertoun the Laird of Hatton the Laird of Ramoir the Laird of Drumlagair the Laird of Galsill M^r John Falconer younger of Phesdoe.

For the Shire of Aberdeen

The Earl of Erroll the Earl Marischall the Earl of Mar the Earl of Panmure and in his absence

Thomas Innes his factor the Earl of Kintoir the Earl of Aberdeen the Lord Hay the Lord Inverurie the Lord Haddo the Lord Forbes the Lord Saltoun the Lord Pittarigo the Lord Fraser the Master of Forbes M^r George Gordon Tutor of Aboyne the Laird of Drum Sir Thomas Burnett of Leyes Sir Robert Forbes of Auchinhyve Sir Patrick Fraser of Durrus the Laird of Abergeldie the Laird of Invercauld the Laird of Eight the Laird of Ballogie younger Peter Forbes of Midstrath the Laird of Auchlofen younger the Laird of Melack John Gordon of Hallhead Finzean Farquharson Tullisnaught Thomas Mitchell of Easterbelly the Laird of Inverrey the Laird of Braichley George Forbes of Shiells Sir William Forbes of Neumauk the Laird of Melldrum Sir James Elphinstoun of Logie the Laird of Lellie M^r Alexander Davidson of Newtown the Laird of Pitodrie younger the Laird of Barra Walter Hay of Lallyhead Alexander Lellie of Wattle John Elphinstoun younger of Logie the Laird of Glack Alexander Hay of Daviot William Hay of Balbithen the Laird of Leithhall James Gordon of Barnes the Laird of Overhall John Gordon of Rothney younger James Davidson of Tillimoeran Weithall younger Sir Robert Gordon of Gordons-toun for Ryhill Alexander Ross of Lethistrie John Smith of Invercausay Robert Simpson of Thorn-toun Arthur Forbes of Breda Sir William Forbes of Craigievar Archibald Forbes of Putschie the Laird of Balfug the Laird of Glenkindie the Laird of Cullnary younger the Laird of Brux elder the Laird of Whitehough the Laird of Skel-eter John Forbes of Inverran the Laird of Wardes M^r John Innes of Samnahan the Laird of Kintair Peter Reid of Haughtoun M^r George Lellie of Kincraigie George Wilson of Fingesh the Laird of Terpersie John Gordon of Glenbucket

Gordon of Newbigging the Laird of Craig younger M^r Patrick Ogilvie of Calruth Sir William Keith of Ludquhairs the Laird of Lud-quhairs the Laird of Piturg Collonell John Buchan of Cairnbulg M^r Robert Paterson of In-uerwhimry George Keith of Clackrath Alexander Forbes of Ludquhairs James Keith of Cricby the Laird of Achmedden John Gordon of Coynasch Irvine of Crinond John Cumming younger of Kinninmonth William Fraser of Broadland Alexander Gordon of Kimmundy James Scot of Achtidonald William Thomson of Faichfield John Gordon of Technair M^r James Ferguson of Pitfour the Laird of Inverallachie Irvine of Brakley younger Patrick Gordon of Logie John Gordon younger of Nethermaire Andrew Fraser Sheriff depute Alexander Cumming of Blairmounth Gordon of Craiggellie

Lindsay of Culh Irvine of Ar-tamford my Lord Pittmedden the Laird of Udsey Pittmedden younger the Laird of Wattertoun M^r Arthur Forbes of Shives the Laird of Achmoy

the Laird of Onchterellon the Laird of Toartie younger the Laird of Dudwick the Laird of Foveran the Laird of Birnis Alexander Hay of Raunstoun the Laird of Fecbill the Laird of Cairnbrogie the Laird of Turnerhall Thomas Forbes of Artridie John Forbes of Knappernay James Keith of Keithfield John Gordon of Drum-whyndie John Ross of Arndage John Udsey of Newtyle the Laird of Lefmole younger the Laird of Lefkindrum the Laird of Cowbairdie the Laird of Lathiers the Laird of Iden the Laird of Byth Patrick Duff of Craigstoun Sir John Guthrie of Kingedward the Laird of Badenfoth the Laird of Muireik John Cumming of Achry younger the Laird of Cockarochie M^r Alexander Irvine of Savock the Laird of Law Peter Russell of Mon-coffer M^r John Mowat of Balwholly the Laird of Hattoun the Laird of Gight Nathaniel Gordon Baillie of Turreff W^m Johnstoun of Craig for Over-tulloch Alex^r Duff of Braco George Calder of Aswanley Harry Gordon of Aveltie James Gordon of Duoch the Laird of Sken Sir George Skeen of Weherintrey the Laird of Menie the Laird of Dyce Sir John Johnstoun of Caskiehead the Laird of Calter elder the Laird of Stonywood M^r Robert Irvine of Cultra Sir Alexander Cum-ming younger of Cultra M^r James Sandilands of Craibston George Paton of Grandhome William Gordon of Govell Alex^r Gray of Balgowrie Alex-ander Paton of Kinnaldie the Laird of Odhar John Lellie of Colpoze the eldest Baillie of Aber-deen the eldest Baillie of Old Aberdeen the eldest Baillie of Kintoir the eldest Baillie of Inverurie M^r Patrick Sandilands of Cotton Andrew Burnet of Elrick James Gordon of Seatum Donald Farquharson of Balfour Alexander Farquharson of Moultrey Forbes of Blacktoun John Forbes of Boydny the Laird of Leyes younger.

For the Shire of Inverness

The Earl of Southerland the Earl of Murray the Lord Justice Clerk in vice of the Lord Lovat the Laird of Grant Sir Donald Mackdonald of Slate the Laird of Mackintosh the Laird of Mackintosh younger the Laird of Calder the Laird of Kilmock the Laird of Culloden the Laird of Grant younger the Laird of Lochiel younger the Laird of Clunie Mackpherson the Laird of Clava the Laird of Kil-roek younger the Laird of Rothimurebus the Laird of Coner John Mackpherson of Inverellie George Cathbert of Castiehill M^r David Polson of Kismythes Patrick Grant of Tullochgorne M^r William Robertson of Iuchas the Laird of Glen-moristoun Angus Mackintosh of Kyleschie William Grant of Larg M^r John Mackenzie of Cramond William Baillie of Duncan John Ross of Holme William Grant of Dellschapple Laurence Mack-intosh of Deviot James Fraser of Reliet Robert Grant of Gartimore John Mackpherson of Del-radlie William Mackintosh of Borlam younger

George Grant of Clurie Hew Fraser of Belladrum Grant's Baillie of Strathpey John Barbour of Aldourie John Grant of Corrimonie the Lady Lovat's Baillie James Fraser of Auchingairn Fraser younger of Culluthell M^r Thomas Fraser of Drumhalloch Thomas Fraser of Brue Hugh Fraser of Elddale Alexander Fraser of Ballindoun Hugh Fraser of Foyar Fraser of Relict younger Lachlan Mackintosh of Stron John Mackintosh of Connage the Baillie of Urquhart Lodovick Grant of Tulloch the Duke of Argyll M^r Alexander Mackenzie of Fraserden the Laird of Mackleod the Laird of Griffoch Alexander Mackintosh of Fare Mackintosh of Corriburgh.

For the Shire of Nairn

The Laird of Calder M^r Archibald Campbell of Camies William Campbell of Delnelyes the Laird of Kilravock the Laird of Kilravock younger George Brodie of Allik Alexander Brodie of Lethin Hugh Ross of Clava Hugh Ross of Breadkayes James Ross of Daltullich the Laird of Culoden Sutherland of Kinsterrie Alexander Dunbar of Both John Mackintosh of Connage Robert Barber Baillie of Invermeis Alexander Falconer of Blackhills.

For the Shire of Cromarty

The Earl of Cromarty the Lord Mackleod Sir Kenneth Mackenzie Sir James Mackenzie of Forrers M^r Roderick Mackenzie of Prestounhall M^r Alexander Mackenzie younger of Prestounhall the Laird of Kilravock elder the Laird of Kilravock younger William Gordon of Dalfoley Angus Mackleod of Catboill John Urquhart of Newhall William Urquhart of Breadlangwall Rorie Mackenzie of Navitie Alexander Clunes of Neilston John Clunes of Neilston younger John Dalbas of Bananas M^r Beret Mackenzie of Sandilands.

For the Shire of Argyll

The Duke of Argyll the Earl of Lauderdale the Earl of Breadalbane the Lord Glenurchie M^r John Campbell uncle to the Duke of Argyll Sir James Campbell of Auchinbreck Sir Colin Campbell of Ardkinglass James Campbell younger of Ardkinglass the Laird of Lamont Sir Neill Campbell of Kilfingreg the Laird of M^r Lauchlane the Lairds of Lochneil elder and younger the Laird of M^r Naughtoun the Laird of Appine the Lairds of Lochyell elder and younger the Lairds of Lochbowie elder and younger Sir John Campbell of Carriet Robert Campbell younger of Carriet John Campbell of Orchestead John Campbell of Donocoe Donald and John Campbells of Auchinvoulie Daniel Campbell of Ardintennie Donald Campbell elder of Knoekmailgie Duncan Campbell younger of Knoekmailgie Mackarthur of Milltown M^r John Fullertoun of Greenhall John Fullertoun younger of Greenhall the Laird

of Kaimies Duncan Mackgibbon of Auchingarran the Laird of Ashog James Lamont of Knoekdow Donald Lamont of Stialg Robert Melvill of Kilmichnell James Campbell of Glendarrach Alexander Campbell of Otter Duncan Lamont of Auchinshelloch Hugh Campbell of Lix Archibald Campbell younger of Lix John Lamont of Kiltinnan Duncan Gillespie of Baikie William Ewing younger of Bernice Duncan M^r Corquidale of Plunthlands John Campbell of Kildalvane Patrick Mackarthur of Tirrivadich John Campbell of Kenmore Duncan Campbell of Asknath Ronald Campbell of Laganlochane George Campbell of Craignish Angus M^r Lauchlane of Incheconnell Colin Campbell of Inverhae Coline Campbell of Glenman Alexander Campbell of Kilmartine Archibald Campbell of Barbreck the Laird of Dumtroone John M^r Lauchlane of Craigniterive Archibald Campbell of Glenurie Allan M^r Lauchlane of Dunad Dugald Campbell of Nether-Rudall Alexander Campbell of Kirnan Coline Campbell of Knoekbowie M^r Dugald Campbell of Kilmoeie Archibald Mackalister of Tarbat Neill Mackneill of Tainish Neill Mackneill of Ariebronan Patrick Campbell of Kildufflane Archibald M^r Tavith of Dunaderie Dugald Campbell of Dunas Archibald Campbell of Strondour Alexander Mackalister of Loup Angus Campbell of Skipnith Colin Campbell of Blythwood Dugald Campbell of Kilberrie James Campbell of Ormsay Donald Campbell of Auchinard Archibald Campbell of Auchindoun M^r Colin Campbell of Auchintha Archibald Campbell of Clunes John Campbell Baillie of Jura Archibald Campbell of Sunderland Archibald Campbell of Lofit Donald Campbell of Ballenabie John Mackdonald of Largie Donald Campbell of Carradell Archibald M^r Donald of Sands John Campbell of Glensadell John Campbell of Knoekrioch Torquell Mackneill of Ugsdell Hector Mackneill of Lofit Alexander Campbell of Brecalden Patrick Campbell younger of Brecalden Archibald Campbell of Inveraw Archibald Campbell of Drumnacholish Angus Campbell of Dunstaffnage Donald Campbell Baillie of Munkerne Dugald Campbell of Stronhormaig Alexander Campbell of Clanamakrie John Campbell of Ardhatane Colin Campbell of Inverstragan Alexander Campbell of Airds John Mackdougald of Dinnmolich John Campbell of Kirktoon John Stuart of Ardhiell Coline Campbell of Ballivoline Allan Cameron of Glendessie Donald Macklean of Coll John Mackleod of Meishith Alex^r Macklean of Torloik James Campbell of Stenfield Archibald Lamont of Strone Archibald Clerk of Bruleckane Archibald Lamont of Auchagayll the Provost of Inverary for the time being and the Sheriff depute of Argyll Conveener.

For the Shire of Fyfe

The Duke of Atholl Lord Privy Seal the Duke of Argyll the Marquess of Tweeddale the Earl of

Cranford the Earl of Rothes the Earl of Mortoun the Earl of Murray the Earl of Strathmore the Earl of Kellie the Earl of Haddingtoun the Earl of Leven the Earl of Belcorras the Earl of Melvill the Earl of Roseberry the Viscount of Stormont the Lord Yester the Lord Elcho the Lord Sinclair the Lord Burleigh the Lord Colvill the Lord Lindois the Lord Belmerinoch the Master of Belmerinoch the Master of Lindois Sir Robert Douglas of Airdit M^r Mungo Carnegie of Birkhill John Hay of Naughtoun David Balfour of Grange M^r Michael Balfour of Forret M^r William Aiton of that ilk James Crauford of Montquhannie Alexander Watton of Athemy Andrew Baillie of Parkroth James Watson of Ormestoun James Arnot of Woodmill Sir Michael Balfour of Denmill Sir George Sinclair of Kinnaird Sir Archibald Hope of Rankellor John Balfour of Ferry M^r Thomas Hope younger of Rankellor David Clephan of Caralgie John Barclay of Collarney Sir William Hope of Craighall David Scot of Scotstarvet John Bethun elder of Blebo James Bethun younger of Blebo Henry Balfour of Denboug John Bethun of Craighuie M^r Thomas Weyms of Fingask M^r James Cheup of Rothe William Hamilton of Willaw James Bruce of Kinkoch John Leslie of Lunanhat Patrick Bruce of Bunzeon Walter Scot of Edenshead William Shaw of Gosperrie James Balcanquhall of that ilk John Cowan of Curston M^r James Morres of Cash George Moncrief elder of Roddie M^r Patrick Moncrief younger of Roddie Robert Hay of Strowie John Riddell of Grange Patrick Seston of Lathrik Sir John Prefouton of Prefoutenhall James Prefouton of Dumbrae George Clephan younger of Caralgie John Weyms of Onthank William Robertson of Glednie Thomas Bethun of Tarret Michael Landie of Drums Henry Miller of Pourin Mungo Law of Pittillock James Carmichael of Bamblae Robert Heriot of Ramorny David Boisswell younger of Dovan Doctor Carmichael younger of Bamblae Gavin Hamilton of Inverdovae Alexander Nairn of Saintfoord Alexander Walker of Saintfoord James Trent of Pitcullo M^r Arthur Mackgill of Kennock M^r John Craigie of Lawhill Daniel Auchmutie of Drumeldry Robert Lundle of that ilk James Durhane of Largo John Landle younger of Baldastard John Gillespie of Newtown Philip Hamilton younger of Kilbrackmont James Malcolm of Grange John Carrstairs of Kilconcher William Dudingtoun of Saintfoord M^r Robert Cleland of Hillhouse William Gourlay of Kincridg M^r James Cunninghame of Barns M^r James Martine of Clermont Robert Lentune of Kincapeil Orrock of Cufindonald M^r Patrick Arthur of Balon John Weyms of Lathocker M^r Thomas Nairn of Craigton Sir Robert Anstruther of Balcaiskie George Smith younger of Gliblistoun John Aitoun of Kinallie John Aitoun younger of Kinallie Captain Alexander Bruce of Pitartie Sir

Alexander Eskine of Cambo M^r James Balfour of Randerfoun Alexander Monypenny of Pitmillie George Moncrief of Sachop M^r John Lindsay of Wolmestoun David Bethun of Balfour M^r James Bethun younger of Balfour George Lumsden of Rennyhall Robert Lumsden of Energelie Sir William Anstruther of that ilk Sir John Anstruther younger of Anstruther Sir Alexander Anstruther of Newark John Patillo of Bouhouffie John Arnot of Balcorras Philip Anstruther of Ardie James Weyms of Bogie John Weyms younger of Bogie M^r Robert White of Benochie Skeen of Weirbogie Colkonn John Eskine of Curnock Captain Philip Anstruther of Grange David Barclay of Touch Sir Andrew Ramsay of Abbotshall John Alexander of Skedaway Alexander Gibson of Durie John Durie of Lethum M^r David Bethun of Bandon Christopher Seton of Cariltoun James Law of Bruntoun Robert Balfour of Balfirny George Balfour younger of Balfirny Robert Douglas of Strahendry John Lendie of Auchtermarny Sir John Mackeolm of Inverteill Michael Malcolm of Belbedie Alexander Colvill of Blair John Skeen younger of Halycards Walter Boisswell of Balbertoun William Calderwood of Pittadie Sir David Thoirs of Weirchoegellie James Betson of Kilrie M^r John Prefouton of Drumack James Betson of Glasmont David Boisswell of Balmuto John Wardlaw of Abden younger Orrock of that ilk John Durie of Grange Alexander Aiton of Inehadary M^r James Robertson of Newbigging John Leslie of Quarter M^r David Deuar of Balgony Alexander Boisswell of Glenistoun James Weyms of Pitkenney M^r James Melvill of Halhill Doctor William Douglas of Kingsladie Alexander Clerk of Pitteucher Murray of Pitteucher James Oswald of Dummick Sir James Halket of Pitfirren Stenhouse of Feil John Durie of Craighniskar David Douglas of Gellets Sir Henry Wardlaw of Pitreive Lieutenant Colkonn John Forbes of Pittincrief John Deuar of Lasodie James Lindsay of Kavell Robert Ged of Baldrig elder Robert Ged of Baldrig younger James Montmy of Rescobry Sir James Campbell of Pitfiver Sir Alexander Bruce of Broomhall William Weyms of Cuttleshill M^r Andrew Anderson of Balram Charles Stenard of Dunsirn James Spittle of Leuchat James Hepburn of Meustrie John Moubray of Coucainry Sir William Henderson of Fordell Sir John Arefkine David Bormar of Binnend Alexander Colvill of Hilside William Halley of Kinneder David Oliphant of Kinneder Henry Wardlaw of Luffar Robert Scot of Cotts M^r James Henderson of Pittadro Sir David Arnot Drummond of Rofyith Sir William Sharp for Strathrum Alexander Colvill of Scotsraig John Mitchell of Ladach M^r Robert Weyms of Grangemuir Doctor Archibald Pitcairn of Pitcairn Coline Mackenzie of Rosend Colin Campbell

of Smiddiegreen M^r John Falconer of Little Kinneir M^r John Thomson of Pystoun Robert Scot of Spencerfield John Lindsay younger of Kirkfarther Robert Walwood of Garvock.

For the Shire of Forfar

The Duke of Argyll the Duke of Atholl the Earl of Strathmore the Earl of Airlie the Earl of Panmure the Earl of Northesk the Viscount of Stormont the Viscount of Arbutnot the Lord Balmerinoch Captain Charles Stratton Sir James Wood of Bonytown Couts of Fullertoun George Ogilvie of Lounan Patrick Scot of Roddie Scot of Dunmald James Scot younger of Logie Fullertoun of Kinnaber M^r

Robert Taylor of Borrowfield Scot of Hedderweick James Mill elder of Balvrylo Falconer of Newtown Dumpster of Logie

David Carnegie of Craig Turnhall of Stracathrow Robert Young of Auldbor Arbutnot of Findowie Rait of Pitforchie David Edgar of Kethick James Carnegie of Cookstown younger Laird of Edgell Laird of Balsamoun Symour of Belyeardie Captain William Cramond of Brathinch M^r James Carnegie of Phinevin Murray of Melgum

Strachan of Balgavies M^r Patrick Lyon of Carse Andrew Hunter of Dod John Lindsay of Pitscandley younger Peirson of Balnadies M^r Patrick Carnegie of Lour Alexander Reid of Turfbug John Ouchterlony of Guind Thomas Fotheringham of Pourie Patrick Bower of Kinneties M^r William Gray of Inverightie

Ogilvie of Kinnalsie John Ogilvie of Murthill William Lyon of Easter Ogilvie Renny of Usin Milne of Netherdysart Ogilvie of Inshewan Sir John Ogilvie of Invercarrity Sir James Kinloch of that Ilk Willbest of Logie Robert Carnegie of Ballindargy Robert Fletcher of Ballinsho Thomas Lundie of Glaswell David Ogilvie of Clova James Burn of Wester Dunoon James Halyburton of Pitcur Halyburton of Fotherness

Mackenzie of Rosehaugh David Nevoy of that Ilk M^r John Lammie of Dunkeny Thomas Crichton of Ruthvens Patrick Ogilvie of Balfour John Galloway of Baldovie Clayhills of Invergourie Alexander Duncan of Lundie M^r Patrick Lyon of Auchterhouse Duncan of Strathmartine William Nairn of Baldoon Alexander Wedderburn of Easter Pourie John Lindsay of Cairn David Graham younger of Fintrie Robert Ogilvie of Coull George Turnhall of Balgalsie Wedderburn of Blacknefs

Graham of Duntroon James Kid of Craigie Robert Davidson of Balgay Gilbert Auchinleck of that Ilk M^r James Martine of Grange Alexander Duncan of Ardounie Patrick Durham of Omahie Robert Galdeen of Lawtoun younger Watson of Grange of Barrie Gordoun

of Colliestoun M^r John Carnegie of Boysack Henry Crawford of Seaton M^r Thomas Fairweather of Southtarry Alexander Pyper of Newgrange Fraser of Kirktoom M^r William Aikman of Carny M^r Hary Maule of Kellie Ogilvie of Pitmowies John Guthrie of that Ilk Francis Enskine of Kirkhuddo Muirle of Arbikie James Lyell of Gardine.

For the Shire of Bann

William Earl Marischall James Earl of Findlater James Earl of Seafield Sir Patrick Ogilvie of Boyne Sir Alexander Ogilvie of Forghen Ludovick Grant of that Ilk elder Alexander Grant of that Ilk younger Sir John Gordon of Park Sir James Abercrombie of Birkinboig Alexander Gordon of Pitlurg James Ogilvie younger of Boyne Alexander Duff of Braoo William Baird of Auchmedden Alexander Gairne of Troup John Ramsay of Leithers Peter Russell of Moncoffer Robert Grant of Dunlagus James Ogilvie of Logie M^r William Josie of Collesinward M^r Andrew Hay of Monthlairie Alexander Alison of Littlefield George Gordon of Carnoustie M^r Francis Grant of Cullen Alexander Grant of Bellintomh John Abernethie of Meyan James Gordon of Ardmedlie James Hamilton of Cowbairdie Abernethie of Corskie younger Alexander Abercrombie of Glashaugh James Dunbar younger of Dorn James Ogilvie of Poldavid Nicolas Dunbar of Castlefield John Hay of Moldavid Patrick Stewart of Tmacchie

Gordon of Buckie Alexander Abercrombie of Skeith Alexander Sutherland of Kinnintie John Innes of Edingith John Innes of Edingith younger Charles Gordon of Glengairack William Gordon of Birkinburn younger Gordon of Achynachie John Grant of Carron John Grant of Ballindallair Major George Arnot Stewart of Kilmaichie Robert Cumming of Reidsleitch Alexander Leslie of Finntie M^r James Leslie of Tullich Alexander Duff of Drumun Thomas Donaldson of Kinnairdie John Cuthbert of Braickiehillis Walter Grant of Ardendillie Captain John Grant of Easter Elchies Stewart of Achnaschan James Duff of Crombie John Ogilvie of Kempsdon.

For the Stewartie of Kirkeudbright

The Earl of Galloway the Viscount of Kenmore M^r John Gordon of Greenlaw Sir Robert Grierson of Lag Sir George Maxwell of Orehyeardoun Patrick Murdoch of Conodoun Patrick Dunbar of Maschimore Patrick Heron of that Ilk Patrick Heron younger of that Ilk Alexander Mackie of Palgoun Andrew Heron of Bargaly William Muir of Cafinsary Robert Brown of Carluth Samuel Hanna of Kirdale John Mackulloch of Barholme Samuel Mackdowall of Glen Alexander Murray of Broughtoun William Maxwell of Cardinefs David Mackulloch of Ardwall Hugh Mack-

guffock of Rusco William Mackguffock younger of Rusco Ephraim Mackellellan of Barnagachin James Gordon of Langmore John Carsane of Balmangan Nathaniel Gordon of Carletoun Alexander Brown of Keupletoun John Gordon of Kirkconnell Alexander Gordon of Earlstoun Robert Gordon of Garvery William Kennedy of Knockreech Adam Neul of Barskeoch William Gordon of Holme William Gordon of Shirmurs John Neilson of Coesack William Craick of Duchra Samuel Brown of Mollans Rodger Gordon of Troquhain James Gordon younger of Troquhain Charles Mackellellan of Collin Robert Mackellellan of Barkly the Provost of Kirkcudbright James Gordon of Campbelltown William Herreis of Mabeo Robert Maxwell of Hefield William Lindsay of Mains Robert Maxwell younger of Hills John Sharp of Hoddam Adam Craik of Athigland Robert Johnston of Kelbow William Coupland of Collistoun James Mackadam of Waterhead William Young of Auchinskeoch Edward Gaudie of Craigmay William Grierson of Bargstone William Steuart of Shambelly Doctor Murray portioner of Cavens John Brown of Nunland Mungo Lindsay younger of Wauchop Charles Murray of Burnhourie M^r Andrew Ewart of Mullock Minister of Kells William Laurie of Barnsoul Alexander Steuart younger of Tanargie M^r John Brown factor to the Estate of Baldoon.

For the Shire of Sutherland

The Earl of Sutherland the Lord Strathnaver the Lord Reay the Lord Duffus the Master of Duffus the Laird of Aintin the Laird of Cadboll Peter Forbes of Lochinaver Robert Gray of Skibo Robert Murray of Pulrothie David Roß of Inverchastle Hugh Monro of Inveran M^r George Gray of Creich John Gray of Newtown Alexander Gray of Overskibo Alexander Sutherland of Pronsie James Sutherland of Evelet Hugh Macky of Strathie George Macky of Bighouse Captain Hugh Macky of Borlie James Sutherland of Clyne Hugh Sutherland of Kinnald David Sutherland younger of Kinnald John Monro of Rogart Donald Gunn of Bodinloch Sir William Gordon of Dalphollic John Gordon of Caroll George Gordon of Hoepdell Alexander Gordon of Gardie Sheriff depute of the shire James Sutherland younger of Pronsie Alexander Sutherland of Meikle Torbo William Sutherland of Ham Alexander Sutherland of Bregvadie M^r Alexander Gordon of Langweill Sir John Gordon of Embo.

For the Shire of Caithness

The Earl of Caithness the Earl of Bredalbyn the Lord Berridale the Lord Glenurchie Sir James Sinclair of Mey John Sinclair of Dumbeth Sir William Dunbar of Hempeigs Sheriff Depute Sir George Sinclair of Clyth James Sinclair of Lyth George Sutherland of Foris John Sinclair of

Ulbeter John Sinclair of Stirkock James Sutherland of Langwell M^r Robert Dunbar of Myrland Alexander Sinclair of Brablar James Sinclair of Stanster James Sinclair of Lybter James Murray of Clareden Patrick Dunbar of Bowarmadden M^r John Campbell of Cattlehill M^r Patrick Murray of Pennyland David Sinclair of Frefwick George Sinclair of Barroek Alexander Sinclair of Dune John Sinclair of Lybeter Alexander Sinclair of Oldrich George Mansone of Bridgend John Sinclair of Barroek James Sinclair of Howbarnhead Captain Adam Cunningham of Oukingill the Earl of Bredalbyn's Chamberlain for the time the Earl of Cromartie's Chamberlain for the time John Sinclair of Ratter Richard Sinclair of Thum William Sinclair of Hoy John Sinclair of Agerry William Sutherland of Goss elder John Sinclair of Ratter younger the Chamberlain of the Bishoprick.

For the Shire of Elgine

The Earl of Murray the Lord Duffus William Duff of Diple Alexander Duff of Drummure the Laird of Tunnachie younger the Laird of Burdsyears elder the Laird of Burdsyears younger the Laird of Grange the Laird of Innes elder the Laird of Innes younger the Laird of Dunphallie the Laird of Bithopmilne the Laird of Grant elder the Laird of Grant younger the Laird of Welter Elches the Laird of Easter Elches the Laird of Altyre the Laird of Brodie the Laird of Aslak the Laird of Murestoun elder the Laird of Murestoun younger the Laird of Gordonstoun the Laird of Coxtoun elder the Laird of Coxtoun younger the Laird of Lethen Sir James Innes of Orctoun the Laird of Dum elder the Laird of Dum younger John Dunbar of Kirkhill Tutor of Grangehill Joseph Brodie of Milnetoun Laird of Grant's Baillie in his absence the Laird of Plascarden or his Baillie William Martine of Moristoun Robert Dunbar of Newtown Thomas Brodie of Pittgavine John Innes of Darkland John Innes of Leuchars George Innes of Dunkintie Patrick Grant of Dalvey Grant of Balmatton Alexander Dunbar of Moy M^r Robert Dunbar of Moy the Laird of Belisdallach David Steuart of Newtown Walter Innes of Blackhills elder Innes of Blackhills younger the Earl of Rother's Chamberlain the Earl of Murray's Chamberlain William Cumming of Craigmile Robert Innes of Mundole John Leslie of Bainsgith John Brodie of Windlehill M^r James Sutherland Advocate William Dunbar of Dilkside William King of Newmilnes James Steuart of Cattlehill John Leslie of Middleton John Dunbar of Boigs Colin Dunbar younger of Boigs Charles Mackenzie of Earnside M^r William Sutherland of Mifs-Towie William Sutherland of Rosehaugh James Innes younger of Coats William Brodie of Colfield George Chalmers of Pittensere James Brodie of Whitehill Mungo Grant of Knocknodo.

For the Steuardry of Orkney and Zetland

Sir Archibald Steuart of Burray Sir William Craigie of Gairney Robert Steuart of Newwark William Douglass of Egilshaw elder Alexander Douglass of Egilshaw younger John Steuart of Brugh Thomas Buchanan of Sandide M^r Robert Housman of Gramsay James Graham of Grahamshill Captain James Moodie of Melsetter George Baikie of Tankerness Robert Baikie younger of Tankerness Hugh Baikie of Burnes John Traill of Elmslie David Traill of Seba Hary Grahame of Breckness William Liddell of Hammer John Nisbet of Swanny John Coventry of Eshallow Patrick Kinnaird of Burwick Alexander Steuart of Mafetter M^r James Steuart of Tongohoy David Sutherland of Windbreck Ljarence Sinclair of Quandsill Charles Steuart of Higtoun John Scot of Scotland James Scot of Vosgairth John Mitchell of Westshore James Mitchell of Girdelstow Bruce Tutor of Munes Patrick Leslie of Uffness John Giffart of Buika Andrew Monat of Gairth Andrew Bruce of Braenick William Henderson of Garday Bruce of Soundbrugh George Cheine of Esfalmont Sinclair of Bragh the Stewart of Orkney and Zetland and his deputies for the time.

For the Shire of Clackmannan

The Duke of Argyll the Earl of Mar Sir John Schaw of Greenock Sir Robert Steuart of Tillicultry Sir John Erskine of Alva Holburn of Menstrie M^r Alexander Abercrombie of Tullichodie Lieutenant Collonel Bruce of Kennet Alexander Inglis Tackman of the Estate of Clackmannan John Burne of Sheardsill John Drysdall of Tounhead George Colquhoun of Balheartie M^r John Campbell of Mammere Charles Keirie of Gogar George Stirling of Herbertshire William Stirling younger of Herbertshire M^r Francis Maffertous of Parkmilne Charles Craighingelt of Woodside the Baillie of Alloa for the time the Baillie of Campbell for the time.

For the Shire of Ross

The Earl of Cromarty the Lord Mackleod David Ross of Belnagoun Hugh Ross of Kilraick John Mackenzie of Coull Sir Robert Monro of Foulis Kenneth Mackenzie of Soutwell Rorie Mackenzie of Reisdcastle Simon Mackenzie of Allangrange Alexander Mackenzie of Applecrofs Rorie Mackenzie younger thereof Rorie Mackenzie of Fairburn Alexander Mackenzie of Belmaduthie William Mackenzie younger of Belmaduthie Simon Mackenzie of Torridan George Monro of Newmore George Monro of Culrairie Hector Monro of Navair Hugh Monro of Teaninich George Monro of Lemlaire John Mackenzie of Clynes Colin Mackenzie of Kincaig Murdoch Mackenzie of Andofo John Forrester of Dun-

sketh Colin Robertson of Kildenfs John Ross of Auchnacloigh M^r George Mackenzie of Balamukie Hector Monro of Drumond Sir Robert Gordon of Gordonstoun Sir Donald Beine of Tulloch John Beine younger of Tulloch Sir William Gordon of Dalfolly Alexander Mackenzie of Dackmalnack M^r George Mackenzie of Inchculter Rorie Dingwall of Canischurie Alexander Forrester of Culenaid Kenneth Mackenzie of Sudie Alexander Mackenzie of Bellone Charles Mackenzie of Cullen Kenneth Mackenzie of Achtadonell M^r George Mackenzie of Granard Alexander Mathieson of Bensedgefield Eneas Mackleod of Cadboll Captain Daniel Mackleod of Gairnes William Ross of Invercharnon Colin Graham of Drynie James Fraser of Achnagairne Hugh Ross of Belangwell David Ross of Invercharney M^r Alexander Mackleod of Cantullish William Ross of Aldie William Ross of Edderfearn Alexander Duff of Drumore Colin Mackenzie of Duchpollo Alexander Ross of Pitkarie.

For the Shire of Kinross

The Lord Burghly the Lord Colvill Sir David Arnot of that ilk Sir William Bruce of Kinross Sir John Malcolm of Inverteul Sir Robert Douglass of Kirkness Halliday of Tilliboill

Lindsay of Dowhill James Rankine of Coldine Malcolm of Inverteul younger John Bruce of Kinross George Burrell portner of Kenneswood Patrick Robertson of Suddichill James Steedman Baillie of Kinross M^r Laurence Mercer for the Lady Aldie.

THE Lord Chancellor by order of the Lord high Commisfioner Adjourned the Parliament till Tuesday next at ten a clock.

AUGUST VIII, M.DCC,IV

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

LISTS of Commisfioners of Supply before written for the Shires following presented by the several members concerned; their titles, and subscribers read, viz. Edinburgh, Haddingtoun, Berwick, Roxburgh, Selkirk, Tweeddale, Lanerk, Wigtoun, Air, Dumbartoun, Bute, Renfrew, Linlithgow, Perth, Kincairdine, Cromarty, Argyll, Nairn, Fyfe, Angus, Banff, Kirkcubright, Caithness, Orkney, Clackmannan and Ross; And the matter continued till the next diet of Parliament that such of the members as had not given in their Lists may be given in, and any additional Lists given in may be seen betwixt and that time.

[Commisfioners of Supply]

MOVED That the Parliament proceed to name the Commissioners to be insert in the Act and Commission of the Treaty with England, and that the Estates asperat to choose them conform to custom: Moved that the said Commissioners be chosen in plene Parliament, Likeways moved that the Plot be inquired into, and a day appointed for that effect: After reasoning on the said last Motion The following resolve was presented viz. "Resolved That the House of Lords Address to the Queen in relation to the Nomination of their Successor to our Crown, and their Examination of the Plot in so far as concerns Scotland or Scotsmen was an undue intermeddling with our concerns and an inroad upon the independency honour and Sovereignty of this Nation: And that the proceedings of the House of Commons were like these of good subjects to their Queen, and good and friendly Neighbours to Scotland." After debate thereon, Moved that the first clause concerning the House of Lords might be put to the vote, Likeways moved that the same may be delayed to be further considered; And after reasoning it was put to the vote Proceed or Delay, and carried Proceed, And thereafter it was put to the vote Approve the said first clause or Not and carried Approve, And then the second clause as amended viz. "That the proceedings of the house of Commons in all these matters were like those of good and friendly Neighbours to this Nation," put to the vote Approve or Not, and carried Not.

THE Lord Chancellor by order of the Lord high Commissioner Adjourned the Parliament till to morrow at ten a clock.

AUGUST IX, M,DCC,IV.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THE rest of the Lists of the Commissioners of Supply with several additional Lists for the Shires following presented by the several members concerned: The titles and subscribers read viz. Aberdeen, Stirling, Dumfries, Sutherland, Elgine, Inverness, and Kinross, And the whole Lists adjusted, as they are before written.

MOVED that a day be appointed for examining the Plot, and agreed that first diet next week be appointed for that effect And that such documents as were sent from London to the Councils may be transmitted to the Clerks of Parliament; and also that such declarations as had been taken here relating thereto be also laid upon the table.

ACT Discharging the Importing of woollen manufacture and allowing the Exporting of wool and skins read, and after debate, it was put to the vote Proceed or Delay and carried Proceed And a first reading ordered to be marked on the Act.

THE next diet of Parliament appointed for hearing the cause The Dutcheffs of Buccleugh against the Earls of Melvill and Leven, And after that the report of the Commission for auditing the accounts of the publick funds, And thereafter the Contraverted Elections for the Steurty of Kirkcudbright Shires of Ross & Clackmannan to be discussed.

THE Act of Supply ordered to be published and printed.

PETITION Lyell of Gardine for a cloth manufactory read, and ordered to ly on the table.

OVERTURE for an act anent coal and salt read and ordered to ly on the table.

ACT for the more effectual payment of the Commissioners of Justiciary their Salaries read and a first reading ordered to be marked thereon.

PETITION M^r Alexander Higgins of Craigforth Craving a day may be appointed for hearing his process against John Callender of Craigforth read; And the first diet next week for privat business appointed for that effect.

ACT and Commission for visiting Universities and Schools read, and a first reading ordered to be marked thereon.

ACT discharging Importing of Irish butter and cheese read, and a first reading ordered to be marked thereon.

ACT discharging importing of mollobes, read, and a first reading ordered to be marked thereon.

ACT anent Justices of Peace read and ordered to ly on the table.

ACT for repairing banks of rivers, waters and burns presented.

ORDERED that all the abovementioned Acts be printed.

THE Lord Chancellor by order of the Lord high Commissioner Adjourned the Parliament till to morrow at ten a clock.

Resolve concerning the proceedings of the House of Lords

[Order of procedure]

[Act of Supply]

[Cloth Manufactory]

[Coal & Salt]

[Commissioners of Justiciary]

[Higgins of Craigforth]

[Universities & Schools]

[Irish Butter & Cheese]

[Molasses]

[Justices of Peace]

[Banks of rivers &c.]

[Commissioners of Supply]

Order for transmitting the documents relating to the Plot, to the Clerks of Parliament

AUGUST X, M,DCC,IV.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Dutcheſs of Buccleugh of the Earls of Melvill & Leven &c.] THE proceſs The Dutcheſs of Buccleugh againſt the Earls of Melvill & Leven, and M^r James Melvill upon the proteſtation taken by her for remed of Law againſt the Interloquitors pronounced by the Lords of Seſſion in the action of Exhibition and Reduction at her inſtance againſt the ſaid defenders being called, and the advocates for either party fully heard upon their dilators in the matter of the exhibition; The Parliament having adviſed the debate upon the executions found the Execution againſt M^r James Melvill at his Lodging in Edinburgh nall in reſpect he was neither perſonally apprehended nor had lodged there fourty dayes before the Execution and allowed the execution againſt the ſaid defender at his dwelling houſe in the country to be yet ſeen in common forme: And having adviſed the debate and the other defence that M^r James muſt be firſt called, ſuſtained the dilator and found No proceſs unleſs M^r James Melvill as a party be called.

[Earl of Ruglen] THE Complaint the Earl of Ruglen againſt an Illegal order for quartering appointed to be heard next diet of Parliament for privat buſineſs.

[Public Accounts] THE Report of the Commiſſion for auditing the accounts of the publick funds preſented and a part thereof read; And it was reſolved that whatever ſhall be determined upon the ſaid report be inſert in the minutes And that the Parliament will farther conſider the ſaid report next diet of Parliament previous to all other buſineſs.

ORDERED that Robert Rutherford and David Callendar Attend the ſeverall diets of Parliament, and likewiſes thoſe concerned in the ballances of the above accounts.

ACT Remitting to the Commiſſioners appointed for ſtating the publick Accounts all the difficulties that occur in their report With a parliamentary power, real and ordered to ly on the table.

THE Lord Chancellor by order of the Lord high Commiſſioner Adjourned the Parliament till to morrow at ten a clock.

AUGUST XI, M,DCC,IV.

PRAYERS said Rolls called.

MINUTS of the laſt Sederunt read.

ACT for the more effectual payment of the Commiſſioners of Juſticiarie their Salaries read the ſecond time And after ſeveral amendments made thereon it was put to the vote Approve or Not, and carried Approve.

[Commiſſioners of Juſticiary]

THE Parliament proceeded to conſider the Report of the Commiſſion for auditing the accounts of the publick funds, And having read the firſt four Accounts of Charge and Diſcharge with the obſervations thereon contained in the ſaid report, The firſt of which accounts with the obſervations thereon are as follows.

[Report of the Commiſſion for auditing the Accounts of the Publick Funds]

THE FIRST ACCOUNT of Supply and Inland Excise from 8th of March 1689 to the firſt of May 1690 was given in by Sir James Oswald then General Receiver, The Charge whereof is as follows.

Scots money
£ Ss D

CHARGE,

1st Per a Liſt of Reſts given up by John Drummond and James Maxwell to the ſaid Sir James Oswald preceeding February 1689 four hundred and ſixty eight thouſand four hundred and eighty three pounds, eighteen ſhillings - - - 468483 18 -

2^d Per four moneths Supply, Two hundred and eighty eight thouſand five hundred and thirty three pounds, ſix ſhillings eight pennies 288533 6 8

3^d Per three quarters of a years Inland Excise from the firſt of February to the 1st of November 1689, Two hundred & eighty one thouſand nine hundred & three pounds four ſhillings 281903 4 -

4th Per Six moneths Inland Excise from firſt of November 1689 to firſt of May 1690 One hundred and fifty three thouſand nine hundred and twenty ſix pounds ten ſhillings and eight pennies - - - 159926 10 8

5th Per the Inland Excise of theſe Shires and Burghs that were in collection from firſt of November 1689 to firſt of November 1690 Ten thouſand five hundred and ninety ſix pounds - - - 10596 - -

£1203442 19 4

Q q

DISCHARGE,

1st By money payed to the Forces,
One Million and forty five thou-
sand eight hundred and seventy
three pounds, two shilling - - 1045873 2 —

2nd By three quarters of a years
deficiency of Inland Excise in Ar-
gyllshire, Three thousand nine
hundred and ninety four pounds
four shilling - - - - 8994 4 —

3rd By Exemptions of Mortified
Lands and of these belonging to
the Lords of Sefton, Four thou-
sand eight hundred and sixty four
pounds, eighteen shilling and four
pennies - - - - 4864 18 4

4th By the Accountant's Salary,
Three thousand six hundred
pounds - - - - 3600 — —

5th By Rests of Inland Excise and
Supply, One hundred and thirty
five thousand, two hundred and
sixty two pounds thirteen shilling 135263 13 —

6th Balance due by the Account-
ant, Nine thousand eight hundred
and forty eight pounds, two shil-
ling - - - - 9848 2 —

£1003442 19 4

OBSERVATIONS upon this Account

1st That the Rests given up by John Drum-
mond and James Maxwell extending to the sum
of four hundred and sixty eight thousand four
hundred and eighty three pounds, eighteen shil-
ling as above were payed in, but the account was
never fitted before the Lords of the Treasury, Yet the
same was audited by Lords auditors and a balance
found resting to them of eight thousand four hun-
dred and thirty pounds, one shilling.

2nd That there was payed to the Duke of Ha-
milton and the Earl of Melville his Majesties Com-
missioners to the Parliaments, to their attendants,
and for necessities to the secretaries office, Eighty
nine thousand, and one hundred pounds, as per
the Treasuries accounts and the Minutes of the
Committee of the foresaid Commission of Parlia-
ment dated the nineteenth of October 1703.

3rd That the sum of twelve hundred pounds was
payed Sir Alexander Bruce of Broomhall for ser-

vices done, But the Commission could not come
to the knowledge, what these were.

4th That the sum of Sixteen thousand five hun-
dred and fifty eight pounds four shilling was payed
for provisions to the English forces.

5th That the sum of one thousand seven hundred
and forty pounds was payed to the Earl of Leven
and Town of Montrose for levelling stamens to the
English service.

6th That the three quarters of a years deficiency of
Inland Excise for the shire of Argyll as is men-
tioned in the discharge was remitted to the her-
itors of that Shire by a Letter from the King.

7th That all the other articles of the Discharge are
fully instructed.

8th That the Fifth and Sixth articles of the Dis-
charge are carried to the subsequent account.

THE Parliament Sustained the first observation
on the said first account as to the first article of
rests given up by John Drummond and James
Maxwell; And Sustained the second observation;
And Sustained the third observation relating to
Sir Alexander Bruce: As to the fourth observa-
tion for provision to English forces They find and
state the same as an article due by England: As
to the fifth observation, The sum therein is like-
ways found due by England, And Ordered that
the Clerk of the Treasury produce the Instruc-
tions of the said fifth article against the next diet
of Parliament; As to the Sixth observation, Or-
dered that the Instructions thereof be likewise
produced by the Clerks to the Treasury: As to
the seventh observation They sustain the same:
And as to the eighth observation, Find that the
Fifth and Sixth articles are carried on to the sub-
sequent account.

THE Second Account in the report read, Where-
of the tenor follows.

THE SECOND ACCOUNT of Supply and In-
land Excise from the first of May 1699 to the first
of February 1691 was Given in by Sir James Os-
wald and James Dunlop then General Receivers.

CHARGE,

1st Per the Rests of Supply and In-
land Excise as per preceding Ac-
count, One hundred and thirty five
thousand two hundred and sixty
two pounds thirteen shilling - £135263 13 —

2^d By Balance of the foresaid account resting by the said Sir James, Nine thousand eight hundred and forty eight pounds, two shilling - 9848 2 —

3^d By eight months Cess Five hundred and seventy seven thousand, and sixty six pounds, thirteen shilling four pence - 577066 13 4

4^d By three months Cess more Two hundred and sixteen thousand pounds - 216000 — —

5^d By Nine months Inland Excise from first of May 1690 to first February 1691 Two hundred and thirty thousand, one hundred & fifty eight pounds, eight shilling - 230158 8 —

6^d By the Inland Excise of several shires under collection from first of May 1690 to first of February 1691 Twenty seven thousand five hundred and eighty five pounds, sixteen shillings & eight pence - 27585 16 8

7^d By money remitted from England for the service of the English forces then in Scotland, Forty eight thousand pounds - 48000 — —

8^d Balance due to the Accountants, fifty one thousand four hundred and twenty pounds, thirteen shilling - 51420 13 —

£1293342 6 —

DISCHARGE,

1st By Cash paid to the forces and otherways by the Treasuries orders, Eight hundred and sixty one thousand, seven hundred and thirty six pounds, four shilling and six pence 861736 4 6

2^d By Allowances to Charles Murray of Haldan, and Young of Leny, Sixteen thousand, eight hundred and sixty four pounds - 16864 — —

3^d By allowances to the Collectors of Inland Excise in Aberdeenshire, Two hundred and thirty nine pounds, eleven shillings and four pence - 239 11 4

4^d By Provisions furnished to the Forces, Two hundred and fifty two thousand, two hundred and sixty two pounds six shilling and four pence - 252262 6 4

5^d By payments, allowances and rests as per particular Account One hundred and thirty six thousand, nine hundred and sixty nine pounds, one shilling and four pence - 136969 1 4

6^d By the Inland Excise of Argyllshire, fourteen thousand four hundred and seventy one pounds, two shilling and six pence - 14471 2 6

7^d By the Accountants salaries as General Receivers and Commissioners of the Army, Twelve thousand and eight hundred pounds - 12800 — —

£1293342 6 —

UPON reading of which Account, Ordered that the instructions of the first article of Discharge be brought in the next diet of Parliament; As also the Instructions of the second article; And the third article sustained; As to the fourth article Remitted to the said Commission to bring in a particular account of what is over rated therein: As to the fifth article, The Commission to report how it was allowed to the Accountants and by whom next diet of Parliament: The consideration of the Sixth article continued to the next diet of Parliament, to the end the Clerks of Treasury, and M^r Dunlop may give account thereof: And the seventh article sustained.

AS to the Observations of the Commission on the said Account, The tenor whereof follows.

OBSERVATIONS on this Account

1st That there was payed to the Earl of Melvill his Majesties Commissioner to the third Session of Parliament, and to Sir William Lockhart Solicitor, Sixty two thousand and sixty three pounds, eighteen shilling.

2^d That the fourth Article of the discharge is instructed by a particular account; But they find many articles in the said account overcharged.

3^d That there were allowances given to the Collectors of the Supply for forty six thousand six hundred and eighty pounds, by his Majesties letter to the Treasury.

4^d That there was resting by several shires of their Cess and Excise the sum of Seventy eight thousand one hundred and ninety two pounds which was never carried to any subsequent account.

5^d That the three months Cess imposed by the second Act of the third Session of the Parliament

of King William and Queen Mary was not applied according to the design for which it was granted viz. for payment of the debts due to the Country, and the arrears to the army.

6^o That the Accountants in their charge have omitted to state the fractions of Cels being four hundred pounds.

7^o That the Balance of fifty one thousand four hundred and twenty pounds thirteen shilling was resting to Sir James Oswald and James Dunlop But the Commission finds that afterwards they Received Twenty eight thousand six hundred and fifty three pounds, one shilling and three pennies; Wherefore there is still resting to them of the said balance the sum of twenty two thousand seven hundred and sixty seven pounds, eleven shilling and nine pennies.

THE fourth observation is to be Considered the next diet of Parliament: The fifth observation, That the Clerks of Treasury give account how it was employed and by whose order next diet of Parliament: The Sixth Observation, The Parliament find the sum therein still due as is acknowledged by M^r Dunlop: As to the seventh observation, Continued to be further considered when the instructions of the former observations are brought in.

THE Third Account in the Report read, The tenor whereof does follow.

THE THIRD ACCOUNT of Supply and Inland Excise from first of February 1691 to the first of February 1692 was given in by Sir George Hamilton and Sir Robert Anstruther General Receivers.

CHARGE,

Scots Money

1^o For five months Supply, Three hundred and sixty thousand six hundred and sixty six pound thirteen shilling - - - 360666 13 -

2^o Per Inland Excise from first of February 1691 to the first of February 1692 Three hundred and twenty nine thousand and ninety five pounds twelve shilling - 329095 12 -

3^o Per the Inland Excise which was in collection from first of February to first of November 1691 fourteen thousand eight hundred and sixty seven pounds three shilling - 14867 3 -

£704629 5 -

DISCHARGE,

1^o By Subsistence to the Forces from first of February 1691 to the first of January 1692 Five hundred and twenty five thousand eight hundred and ninety four pounds sixteen shilling - - - £575894 16 -

2^o Per his Majesties Warrants, Thirty four thousand & eight hundred pounds - - - 34800 - -

3^o Per the Treasuries Warrants, Twenty eight thousand, five hundred and thirty pounds, seven shilling - - - 28330 7 -

4^o Per DeCients, Sixty three thousand four hundred & fifty seven pounds five shilling - - 63457 5 -

5^o Per Expences for Charles Murray's Suspension One hundred & eighty pounds - - - 180 - -

6^o Per annualrent of Eleven thousand four hundred and eleven pounds nineteen shilling one penny sterling One thousand five hundred and forty pound nine shilling - 1540 9 -

7^o Balance due by the Accountants, Two hundred & twenty six pounds, eleven shilling - - - 226 11 -

£704629 8 -

WHIKREUPON the Parliament sustained the first article of Discharge; And the warrants of the second and third articles ordained to be produced: The fourth article sustained as carried down to the next account: And the fifth and sixth articles sustained as in the first observation thereon: And the Parliament find the seventh article is carried down to the subsequent account.

AS to the Observations on the said Account, Which are as follows.

1^o That the fifth and sixth Articles of the discharge should not have been allowed.

2^o That the fourth and seventh articles are carried to the subsequent Accounts.

3^o That all the other articles of the discharge are sufficiently instructed.

THE Parliament Sustain the fifth and sixth, And find the fourth and seventh carried down to the subsequent account.

THE Fourth Account in the Report read, and the articles of Discharge with the Observations thereon considered, Of which Account and Observations the tenor follows.

THE FOURTH ACCOUNT of Supply and Inland Excise from first of February 1692 to first of May 1693, was given in by Sir George Hamilton and Sir Robert Anstruther.

CHARGE,

1 st Per Supply and Excise resting in February 1692, Sixty three thousand four hundred and fifty seven pounds five shilling	- - -	68457	5	-
2 ^d Per Balance of the preceeding account, Two hundred & eighteen pound, sixteen shilling	- - -	218	16	-
3 ^d Per Inland Excise resting by Bant One hundred & twelve pounds seven shilling	- - -	112	7	-
4 th Per Two months and a half months Supply at Candlemas 1692, One hundred and eighty thousand, three hundred and thirty three pound, six shilling	- - -	180333	6	-
5 th Per Two and a half months Supply at Lambmas 1692, One hundred and eighty thousand, three hundred and thirty three pounds, six shilling	- - -	180333	6	-
6 th Per two and a half months Supply at Candlemas 1693, One hundred and eighty thousand, three hundred and thirty three pounds, six shilling	- - -	180333	6	-
7 th Per fifteen months Inland Excise four hundred and fifty three thousand pounds	- - -	453000	-	-
		<u>£1057788</u>	<u>6</u>	<u>-</u>

DISCHARGE,

1 st By money payed to the Forces and otherways, One million, seven thousand four hundred thirty eight pounds fifteen shilling	- - -	1007438	15	-
2 ^d By rests of Supply and Inland Excise, forty nine thousand four hundred and forty seven pounds, two shilling	- - -	49447	2	-
3 ^d By Balance due by the Accountants Nine hundred and two pounds nine shilling	- - -	902	9	-
		<u>£1057788</u>	<u>6</u>	<u>-</u>

OBSERVATIONS upon this Account.

1st That there was payed in to the Duke of Hamilton his Majesties Commissioner to the Parliament 1693, the sum of twelve thousand pounds.

2^d That the Accountants were allowed One hundred and eighty pounds of poundage for advancing the said Sum.

3^d That the Accountants had an allowance of Eighteen hundred pounds as poundage of seventy two thousand pounds payed to Baillie Brand for Arms Notwithstanding that by their Contracts with the Treasury they were to have poundage only for what they advanced for the use of the forces.

4th That the Accountants had an allowance of Six hundred pounds for Expediting their Commission as Commissioners of the army.

5th That the Accountants had two hundred and forty pounds allowed them for finding posts through the Country to flop the giving of Corn and Straw to the troops, tho they had considerable salaries for that effect.

6th The abovementioned sum of rests being forty nine thousand four hundred and forty seven pounds two shilling was never carried to any subsequent Account only the Lords of the Treasury allowed Sir George Hamilton to collect the Sum of Twenty thousand one hundred and seventy eight pounds, sixteen shilling; But these was never any stated Account for the said Rests.

7th That the foresaid Balance of Nine hundred and two pounds nine shilling was depositat by the Accountants in the hands of Sir Thomas Moncrief, but never counted for.

UPON reading and considering whereof the first second third fourth and fifth observations Sustained; And as to the sixth observation Remitted to the Commission to Consider the account given in by Sir George Hamilton and to report next dyet of Parliament; And the seventh observation Sustained.

AGREED That the Parliament will proceed on the report of the publick accounts the following diets of Parliament and go on therein till they be ended without interposing any other business whatsoever.

ORDERED That the Solicitor cause cite all persons concerned mentioned in the report of the Commission by whom the several ballances are alleged to be due.

R r

AGREED that the farther consideration of the plot come in after the said Accocepts are ended.

THE Lord Chancellor by order of the Lord High Commissioner Adjourned the Parliament till Munday next at ten a clock.

AUGUST XIV, M.DCC.IV.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THE Parliament proceeded to the further consideration of the Report of the Commission for auditing of the Accounts of the publick funds And the fifth account in the report being read, of which, and of the observations thereon the tenor does follow ;

THE FIFTH ACCOUNT of Supply and Inland Excise from the first day of May 1693 to the first of October 1695 was given in by Sir James Oswald and Sir Alexander Bruce General Receivers.

CHARGE,

1st Per Eighteen Months Supply One Million two hundred and ninety eight thousand, four hundred pounds - - - 1298400 --

2nd Per twenty three months Inland additional Excise, Five hundred and fifty two thousand pounds 552000 --

3rd Per twenty six months Inland annexed Excise, Eight hundred and forty five thousand & six hundred pounds - - - 843600 --

4th Per Levy money for Sixteen hundred foot soldiers, Twenty eight thousand and eight hundred pounds - - - 28800 --

5th Per the Inland Excise of the shire of Argyll from first of November 1692, to the first of November 1694, Three thousand and eighty two pounds, eleven shillings 3082 11 --

£2737882 11 --

DISCHARGE,

1st Per payments made to the forces and otherways, Two million, two hundred and thirteen thousand, three hundred and sixty seven pounds nine shilling - - - 2213367 9 --

2nd Per Extraneous precepts, Three hundred and sixty one thousand five hundred and eighty seven pounds, ten shilling - - - 361587 10 --

3rd Per Rents of Supply and Excise, One hundred and fifteen thousand, three hundred and eighty seven pounds, six shilling 113387 6 --

4th Balance due by the Accountants, Thirty seven thousand, five hundred & forty pounds, six shilling - - - 37540 6 --

£2737882 11 --

OBSERVATIONS on this Account

1st That there was given to the Duke of Hamilton and Marquess of Tweeddale his Majesties Commissioners to the Parliament 1693 and 1695 forty seven thousand and four hundred pounds.

2nd That there was the sum of Sixty four thousand and thirty two pounds put in the hands of Sir Thomas Moncrief, in which is included the nine hundred and two pounds nine shilling as the balance of the fourth account, who discharged himself of a part thereof viz. of Thirty thousand nine hundred and nine pounds five shilling applied for the payment of arrears to some officers by the Kings and Treasuries Warrants; But the remainder viz. Thirty three thousand one hundred and twenty two pounds fifteen shilling was wholly exhausted by fees & pensions to the civil list.

3rd That there was given to Captain William Ardking two thousand two hundred and fifty five pounds over and above what was due to him of a bargain of arms.

4th That there was payed out by the Lords of The Treasury upon Lord Neill Campbells account thirteen hundred and fifteen pounds four shilling over and above what was due to him as Governour of Dumbartoun castle.

5th That there was a balance of twenty four thousand seven hundred & fourteen pounds ten shilling charged upon Boyle of Kelburn now Earl of Glasgow and his partners as the remainder of their tack duty of Inland additional Excise But the Commission have found this cleared by a posterior account as per the Committees Minuts dated the eighteenth of January 1704.

6th That there was a balance resting by Sir Thomas Kennedy of his tack duty of the Inland annexed excise amounting to Eighty thousand

seven hundred & thirty pounds, But the same is cleared by a posterior account as per the Committee's minutes the eighteenth of January 1704. In this Account of Sir Thomas Kennedie The Commission observes that there was given to him an abatement of his tack duty of Six thousand pounds 3^r That there was an allowance given to the hire of Argyll of twenty thousand four hundred and fourteen pounds, sixteen shilling 3^r That there was a Gift given to Sir Thomas for twenty eight thousand and eight hundred pounds untill the determination of two processs before the Lords of Session 4^r That when these processs are ended Sir Thomas will have Twenty two thousand four hundred and sixty four pounds to pay in to the Treasury, 5^r There was also in this account twelve thousand pounds given to Sir Alexander Bruce of Broomhall.

7^r Upon the foresaid fifth account The Commission Observes That the Accountants fought allowance of six thousand nine hundred and eighty pounds seven shilling as the poyndage of two hundred and fifty five thousand one hundred & forty pounds seven shilling, which should not have been allowed; Poyndage being only due according to their contract out of the precepts drawn for the forces.

8^r That the balance of the account viz. thirty seven thousand five hundred and forty pounds six shilling was refilling by the Accountants together likewise with twelve thousand pounds more received from Sir Thomas Kennedy which they charge themselves with being in all forty nine thousand five hundred and thirty nine pounds twelve shilling; But that afterwards by a posterior account they had cleared themselves of thirty four thousand three hundred and ninety nine pounds, four shilling, So that there remains still a balance due by them of fifteen thousand one hundred and forty pounds, eight shilling as per the Committee's minutes the eighteenth of January 1704.

In the foresaid posterior account given in by Sir Alexander Bruce of Broomhall The Commission Finds that there was thirty thousand one hundred and forty four pounds lent to the Duke of Queensberry, and that his Grace's bond lyes still in the Thefaury for the same.

The Charge and Discharge of Sir Alexander Bruce's Account has been examined but not fitted in the Thefaury.

AFTER reading of which Account, The consideration of the second observation thereon was Continued till the next diet of Parliament, and the Clerks of the Thefaury ordered to instruct how the same therein mentioned was applied and to

whom, and what money was payed out of the Civill list to the army: The third fourth fifth and sixth observations sustained; Upon reading the seventh observation There was a petition presented by Sir Alexander Bruce and his partners anent his expences and debursments in forraging the army Craving that the same may be provided for out of the funds of the army and that it be Remitted to the said Commission to take in and state his accounts Read, and ordered to ly on the table, And the Clerk to the Thefaury Ordered to give an account thereof next diet of Parliament: As to the Eight observation Find the same carried down to the subsequent account.

THE Sixth account in the Report read, Which with the observations thereupon are as follows.

THE SIXTH ACCOUNT of Supply and Inland Excise from first of October 1695 to first of May 1697 was given in by Sir James Oswald and James Dunlop General Receivers.

CHARGE,

1^r Per Six moneths Supply, four hundred and thirty two thousand one hundred and ninety eight pounds, fourteen shilling - - 432198 14 -

2^r Per three moneths Supply, Two hundred and sixteen thousand, and ninety nine pounds, six shilling 216099 6 -

3^r Per four Moneths Supply, two hundred and eighty eight thousand one hundred and thirty two pounds, eight shilling - - 288132 8 -

4^r Per twelve and a half moneths Inland Excise, Nine hundred and sixty nine thousand and six hundred pounds - - - 969600 - -

5^r Balance due to the Accountants, Fifteen thousand, eight hundred and eighty one pounds, eleven shilling - - - 15881 11 -
£1927911 19 -

DISCHARGE,

1^r By payments made to the forces and otherways, One million, five hundred and seventy six thousand, six hundred and forty eight pounds - - - £1576648 - -

2^r By money payed to the Muster Master, four thousand seven hundred and eighty eight pounds - 4788 - -

3^d By Extraneous precepts, Sixty seven thousand two hundred & twenty nine pounds, six shilling - 67229 6 —

4th By a part of the tack duty of the Excise detained by the Lord Beilhaven and his partners, Extending to Two hundred & seventy three thousand two hundred and forty six pounds thirteen shilling - - - - 273246 13 —

£1921911 19 —

OBSERVATIONS on this Account

1st That there was the sum of twenty one thousand pounds given to the Laird of Jerviswood then receiver of his Majesties rents to enable him to pay a precept drawn by the Lords of the Treasury for the behoove of the Earl of Tullibardine his Majesties High Commissioner to the Parliament 1696.

2^d That there was lent to the late Duke of Argyll Nine thousand four hundred and thirty seven pounds, four shilling, for which his Graces bond is still lying in the Treasury.

3^d That there was given to Colonel Hamilton Two thousand and four hundred pounds as a reward for his raising recruits in this Kingdom for the English service.

4th That there was given to Sir Archibald Murray of Blackbarony seven thousand three hundred and thirty two pounds for repairing the Cattle of Edinburgh, the accounts whereof were to be given in to the Treasury with an attestation from My Lord Leven showing that the sum of three thousand six hundred pounds of the foresaid seven thousand three hundred and thirty two pounds had been profitably Expended in reparations; But we have seen no such attestation, the Blackbarony has instructed that all the money he received was exhausted by payments made to workmen and others.

5th That there was lent to Colonel Hamilton for raising recruits five hundred & eighty eight pounds, for which his bond lyes in the Treasury.

6th That there was an allowance of thirty one thousand six hundred and eighty pounds given to the Accountants for foraging two Regiments of Dragoons for three months Which sum includes twelve pennies per diem more for every horse than they had agreed upon with the Treasury.

7th That there was an allowance given to the Accountants of twelve hundred pounds for the loss of a bark, tho the article was not instructed.

8th That there was an allowance given to them of four thousand seven hundred and sixteen pounds, sixteen shilling as his Majesties part of supply in Orkney and Zetland, tho the article was not instructed.

9th That there was an allowance given to them of thirty seven thousand seven hundred and seventy pounds for foraging the horse guards whilst upon the English establishment.

10th That the fourth article of the discharge is not fully cleared by My Lord Beilhaven and his partners Except as to the sum of fifty seven thousand three hundred and seventy nine pounds given down by the Lords of the Treasury upon the Account of Legal allowances, But as to the Remainder, The Commission are of opinion that tho there was an Act of Parliament in his Lordships favors, yet he is thereby only stated in a count and reckoning with the Treasury.

11th That the Accountants in their Charge have omitted the fractions of Cents which amounts to thirteen hundred pounds and six shilling.

This Account was fitted in the Treasury the seventh of March 1699.

UPON Reading of which account, The first Observation was Sustained by the Parliament; The second Observation carried on to the next account: The third Observation, The Clerks of the Treasury Ordered to give an account thereof: The fourth, fifth, and sixth Observations Sustained: The seventh Observation, The consideration thereof Reserved till the payment of the Balance due to the Accountants be considered: The eight Observation to be Considered next diet of Parliament: The ninth Observation, That the decret of Exchequer for instructing thereof be produced next diet of Parliament: Tenth Observation; It was put to the vote, Proceed to the consideration thereof, or Delay, and carried Delay: The eleventh Observation Sustained.

THE Lord Chancellour by order of the Lord high Commissioner Adjourned the Parliament till to morrow, at ten a clock.

AUGUST XV, MDCCIV.

PRAYERS said Rolls called.

MINUTES of the last Sederunt read.

ACT Continuing the Commission for auditing the Accounts of the publick funds, read, and a first reading ordered to be marked thereon.

THE Parliament proceeded to the further Consideration of the Report of the Commission for auditing the Accounts of the publick funds; And the Seventh Account in the Report being read, Which with the observations thereon are as follows.

THE SEVENTH ACCOUNT of Supply and Inland Excise from the first of May 1697 to the first of May 1699 was given in by Sir George Hamilton and Partners.

CHARGE.

1st Per Eighteen months Supply,
One million two hundred and ninety six thousand pounds - £1296000 — —

2nd Per twelve Months Inland Excise at four pennes per pint Three hundred and eighty four thousand pounds - - - - 384000 — —

3rd Per twelve months Inland Excise at Six pennes per pint Four hundred and ninety nine thousand and two hundred pounds - 499200 — —

4th From Provost Hume and partners, Sixty thousand pounds - 60000 — —
£9239200 — —

DISCHARGE.

1st Per payments made to the forces and the admiralty, Two million, two thousand and sixty seven pounds, seven shilling - £2002067 7 —

2nd Per Extraneous precepts, One hundred and sixty two thousand seven hundred and four pounds, seven shilling - - - - 169704 7 —

3rd Per Rests of Inland Excise and abatements as per Accounts, Seventy four thousand one hundred and eighty eight pounds six shilling 74188 6 —

4th Balance due by the Accountants, Two hundred & forty pounds 240 — —
£2229200 — —

OBSERVATIONS upon this Account

1st That there was forty eight thousand pounds paid to the Admiralty for providing ships of war and clearing the seamen, notwithstanding that the Pole 1695 was wholly appropriated for that end.

2nd That the Accountants had an allowance of six thousand one hundred and thirty two pounds for foraging the horse guards during the sitting of the Parliament In which sum there is included thirteen shilling per diem for each horse more than what they had agreed upon with the Thesaurary so that they had eighteen shilling for each horse per diem.

3rd That they had also an allowance of five thousand four hundred and forty nine pounds ten shilling for foraging the field guards from first of September 1698 to the fifteenth of October thereafter.

4th That there was an allowance given to the accountants of four thousand and two hundred pounds for foraging some horses over and above the number they had agreed upon with the Thesaurary tho neither the number of horses nor the time they were foraged is instructed.

5th That there was twelve thousand pounds lent to the Duke of Queensberry for which his Graces bond lyes in the Thesaurary so that his Grace is in al debtor to the publick for forty two thousand one hundred and forty four pounds.

6th That there was an abatement of twelve thousand pounds given to the tacksmen of the four penny excise upon the pint anno 1698.

7th There was given up in the discharge fifty six thousand one hundred and four pounds five shilling resting of Supply and Excise by several Shires & Burghs But there is only thirty eight thousand five hundred and four pounds carried to any subsequent account; so that [twenty thousand one hundred & four pounds five shillings] is still resting by the tacksmen of the Excise and others.

8th That there was an abatement of Six thousand pounds given to the tacksmen of the six penny excise upon the pint anno 1698.

9th That the Accountants in their Charge have omitted the fractions of supply that make the sum of two thousand and four hundred pounds still resting by them.

This Account was fitted and discharged to the Accountants by the Thesaurary upon the twentieth of February 1700.

UPON Reading thereof, The Consideration of the first observation Continued till the Pole 1695 come in to be considered: The second and third obser-

vations sustained: The fourth observation; Ordered that the Act of Excheq^r for instructing the Articles therein mentioned be produced: The fifth observation carried on to the subsequent Account: The sixth observation; Ordered that the Acts of Exchequer for instructing thereof be produced: The seventh observation Carried on to the subsequent Account: The eight observation Sustained: The ninth observation; Ordered that the shires of Ross and Cromarty Adjust their quotas so as to make up the total.

THE Eight Account in the Report read; Which with the Observations of the Commission thereon follows.

THE EIGHT ACCOUNT of Supply and Inland Excise from the first of May 1699 to the first of May 1701 was given in by Sir George Home and partners.

CHARGE.

1 st Per fourteen Months Supply, One million and eight thousand pounds	-	-	£1008000	--
2 ^d Per two years Inland Excise, Six hundred and twelve thousand pounds	-	-	612000	--
3 ^d Per Rests of Excise as per preceding account given in to the Accountants by Sir George Hamilton and Ferguslie Thirty six thousand pounds	-	-	36000	--
4 th Per Balance resting by Sir George Hamilton, Two thousand five hundred and four pounds	-		2504	--
5 th Balance due to the Accountants, Nineteen thousand eight hundred and ninety eight pounds, eleven shilling	-	-	19898 11	--
			£1678402	11 --

DISCHARGE.

1 st Per payments made to the forces, amounting to One Million six hundred and forty seven thousand, two hundred and sixty three pounds, ten shilling	-	-	1647953 10	--
2 ^d Per Extraneous precepts, Twenty eight thousand five hundred and thirty eight pounds six shilling	-	-	28338 6	--
3 ^d Per Exemptions of supply, Two thousand six hundred pounds fifteen shilling	-	-	2600 15	--
			£1678402	11 --

OBSERVATIONS upon this Account.

1st That the Accountants have charged themselves with no more of the Excise than they received viz, Six hundred and twelve thousand pounds, But the Excise being at that time fermed by Baillie Meinzie for four hundred and eighty thousand pounds per annum, there is resting by him to make up the compleat tack duty for two years three hundred and forty eight thousand pounds; As per the Committees minutes the twenty fifth of January 1704, where are inserted the reasons of the deficiency.

2^d That there was given to the late Duke of Argyll for privat intelligence Five hundred and eighty two pounds.

3^d Likeways to Major General Ramsay for privat intelligence Twelve hundred pounds.

4th To the Accountants thirteen thousand nine hundred and ninety six pounds sixteen shilling for foraging the horses belonging to the troop of Guards from the fifteenth of May to the twentieth of September 1700 In which sum there is included thirteen shilling per diem more than they had agreed upon with the Treasury.

5th That the Accountants had an allowance of eight hundred and sixty two pounds, nine shilling upon the account of the diminution of the quota of Cells in Perth shire, which they should not have had because the diminution of the valuation of Perth shire increased that of Fyfe and Kincross.

6th That the Accountants in their charge omit the fractions of Cells which amount to one thousand eight hundred and forty pounds.

This Account was fitted and discharged to the Accountants upon the third of March 1702.

UPON Reading whereof, The first observation continued till Sir William Meinzie be heard after the consideration of this account is ended; The second and third observations; The Instructions thereof to be produced and considered in Parliament: The fourth observation sustained: The fifth observation; Ordered that Robert Rutherford and the Accountants clear this article or be lyable for it: The sixth observation; That the shires of Ross and Cromarty so adjust their quotas as to make up the total.

THE Parliament again proceeded to the consideration of the first observation in this account in relation to Sir William Meinzie And he being

called, Compeared and Presented an information with a petition, both which were read, and after hearing and debate The vote was stated, If the tack set by the Lords of the Treasury and Excheq^r to Sir William Meinzie and partners be a standing tack for the first two years, Yea, or Not, and Carried in the affirmative.

THE Parliament Declared they would proceed upon the consideration of this affair next diet of Parliament: And after their proceeding on the whole matter their determination therein is as follows.

AT EDINBURGH the fifteenth of August 1st 17th vj^{re} and four years Ament the report of the Commission appointed for Examining the publick accounts whereby they found Sir William Meinzie and his partners still reiting the sum of three hundred and forty eight thousand pounds Scots of his tack duty of the Excise for the two years thereof as the said report and observations of the Commission on the Eight account bears Which the Parliament having proceeded to Consider Sir William Meinzie and Partners late Tacksmen of the Inland and annexed Excise for five years beginning ye first of March 1st 17th vj^{re} and ninety nine thereupon gave in and presented to her Majesties high Commission and the right honourable the Estates of Parliament a petition Shewing That where the Commission of Parliament appointed for inquiring into deficiencies of publick funds and causes thereof &c. being to report the petitioners case which is one of the most singular that ever occurred; They the petitioners had with the said petition given an information of the true state thereof as it was instructed before the honourable Sub-committee. Whereupon they take occasion most humbly to implore the Justice and Commiseration of the Parliament That seeing they have already payed above two thousand pounds Sterling of the tack duty 1st 17th vj^{re} and ninety nine and 1st 18th vj^{re} beyond what the Excise either did or possibly could produce by reason of the extraordinary calamities through famine death &c. for these two years they might be liberat from the rest of the tack duty which even their utter ruine cannot make up upon the grounds mentioned in the foresaid Information For thereby his Grace and the honourable Estates would perceive, how that upon the prospect of a promising harvest in August 1st 17th vj^{re} and ninety eight and that thereby the dearth would be at an end, The petitioners offered forty thousand pounds Sterling yearly for the Excise they getting a five years tack And they offered so much for these three pennies of the annexed Excise as the former tacksmen had payed for the six pennies of both the annexed and additional Excise because they thought the length of time in good years would enable them to that improvement of the revenue; But immediately

after the reop in August the harvest became altogether disastrous, first by great winds and thereafter by rains, yea and storms of snow &c. which not only made the season late and the victual scarce in the subsequent year 1st 17th vj^{re} and ninety nine being the first of our tack; But likewise the unwholesomeness thereof by heating and otherways spoiled bear from being malt and disappointed the Country of their seed; and (with the plague of famine) occasioned so great a mortality &c. that the year 1st 17th vj^{re} (which till the end of the year was to subsist on the product of the preceding) was also most calamitous through the defolation of Brewars, drinkers, and the want of the subject of liquors, or money or credit which were exhausted by the miseries of the former seasons. The prospect hereof, and thereby of the impossibility of raising the tack duty out of the fund did not only make the other partners to decline signing of ye tack But likewise the petitioner Sir William Meinzie or Captain Wood who joined with him could not find Cautioners who would undergo so visible an hazard, till upon intimations from the Government that they should not be losers and upon the faith of a clause in the tack that in case a famine continued for three months They should only be lyable as Collectors &c. They were induced to subscribe the tack after they had by petitions offered to give it up and to pay a penalty for getting free thereof, But when they entered upon the management of the tack which commenced in March 1st 17th vj^{re} and ninety nine they did then and thereafter find more and more the sad effects of the harvest 1st 17th vj^{re} and ninety eight Which they did not fail to remonstrat to the Treasury and Excheq^r by a tract of petitions related in their information upon which they were so conscious of the truth of their grounds for which they declined the tack that even before the commencement thereof they got sists for Six thousand pounds Sterling of the first two quarterly moieties of the tack duty when it should fall due with order for inducing them to go into it: At last when they found the deplorable experience of what they suspected, the notoriety of the thing so far prevailed yet further on the Lords of the Treasury that they in February 1st 17th vj^{re} Granted a writ of execution for fifteen thousand pounds Sterline of the first years tack duty 1st 17th vj^{re} and ninety nine upon the petitioners paying up the other twenty five thousand pounds Sterling, And as to the second year 1st 18th vj^{re} they ordained new Caution to be found (and accordingly the petitioners did actually give new sufficient security) for what they could uplift and intromet with; So the petitioners took it to be an actual turning of the tack into a Collection Especially seeing their opinion in the matter was approved by the late King by his Majesties remitting the same to the Treasury for doing therein as they should find just and reasonable &c. Yet

notwithstanding of all the petitioners applications for bringing the matter to a final issue particularly their Addresses to former Sessions of Parliament other business has diverted any further progress therein except a Remit from the Parliament to the *Thesbury and Excheq* in January 1st vj^{re} and one for a new roup as to the years insuing thereafter (which accordingly were set to Dunbar of Thunderston with his partners) and allowance from the Treasury to bring in their liberation from the tack as to the two years not set of new, by way of suspension. While in the mean time the petitioner Sir William Meinzie lies under this load his other Copartner Captain Wood being dead and his Cautioner denuded of his estate (without the petitioners knowledge) prior to his Engagement whereby not only the Petitioners Credit for the remaining tack duty for the two years tho he has already payed two thousand pounds Sterling beyond what he received extending to twenty nine thousand pounds Sterling must ly at the stake; but likewise if he should die before this matter comes to be finally cleared his successors would be altogether ignorant thereof And therefore this being an happy opportunity of having access again to the equity and compassion of this high and honourable Court It was most humbly Represented That his Grace and the honourable Estates of Parliament would be pleased to take to their consideration the singularities of the Petitioners case for liberating him from the full tack duty of the said two years And that thereby he is only lyable for his actual intrusions conform to the authentick books upon oath after all the diligence that was possible for man to take in those circumstances, more particularly upon the following grounds viz. Primo not only by the common law throughout all Christendome yea even in Holland where they are so precise upon the matter of their taxes, does one extraordinary fatality turn tacks to collections; but likewise there is an express clause in the tack set to the petitioner that in case of famine for three months it should resolve in a collection; And the petitioner subjoines That after the roup and tack there was famine for many more than three months which is instructed by evidences in the petitioners information; particularly that in this time multitudes died for want of bread, People lived upon wild runches and druff; other Countries prohibited victual to be exported; the prices with us were high above the ability of the meaner sort; Tho our Government gave encouragement for importation by *Præmios* yet it did not supply our want; publick sales were appointed for such dreadful famine and there were Acts of Government against exporting even from one shire to another, or turning bear into malt &c. Which necessity of employing bear otherways than to brewing together with the badness and spoiling of the bear crop 1st vj^{re} and ninety nine,

and that influencing the crop 1st vj^{re} Did in a peculiar manner make the famine to have a yet more eminent effect as to brewing which was so sensible that in some parishes there remained not three of thirty and odd brewers &c: But there needs no proof of so notour a truth to the grand inquest of the Nation in particular; who too well know the state thereof in that wasting time through the several corners of the Kingdom. It is true Tacksmen run all ordinary hazards; but *culpa fortuita* tho they were not expressed are excepted in all contracts without which no man would enter in a tack especially with the publick, which is subject to so many casualties much more ought this to hold where it is so express in the tack it self as in the present case And that the rather because there was scarcity in former years preceeding the tack whereby the clause being adjected notwithstanding of that former scarcity could have no other meaning than that if the hopes of the harvest and cooling of the present dearth did fail, so that as there should be a famine still for three months after the commencement of the tack, then and in that case it should turn to a Collection Secundo That there are many other specialities in the petitioners case Such as in the first place upon the surprizing and unexpected change of the season before signing the tack He offered to Remunee the minut of roup and redeem himself by a fine whereby he did forego all hopes of gain by the tack for the future which very much differenced his case from that of those who wait till they see the event of the hopes of gain before they seek abatement. In the next place by the assurances of the Government and the aforesaid clause about the famine calculat to the same end, the petitioner so relied, as to look upon himselfe to be no more, in effect, than a manager for the publick interest tho with some tolerable detriment to his privat fortune whereof both the Parliament and the Treasury and his late Majestie had competent conviction, which procured their remits before narrated, Yea, In the third place the petitioner might humbly contend that his tack is already upon the matter turned to a collection by the foresaid deliverance of the Treasury granting a gift for fifteen thousand pounds of the first year and receiving his Cautioners for a collection of the second year (which was materially approved by his Majesties remit to themselves who had done so) and by their setting of new the other three years upon a remit of Parliament; But the petitioner laid the whole at his Grace and the honourable Estates feet to be absolutely determined by them In the fourth place As the petitioner has already payed up two thousand pound Sterling beyond what he got up after having done the outmost diligence So now he is in a manner left alone with such an insupportable burden; for as at the beginning the other partners withdrew from signing the tack, so Cap-

tain Wood his only remaining partner hath none that will represent him and his Cautioner is an old man who had disposed his estate as aforesaid. So it was most bumbly hoped That his Grace and their Lordships would not permit the petitioner to be quite overwhelmed by occasion of an emergent fatality of providence in the seasons which not only surpris'd the petitioner against the promising aspect of future years but likewise the whole Nation yea and a great part of Europe for the years 1st vjth and ninety nine and 1st vijth of which at present the petitioner supplics to be relieved And therefore Humbly Craving His Grace and the honourable Estates to find that his tack does only oblige him in such a singular and circumstantial case as for a collection the two years 1st vjth and ninety nine and 1st vijth which will be an act of both justice and compassion by liberating the petitioner and his family from ruin in what he did for a publick interest being overtaken by an unexpected and irresistable calamity as the said petition bears. With which was given in the foresaid information Whereof the tenor follows

INFORMATION for Sir William Meinzie and partners late tacksman of the Inland Excise lately given in by way of Representation, to the Committee of Parliament appointed for inquiring into the management, right application and deficiencies of the publick funds and causes thereof The Inland Excise being exposed to a roup in August 1st vjth and ninety eight Sir William Meinzie as the greatest offerer was preferred to the tack thereof which conform to the articles was to endure for five years from and after the first of March 1st vjth and ninety nine except in the case of plague famine or war In which cases if the same did continue above three months he was only to count and be lyable as a Collector The Articles being signed by him with an obligation under a great penalty to signe the tack when extended Immediately thereafter great winds having arisen whereby much of the grain was shaken and upon the tack thereof excessive rains having followed which did presage a bad harvest and that it would not be possible to raise the tack duty out of the fond all his partners except Captain Wood did refuse Whereupon he having represented the case to the Lords of Thesbury and offered before signing of the tack to be lyable to such a proportion of the penalty as their Lordships should think fit to exact rather than to signe the same and Craved that in case they would oblige him to sign the tack their Lordships might be pleased for encouragement to him and partners to declare at what rate of victual famine should be understood; But the Lords of Thesbury having blunnd to give him any answer at the time, Moved him and Captain Wood to signe the tack upon an insinuation That if they managed the interest faithfully and exactly their case should be considered And if the

apparent scarcity continued and increased they would take their case to consideration so as they should be no losers. The tack being thus signed by them and their Cautioners upon the seventh of September 1st vjth and ninety eight and the harvest continuing still more and more unreasonable so as much of the corn were to cut down in the middle of frost and snow and much of it never having ripened nor been cut they did again represent the calamitous case of the Nation before the commencement of the tack begging the said Lords might take the tack off their hands or declare at supra at what rate of victual famine was to be considered But the Lords of Thesbury still as seems expecting a more favourable season and being unwilling to lose the tack while there was the least prospect of the possibility of its insurance they did likewise delay the giving any answer to that petition: And withall encouraging the tacksman to use their utmost indeavours in management of the fond to the best advantage with plausible insinuations that few or rather none would be made losers who served the King faithfully. The Tacksman being thus encouraged, did enter upon the management And considering the circumstances of the time, did with as great moderation and success as could have been expected which is very well known: And of this the Lords of Thesbury being fully convinced and that the fond could not answer the tack duty They did grant a forbearance for three thousand pounds Sterling of the moities payable for each of the first two quarters untill a further stay should be made what length the fond could make: But when the third quarter was entered into the Tacksman perceiving that albeit the harvest did prove much more favourable than in the preceeding year yet that in many places the ground had not been laboured nor sowed and that in several other places where sowed the seed was so bad and unwholesome it did afford no increase proportionable to the former years And als the dearth continued and good sufficient victual was not to be had but at a dearer rate than at any time it had been sold within the Kingdom And als that through poverty these who were in use to employ their stocks upon brewing had neither money nor credit to buy victual at the current rates Wherethrough there was not so much brewen by the half as in former years; They did again by a third petition represent the case to the Lords of Thesbury Shewing that it was not possible to raise above five thousand pounds Sterling quarterly out of the fond And therefore Craving (as formerly) That their Lordships might be pleased to take the Tack off their hands or if they inclined to continue them in the management to discharge the Commissioners from distressing them for more than the funds would answer, and for which they should be ready to count in the strictest form when required Which petition did

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also receive no answer The Commissioners having continued to press the tacksmen for a farther payment albeit they had stretched their Credit and raised thereupon for support of the exigencies of the Government near two thousand pounds Sterling more than they had recovered out of the fond And having then received fure information from the most part of the corners of the Kingdom That because of the calamity of the Countrey which still continued there was no ground to expect that the half of the tack duty would be made effectual This did put the tacksmen under an absolute necessity to represent the case in a fourth petition to the Lords of Treasury plainly insinuating that the exigencies of the Government in so far as depended upon that fond would be disappointed if not timely provided for, in respect tho they should be tyed by the tack, the whole flocks of them and their Cautioners would not answer the deficiency of one year albeit wholly seized upon which is a hardship that never any who served his Majestie in the like post hath been as yet put to: And therefore humbly Beseeching that the tack might be taken off their hands and the fond imployed to the best advantage in such manner as their Lordships should think fit This petition having also received no answer; when the third quarters moitie became payable there being a party of two hundred men quartered upon the tacksmen which was a burden unsupportable, They did present a new petition to the Lords of Treasury and Exchequer Representing that albeit the outermost severity should be used against them yet that the fond the conjoined with their privat flocks and Credit would not make up the deficiency and that by necessary consequence the expence of quartering would inroach upon the fond of payment And therefore Craving That the party might be removed and that they might be allowed to illustrate and give such evidences of the calamitous circumstances of the Countrey to their Lordships ever since the Commencement of their tack as they were hopefull would beget a full conviction that the deficiency arose from the fond and not from any mismanagement in them so as they might be Exonerated and only made accountable as Collectors Upon which last petition the party was removed and the tacksmen allowed to be heard upon the grounds contained in their petitions and whereupon they can found for their being libert from the tack by way of suspension; And therefore by the quality of the tack it being provided that in case plague famine or war be in the Land beyond the space of three months that then the tack should be void and during the management they should only be accountable as Collectors, The Tacksmen tho very unwilling to expose to publick view the qualifications of the calamitous circumstances the Nation was then groaning under and have been from August 1^m vj^e and ninety eight

at which time the excise was roused and set to Bailie Meinies and partners farder then what was absolutely necessary for their self preservation and liberating of them and their families from utter ruine did in all humility offer to the Lords of Treasury such qualifications thereof as they were hopefull tho they should not amount to a full probation of famine in the strictest sense yet that they would be reputed such as might induce their Lordships to make a full representation of the case of the Countrey and Tacksmen to his Majestie and untill his Majesties Gracious pleasure were known thereunto to Grant unto the tacksmen a forbearance from pressing them for more than the fond could afford And for clearing wheereof they did then offer and are yet content to expose their hooks upon oath before the honourable Court of Parliament, and which qualification did so far prevail That they did grant a forbearance of fifteen thousand pounds Sterling for the first year of the tack and for which they afterwards got his Majesties approbation This approbation is in the hands of Sir Thomas Moncrief and appointed also a farther inquire into the matter Wherein since that time the Lords of Treasury by reason of the then approaching Session of Parliament and the other needful affairs have made no further inquiry only upon granting the foreid forbearance they did oblige the Tacksmen to find new Caution for their subsequent intrusions and which they did and which was (as from time to time received) punctually payed in to the General Receivers The Grounds then laid before their Lordships of the Treasury and thereafter before the Committee to be reported before the honourable Court of Parliament and which it is hoped will be found sufficient for annulling the tack are Primo From the definition of famine it selfe which by all sacred and profane writers on that subject, is, tanta annonæ penuria ut de vitâ plurimorum periclitetur: From which it is plain that if since the commencement of this tack many have dyed for want of bread and have been necessitat to make use of wild runches draff and the like for the support of nature which are kinds of food never before heard of in the Nation: then it necessarily follows that the Countrey is to be reckoned in a state of famine but so it is this was the case of many thousands within the Kingdom Secundo In whatsoever Countrey where there is no sufficiency of bread for maintenance of the Inhabitants thereof, and when it cannot be supplied from other places and that many people die sterveling, that land is certainly to be reckoned in the state of famine, And so was it in many parts of this Kingdom the first year of the tack Tercio It is to be accounted famine when the prices of the victual arise so far beyond the ordinary rates thereof that the generality of the Yeomanry cannot get the same purchased for their support; And so was it with us the said year. Quarto,

Famine is to be understood as overspreading the land, when notwithstanding of extraordinary incouragements by the wisdom of the Government allowed to importers of victual it is not brought in or at least what is imported is not sufficient. And this was our case the first year of the tack. Quinto, When for want of bread People die in the streets and high wayes in great numbers such as hath not been heard of in this Nation doth necessarily conclude an overspreading famine; But so was it in several corners of this Kingdom where in some paroches at least the one half died for want in the year foresaid. Sexto, When by authority publick fasts and dayes of humiliation are appointed for preventing the dreadfull famine independent upon the Nation it is to be accounted by all that the Kingdom is in that state; And so was it with us as appears by the Addreses to the Commission of the General Assembly and Proclamations of Privy Council since the commencing of the foresaid tack. Septimo Other places of Europe in our circumstances have owned themselves to be in a state of famine as appears by the publick prints And for which causes not only in our neighbouring Nations Exportation of victual out of the Kingdom was prohibited but also in this Kingdom there was a strict prohibition to export victual from one shire to another and in some principal cities and shires the making of bear into malt was prohibited: And it is nottous that these of our northern shires which were looked upon as great granaries and did yearly afford great support to this Country have not been able by all their increase in the year 1th vjth and ninety eight to maintain the half of their own in the year 1th vjth and ninety nine. Its also nottous That the crop 1th vjth and ninety eight was so bad a great part of it not cut down a great part of it altogether unwholsome and the land not fully sown which are clear evidences of famine and consequently a ground to annull the tack Upon these grounds the Lords of Treasury did not only Grant the foresaid forbearance of fifteen thousand pounds Sterling of the tack duty of the first year of the tack and obtained his Majesties approbation abovementioned; But also did so far innovate the same and turn it to a Collection the second year of the tack, that their Lordships did oblige the tacksmen to give new severity for their intromissions with the fond that year and conform thereto they did manadge the fond most carefully And for preventing all jealousy of the misapplication did cause pay in the same to Robert Rutherford the Commissioners depute And for which second year albeit they had some reason to conclude that they were only to be considered as Collectors Yet to surver the Exigencies of the Government they did advance several hundred pounds beyond what the fond afforded which can be instructed by their books upon the verity whereof they are content to depone and likewise to suffer the most narrow

scrutiny for conveying the faith thereof and that under any penalty whatsoever. As the payments made of the first years tack duty did extend to twenty five thousand pounds Sterling and the sums collected and payed in to the General Receivers of the fond of the second year being twenty six thousand pounds Sterling or thereby did fall very far short of the tack duties which by the tack the Tacksmen were obliged to pay for these years: So it is most certain that the fond did not afford these very sums payed albeit the same was managed with the greatest precaution and exactness that the circumstances of the Country could admit of. And the tacksmen are so far from being gainers by the tack and Collection during these two years that on the contrary they are already sufferers in their own privat flock of the loss of two thousand pound Sterling and upwards. The Committee would also be pleased to consider and report That as immediately after Sir William Meinzie's offer at the roup all his partners did reside except the now deceased Captain Wood for whom Jasper Johnston of Warrieston became Cautioner. So Captain Wood is dead without representative and the said Jasper Johnston before his engaging as Cautioner foresaid had disposed his whole Estate to his Grand children, of which Sir William Meinzie's was altogether ignorant And therefore that albeit the Parliament should yet find ground to insist against him for the deficiencies of these years notwithstanding of the reasons above represented for annulling the tack, yet however it might tend to the utter ruin of him and his family his and his Cautioners flock can in no measure answer the same It was also desired that the Committee might consider and report that Sir William Meinzie's is content to depone upon the verity of the haill grounds above represented and that he is not calumnious as to any thing therein contained. This Representation was founde ascribed by the honourable Committee comparing the same with the Minnts of Treasury and Exchequer and other wayes in manner mentioned in their report to the Commission of Parliament thereon. And also the said Sir William Meinzie's produced in presence of the Lord Commissioner and the said Estates of Parliament an Account of the Inland Excise intromitted with by him from the first of March 1th vjth and ninety nine to the first of March 1th vjth and from the first of March 1th vjth to the first of March 1th vjth and one Whereof the tenor follows ACCOUNT of the Inland Excise intromitted with by Baillie Meinzie's from first of March 1th vjth and ninety nine to the first of March 1th and vjth Imprints From the Town and Shire of Edinburgh Colin Alison Collector Seven thousand and seven hundred pounds Sterling The shire of Haddingtoun William Bernard Collector Nine hundred and seventy six pounds fifteen shillings and eleven pence, The Shire of Berwick David

Renton Collector Three hundred and thirty pounds eleven shillings and seven pence The Shire of Roxburgh and Selkirk Walter Scot Collector, Four hundred and eighty two pounds one shilling and nine pence, The Shire of Peebles James Brotherstanes Collector One hundred pounds, The Shire of Dumfries Steuarty of Kirkeudbright and Annandale William Crauford Collector Six hundred and ninety two pounds fourteen shillings and one penny The Shire of Wigtown Robert Mackdellan Collector One hundred and ninety three pounds seventeen shillings and eleven pence The Shire of Air George Seaton and George Blair Collectors Nine hundred and sixty nine pounds six shillings and four pence The Shire of Bute Sir James Stuart in tack Forty one pounds thirteen shillings and four pence The Shires of Renfrew and Dumbartoun Archbald Hanustine of Kelly Collector Seven hundred and thirty four pounds fifteen shillings and two pence The Burgh of Glasgow and four parishes Charles Bruce Collector One thousand five hundred and ten pounds five shillings and nine pence. The Shire of Lanerk except Glasgow James Carmichael John Smith and William Rentoun Collectors payed only Three hundred and twenty four pounds two shillings and four pence The Shire of Argyll M^r John Campbell in tack One hundred and eleven pounds two shillings and two pence The Shire of Stirling John Burd and Lieutenant Colonel Erskine Collector Six hundred and one pounds five shillings and six pence The Shire of Linlithgow Henry Rollo of Woodside Collector Six hundred and thirty nine pounds seventeen shillings and four pence The Shires of Perth and Clackmannan James and Robert Campbells one thousand four hundred and sixty four pounds sixteen shillings and eleven pence The Shires of Fyfe and Kinross Thomas Bethun of Tarvit Collector two thousand two hundred and ninety one pounds one shilling and one penny. The Shires of Forfar and Kincardine James Ramsay and Thomas Rattray Collectors one thousand four hundred and eighty five pounds six pence, The Shire of Aberdeen James Keith and John Stuart Nine hundred and sixteen pounds ten pence. The Shires of Banff Elgine and Nairn William Dunbar Collector payed only Two hundred and eighty one pounds. The Shires of West Ross and Inverness James Dunbar Collector Four hundred and twenty four pounds seven shillings and two pence The Shire of East Ross Sutherland and Cromarty M^r Alexander Ross Collector Two hundred and eleven pounds two shillings and nine pence The Shire of Caithness William Maxwell Collector fifty five pounds The Isles of Orkney and Zetland Henry Legat Collector not cleared One hundred and fifty pounds The Excise of Brandie Imported Charges deduced yearly about Seven hundred and fifty pounds The total is Twenty three thousand four hundred and thirty six pounds eighteen shillings and one penny. And from the

first of March 1703 vij^s to the first of March 1704 vij^s and one Edinburgh the second year the said Colin Alison Collector Eight thousand pounds sterling, Haddington Shire William Bernard Tacksmann Eight hundred and seventy pounds, Berwick Roxburgh and Selkirk Shyres William Cockburn Tacksmann Eight hundred and eighty pounds, Peebles William Williamson in Tack One hundred and thirty pounds. The Shire of Dumfries Steuarty of Kirkeudbright and Annandale M^r William Johnston Seven hundred pounds. Wigtown and Air set to William Kennedy of Dalgarrock, One thousand three hundred and thirty three pounds six shillings and eight pence. Bute to Sir James Stuart Forty one pounds thirteen shillings and four pence Renfrew and Dumhartane to Archbald Hanustine of Kellie Seven hundred and seventy seven pounds fifteen shillings & six pence Town of Glasgow set to the Magistrate at One thousand six hundred and sixty six pounds thirteen shillings and four pence The Shire of Lanerk to Walkinshaw Six hundred and fifty five pounds thirteen shillings and one penny The Shire of Argyll to M^r John Campbell One hundred and eleven pounds two shillings and two pence The Shire of Stirling to John Burd Seven hundred and five pounds eleven shillings and one penny The Shire of Linlithgow to Robert Taylor and Woodside Seven hundred pounds, The Shire of Perth to Patrick Johnston of Gormock One thousand six hundred and thirty three pounds six shillings and eight pence The Shire of Clackmannan to James Campbell Two hundred pounds The Shire of Fyfe and Kinross to Thomas Bethun of Tarvit Two thousand two hundred and twenty two pounds four shillings and five pence The Shire of Forfar and Kincardine to James Ramsay and Thomas Rattray One thousand eight hundred and eighty pounds The Shires of Aberdeen Banff Elgine Nairn Inverness Ross Sutherland Cromarty and Caithness to James Keith Two thousand one hundred and fifty pounds The Isles of Orkney and Zetland as first year not all payed One hundred and fifty pounds The Excise of Brandie imported all charges deduced Seven hundred and fifty pounds Sum is Twenty five thousand five hundred and fifty seven pounds six shillings and three pence, First years istransitions Twenty three thousand four hundred and thirty six pounds eighteen shillings and one penny Total is Forty eight thousand nine hundred and ninety four pounds four shillings and four pence Payed per receipts to the Commissioners of the army fifty one thousand pounds Sterling & Received only as above forty eight thousand nine hundred and ninety four pounds four shillings and four pence So that the petitioner is already in advance Two thousand and five pounds fifteen shillings & eight pence Since first extending of the above Account there is Received from Brewers in and about Edinburgh besides what is above about

Two hundred pounds Sterling as the said Information & Account also fully bears. WHICH Petition Information and Account being heard and considered by her Majesties high Commissioner and the said Estates of Parliament They Found and hereby Find That the tack set to the said Sir William Meinzie and his partners was a farding tack for the years 1st vj^{re} & ninety nine and 1st vj^{re} and Ordained and hereby Ordain the said Sir William to pay at the terms of Martinmas and Candlemas next by equal portions the sum of Five thousand pounds Sterling of his tack duty and Remitted and hereby Remit to the Commission of Parliament to be named to consider whither the Account given in by him is a true Account and to report next Session of Parliament And in the mean time Sisted and hereby Sist Execution for the remaining sum of his tack duty and Ordained him to Signe the said account Accordingly the said Sir William having signed the foresaid Account thereafter gave in and presented to her Majesties high Commissioner and the said Estates of Parliament another petition Shewing That albeit the petitioner had Exhibited before the honourable Court of Parliament a full & faithful account both of what was received of the said Inland Excise And what was payed in by him to the General Receivers upon that Account Whereby its evident he had been constrained by the pressing importunities of the Lords of the Treasury to advance two thousand pounds Sterling more than truly he received or was collected of the said fond nor were there any outstanding debts by the Sub-tacksmen or others employed as Collectors by the petitioner Which can ever be recovered or imputed in payment of any part of the said two thousand pounds Sterling except about Two hundred pounds Sterling or thereby of refts in and about Edinburgh And about Eight hundred merks in Orkney as the rests of the two years Excise of Orkney and Jetland which tho yet standing out is nevertheless placed in the foresaid account as payed And the petitioner having answered upon the highest acknowledgements before this honourable Court of Parliament every point and question whereby any article or circumstance of the account exhibited could be in the least suspected or redargued The petitioner was humbly of the belief and expectation that this honourable Court being fully convinced of the petitioners candor and faithfullness in all this affaile would have fully Exonered him from being further lyable beyond the two thousand pounds Sterling of loss he had already sustained Yet it having seemed good to the honourable Court to find the petitioner lyable in payment of the sum of four score and ten thousand merks more to be payed at Martinmas and Candlemas next without exprefly exonerating the petitioner of the foresaid tack of the Inland Excise and duty therein contained He humbly begged leave to re-

present That the foresaid sentence will amount to no less than a forfeiture to the petitioner and will be of no use at all to those who expect the benefite thereof unless the petitioner be fully Exonered of the foresaid tack and tack duty; for as all the effects he has in the World will not raise the money at the terms appointed to his personal Credit is not worth a groat so long as that tack and tack duty hangs over his head. Therefore it is necessary both for preserving the petitioner and his family from utter ruin and to make the sentence of Parliament of some use and advantage to those who are to have the benefite thereof And that the petitioner may have Credit to employ himself and his small fortune for making the same effectual. And therefore Craving his Grace and the Honourable Estates of Parliament fully to Exoner the petitioner and remanent persons concerned for the Inland Excise of the years 1st vj^{re} and ninety nine and 1st vj^{re} and of the tack and tack duty granted for the samen upon the petitioners making due and punctual payment of the said Sum of fourscore and ten thousand merks contained in the foresaid sentence of Parliament to which of necessity he must acquiesce notwithstanding of two thousand pounds Sterling already advanced and upon the petitioners giving bond that whatever shall be discovered to have been intromitted with and received by him except the two articles about Edinburgh and Orkney foresaid he shall make payment of the quadruple thereof without any defalcation; Which as it is a demonstration of the petitioners ingenuity so is all in his power to be offered for Enabling him to make the sentence of Parliament effectually and needfull to explain the favor and commiseration this honourable Court has always expressed to the petitioner Or otherways to supercede the payment till the scrutiny be made as the said petition bears Which petition and desire thereof being likewise read in presence of her Majesties high Commissioner and the said Estates of Parliament They having heard and considered the same, by their deliverance thereon upon the twenty third of August 1st vj^{re} and four (before Extracting of this Act) Allowed the Marquess of Lothian and other officers of the army to see and answer the same the Soderunt then first after to morrow And in the mean time Remitted and hereby Remits to the Commission the scrutiny of the account, And Ordains Letters of Homing and all other Execution needfull to pass hereupon in form as Effects.

THE Lord Chancellour by order of the Lord high Commissioner Adjourned the Parliament till to morrow at ten a clock.

AUGUST XVI, M^oDCCLIV.

PRAYERS said. Rolls called.

MINUTES of the last Sederunt read.

[Absent
Members]

ORDERED That the orders of the house be put in Execution against the members that are absent at calling the rolls.

[Picking
Up]

OVERTURE for an Act advancing and Establishing the fishing trade read and ordered to ly on the table and to be printed.

[Sir William
Meinzie]

THE Parliament proceeded to the further consideration of Sir William Meinzie's affair and after hearing him and debate thereon It was put to the vote Whether he should pay at the terms following Nine thousand pounds Sterling or Five thousand pounds Sterling of his tack duty and carried Five thousand pounds Sterling payable at Martinmas and Candlemas next by equal portions And Remitted to the Commission of Parliament to be named to consider whether the account given in by him be a true account to be reported next Session of Parliament, and in the mean time Sits Execution for the remaining form of his tack duty as is fully contained in the act concerning that matter before written.

BEFORE the said vote the Earl of Sutherland Protested That whatever Deduction of the tack duty was given to Sir William Meinzie that the Parliament make it up, as is more fully contained in his protest, Whereof the tenor follows.

Protestation
The Earl of
Sutherland.

SEEING The Inland Excise set to Sir William Meinzie and partners for ninety nine, and seven hundredth was appropriated for paying the arrears due for the army so as to give them a juis question, I Protest in name and behalf of the Officers of the army That in case the Parliament think fit to give Sir William Meinzie and partners any deduction of their tack that then this Honourable house may be obliged to make up the deficiency of the funds. Sic subscribitur Sutherland.

Order/leave
of the Col-
lectors or
treasurers
appointed
by Sir W^m
Meinzie pay
any Sum in
law ly are
intempered
in the said
given in by
him

ORDERED That none of the Collectors or Treasurers appointed by him pay any sums of money to him that are not contained in the said Account.

ORDERED That the Clerks of Treasury bring in a report how the army was payed during Sir William's tack.

THE Account of the Hearth Money read, Whereof and of the Observations thereon made by the foresaid Commission of Parliament, the tenors follow.

ACCOUNT of the Hearth Money.

THE first extraordinary fond Granted since the eleventh of April 1689 was the hearth money by the Parliament King William and Queen Mary Session third Act third Which fond was by the said Act strictly appropriated for paying the debts due to the Country and the arrears to the army being fourteen shilling for each hearth in the Kingdom to be payed in at Candlemas 1691 without exception or exemption of any but the hearths of hospitals and of such poor as lived upon the charity of the paroch For the bringing in thereof M^r James Melvill of Calsingray was made principal Collector With power to him to name his subcollectors for whose intromissions he should be lyable as per his bond as principal and the Earl of Leven as Cautioner lying in the Treasury.

THE CHARGE of the Hearth Money.

1st By payments made to him and his subcollectors from several shires as per particular account, One hundred and fifty one thousand nine hundred and twenty one pounds, eight shillings - - - £151921 8 -

DISCHARGE,

1st By payments made by him to the forces upon the Treasuries precepts as per account, One hundred and thirty seven thousand five hundred and thirty three pounds, nine shilling - - - 137533 9 -

2^d By the Subcollectors Sallarys conform to the Lords of Treasuries Establishment, Seven thousand and eight pounds, three shillings - 7008 3 -

3^d Balance due by Calsingray Seven thousand three hundredth and seventy nine pounds, sixteen shilling 7379 16 -

£151921 8 -

OBSERVATIONS on the Hearth Money.

1st That Calsingray in his Accounts has stated Eight thousand six hundred and seventy seven hearths belonging to hospitals and poor people living on charity as to which there can be no objections these being excepted in the act.

3^d That he has stated Twelve thousand six hundred and eighty seven hearths deficient in their payments. But over and above that number there was a whole parish deficient in the shire of Air, The whole lands pertaining to the shire of Murray. The whole Lands pertaining to Grant of Elches The whole lands pertaining to the Laird of Calder, The whole parish of Clack The whole lands pertaining to the Laird of Dunnaglash Likewise the houses of Rothsay Kinross Leithington and Pinkie.

3^d That he has omitted to state the charge of hearths in the shires following viz. Dumfries Kincairdin Ross Cromarty Nairn Elgine, and the Stewartry of Orkney and Zetland But acknowledges to have received Six thousand two hundred and thirty pounds eight shilling in part of the hearth money of the shires of Ross Dumfries Elgin Nairn Cromarty Orkney and Zetland The Subcollectors of these shires not having given in their books nor deposed upon the same.

4th That after he had stated his account with the Treasury the subcollector of Elgine and Nairn gave in his books to the Treasury wherein he makes the number of the hearths of that Shire to extend to three thousand one hundred and forty five hearths: Likewise that the subcollector of Kincairdine gave in his books wherein the hearths of that shire extend to three thousand six hundred and twenty eight But did not depone upon the verity of his list nor never counted with the Treasury.

5th That there was no books produced by the subcollectors of the shires of Dumfries, Ross, Cromarty, Orkney, and Zetland.

6th That of the sum of One hundred and thirty seven thousand five hundred and thirty three pounds, nine shilling mentioned in Cassingrays discharge there was One hundred and nine thousand and eighty one pounds, nine shilling applied for payment of the arrears due to the forces wheress by the Act of Parliament it should have been applied for payment of debts due by the army to the Country in the first place Likewise out of the foresaid One hundred and thirty seven thousand five hundred and thirty three pounds nine shilling they find the sum of Twenty eight thousand four hundred and fifty two pounds paid for subsisting the forces then standing which they humbly conceive was employed also by the Lords of the Treasury contrary to the designe of the act.

7th That the balance of Seven thousand three hundred and seventy nine pounds, sixteen shilling mentioned in the discharge was paid up, Or at least that there were precepts drawn upon Cassin-

gray for the same The Commission having seen these precepts marked in the Treasury books But because sufficient Documents were not produced for instructing that the persons to whom the balance was payable had received the same Therefore the Commission allowed the Earl of Leven a diligence for recovering any writs that were wanting to instruct the foresaid payments as also to bring in all the Collectors who had not deposed upon the verity of their books nor counted for their intromissions.

UPON Reading whereof, The first observation sustained: The second observation; The Clerks of Treasury ordered to produce the Treasury books for instructing thereof: As to the third fourth and fifth observations, The Parliament Finds that whatever was paid in by Cassingray conform to the fitted account with the Treasury The Customer cannot be lyable therefore, And allows the twelve thousand hearths as deficient in regard the Collectors deposed thereon before the Treasury and their bonds were ordained to be given up to them: And as to the shires paroches and houses not given up, Ordered that the Collectors count for them before a Commission to be named And Finds the Cautioners only lyable according to their intromission And Remits to the said Commission to Cite before them such as were Collectors at that time & to inquire thereassent. As to the Sixth observation, Ordered that the Clerks of Treasury give in account next diet of Parliament how the articles therein mentioned were applied, and by whose order.

OVERTURE for an Act anent misapplication of funds given for maintenance of the forces, read, and ordered to ly on the table and to be printed.

THE seventh observation, The balance therein Remitted to the Commission to be named to be further considered by them.

THE Lord Chancellour by order of her Majesties high Commissioners Adjourned the Parliament till friday next at ten a clock.

AUGUST XVIII, M.DCC.IV.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

ACT continuing the Commission for auditeing the Accounts of the publick funds read for the second time and the further consideration thereof delayed till the next diet of Parliament.

ORDERED That Sir William Meinzie signe the account given in by him last diet of Parliament.

THE Account of the Pole money, the year 1703 viz^o and ninety three, read, Whereof and of the Observations made thereon by the said Commission of Parliament the tenors follow.

ACCOUNT of the Pole Money 1693

By the Parliament 1693 Act ninth, Pole money was granted for paying the debts due to the Country and arrears to the army from the first of November 1689 to the first of February 1691 and strictly appropriated for that end.

The Lords of Treasury Set the same in tack to my Lord Ro^o Sir John Cochran of Ochiltree Sir Robert Stewart of Allanbank Sir George Hamilton of Barnton Sir James Oswald of Fingleton Baillie James Grahame William Cunninghame of Brounhill and James Dunlop Collector, being eight principal tacksmen bound to the publick in solidum for a tack duty of five hundred and twenty nine thousand two hundred pounds payable at two terms viz. at Candlemas and Whitsunday 1695.

These Eight principal Tacksmen were afterwards joined with fourteen Copartners being in all twenty two tacksmen and accordingly they proceeded in the management of the Pole; But because of the difficulties occurred to them in the inhiring thereof the Estates of Parliament in anno 1695 Act thirty first, thought fit to turn the tack into a Collection So that the foresaid twenty two tacksmen became thereafter lyable only as Collectors and countable for their intromissions; In the same Act, the Parliament appointed Commissioners to determine in all things relative to this Pole Whereupon the said Commissioners according to a power given them did set the Pole in tack a second time to my Lord Belhaven The Laird of Grant Sir John Houston of that Ilk and Sir Robert Dickson of Sornbeg for a tack duty of three hundred and sixty thousand pounds whereof the Laird of Jerviswood is made general receiver.

The said Commissioners after they had ordered several payments to be made to the Country they reported their proceedings to the Parliament 1698 Whereupon it was remitted back to them to Judge in all the difficulties they had found during their Commission with a Parliamentary power But matters not being fully ended by them there was a new Commission appointed by the Parliament 1701 and instructed likewise with the same power.

The Lords and others of the second Commission thought fit to break the second tack of the pole and turn it again into a Collection the twenty two above mentioned tacksmen being still lyable as Collectors.

CHARGE of the Pole Money 1693 upon the Collectors.

Collected of Pole money by the several Collectors Two hundred and ninety one thousand three hundred and seventy six pounds, six shilling - - - - £291376 6 --

DISCHARGE,

1^o Paid in to Jerviswood General Receiver Two hundred and twenty three thousand seven hundred and five pounds ten shilling - - £293705 10 --

2^o Allowed the Collectors for their Expenses by the second Commission of Parliament Twelve thousand pounds - - - - 12000 -- --

Balance due by the Collectors fifty five thousand six hundred and seventy pounds sixteen shilling 53670 16 --

£291376 6 --

OBSERVATIONS on the Pole 1693.

1^o That the breaking the second tack of the Pole was an ease to the nation, but a loss to the army.

2^o That the foresaid sum of Two hundred and twenty three thousand seven hundred and five pounds ten shilling paid in to Jerviswood was duly counted for by him being exhausted upon precepts from the Treasury and the first Commission of Parliament except as to four thousand three hundred and fifty pounds six shilling still in his hands.

3^o That the Country looking upon what was owing by the army to be a desperate debt such disadvantageous transactions were made as the half of what was owing came to be lost; besides several sums are yet owing to the Country which are neither paid nor transacted.

4^o That the balance due by the Collectors viz. fifty five thousand six hundred and seventy pounds sixteen shilling was by the second Commission of Parliament ordered to be put in the hands of Archbald Houston their Clerk and now by the Commissioners order Transferred to Walter Riddell their Clerk which at present is the only fund remaining for payment of the Arrears due to the army from the first of November 1689 to the first of February 1691.

THEN a petition for Katharin Hamilton relief of Captain Alexander Dunbar Craving payment of arrears due to her husband with a declaration and consent subscribed by several officers in her favors read And after reasoning thereon It was put to the vote grant the desire thereof for three hundred pounds Sterling in part of the arrears craved, or remit to the Commission And carried Grant the desire thereof for three hundred pounds Sterling, in manner following.

ANENT the petition given in and presented to his Grace her Majesties high Commissioner and the honourable Estates of Parliament by Catherine Hamilton relief of the deceased Captain Alexander Dunbar Humbly Shewing That where the said deceased Captain Alexander Dunbar having served at the revolution in my Lord Blantyre and Kennures regiments as Captain; the army at that time did fall into arrears for a whole year there being nothing payed either to officers or souldiers whereby the respective Captains were necessitated to subsist their Companys upon their own charges and credit And the said deceased Captain the petitioners husband did accordingly subsist his Company by uplitting the whole effects he had for that end, and did further ingage himself in debt for subsisting of the said company relying upon the publick faith for his reimbursement. The Parliament which laid on the Pole 1st vij^e and ninety one took special care that in the first place the Country debt should be payed and accordingly appointed the Privy Council to take in all instructions of debts due to the Country and to order their payment out of the first of the said Pole money Which orders of the Councils were declared by the said Act of Parliament to be sufficient for payment of the said Country debts Accordingly the whole Country debts were payed But the petitioners said husband having subsisted his Company the whole time there was never any charge or claime given in by the Country against him or Company. The said deceased Captain did not only maintain his Company in manner foresaid by which there is due to him an account of arrears Extending to about five hundred and fifty pounds Sterling conform to the account given in But also during the continuance of the last Commission of the Pole which had very long and frequent Sediments he did act for the behoof of the haill officers concerned in the said pole and was the sole person that pursued the tacksmen, and brought that matter to the clearene it is now at, whereby there were near Six thousand pounds Sterling clearly brought in for the behoof of the said officers besides considerable progress and discoveries be made of other funds In all which he was at extraordinary labour and pains as is well known to the Lords and others of the Commission who sat in the year 1st vij^e & one who being conscious of his diligence

and pains he was at in the matter would certainly have seen him payed of his whole arrears. And seeing there is no other fund left by the petitioners said deceased husband for subsisting of the petitioner and numerous familie but this her just claime to the said arrears Her said husband having truly laid out his whole substance in subsisting his Company in manner foresaid Therefore Craving his Grace and the Estates of Parliament to take the premises to their serious consideration and to Ordain the persons in whose hands the said sum so discovered and brought in is now lodged to pay to the petitioner the foresaid arrears or such a part thereof for subsisting and alimmenting her and her numerous family as his Grace and the Estates of Parliament should think fit, as the said petition bears. For instructing of which petition there was produced for the petitioner in presence of his Grace her Majesties high Commissioner and the said Estates of Parliament an testificat and declaration in the petitioners favors be the several officers concerned in the said pole Testifying and Declaring to their certain knowledge That the said deceased Captain Dunbar during the fitting of the said Commission did act and agent for the haill officers concerned in the said pole and was sole agent and manager for them before the said Commission and was at great pains and expences thereanent and was very assistant in making discoveries of the pole and hearth money not counted for and was otherways very fervent to the haill Officers in the said matter For which cause he was to have preference for what arrears were due to himself as the fumen of the date the

day of 1st vij^e and four years bears. Which petition and desire thereof being this day read in prefence of his Grace her Majesties high Commissioner and the said Estates of Parliament And they having considered the same with the foresaid declaration and consent subscribed by the said officers and the circumstances and condition of the said petitioner and her family And being therewith well and ripely advised Her Majesties high Commissioner and the said Estates of Parliament Ordained and hereby Ordain Walter Riddell Clerk for auditing the accounts of the publick funds Archbald Houstoun Writer to the Signet or any other person in whose hands the fund of the pole 1st vij^e and ninety three or any part thereof is, to pay instantly out of the first and readiest of what is in their hands or either of their hands to the said Katharin Hamilton petitioner or her order the sum of three hundred pounds Sterling in part of the said arrears due to her said deceased husband and that for the special alimment of the petitioner and her said family And Ordaines Letters of Horning on fifteen days charge and others Executorials needful to pass and be direct hereupon in form as officers.

THEN upon consideration of the foresaid account of the pole money in the year 1703 and ninety three years, and Observations thereon, The first & second Observations Sustained and the balance therein mentioned Allowed to the Laird of Jerviswood As to the third Observation After reasoning thereon it was put to the vote Whether to prefer the accounts stated due to the Countrey or to the officers for their arrears to the balance of the said account and carried Prefer the officers for their arrears And the Parliament recommended to the Commission to be named to inquire into the undue transactions made sient the accounts due to the Country and to report.

THE Parliament Recommends to the Commission to be named to Consider the arrears due to the garrisons of the castles of Edinburgh Stirling and Dunnotter to the effect that what was payed out by the severall officers for subsisting their garrisons may be reimbursed to them.

THE fourth observation delayed till the next diet of Parliament.

AGREED that the Parliament discuss the Accounts previous to all other business.

[Additional
Notes &
Fairs]

ORDERED that the Queens Advocate and Solicitor revise the Ratifications and fairs to be past in this Session of Parliament.

THE Lord Chancellor by order of the Lord high Commissioner Adjourned the Parliament till to morrow at ten of the clock.

AUGUST XIX, 1704.

PRAYERS said.

ROLLS called and the absent members marked.

MINUTS of the last Sederunt read.

[Additional
representation
of
Barons]

ACT for an additionall representation of Commissioners of Barons to the Parliament read And after reasoning it was put to the vote Mark a first reading thereon or Ly on the table and carried Mark a first reading Which was ordered accordingly and the draught ordered to be printed.

[Free voting
in Parlia-
ment]

ACT for securing free voting in Parliament read and a first reading ordered to be marked thereon and that it be printed.

PETITION Lieutenant Colonel Alexander Campbell of Finah Craveing paym^t of arrears due to him read and ordered That two hundred pound Sterling be payed him out of the first and readiest of the tack duty due by Sir William Meinzie on the account of his said arrears and good service in Caledonia.

ANENT the Petition given in and presented to his Grace Her Majesties high Commissioner and the right honourable the Estates of Parliament by Lieutenant Colonel Alexander Campbell of Finah Shewing That where the Petitioner having served at home and abroad in the Duke of Argyll and the Earl of Portmore regiments, there was due to him during the time these regiments were on the Scots establishment the sum of One hundred and fifty pounds Sterling of arrears And seeing all the officers who went to Caledonia got payment of their Arrears except the Petitioner himself who has yet got nothing Therefore Craveing His Grace and the right honourable the Estates of Parliament to take the premises and the Petitioners other Services to their consideration And to take such remede and order for his payment and satisfaction as his Grace and the Estates should think fit as the said Petition bears. Which Petition and desire thereof being this day read in presence of his Grace her Majesties high Commissioner and the said Estates of Parliament and they being therewith well and ripely advised They have Ordained and hereby Ordain Two hundred pounds Sterling to be payed to the said Lieutenant Colonel Alexander Campbell Petitioner for his arrears and good service in Caledonia out of the first and readiest of the funds due by Sir William Meinzie.

Act in favor
of Lieutenant
Colonel Alex-
ander Campbell
of Finah

PETITION The Earl of Crauford Craveing relief of his engagements for the publick for cloathing his regiment and payment of arrears due to him read, And ordered that Sir William Meinzie out of the first and readiest of the funds due by him pay to the Petitioner what he is engaged in for cloathing as shall be instructed before the Treasury or Commission to be named for auditing the publick Accounts, Whereupon an Act was Extracted as follows.

ANENT the Petition given in and presented to his Grace her Majesties high Commissioner and the right honourable the Estates of Parliament by John Earl of Crauford Shewing That where the Petitioner was necessitat to engage his privet credit and Contract with Sir George Home and his partners and with Alexander Bruce and Patrick Chambers in the 1703 and ninety five for cloathing the regiment of foot then under the Po-

Act in favor
of the Earl
of Crauford

tioners command And on that account he became personally engaged to pay them a very great Sum And whereof he has been since obliged by legal diligence to make payment of a considerable part And its perfectly known that since his regiment was disbanded he has never been able to recover payment nor relief of his engagements nor to procure payment of his arrears which extends to no less than thirteen months retention and clearance and which for his whole regiment amounts to a very considerable sum Whereby His Grace and their Lordships will plainly see the great hardships and inconveniencies which the Petitioner lies under on this publick account and how just and reasonable it is that he should not only be reimbursed of what he has advanced but likewise that he should be payed of his arrears and relieved of what he stands engaged for and for payment whereof he is daily molested and threatened with the utmost rigour of all legal diligence So that at present his whole effects are arrested and he shall be no longer able after rising of this Parliament to protect either his person or his effects from the diligence of these persons to whom he stands engaged on the foresaid publick account And albeit upon his late application Her Majesty hath been graciously pleased to Recommend his present case most favourably to the right honourable the Lords of her Majesties Treasury Yet hitherto there is nothing effectually done for his payment or relief but he is left exposed to the greatest hardships except his Grace and their Lordships timely prevent the same And Therefore Craving His Grace and their Lordships seriously to consider the pressing and urging circumstances of the Petitioners present case And seeing the difficulties he is trised with arise from his engagements for the publick therefore to provide such effectual remedies and give such certain orders that he may not only be reimbursed of what he shall instruct he has truly advanced and payed but also that he may obtain payment of his hitherto arrears which are now resting these Six years hypost and full relief of his said engagements on the foresaid publick Account as the said Petition bears Which Petition and desire thereof being this day read in presence of her Majesties high Commissioner and the Estates of Parliament and they having Considered the same and being therewith well and ripely advised They have Ordained and hereby Ordain Sir William Meinies in the first of the sums due by him to pay to the Petitioner what he is engaged in for clothing as shall be instructed before the Treasury or Commission to be named for auditeing the publick Accounts.

PETITION The Duke of Atholl and the officers of his late Regiment, Petition Marquess of Lothian and the officers of the Regiment of dragoons under

his Command, Petition Viscount of Terriot, Petition Lieutenant General Ramsay and the officers of her Majesties Regiment of foot guards, Petition Colonel George Mackgill, Petition Sir William Douglas Petition Lieutenant Colonel John Hepburn, Craving relief of their engagements for the publick for clothing their regiments and payment of the Arrears due to them, Petition Captain Slexer Craving relief for clothing the Artillery Company, all read, and the several Petitions to be considered when the Accounts come in.

PETITION M^r Charles Campbell Craving payment of arrears due to him read, And ordered that One hundred pounds Sterling be payed him to Account, as follows.

HER Majesties high Commissioner and the Estates of Parliament having heard the Petition of Captain Charles Campbell Humbly Shewing unto them That the Petitioner had the honour to Command a troop of dragoons in the Marquess of Lothian's (then Lord Jedburgh's) regiment and afterwards the Lord Forbess's at the breaking whereof there was about One hundred pounds Sterling of arrears due to the Petitioner besides that Months pay in which they were broke at Inverness he having furnished subsistence to his troop out of his own pocket. That the Petitioner during his service in the said Regiment did supply his troop with twenty good and sufficient horses at his proper charges worth two hundred pounds Sterling Of which he might have been reimbursed if the regiment had continued in service As also there is One hundred and fifty pounds Sterling due to the Petitioner as his share of the retention for clothing. That being ambitious to imbance every occasion to shew his zeal and affection to the government the Petitioner was persuaded to give a gratification of two hundred pounds Sterling for his Commission This the Petitioner does only mention to shew his Grace and their Lordships that he has sustained great loss and as yet received little or no benefite in the publick service Which has reduced the Petitioner to several difficulties and can only be repaired by their favour and justice Craving therefore His Grace and their Lordships to take what is above represented to their serious consideration And for the petitioners relief to grant a precept out of the readiest funds for such a sum as their goodness and wisdom should think fit to make up the Petitioners losses and disappointments as the said Petition bears. And Her Majesties said Commissioner and the Estates of Parliament having this day fully Considered the said Petition and being therewith well and ripely advised They Ordained and hereby Ordain One hundred pounds Sterling to be payed to the Petitioner.

Act in favour
of Captain
Charles
Campbell

Captain
Robert
Taylor's
Petition
Remitted

PETITION Captain Robert Taylor Craveing that a sum of money advanced by him for supplying the garrison of Camhuismoor may be repayed him, with interest, read, and Remitted to the Commission to be named for auditing the accounts to inquire thereant and to report.

[Lord
Bargany]

PETITION The Lord Bargany Craveing a decreet of the Commission of Parliament anent the Pole to be suspended, read, And Sir John Cochran appointed to see & answer against the next diet of Parliament, But the Parliament refused to sist execution in the mean time.

[Sir William
Meinzie]

PETITION Sir William Meinzie's Craveing detention of a sum of money for cloaths furnished by him to the Duke of Atholl then Earl of Tullibardin, his regiment, read.

PETITION Frances Countess Dowager of Seaforth Craveing an alimoot, read, and after reasoning It was put to the vote Grant the desire of the Petition Yea or No, And carried in the affirmative, And five hundred pounds Sterling granted to her of yearly alimoot out of the Estate of Seaforth during the dependence of the process before the Lords of Session, in manner following.

Act in favour
of Frances
Countess
Dowager of
Seaforth

ANENT the Petition given in and presented to his Grace Her Majesties High Commissioner and the right honourable the Estates of Parliament by Frances Countess Dowager of Seaforth Showing That when in the year 1703 and eighty four the Petitioner was married in England to the late Earl of Seaforth she brought with her for portion Six thousand pounds Sterling really and truly payed and by an article of their marriage contract her Lord and she were to be intainted for three years in her father the Marquess of Powis his house where indeed they were intainted for five years both freely and honourably And on the other part the Earl of Seaforth and his friends did agree in articles That the Petitioner should have a jointure of one thousand pounds Sterling by way of annuity payable in London Paris or Brussels For implement whereof there was a disposition of a jointure annuity drawn up in Scotland by the advice of the best Lawyers to be granted to the Petitioner by the Countess of Seaforth elder in whose person the nine preferable appraisings of the Estate all mentioned in the said disposition were settled And upon this disposition duly subscribed the Petitioner was infett under the great seal But a few years thereafter her Lord coming to decess leaving a son and a daughter of their marriage When she thought to have entered into the possession of her jointure she found there was

none to answer or so much as to regard her for more than the space of two years after her Lords decess In which time all the Petitioner received out of the Estate for her self and children was just fifteen pounds Sterling And further when being thus constrained she raised actions of pointing the ground and for mails and duties before the Lords of Session She had two interests as they call them thrown in, one by my Lord Justice Clerk and another by Mr Robert Blackwood merchant who both alledged that the Petitioner could be answered in nothing because her right did flow from a person that had no right So that proceeding a non habente (as they speak) they affirmed it to be null and repented their reduction prepared to fortifie the alledgeance: The surprise of this demurr was so much the greater that both the Petitioner and all her friends and the best Lawyers that advised her settlement never doubted but that her disposition and infettment flowing from the old Countess who was known to have the only preferable right and to be in the intire possession of the Estate was unquestionably good and that her titles and rights were likewise as secure in her hands as the Petitioner could wish Seeing that her interest as far (besides her near relation) far preferable to the Petitioners of a life-rent annual-renter did wholly depend upon them, But so it was that the Petitioner was indly disappointed and necessitat to take a day to produce her authors rights for to sustain her own But the more she advanced in her pursute still the greater difficulty for when she had taken out a diligence against the supposed havers and had procured both the Countess her self and all others whom the Petitioner could suspect to be examined upon oath she could discover nothing save that probably the Appraisings and the Infettments upon them were still extant and that the Conveyances thereof to the trustees of the Estate might also be found, nor were their dispositions denuding them in favor of one Kenneth Mackenzie all wanting; but the principal and most necessary mid-couple viz. Kenneth Mackenzies deed denuding him in favor of the Countess the Petitioners author was denied by all, and could not be found by the utmost diligence the Petitioner could use, Whereupon the Petitioner was necessitat to apply to the Lords of Session for the interim of an alimoot untill she might some way extricate her self out of such great and unexpected difficulties But this it pleased their Lordships to ordain her an alimoot of five hundred pounds for oer year and then an alimoot of other five hundred for a second year Yet the Petitioner may freely own it to his Grace and their Lordships that the first year which is all she has received of this alimoot was in a manner wholly exhausted by diligences that she was forced to use before she could recover it: This being her present strait she is necessitat being a poor deso-

late stranger so sadly afflicted and disappointed to apply to his Grace and their Lordships for remedy And thereupon the Pursuer has raised an action before the Parliament against the said Kenneth Mackenzie and others, hoping that this honourable Court will do her the justice to esue the said Kenneth Mackenzie renew his foresaid deed which is abstracted or miscarried and upon which all the Petitioners right and security depends As also that the Parliament will help her to recover these rights wanting which are so sadly withheld to the frustrating all her expectation: The Petitioner shall not Complain to his Grace and their Lordships that notwithstanding of her great straits yet by all she can learn the Countess who is her author and from whom she derives right is still the possessor of the Estate nor shall she offer to obviate some other things that have been very unfavourably alleged against her specially in order to her fin But this she freely Declares to his Grace and their Lordships that if she knew but how to subside him as a Gentleman only in this Country she would use her outmost endeavours to bring him back being firmly persuaded there can be nothing more advantageous both for his interest and the Petitioners But seeing his Grace and their Lordships perceive to what difficulty the Petitioner is reduced, how she is postponed as to her right and frustrated as to any appointment of alimant and after all she has done forced to enter into a new process before this honourable Court if possibly that may afford her any relief, The Petitioner most humbly implores his Grace and their Lordships commiseration and that at least in the mean time she may have an honourable alimant decreed and settled in her favors in such manner as this honourable Court shall appoint and the same to endure ay and while the Petitioner may recover her just right and attain to the possession of her jointure And this the Petitioner hoped that the Parliament would find both to be just equitable and favourable and withall such a necessary expedient as she cannot subsist without and hath often been granted in the like cases And Therefore humbly Craveing His Grace and their Lordships to take the Petitioners sad condition into their serious consideration and to ordain her such an alimant as they should find just and in such a manner as may be effectual specially seeing all parties concerned are sufficiently acquainted with this affair and appointments of this nature are both in use to be and must be summar in regard of the so pressing and visible necessity for it as the said Petition bears. Which Petition and desire thereof being read in presence of his Grace her Ma^{ty} high Commissioner and the said Estates of Parliament They by their deliberance thereon the third of August instant Allowed the Earl of Scaforths Creditors to see and answer the same And the said Petition being this day again read in presence of his Grace

her Ma^{ty} high Commissioner & the right honourable the said Estates of Parliament and there being no answers thereto And they being therewith well and ripely advised They Ordained and hereby Ordain five hundred pounds Sterling to be payed yearly to the Petitioner Frances Countess Dowager of Scaforth during the dependence of the foresaid process before the Lords of Session And Ordain Letters of homing and other Executorials needful to be direct hereupon for that effect against the Factors Chamberlands Intromettors with, and possessors of the Estate of Scaforth.

MOVED that the Parliament proceed to the Accounts of the publick funds, Likeways moved that they proceed to the Act anent the wool And after reasoning thereon It was put to the vote Proceed to the Wool act or to the Accounts next diet of Parliam^t and Carried first to the Wool act and then to the Accounts previous to all other business.

MOVED that the Act and Commission for plantation of Kirks and valuation of teinds be read in order to have a first reading marked thereon And after reasoning it was put to the vote Proceed or Delay and carried Delay.

[Plantation of Kirks &c.]

THE Lord Chancellor by order of the Lord high Commissioner Adjourned the Parliament till Tuesday next at ten a clock.

AUGUST XXII, M,DCC,IV.

PRAYERS said.

ROLLS called and the absent members marked.

MINUTS of the last Sederunt read.

IT was objected that in the principal List of Commissioners of Supply for the Shire of Dunbarton the Earl of Eglington is named in place of the Earl of Wigtoun; Agreed that the Earl of Wigtoun was the person intended, and that in the List to be printed the Earl of Wigtoun's name be insert.

[Commissioners of Supply for Dunbarton]

ACT Dischargeing importing of all woollen manufacture and allowing the exporting of wool read the second time; There was a petition presented for the Manufactories, Craveing to be heard by their Lawyers for their interests against passing the said act read, And after reasoning thereon it was put to the vote, Hear the Lawyers for the Manufactories or Not, and carried Not, And the act being again read with a paper containing reasons against the said act, After debate it was put to the

[Exportation of Wool]

Y y

vote Allow the exporting of wool or Not and carried Allow the exportation of wool, and agreed that all sorts of wool be exported till next Session of Parliament inclusive.

A CLAUSE was offered to be added to the said act That there be a duty put on all the wool exported; After reasoning thereon it was put to the vote Add the clause or Not and carried Not.

ANOTHER clause was offered to be added to the said act That all the woollen manufactures of this Nation Exported be free of all duty during the continuance of this Act And after reasoning thereon It was put to the vote Add this clause or Not and carried Add And the further consideration of the Act delayed till next diet of Parliament.

THE Lord Chancellour by order of the Lord high Commissioner Adjourned the Parliament till to morrow at ten a clock.

AUGUST XXIII, M,DCC,IV.

PRAYERS said.

ROLLS called and the absent members marked.

MINUTS of the last Sederunt read.

[Absent
the Plot]

ORDERED that the consideration of the papers relating to the plot come in immediately after the accounts and nothing to intervene.

[Wool]

THE act anent the Wool again read and put to the vote Approve of this act or Not, and carried Approve.

[Public
Accounts]

ACT continuing the Commission for auditing the Accounts of the publick funds read the second time And after several amendments made thereon It was put to the vote Approve this act or Not and carried Approve.

The Par-
liament
Thanks to
the Members
of the Com-
mission

THE Lord Chancellour by order of Parliament gave thanks to the Earls of Galloway Northesk Belcaras Dummoor and Stair, Robert Dundas of Arncliffe Sir John Lauder of Fountainhall John Hadden of Glenagles William Sinton of Pitmedden younger James Ogilvie of Boyd younger Colin Campbell M^r John Clerk M^r Dougald Steuart Sir David Cunningham and M^r Robert Fraser members of the said Commission for the exact diligence in their report And allowed a gratification to four of their number being a Committee appointed by the rest to whom there was given a sum to be distribute by them to their Clerk and the other servants.

PETITION Archibald Houston Writer to the Signet Craving a gratification for his two years service as Clerk to the late Commission of Parliament read And he allowed to Retain of the money in his own hands one hundred pounds Sterling for his said service as follows.

HER Majesties high Commissioner and the Estates of Parliament having heard the petition of Archibald Houston Writer to the Signet Humbly Shewing unto them That the petitioner having had the honour to serve as Clerk to the late Commission of Parliament anent the pole 1st v^{ce} and ninety three for the space of two years and upwards during which time the petitioner served in the said office with all possible care and never exacted any thing from the officers for his said service. And seeing by orders of the last Commission for auditing the publick funds any of the money that was brought in to the petitioners hands is ordered to be transmitted intirely to the hands of their Clerk And that the Commission to whom the petitioner served as Clerk and who saw and knew his pains and diligence thought fit to refer the gratification they should think proper for him untill the dividend should be made And seeing it is just that he should have a consideration and reward for his two years service and labour in the said affair having received nothing at all from the officers as said is And now being to deliver up what of the fund of the pole money is in his hands Therefore humbly Craving his Grace and the honourable Estates of Parliament to Allow and Appoint to the petitioner such a futeable gratification & reward for his two years service and pains as said is as his Grace and honourable Estates should think fit And to allow the petitioner to retain the same in his own hands, as the said petition bears And his Majesties high Commissioner and the said Estates of Parliament having fully considered the said petition and being therewith well and ripely advised They Allowed and hereby Allow to the petitioner for his above two years service and pains Six hundred pounds Scots yearly Extending in all to twelve hundred pounds money foresaid And Allowed and hereby Allow the petitioner to retain the said sum of twelve hundred pounds in his own hand.

ORDERED that these who have claims to the respective funds and have not given in petitions be equally considered by the Commission with these that have given in petitions.

AGREED that all who are lyable to diligence for cloathing their regiments and companies be specially taken into consideration by the Commission according to the appropriations by Acts of Parliament.

Act in form
of Archibald
Houston
Writer to
the Signet

Remit in
favour of
Lieutenant
Collonell
Campbell

PETITION Lieutenant Collonell Campbell Craving payment of arrears read and remitted to the Commission to consider the specialities therein mentioned.

PETITION William Montgomery servitor to the Earl of Seafield Lord high Chancellour Craving payment of arrears due to his father read and ordered that one hundred pound Sterling be payed him out of the first and readiest of the pole £¹⁰ vj^s and ninety three in manner following.

Remit in
favour of
William
Montgomery
servitor to
the Earl of
Seafield

ANENT the petition given in and presented to his Grace her Majesties high Commissioner and the right honourable the Estates of Parliament by William Montgomery servitor to the Earl of Seafield Lord high Chancellour Shewing That where Hugh Montgomery of Boreland the petitioner's father having served as Corporal to the late Earl of Eglington his troop and thereafter as quarter master, there was due to him of arrears preceeding the first of February 1st vj^s and ninety one years the sum of One hundred pounds Sterling money And the petitioner having payed considerable sums for his said father when he was redacted to great fruits & difficulties even to the hazard of imprisonment and want of necessary subsistence for himself and family and that the said Hugh Montgomery did faithfully serve his late Majesty in the said offices wherein he spent his own means whereby he was reduced to the fore-said fruits and difficulties Therefore Craving his Grace and the honourable Estates to allow the petitioner the arrears due to his said father whereunto he has right from him for the causes foresaid to be payed out of the pole money £¹⁰ vj^s and ninety three which is lying in the hands of the Clerk to the Commission of Parliament which is the fund appointed for the foresaid arrears as the said petition bears Which petition and desire thereof being this day read in presence of his grace her Majesties high Commissioner and the said Estates of Parliament and they having heard and considered the same and being therewith well and ripely advised They Ordained and hereby Ordain one hundred pounds Sterling to be payed him out of the first and readiest of the pole money Ninety three.

Remit in
favour of
Lord Forbes,
Lieutenant
Collonell
Bruce &
Lieutenant
Col Reid.

PETITION the Lord Forbes Craving payment of arrears read, and Remitted to the Commission to consider the specialities therein mentioned and Lieutenant Collonell James Bruce of Kermet and Lieutenant Collonell Reid their cases likewise remitted to the Commission.

Remit in
favour of
Major Cum-
minghame
of Aiket

PETITION Major James Cuminghame of Aiket Craving payment of Arrears read and remitted to the Commission.

PETITION Elizabeth Maxwell spouse to Captain Robert Drummond and Jean Drummond his sister as having right from Captain Thomas Drummond also her brother craving payment of arrears due to them, read and remitted to the Commission And the case of Lieutenant John Murray in the Earl of Tullibardines late Regiment likewise remitted to the commission.

Remit in
favour of
Elizth Max-
well, Jean
Drummond
& Lieutth John
Murray

PETITION Lieutenant Alexander Stirling Craving payment of arrears, read and remitted to the Commission.

Remit in
favour of
Lieutth Alexth
Stirling

PETITION Lieutenant Collonell William Hay of Park Craving payment of arrears read and remitted to the Commission for the publick accounts to consider the petitioners case with that favour which his present condition and the losing of one of his brothers in Durien and another before Namure justly deserved.

Remit in
favour of
Lieutth Collo-
nell Hay.

PETITION Captain Thomas Hay craving a protection read, And a warrant granted to cite his Creditors on twenty four hours warning.

[Captain
Thomas
Hay]

PETITION Sir Alexander Bruce of Broomhall and partners Craving repayment of deposements for the army out of some proper funds read, and remitted to the Commission for publick accounts, This remit neither fixing execution against him and partners, nor at his cautioners and partners instance against him for their relief.

Remit in
favour of
Sir Alexth
Bruce &
partners

PETITION Sir George Hamilton Craving payment of hygone salaries due to him read and remitted to the Commission to consider his case and determine therein as they shall find just, in manner following.

HER Majesties high Commissioner and the Estates of Parliament having heard the petition of Sir George Hamilton of Tulliallan Humbly Shewing unto them That where his Majesty King William of ever glorious memory by his letters patent of the date at Kensington the fifth day of January 1st vj^s and ninety one years and thereafter expedie under his Majesties great seal of this Kingdom did nominate and appoint the petitioner Receiver General of the funds of Supply and Inland Excise and Pay Master General of the army Which offices by the said Letters patent the petitioner was to brook and enjoy till the same were recalled by his Majesty with all the profits & emoluments known to appertain to the said office And for the petitioners pains and trouble in the discharge thereof Six hun-

A Remit
in favour of
Sir George
Hamilton
of Tulliallan

dred pounds Sterling of yearly salary was appointed to him by the said letters patent As the same produced with the said petition bears. The petitioner did enter upon the said office and continued therein several years and discharged the same to the satisfaction of the Lords of Treasury and all others concerned as is well known to several of their Lordships he received two years and three months salary and there is yet due to him upwards of five years preceeding the Kings death his Commission not having been recalled during that time And therefore Craving his Grace and honourable Estates of Parliament to consider the premises and Ordain the petitioner to be payed off the bygone salaries due to him in the way and manner and out of such funds as his Grace and their Lordships should think most proper as the said petition bears. And her Majesties High Commissioner and the said Estates having considered the said petition this day They Remitted and hereby Remit to the Commissioners for the publick Accounts to consider the petitioners case and determine therein as they shall find just.

Result in
favour of
Cornet John
Murray

PETITION Cornet John Murray Craving payment of arrears, read and remitted to the Commission.

Result in
favour of
James Maxwell
and
others

PETITION James Maxwell John Drummond and James Dunlop late General Receivers Craving payment of the balance of an account due to them, read and remitted to the Commission to consider the petitioners case and determine therein.

Result in
favour of
Isobell Ker.

PETITION Isobell Ker Lady Manderstoun Craving payment of Arrears due to her deceased husband read and remitted to the Commission.

Result in
favour of
the
Duchess of
Argyll

PETITION the Duchess of Argyll Craving payment of Arrears due to the late Duke of Argyll read and remitted to the Commission.

Result in
favour of
Captain
Stevenson

PETITION Captain James Stevenson Craving payment of arrears due to him read and remitted to the Commission.

Result in
favour of
Sir William
Hope

PETITION Sir William Hope of Balcomie Craving payment of arrears due to him read and remitted to the Commission.

ORDERED that all the officers that went to Caledonia have preference out of the respective funds in which they are concerned.

PETITION James Bayne Craving payment of a sum due to him, read, The Parliament Declared they would take this petition and the petitioners case to their consideration when they can conveniently And in the mean time Recommend to the Lords of Treasury to pay the petitioner yearly for his Allowment One hundred pounds Sterling to be payed quarterly ay and while his case be taken into consideration, Which Recommendation &c. is as follows.

HER Majesties high Commissioner and the Estates of Parliament Having heard the Petition of James Bayne Her Majesties Master Wright Humbly Shewing unto them That King Charles the Second having considered the ruinous condition of his palace of Holyroodhouse and of the castles of Edinburgh Stirling and Bath and that for the safety of the Kingdom these castles ought to be repaired and a palace built for the better reception of his Majesty and his successors whenever they should visit their ancient Kingdom And also for the accommodating their high Commissioners and Chancellour and others officers of state to Parliaments for doing the necessary affairs of the Kingdom at any time: The petitioner being employed as Master Wright to the foresaid Works, when the funds appointed for defraying the expences thereof were exhausted and there was not money in the publick Treasury for perfecting the same the petitioner having a flock of timber of his own in the bush of Leith at the time to the value of fifty thousand pounds Scots as can yet be instructed, he not only furnished the greatest part thereof to the said work but also for paying the workmen he raised thirty three thousand pounds out of the hands of the Earls of Tweeddale Panmure and Strathmore and other persons who were his debtors And when all this came short of finishing the work he engaged his credit and borrowed to the value of twenty seven thousand five hundred pounds money foreaid from several persons for perfecting the said palace and castles: These four last Sessions of Parliament the petitioner applied himself to his Majesties high Commissioner and right honourable Estates of Parliament And in the first Session he obtained an act recommending him to his Majesty for taking some course for his payment and to the Lords of Treasury for subsistence; And in the second Session there being a Committee appointed for considering the petitioners counts and instructions thereof, They reported that they had seen his counts and instructions by which the publick was resting to the petitioner the sum of Eighty one thousand seven hundred and sixty nine pounds Scots: After this report was made His Majesties Commissioner and Estates of Parliament were considering to determine a fund for the petitioners effectual payment; but the Parliament rising sooner than was expected, there was nothing done for him but only

Recommendation
decided in
favour of
James Bayne

an Act past in his favors again recommending him to his Majesty for payment and the Lords of the Treasury for subsistence. In the third Session of Parliament the petitioners case was again recommended to a Committee for finding out a fund for his payment but through the multiplicity of affairs and shortness of time nothing was done But again the petitioner was recommended to his Majesty for payment and to the Lords of the Treasury for subsistence, And if payment were not made the Committee assured the petitioner that a fund should be determined for his effectual payment at the next Session of Parliament, But in the last Session of Parliament tho the petitioner applied by way of petition yet nothing was done for him The petitioner humbly represents that he is utterly ruined except His Grace and honourable Estates prevent it for his Creditors have been these twenty years in possession of all that he has and that for these very debts which he Contracted for the publick; besides he is oblig'd to pay these twenty four years hypot annualrent of twenty seven thousand five hundred pounds principal which he borrowed for carrying on the said work and the annualrent in the said time extends to thirty nine thousand and fifty pounds from Whitsunday 1st vjth and seventy eight to Whitsunday 1st vijth and two being twenty four years principal and interest extends to Sixty six thousand five hundred and fifty pounds that the petitioner is indebted and which he contracted for the publick; besides the expences of adjudication & other legal diligences which he must also pay. And when the petitioner is payed the sum of Eighty one thousand five hundred and sixty nine pounds retling by the publick to him and that he has payed the nest fums borrowed and annualrents thereof there will be nothing remaining to him for all his great stock above written but only fifteen thousand two hundred and nineteen pounds, and which compleats his misery Having given out his own stock of fifty thousand pounds and raised the sum of thirty three thousand pounds for furnishing the said works and paying the workmen he is thereby incapacitated from selling timber as he was wont and also from following his employment as Wright and has been under this inability of doing any thing for himself these eighteen years hygone, The honourable Estates have thought it worth their consideration and becoming the honour of the Kingdom, to determine and appoint funds for paying what was resting to the Souldiers And the petitioner humbly conceives that the building of his Majesties palace and repairing the castles and forts are no less necessary for the honour and safety of the Kingdom And seeing the petitioner out of a generous disposition love to his Country and confidence to the publick did expend his own fortune and contract debts for accomplishing and perfecting the said works, Its hoped His Grace and

honourable Estates will prevent the petitioners ruin: The publick may yet stand in need of the assistance of privat persons, but if they suffer the petitioner to perish his ruin will discourage others and none hereafter will adventure to give money to the publick Except when they see effectual funds for their Reimbursements which may too often be of pernicious consequence to the Nation Therefore Craving His Grace and the right honourable Estates of Parliament to take the petitioners case to their serious consideration, And in regard of the publick, the credit of the Nation and justice to the petitioner to give an act finding the said Eighty one thousand seven hundred and sixty nine pounds Scots due to the petitioner And appoint a fund out of which he may be payed the same with annualrents thereof since the Earl of Tullibardine's Session of Parliament at which time it was found due And yearly and proportionally during the not payment that the honour of the Kingdom may be preserved the petitioners ruin prevented and all persons may be encouraged to curry on publick works, and advance money to the completing of them when they shall hear and see what justice the right honourable Court of Parliament has done to the petitioner, as the said petition bears. And her Majesties said Commissioner and the Estates of Parliament foresaid Having this day considered the said petition They Declared and hereby Declare they will take the said petition and the petitioners case to their consideration when they can conveniently And in the mean time They Recommended and hereby Recommend to the Lords of her Majesties Treasury to pay to the petitioner yearly for his alimant by quarterly payments the sum of twelve hundred pounds Scots money ay and while his case be taken to consideration.

PETITION Sir James Steuart her Majesties Advocate Craving a process of proving the tenor may be remitted to the Lords of Session to be by them Cognosed and finally determined with a parliamentary power, read, and remitted to the Lords of Session to determine in the said process summarly without aidding the course of the Roll, Which remit is as follows.

ANENT The Summons and action for proving the tenor raised and intested before the high Court of Parliament at the instance of Sir James Steuart of Gutters her Majesties Advocate against Robert Johnston son and heir to the deceased James Johnston Writer to the signet and Anna Hamilton his Mother and Relict of the said James, William Ker son and heir to the deceased William Ker factor to the Estate of Kincauld and Kathrine Hamilton his mother Making mention That where in the year 1st vjth and eighty one the

Remit to the Session Sir James Steuart ag Johnston of Strathorn and others

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pursuer being chosen Arbitr betwixt the deceased James Johnston Writer to the signet and the rest of the Creditors of Kincavill the deceased William Ker factor for the Estate sent to Edinburgh two thousand merks to be delivered by the said Sir James Steuart to the said James Johnston upon his receipt and discharge which the said Sir James Steuart really delivered and got James Johnston's discharge and marked it upon the back to be delivered to the said William Ker, But the pursuers troubles supervening and he being chased away the said year his papers were also searched and the discharge some way miscarried Whereupon at his return in the year 1703 vj^{or} and eighty eight the said deceased William Ker his son and relict pursued the said Sir James Steuart for the said discharge or to repay them the two thousand merks And the be proved by his servant Thomas Spence that he had delivered it And that even the parties themselves are under the conviction that he did deliver it Yet James Johnston being then dead and his son then a minor the pursuer could not get the discharge made up but was necessitat to succumb to a decret unless he could recover or make up the discharge betwixt and a certain day, And seeing that he lost the said Discharge by his being necessitat to retire in the year 1703 vj^{or} and eighty one against which and all damages sustained thereby he is by the Act of Parliament 1703 vj^{or} and ninety years to be reponed And that he has now found out the documents underwritten viz. First besides the said Thomas Spens his oath and deposition who was the pursuers servant for the time, that deposes distinctly of the delivery of the money to the said deceased James Johnston and of his granting of the discharge and of the pursuers having the discharge amongst his papers and how it miscarried and that the said deceased James Johnston did while he lived acknowledge the receiving of the money The pursuer produces the deceased William Ker's letter sent to him with the money upon the fifth of May 1703 vj^{or} and eighty one With a note made then upon the back of it written with the pursuer's hand but with such old and decayed ink as any man may be convinced it was then written and runs in their terms This two thousand merks was delivered to James Johnston who gave therefore his discharge to M^r Ker. Secondly The pursuer likewise produces an Inventory of writs left in the press at the pursuers house at Beliso which was made by James Steuart his nephew immediately after the pursuer fled and is a known hand write and of old ink and verifies it self by ocular inspection, Which bears Fifth bunch Charter and Sealine Lord Lindsay to Nimin Mackmoan, Discharge James Johnston to William Ker of two thousand merks &c. Which discharge is the very discharge lost and was then left by the pursuer as said is, Thirdly It is not imaginable that the deceased James Johnston

who lived for years after the 1703 vj^{or} and eighty one the date of the discharge would have been silent and not complained for want of the said two thousand merks nor in effect hath the want of the said two thousand merks been complained of now these twenty four years Only the said William Ker's son and relict fearing they may be troubled for want of the discharge have been instant with the pursuer to have it made up in manner by him represented And fourthly The pursuer may own so much of probity and credit as to offer his oath that as he received the said two thousand merks in two sealed bags to be delivered to the said James Johnston he accordingly delivered the same and got James's discharge the now lost but which is craved to be made up according to the tenor following And these are the pursuer's documents for making up the said discharge which he hoped would satisfy her Majesty and the Estates of Parliament for making up the tenor of the said discharge Wherefore needful it was for the pursuer to have summons for that effect in manner underwritten And sent the charge given by virtue of the said summons to the said Robert Johnston and Anna Hamilton at their dwelling houses by one of the Maors of Session And to the said William Ker and Katharine Hamilton and William Bell Town Clerk of Linlithgow now her husband for his interest personally apprehended by an Meßenger at arms to have Compared before her Majesties high Commissioner and the honourable Estates of Parliament at a certain day now long hygone With continuation of dayes to have answered at the instance of the said pursuer in the said matter That is to say the said Defenders to have heard and seen the foresaid discharge now lost and omitted made up and proven by decret of Parliament to be of the tenor following viz. I James Johnston Writer to his Majesties Signet Do hereby grant me to have received by the hand of James Stuart Advocat from William Ker factor appointed by the Lords for the Lands of Kincavill belonging to Whitehead of Park upon which I am a preferable Creditor the sum of Two thousand merks Scots money of the rents thereof And therefore Discharges the said William Ker as factor foresaid of the said sum of two thousand merks of the rents of the said Lands proceeding the year 1703 vj^{or} and eighty one Oblidgeing me my heirs and Executors to Warrant the same at all hands and against all deadly And Consents thir presents be regit in the books of Council and Session for conservation And if need bees to have the strength of a decret that letters may pass thereon as effects And thereto constitutes

my procurators

In witness whereof (written by John Clerk my servant) I have subscribed thir presents with my hand At Edinburgh the day of 1703 vj^{or} and eighty one years Before these Witnesses the

said John Clerk and Ja: Johnston John Clerk witness And the sames being so made up to hear and see the sames Decreed and Declared by decret foresaid to be a sufficient and valid discharge and of as great force strength and effect in judgement and outwith the same and in all cases and causes in time coming as if the principal discharge itself were extant and not omitted and lost in manner foresaid conform to the Laws and daily practise of this realm used and wont in the like cases in all points or else to have allowed an reasonable cause in the contrary why the sames should not be done With Certification to the said defenders if they failed to compare Her Majesties said Commissioner and the Estates of Parliament would proceed in the said matter and decreet make up and declare in manner foresaid, as in the said Summons and Executions thereof is fully expressed. The said Sir James Stewart pursuer Comparing personally who for instructing the said summons produced in presence of her Majesties high Commissioner and the said high Court of Parliament the abovementioned principal Deposition or oath of Thomas Spens Writer in Edinburgh taken before the Lord Abercromhill on the twentyeth of December 1st vj^{re} and ninety nine in the action pursued before the Lords of Council and Session at the instance of the said William Ker and his mother against the said Sir James Stewart With the foresaid Mistleive Letter directed from William Ker to the said pursuer of the date abovementioned and the note in the words above expressed written thereon Together also with the foresaid Inventory mentioned in the said summons and founded on as is above specified for making up the said discharge And the said heill defenders who were summoned in manner foresaid to this Action Comparing by Sir Walter Pringle Advocate their procurator at first calling of the said summons in the usual manner at the great gate of the Parliament house after elapsing of the day to which they were Cited by virtue thereof & there being a petition to her Majesties high Commissioner and the said Estates of Parliament thereafter Given in and presented by the said Sir James Stewart pursuer Humbly Shewing unto them That where he has an action for proving the tenor of a discharge of two thousand merks granted by the deceased James Johnston Writer to the Signet to the deceased William Ker factor for the Estate of Kincauld which hath now depended before the high and honourable Court of Parliament three two Sessions The pursuer should not trouble his Grace and their Lordships with his reason of intending this process before the Parliament viz. That the loss of this discharge happened through the pursuers being necessitated to fly in the year 1st vj^{re} and eighty one Whereby his papers were exposed to search upon search and to great confusion Against which trouble and the cause of

it being repayed by the Parliament 1st vj^{re} and ninety with an assurance of full reparation of losses he thought it most proper first to table his action before the Parliament But first and last having no purpose to decline the Lords of Session and being likeways in this Session of Parliament as he was in the last hindered by a heavy fit of the gout to prosecute this action in Parliament Which prosecution would only be for the obtaining of the remit desired by the said petition and for no other purpose He being fully satisfied that the Lords of Session are the most proper Judges in all such matters And Therefore Craving His Grace and their Lordships to Remit the said Action to the said Lords of Session to be by them cognosed and finally determined with a parliamentary power it being necessary for the pursuer to preserve the dependence, as the said petition bears; Her Majesties high Commissioner and the said Estates of Parliament having this day fully Considered the said petition and being therewith well and ripely advised They Remitted and hereby Remit the petitioners Case to the Lords of Session to be by them cognosed and determined summarily without shadding the course of the roll.

PETITION Collonell Scipio Hill Craving payment of Arrears due to him real, and his case remitted to the Commission to be determined by them with that favor and dispatch which his pains and charge in coming twice to Scotland on that affair And his necessary residence in England does justly require Which Remit is as follows.

HER Majesties high Commissioner and the Estates of Parliament having heard the petition of Lieutenant Collonell Scipio Hill Humbly Shewing unto them That there is due to him Eleven months clearings and a half viz. from the first of January 1st vj^{re} and ninety seven to the fifteenth of December 1st vj^{re} and ninety seven as Lieutenant Collonell and Captain of Sir William Douglas's regiment of foot being One hundredth and fifteen pounds fifteen shillings Sterling as appeared by a copy of a declaration produced with the said petition under the hand of Captain Charles Douglas son to the said Sir William then agent to the said regiment There is also due to the said Lieutenant Collonell three hundredth and fifty one pounds nineteen shillings and three pence Sterling being his half pay as Lieutenant Collonell and Captain of Dragoons from the fifteenth of December 1st vj^{re} and ninety seven to the first of July 1st vj^{re} and one as appeared by a Copy of his late Majesties Letter and an account drawn out of the Treasury books produced also with the said petition And whereas the petitioner has come twice from London his place of abode to Scotland on purpose to have got payment of the above sums which put

Recommendation to the Commission for publick Accounts in favours of Lieutenant Collonell Scipio Hill

him to vast expences yet hitherto he hath not got any part of it, And therefore Craving his Grace and the honourable Estates of Parliament to grant Warrant upon Sir William Meinries for payment of the above sums being in all Four hundred sixty seven pounds fourteen shillings and three pence Sterling as the said petition bears And her Majesties Commissioner and the said Estates of Parliament having considered the said petition and being therewith well and ripely advised They Recommended and hereby Recommend the petitioners case to the Commission for publick Accounts to be determined by them with that favor and dispatch which his pains and charge in coming twice to Scotland on the affaie and his necessary residence in England does justly require.

[Sir William
Meinries]

PETITION Sir William Meinries Craving to be Exonered of his tack and tack duty upon payment of the five thousand pounds Sterling Decreed by the Parliament to be payed at Martinmas and Candlemas next read And the Marquess of Lothian and the officers of the army allowed to see and answer the same the first Sederunt after to morrow And in the mean time Remit to the Commission the scrutiny of his account.

Resolv'd in
favour of
Doctor
Chamberlain
& James
Armour

PROPOSAL Doctor Chamberlain and James Armour aient a land Credit Remitted to the Commission and to report.

PETITION Lord Bargany Craving a Decreet of the Commission of Parliament aient the pole With the Answers thereto by the Tacksmen of the pole read and remitted to the Lords of Session to determine the cause summarily with a Parliamentary power and in the mean time sisted Execution as follows.

Resolv'd to
the Session
The Lord
Bargany
ag't the
Tacksmen
of the Pole
1695.

ANENT the petition given in and presented to his Grace her Ma^{ty} high Commissioner and the right honourable the Estates of Parliament by William Lord Bargany Shewing That where there was an alleged Decreet pronounced against the petitioner as Cautioner for David Crauford of Drumsovie to make payment of Two hundred and ten pounds seventeen shillings and six pence Sterling as the said Davids proportion of four thousand six hundred thirty nine pounds four shillings eight pence and two third parts of a penny Sterling Upon which decreet the petitioner is threatened to be apprehended by vertue of a Warrant specially granted against him He is under a necessity to mean himself to the high Court of Parliament for redress Because this pretended Decreet was pronounced by a Commission granted in the ninth Session of King Williams Parliament to members

of the said Parliament and which did expire with it And the said Commissioners having a Parliamentary power there can be no application made to any other Court for redress He does therefore with all dutiful respect to the members of the Commission Humbly contend That he cannot be lyable for the trasas following Primo By the foresaid sixteenth Act Parliament 1st vjth and one the said Commissioners were Impowred to proceed and determine with a Parliamentary power the differences betwixt the old and new Tacksmen in relation to the pole 1st vjth and ninety three and to decide the question in relation to the vintuples wherein the old tacksmen may be found lyable for their concealments and to apply what sums should be found resting towards the clearing of the arrears of the officers according to their Claims But the Decreet alleged obtained against the petitioner narrates mutual proceses before the said Commission as if they had been impowred to determine aient the pole 1st vjth and ninety three betwixt the Tacksmen of the said pole and their Cautioners on the one part and the officers of the army for whose payment the pole was imposed on the other part Whereby it is evident that there were greater powers ascribed to the Commission than were contained in the Act of Parliament For by the Act and Commission of Parliament they were only impowred to act as Judges betwixt the old and new Tacksmen of the pole, As for what concerned the officers the Commissioners were only to apply what should be found resting in the same manner as if they had the power of the Treasury as to that particular effect And therefore the Decreet proceeding upon proceses at the instance of the officers and not at all as to the dependencies betwixt the old and new Tacksmen of the pole is null And in the next place the foresaid alleged Decreet ascribes to the Commissioners a power to determine betwixt the Partners and Cautioners whereas there is not a word of Cautioners in the Act of Parliament And so it is that the petitioner is Decreed as Cautioner And consequently the Decreet in that respect is null And it is to be specially noticed that this Commission is extraordinary and is of strict interpretation being *perpetuum communes juris regula*. But that wherein materially the petitioner is lesed and expects redress is that Drumsuy for whom he only interceded as Cautioner was not bound in the tack nor for the tack duty but was bound to relieve the principal Tacksmen of a twenty two part of their hazard and the petitioner became Cautioner as in an obligation to privat parties: Now if the principal Tacksmen had pursued Drumsuy or the petitioner for the relief of the sentence pronounced by the Commission against them they would have defended themselves unanswerably That they are only Decreed for the balance of the money Collected in their own hands for which Drumsuy could not be lyable because

before the pole fell due or the Collection made Drumsay was bankrupt and fled and never intrumetted with a shilling The petitioner shall not trouble the Parliament further to represent That this Decreet has neither Lybell nor Becaulc which even in Decretes of Parliament uses to be observed, For its Conceived that altho the petitioner mentions certain informalities to remove the force of the said Decreet as to himself yet the special Circumstances of the petitioners case does merit a remedy, For the other partners decerned by the Commission were the administering and collecting partners and have or ought to have the very money in their hands for which the Decreet proceeds And therefore they ought to make the same forthcoming and Drumsay and the petitioner ought to be free. And therefore Craveing his Grace and the honourable Estates of Parliament in consideration of the specialities of the petitioners case viz. That before ever the Collection of the pole began Drumsay became bankrupt and fled and never intrumetted with a farthing and that the Decreet of the Commission is expressly founded upon the Collection, to suspend the foresaid Decreet as to Drumsay and the petitioner simpliciter as the said petition bears Whilk petition and desire thereof being read in presence of her Majesties high Commissioner and the said Estates of Parliament and having heard and considered the same They by their deliverance thereon the nineteenth of August instant Ordained Sir John Cochran to see and answer the same against the then next diet of Parliament but declared the same did not sist execution Accordingly the said Sir John Cochran and the other Tacksmen of the pole 1st vij^e and ninety three and their partners and officers of the army having seen the foresaid petition, Returned it with the Answers following to the samen petition given in by the said William Lord Bargany Whereby he Craved that the Decreet of the Commission granted in the ninth Session of King Williams Parliament having power to decide and determine all contravencies of the said pole both in relation to the partners themselves and as to the preferences betwixt the Countrey and the army may be suspended simpliciter against him he being Decerned as Cautioner for Drumsay for two hundred and ten pounds Sterling money As the hazard and damage which did arise from the said tack of the pole, His Lordship insists upon several pretended nullities in the said Decreet and more especially he alledges That the decerniture against him and Drumsay is for the balance of the money collected in their own hands for which Drumsay could not be lyable having become bankrupt before the pole either fell due or the collection made Which with all humble submission to the members of this honourable Court of Parliament They conceived to be most irrelevant and never precedent that a petition of this nature should take from them and

the officers of the army their just right already established by vertue of a Decreet of the foresaid Commission, It not being unknown to his Grace and the honourable members that there is a prescribed Rule in Law for redress if any party be lesed viz. An appeal for remedy of Law to the Parliament So that if parties were allowed summarily by petitions to quarrell sentences of Parliament there should be a confusion in all Parliamentary processes But secundo his alledgeance is most falacious in so far as that Drumsay was many years habit and repute most sufficient after the pole 1st vij^e and ninety three became indue being concerned in the publick Cells and Excise of the Shire of Ayr in the year 1st vij^e and ninety five for whom the Lord Bargany was Cautioner And Drumsay is no further Decerned than any other of the Copartners who did not Collect more than he So that this being already res judicata as well among the partners as betwixt his Lordship and the officers by a Commission having a Parliamentary power It was therefore humbly expected the said Tacksmen their partners and the officers of the Army being so well founded in Law and reason that his Grace and the honourable Members of Parliament would never allow such a precedent as the said Answers also bear Which petition and desire thereof with the answers made thereto being this day again read in presence of her Majesties high Commissioner and the said Estates of Parliament And they having heard and considered the same and being therewith well and ripely advised They Remitted and hereby Remit to the Lords of Council and Session to determine the said Cause summarily with a Parliamentary power And in the mean time Sifted and hereby Sits Execution.

THE Account of the Pole Money the year 1695 read Whereof and of the Observations thereon made by the said Commission of Parliament the tenors follow.

[Account
of the Pole
Money
1695]

ACCOUNT of the Pole 1695.

This pole was granted by the Parliament 1695 for providing ships of war and maintaining fencible for defence of the Coasts with a complete number of land forces; After this pole had been in Collection for a year the Lords of the Treasury set the same in tack to John Campbell of Knockrioch principal Tacksmen and to Hugh Cuninghame and others his partners for the sum of Two hundred and seventy six thousand pounds Scots.

CHARGE of the Pole 1695.

Per tack duty of the Pole Two hundred and seventy six thousand pounds - - - - £276000 — —

Balance due to the Tacksmen and partners Sixteen thousand three hundred and eighty pounds - 16380 — —
£292380 — —

DISCHARGE of the Pole 1695.

1st By Cash given in to the Admiralty Two hundred and thirty seven thousand one hundredth and twenty pounds - - - - £237120 — —

2^d By seven per Cent. allowed Sir James Oswald for Collecting one hundred and seventy five thousand and two hundred pounds - - 12154 — —

3^d By the Imbezements of Collectors Sixteen thousand five hundred and ninety six pounds - - 16596 — —

4th By the Quadruples of the Pole of the Army Seventeen thousand seven hundred and sixty pounds - 17760 — —

5th By the Pole of the Episcopal Clergy Six thousand pounds - 6000 — —

6th By Allowance to Collectors Two thousand four hundred pounds - 2400 — —

7th By Lost of money cryed down Two hundred & forty pounds - 240 — —
£292380 — —

OBSERVATIONS on the Pole 1695.

1st That the third Article viz. The Imbezements of Collectors is not instructed and supposing it were yet the Commission are of opinion the Tacksmen and his partners were bound to the publick for the whole tack duty tho the whole Collections had been imbezeld.

2^d That the Quadruples of the Army should not be allowed since their pay was in the hands of the Commissaries and since the Treasury must be considered as the Common debtors.

3^d That there should be no Allowance for the Pole of the Episcopal Clergy unless their number were instructed considering that none but the Episcopal Ministers in Edinburgh were excepted all other Ministers being lyable in their pole as Gentlemen.

4th The two thousand four hundred pounds mentioned in the Sixth Article of the discharge was not instructed except allennarly the sum of three hundred pounds.

5th That this Pole having been for a long time under Collection has occasioned a considerable loss in the fame.

6th That whereas the Tacksmen pretend to a balance of Sixteen thousand three hundred and eighty pounds as is mentioned in the Charge they will be indehted to the publick in twenty six thousand three hundred and seventy six pounds untill the foresaid Observations be cleared Which would appear more clearly by the Minuts of the Commission the eleventh of February 1704 and by the Minuts of their Committee the seventeenth of December 1703 and these of the eleventh of January 1704.

UPON reading whereof, The first observation sustained, The Tacksmen instructing the verity of the imbezlement before the Commission, As to the second observation After hearing the Tacksmen's Lawyers and debate thereon It was put to the vote Allow the Quadruples of the Army as an article of the discharge Yes or Not and Carried in the affirmative, And Remitted to the Commission to state the Extent thereof, The third Observation Remitted to be instructed before the Commission otherways not to be allowed, The fourth Observation read And the Allowance mentioned therein was refused.

ACCOUNT of the Pole Money 1698 read, whereof, and of the Observations thereon made by the Commission of Parliament the tenor follows.

[Account of the Pole Money 1698]

ACCOUNT of the Pole Money 1698

Two Poles were granted by the Parliament 1698 for clearing the arrears due to the land and sea officers as likeways to the Seamen belonging to the ships of war with preference to those to whom any clothing money was due before 1691.

The said two Poles were set in tack by the Lords of Treasury and Exchequer to William Cochran of Fergulie and his Cautioners for a tack duty of two hundred and forty one thousand and two hundred pounds.

CHARGE of the Pole 1698

Per the tack duty Two hundred and forty one thousand and two hundred pounds - - - £241200 — —

DISCHARGE,

1st Per payments made upon precepts from the Treasury One hundred and ninety three thousand five hundred and twenty two pounds, sixteen shilling - - £195322 16 --

2^d Per payments made to the seamen in part of their Arrears Nine thousand and six hundred pounds 9600 -- --

3^d Balance due by Ferguslie Thirty eight thousand and seventy seven pounds four shilling - - 38077 4 --
£241900 -- --

OBSERVATIONS on the Account of the Pole 1698

1st That the first Article was fully instructed and applied to the ends and uses for which the said Poles were granted; But no preference given upon Account of the Clothing money.

2^d That the Ferguslie does discharge himself of the sum of nine thousand and six hundred pounds paid to seamen yet by examining his Accounts the Commission finds not above seven thousand two hundred pounds had been paid to them Which he being questioned upon, Acknowledged that because he had obliged himself to pay up the remainder, he had inserted that article in his discharge.

3^d That several Complaints were made upon Ferguslie by the Seamen as having obliged many of them to grant receipts for the whole of their arrears whereas they received but the half.

4th That the Balance of Ferguslies account viz, thirty eight thousand and seventy seven pounds, four shillings is still resting by him But in order to his Exoneration there was a Memorial given in by him now in the hands of the Clerk of the Commission wherein he represents his Grievances and the reasons of his deficiency.

UPON reading of which account and observations Ordered that the Commission take tryal of undue transactions made by the Tacksmen Collectors or any persons concerned in the publick funds with the Country or officers of the Army and report next Session of Parliament.

THE second Observation not allowed unless he instruct payment before the Commission, The third Observation Remitted to the Commission to inquire thereabout.

PETITION Collonell George Mackgill Representing that William Cochran of Ferguslie Tacksmen of the Pole 1698 had Extorted from him, a defalcation of Eight hundred and twelve pounds Sterling as the twenty fifth and eight parts of a firm contained in a Precept drawn by the Lords of Treasury for payment of clothing money and arrears, read, with other Complaints of defalcations Extorted from the Seamen and others of money due to them by the publick and several shafes committed by him and his Subcollectors in Collecting and giving out the said Pole.

[Collonell
George
Mackgill]

ORDERED That the said William Cochran be Carried to prison untill he find bail under the penalty of Twelve thousand pounds Scots to Compare to answer the Complaints Given or to be Given in against him, And the further Consideration of this affair Continued till the next diet of Parliament.

Order about
the Impri-
sonment of
William
Cochran

THE Lord Chancellor by order of the Lord High Commissioner Adjourned the Parliament till to morrow at ten a clock.

AUGUST XXIV, M.DCC.IV.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

MOVED That the Act for an additional Representation of Commissioners for Barons might be read a second time, Likewise moved that the Parliament proceed upon the report of the accounts of the publick funds And after reasoning agreed That the accounts come first in And next to them the plot Next thereafter the Act for an additional representation of the Barons, And then the Act for securing free voting in Parliament previous to all business whatsoever and nothing to intervene.

[Order of
proceedure]

MOVED That in regard both the Contraverted Commissioners for the Shire of Ross have found that they had equal votes, Ordered that a War-rand be granted to the free holders of the said shire to meet at Michaelmas next to make a new Election of a Commissioner to the Parliament, as follows.

HER Majesties high Commissioner and the Estates of Parliament Considering That both the contraverted Commissioners for the shire of Ross Find that they have equal votes Do Therefore Grant Order and War-rand to the sherif of the said shire or his deputies to call and Conven together the Barons and free holders of the foresaid shire at the ordinary place of their meeting upon Michaelmas

War-rand to
the shire of
Ross for
Electing
a new Com-
missioner

Order that
the Com-
mission
take tryal
of undue
transactions
made by
persons con-
cerned in the
publick fund
of the Coun-
try or Army.

day next to come to the effect they may choose and elect one Commissioner to represent them in this Parliament as their Commissioner which they are hereby ordered and impowered to do And ordain intimation hereof to be made in the usual manner.

THE Parliament having taken to their farther consideration the affair of Cochran of Fergushie, Ordered That he be brought out of prison to the bar And after his being further Examined it was Remitted to the Commission to take further tryal of the Complaints made or to be made against him and to report And thereafter It was put to the vote Remit the determination of these complaints in so far as they concern the interest of privat parties to the Commission or to the Lords of Session, and Carried Remit to the Session to be by them summarily discussed.

Remit to the
Session in
favour of
Colonel
George
Mackgill

ANENT the Petition Given in and presented to his Grace Her Majesties high Commissioner and the right honourable the Estates of Parliament by Collonel George Mackgill brother to the Viscount of Oxford Collonel to her Majesties troop of horse gransdeer guards Shewing That there being three thousand and eighty eight pounds nine shillings and four pence Sterling resting to the petitioner for seven hundred and forty sute of intire mounting bought by him partly by expending most of his privat patrimony and partly by ingageing his privat credit to Merchants for the Regiment of foot lately Commanded by him Which after disbanding of the regiment, was delivered by him (by the honourable Thesauries commands) to the Store Masters, And thereafter given by their Lordships to the standing troops as will appear by their Lordships Letter to his late Ma^y King William on record in the Thesaury books and by the Abstract thereof And there being one thousand one hundred and forty six pounds fourteen shilling two pence Sterling still due to the officers of the petitioners said Regiment of foot To which he has right for their livery-cloaths furnished and payed by the petitioner Conform to the account thereof which agrees with the Thesaury books and upon which he partly expended the remainder of his privat patrimony and partly engaged his privat Credit to the Merchants where his patrimony could not satisfy And the petitioner being under many legal distresses on his ingagements to the Merchants for the said intire mounting and livery-cloaths He humbly addresth the honourable Estates of Parliament last Session in compassion to his suffering Circumstances to order his reimbursement of the said sum with interest of what be payed and flood engaged for after his disbursements and conform to his engagements. And the honourable Estates by their deliverance and act of

the fifteenth of September last Recommended the petitioner to her Majesty and the said Lords of Thesaury to have his Circumstances considered with respect to the premises that he might have such reimbursement and remuneration as her Majesty and their Lordships should think fit The petitioner Addressed the honourable Thesaury severall times upon the said Act and Recommendation of Parliament but could neither be reimbursed nor remunerat Morrover there being a precept drawn by the honourable Thesaury on the Tacksmen of the last Pole for payment to him of three thousand and eighty eight pounds nine shillings and four pence Sterling for arrears of pay retention &c. formerly due The petitioner had the misfortune amongst many others to be forced before he could get payment to allow to the said Tacksmen the exorbitant defalcations Primo of twenty five per Cent. of the baill three thousand and eighty eight pounds nine shillings and four pence Inde seven hundred and seventy two pounds Sterling And Secundo of eight per Cent. more for five hundred pounds thereof Inde forty pounds Sterling In baill Eight hundred and twelve pounds Which the petitioner Represented to the honourable Commission of Parliament appointed to state the publick debts and can instantly instruct, Also the petitioner has ventured for her Majesties service to paund his credit for intire mounting and accoutrements to the troop of gransdeer-guards which he now commands And there being about fourteen moneths arrears due to the officers and cloathing resting to the troop: By the want thereof and Exhausting his privat patrimony on the disbursements above for his foot regiments he is utterly unable to satisfy that debt And there is a moneth and a halfs subsistence and clearing due to the petitioner as Colonell of the said troop from the fifteenth of May 1703 the date of his Commission to command the same being an old standing corps to the first of July thereafter Extending to forty two pounds of which after many applications he has not recovered payment albeit his inferior officers are fully payed for that time And since the petitioner is informed that the said Commission of Parliament have found that there is a great balance of the publick funds given by Parliaments still resting by the Tacksmen and Managers thereof and that the said troop the petitioner commands is on the present establishment And that not only his privat patrimony is intirely exhausted but his Credit engaged formerly and of late on the publick account which he shall never be able to satisfy And that the petitioner lyes under distresses for the same of which he will never be capable to extrict himself unless his Grace and the honourable Estates of Parliament be pleased to order his reimbursement and remuneration conform to the foresaid Act and Remit of the last Session of Parliament And Therefore Craveing His Grace their

Lordships and honours to take what is above represented to serious consideration and both in compassion and justice to the petitioners present circumstances to order his payment of the above sums due to him for intire mounting and officers livery cloaths of his said regiment of foot either out of the first and readiest of the said great balance found resting of the former funds or any other effectual and ready fund His Grace their Lordships and honours should appoint And to ordain the petitioner to be reimbursed of the fore-said exorbitant defalcations forced from him by the Tacksmen of the last Pole and to be payed of the clothing and accoutrements furnished by him to the said troop of Grassadeer-guards and six weeks of subsistence and clearance due to the petitioner as Colonell thereof conform to his Commission out of the funds of the present Establishment or as his Grace their Lordships and honours should appoint that the petitioner may not (after his spending the most of his years both at home and abroad and Expending his whole privat patrimony in the service of the publick) be Exposed to be cast into prison for debt he owes on the publick account and that he may have liberty and bread as the said petition bears. Which petition and desire thereof being this day read in presence of His Grace Her Majesties high Commissioner and the said Estates of Parliament And they having heard and considered that part of the said petition relating to Ferguslie and bring therewith well and ripely advised Remitted and hereby Remit to the Lords of Council and Session to determine the same summarily without shideing the course of the roll.

IT was likewise Remitted to the Commission to inquire into all abuses Committed by any of the receivers or their servants and to report.

ORDERED That the Members that are present at calling the rolls and absent from a vote without leave be fined as if they were absent the whole Sederunt.

THE fourth observation on the discharge of the account of the Pole 1698 With the Memorial given in by Ferguslie read And after reasoning thereon it was put to the vote Allow the quadruples of the army as an article of the discharge Yea or Not and Carried in the negative.

ORDERED That the Article in his Memorial That the books were not returned in due time from the several shires therein mentioned be Remitted to the Commission to inquire asent what damages he sustained thereby on the said account and what abatement he should have therefore and what part of the balance he should retain in his

hands and to silt Execution for the said part and to report next diet of Parliament.

ORDERED That he be sent back to prison and there Continue ay and while he find bail in the terms of the former ordinance And its hereby Declared That the said bail is only to Continue to the next Session of Parliament inclusive.

MOVED That any preferences granted to the two Captain Drummonds upon the appropriated funds might not prejudice the officers private rights to the said funds and the further Consideration thereof delayed.

[Captains Drummonds]

AGREED That the Dutcheffs of Burdeughs Petition come in the first Sederunt of Parliament for privat business before all other privat business.

THE Lord Chancelour by order of the Lord high Commissioner Adjourned the Parliament till to morrow at ten a clock.

AUGUST XXV, M,DCC,IV.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THE Act in favors of the Commissioners of Justiciary, The Act for exporting of Wool, And the Act continuueing the Commission, were Touched with the sceptre by her Majesties high Commissioner in the usual manner, Of which Acts the tenors follow.

ACT in favors of the Five Lords Commissioners of the Justiciary.

OUR SOVEREIGN LADY and the Estates of 5
Parliament taking to their consideration that the five Lords of Justiciary are not provided by any special Act to a Salary for their service nor to any certain fund for their payment But hitherto have had only twelve hundred pounds Scots each per annum payed to them by precepts from the Lords of Thesaury upon the Receivers And their places being one of the most important of the Nation concerning both the lives and fortunes of Her Majesties Leidges Therefore the Queens Majestie with the advice and consent of the Estates of Parliament doth Fix and hereby Fixes the said Salary to be Twelve hundred pounds Scots yearly to each of the said five Lords making in hail the sum of Six thousand pounds Scots And to the effect they may be the better secured therein and out of a certain fund that they may not be exposed to the inconvenience of undue payment Does hereby Des-

finat and Appoint that the same shall in all time coming be paid to them and their successors in that office out of her Majesties customs at two terms in the year Whitsunday and Martinmas by equal portions beginning the first terms payment at Martinmas next as for the first half year and so furth termly thereafter And for that end has Dissolved and hereby Dissolves so much of the said Customs from the Crown as does extend to Six thousand pounds Scots yearly for the end foresaid allennary And Ordains the present Receivers Collectors and all others in time coming to pay to them and each of them and their successors in office their said Salary of Twelve hundred pounds Scots yearly established upon them by the force of this Act and that preferable to all other payments and next to the Twenty thousand pounds Scots formerly allcoat upon the customs to the Lords of Session And to the effect the same may be more effectually secured does hereby Extend this present Act in their favors with the same powers privileges and order of diligence by homing &c. against all Receivers Collectors Tacksmen Intrameters and others mentioned and contained in the seventh Act second Session of King Charles the Second's first Parliament as fully and amply as thereby given in favors of the said Lords of Session as if every particular clause were here de verbo in verbum exprest and which shall be holden as here repeated, Dispensing with the not doing of the same.

ACT Allowing the Exportation of Wool &c.

- 6 OUR SOVEREIGN LADY with advice and consent of the Estates of Parliament Ratifies and perpetually Confirms the several Acts of Parliament Prohibiting the Importing of Woollen cloth or stuff or any manufacture wherein there is wool And Allows the Exporting of Sheeps wool and Woollen yarn whither of the growth of this or of any other Kingdom and that to the next Session of Parliament inclusive And farther Continues the Exportation of Sheep-skins with wool upon them And allows the Exportation thereof at all the ports of the Kingdom, the said wool and skins paying duty as formerly And it is hereby Enacted and Declared That all woollen manufacture of this Nation exported shall be free of any Impost whatsoever during the continuance of this Act.

ACT Continuing the Commission for the Publick Accounts.

- 7 OUR SOVEREIGN LADY Considering the great pains and diligence taken by the Commission aient the publick Accounts appointed by the sixth Act of the last Session of Parliament and satis-

faction thereby given and by the report thereof made to this Session of Parliament and that yet there remains much of what was committed to be completed Therefore Her Majesty with advice and consent of the Estates of Parliament Renews the said Commission to the persons therein named in the hail heads articles clauses provisions and all other points therein contained And moreover to Cognosce upon whatever is or shall be Remitted to them by this Session of Parliament and particularly to Call the Collectors of the bullion and others lyable to account before them And this Commission to insure to the next Session of Parliament inclusive And ordains their first meeting to be the first lawful day after adjourning of this Session of Parliament And for the better carrying on and finishing the said work and for the encouragement of William Seton of Pitmedden younger, M^r John Clerk of Penrynook younger M^r Dougald Stewart and M^r Robert Frazer Advocats four of the said Commission They Allow to each of them Two hundred pounds Sterling out of the first and readiest of the rests & balances contained in their report And One hundred pounds Sterling out of the same subject to be divided by them betwixt Walter Riddell their Clerk and the other servants And farther Allows to David Callender servant to the Clerks of Thesauri fifty pounds Sterling out of the said fund for his pains and services done by him in the said accounts.

PETITION M^r Walter Smith Minister of the Castle of Edinburgh Craveing payment of seventy five pounds Sterling resting to him free of poundage and invalid money read and Remitted to the Commission for bygones resting to him and to the Lords of Session as to what shall fall due to him in time coming.

Restit in
favors of
M^r Walter
Smith

THE Parliament having Considered Sir William Douglass his representation They Remit him to the Commission as others in the like case and Recommend him to the Queens Majesty to provide for him in consideration he had his Estate in France forfeited for his religion and for the Nations cause.

Remit &
Recommendation
in favors of
Sir William
Douglass

THE process Captain Thomas Hay against his Creditors called and none Compearing a protection was granted to him till the next Session of Parliament-inclusive, as follows.

ANENT the petition given in and presented to his Grace the Marquess of Tweeddale her Majesties high Commissioner and the right honourable the Estates of Parliament by Captain Thomas Hay Merchant in Edinburgh Shewing That in June 1st vijth and two, the ship called The Good Hope

Protection
in favors
of Captain
Thomas Hay

of Leith whereof the petitioner was an owner, was seized by Captain Thomas Butler Commander of her Majesties ship The Wool Chaster and brought her in to Berwick upon pretence that she had fifteen thousand stand of arms on board and ammunition conform for the use of the disaffected party in Parliament (as it was then termed) And the said Captain Butler having transmitted an account of what he had done to the Duke of Queensberry her Majesties high Commissioner at the time Sir Gilbert Elliot Clerk of the Privy Council was sent to Berwick to inquire in that matter who both searched the ship and took the Masters oath whither he had any arms or ammunition aboard the said ship Who having deposed to the contrary Sir Gilbert made report that Butlers information was false and groundless. The said Captain Butler not being satisfied with having unjustly seized the said ship and diverted her voyage, found out a new pretence to detain her prisoner alledging that she was bound for Saly in Barbary an enemies Country and that she carried Counterband goods aboard of her, Some Jews in Amsterdam who were freighters of the said ship applied to the Admiralty. The ship was declared to be no prize and the goods were taken from aboard of her without paying one farthing of freight tho the master protested he was willing to ply the voyage from which he was most unjustly diverted contrary to all law and reason; but so little regard was had to this protest that the Collector of Berwick ordered the hatches to be forced open and dragged the Master ashore, The petitioner and the other owners being advertised of this barbarous procedure, It was found necessary that one should go to London to crave redress And the petitioner being sent thither after six months attendance at the Admiralty Court he at last procured sentence Repriving the said ship as they term it which cost him above Eighty pounds Sterling besides loss of time and neglect of business at home. The other owners finding that they were to expect no advantage from the said ship did expose her to roup; but there being so many incumbrances upon her and the petitioner being so deeply engaged was forced to take her wholly to himself and accordingly by the roup she was declared to be the petitioners, who having carried Carpenters Masters and others to take inspection of the said ship They found that the whole tackling and other utensils were stolen away and that which was left was rendered useless So that the petitioner was obliged to fit and outgrig the said ship of new, And was also decreed by the Lord Mair of Berwick to pay thirty two pounds Sterling to a seaman for taking care of the said ship tho it can be proven that he was most part of that time prisoner there As likewise they were obliged to pay for their own provisions which they had violently plundered from them The petitioner having answered all their demands Cleared

off all debts And the ship being just ready to sail there was a new order produced for seasing and arrieking the said ship of new And the petitioner having no hopes of being redressed of his losses from England he does with all humility apply himself to his Grace and their Lordships Beseeching them to consider the affront put upon our Nation by Butlers unjust capture which gave occasion to all the misfortunes that attended it For Primo The petitioner was thereby deprived of a beneficial freight which was to have been two thousand eight hundred guilders Secundo His other Charges have been above Two hundred and fifty pounds Sterling which has fallen so very heavy upon the petitioner that it has run his whole affairs in disorder put him from trading and forced him to betake himself to the Sanctuary for his person The petitioner also does further Represent that there is an hundred and seventy pounds Sterling of arrears owing him by the publick And therefore Craving his Grace and their Lordships to take the petitioners hard circumstances to serious consideration And to fall on such methods for repaying his losses (in which the honour of the Nation is concerned) as their justice and wisdom shall think fit And in the mean time to grant a protection for his person There having scarce any case occurred which pleads more compassion and to which all his Creditors except two have already consented, as the said petition bears Which petition being read in presence of her Majesties high Commissioner and the said Estates of Parliament upon the twenty third instant And they having considered the same They granted Warrant to Masters or Messengers to Cite the petitioners Creditors before the Parliament on twenty four hours warning to the effect the petitioner might obtain protection By virtue whereof James Gordon Messenger on the twenty fourth instant lawfully summoned warned and charged M^r Hugh Somervell Writer to the Signet John Bell merchant in Edinburgh Robert Wilson merchant there Robert Blackwood merchant and Dean of Gild of Edinburgh Walter Chesley Merchant there Robert Stewart Dyster there, M^r Francis Grant Advocate Uthred Mackdowgall Merchant in Edinburgh Rodger Hog Merchant there Charles Mitchell Writer there Robert Hunter elder Merchant there for himself and in name & behalf of the Company and Masters of Pauls Work at the foot of Leith Wynd M^r Duncan Willison Merchant there Robert Marshall Merchant there Gavin Thomson Writer there and Thomas Smith Breuar there all of them Creditors to the said Captain Thomas Hay to have Compared before the said high Commissioner and the said Estates of Parliament on this twenty fifth instant to the effect abovementioned And made Certification in manner expressed in the foresaid Warrant and Execution And that by delivering to the said Robert Stewart Robert Marshall and Gavin Thomson just

and authentick Copies personally apprehended and affixing and leaving the like just and authentick copies for the said John Bell Robert Wilson M^r Hugh Somerswell Robert Blackwood Walter Chiesley M^r Francis Grant Uthred Mackdonald Rodger Hog Charles Mitchell Robert Hunter M^r Duncan Willison and Thomas Smith at and upon the most patent doors of their respective dwelling houses and chambers in Edinburgh after he had knocked six several knocks upon each of them as use is and intimated the same to their servants because he could not apprehend themselves personally as the said Warrant and Execution thereof also bear Which process and action being this day called in presence of her Ma^{ty} high Commissioner and the said Estates of Parliament And the said hail Defenders being called by an Clerk and Masters both in the Parliament House and at the open gate of the same as use is in the like cases to have Compared therein And they having failed to Compare as was clearly understood to his Grace her Majesties high Commissioner and the said Estates of Parliament And they having again Considered the foresaid Petition Warrant above specified and Execution thereof and being therewith and with the shewance of the said Defenders well and ripely advised her Majesties high Commissioner and the said Estates of Parliament Granted and hereby Grant one Protection to the said Captain Thomas Hay petitioner for security of his person against all diligence for civil debts due by him to his said Creditors untill the next Session of Parliament inclusive Declaring likewise it is hereby Declared That this protection shall not defend against any diligences for warranting Assignations and Dispositions Granted by the petitioner to any of his Creditors.

THE process Patrick Steel against his Creditors Called and none Comparing a Protection was granted to him till the next Session of Parliament inclusive in manner following.

Protection
in favour of
Patrick Steel
Vintner in
Edinburgh

HER Majesties High Commissioner and the Estates of Parliament having Heard the Petition of Patrick Steel Vintner in Edinburgh Shewing unto them That the petitioner having last Session of Parliament Represented to his Grace and their Lordships that his affairs had run into disorder by his misfortune in being Cautioner for persons who proved insolvent by losses at sea, had debtors negligent and unfaithful servants and partly by the too great rigour of some of his own Creditors As also that he had done every thing in his power for their satisfaction in denuding himself of all his heretable and moveable Estate in their favors And in order to the obtaining a Protection from her Majesty and the high Court of Parliament for his person the petitioner did summon his Creditors to Compare and Advise what reasons they could

why the desire of his Petition should not be granted But they being convinced that his liberty to look after his business would contribute to their advantage as well as the petitioners, made no opposition to the indulgence and the honourable Estates of Parliament were graciously pleased to Grant it; But the time of the Continuance of this benefite being almost expired the petitioner is necessitated again to make Application to His Grace and their Lordships and to shew that he has made no ill use of the favour and compassion that was granted him He humbly begged leave to represent that since that time he has payed thirteen thousand six hundred and fifteen pounds Scots to Whitehill and Craigforth two of the most preferable of his Creditors and five thousand to others which not only disburdens his effects of a considerable sum but shews his willing inclinations to do them all justice And now seeing its well known that the petitioners present circumstance has been occasioned more by his misfortune than fault, that his Creditors have been already cited, that most of them have consented to a supercedere and that a very few remain peevish and obdurate Therefore Craving His Grace and the honourable Estates of Parliament to take the premises to consideration and to prorogate his liberty to such a term as their wisdom should think requisite for settling the petitioners affairs to his and his Creditors satisfaction as the said petition bears. And Her Majesties said Commissioner and the Estates of Parliament having fully considered the said Petition And that the petitioner had caused call his Creditors in form of Law to the effect abovementioned And that the said Creditors this day called in the usual manner yet failed to Compare And being therewith well and ripely advised They Renewed and hereby Renew the Protection in favours of the petitioner untill the next Session of Parliament inclusive But on condition always of his doing justice to Daniel Campbell Merchant in Glasgow according to the nature of his debt.

PROCESS George Dundas against his Creditors Called and none Comparing a Protection to the next Session of Parliament inclusive was Granted to him as follows.

ANENT the summonds and action intimated and pursued before His Grace her Majesties high Commissioner and the Estates of Parliament at the instance of George Dundas Merchant in Leith against his Creditors aftermentioned viz. James Forrest Merchant in Leith Captain James Murray Merchant in Edinburgh for himself and as tutor for James Edmondson James Shearer Serjent in

Company in the Regiment of guards Marion Aitken relief of Alexander Henderson Robert Milne Maistone John Cleghorn present

Protection
in favour of
George Dundas
Merchant
Leith

Theaurer of Edinburgh M^r Robert Blackwood Merchant there Sir Thomas Moncreif of that ilk Captain John Broun skipper in Leith Adolphus Dorchams Merchant there Robert Muir Merchant there James Hay Writer in Edinburgh Sir John Schaw of Greenock Archibald Hamilton of Haggs Sir Archibald Stevenson Doctor of Medicine Mistris Anna Edgar indweller in Edinburgh James Anderdon Baxter there James Hamilton of Pencaitland Captain John Wightman Merchant in Edinburgh M^r John Spotswood Advocat M^r James Elphinstoun of Logie M^r Archibald Grahame late Bishop of the Isles Alexander Lindsay Merchant in Edinburgh Janet Mackgill relict of John Idington Writer in Edinburgh and Tutor for James Idington her son Alexander Glen Writer in Edinburgh Andrew Cockburn Cashier to the African Company for himself and as representing the directors thereof M^r George Pitcairn Commis-sar of Dundee and his Mother M^r James Pergu-sin Advocat factor for

Falconer of

Newtown John Earl of Lauderdale Sir John Lan-der of Fountainhall Sir James Murray of Philip-haugh Sir Robert Dundas of Arncliffe Sir William Hamilton of Whitelaw Sir James Fal-conar of Plesho Sir Colin Campbell of Aberuchill Sir Hugh Dalrymple of Northberwick Lord Pre-sident of the Session Sir David Home of Crofting Sir John Maxwell of Pollock Sir John Hamilton of Halescraig Sir Archibald Hope of Rankellor and Sir William Ainslie of that ilk Senators of the Colledge of Justice M^r John Halyburton Advocat William Boyd of Woodmill, Margaret Fowler re-lict of

Brand Baxter in the Canongate

Alexander Stewart of Torrence M^r John Birnie of Broomhill David Scot of Scotstoun Laurence Dunwoodie Merchant in Glasgow James Crauford of Montquhanie Dame Christian Dundas Lady Northbank Walter Steuart of Pardovan John Waugh present Dean of Gild of Linlithgow for him-self and in name of the Gildry there and John late Archbishop of Glasgow, The which Summonds maketh mention That where by the late Act of Parliament assent Protections It being Ordained that no protection be thereafter Granted without citation of the Creditors upon fifteen dayes and inserting their names and designations in the pro-tection And by a former Act of Parliament in the year 1701 and ninety five assent regulating Cita-tions before the Parliament It is ordained that Summonds and Warrands for citations before the Parliament shall in time of Parliament be granted by a deliverance of Parliament upon a hill to be given in by the party containing the matter of the cause or complaint signed by himself or an advocat for him And to be subscribed by one of the Six Clerks of Parliament and presented to the Lord Chancellor or President of the Parliament for the time or any of the Officers of State that the same may be by them put in courde And shall in

the recesses and intervals of Parliament be granted by deliverance of the Lords of Session upon a sum-mar citation to abide neither continuation nor roll in presentia upon a hill containing presented and subscribed as above and no otherways Which Summonds or Citations being granted summonds in her Majesties name shall be thereon directed in manner mentioned in the said act And the pursuer being refused to prosecute a protection against the said Creditors in the terms of the said Act of Par-liament and to obtain the same for the reasons fol-lowing viz. First Because the most of the distresses that are against the pursuer are not for any debts due by himself but only as Cautioner for Bonhard And yet for his said bail Creditors better security and payment he is content to assigne and dispose to them the sum of Twenty five thousand merks due by Bonhard to him and Bonhard having upon an disposition by him to his Creditors of his said Estate Applied to her Majesties high Com-missioner and right honourable the Estates of Par-liament for a protection to his person against his Creditors its humbly Conceived that the pursuer who is cautioner for him ought also to have a pro-tection for the said debts Secondly Considering that the said sum of Twenty five thousand merks due by Bonhard to the pursuer is all that he has wherby to satisfy them and the personal execu-tion against him will no wayes contribute towards their speedier payment and his retrieving said ab-sconding for fear thereof will rather incapacitate him to use that industry and follow such employ-ments as might happily redound to their mutual advantage in case he were at liberty to prosecute the same And Therefore Her Majesty and the said Estates of Parliament ought and should Grant a protection to the said pursuers person in the terms of and in manner mentioned in the Act of Parlia-ment above specified for the reasons and causes foresaid and others He Citing his said Creditors shewmen to hear the same granted or object thereagainst in manner and in the terms above and after mentioned And sent the Charge given by Masters and Messengers at arms to the said said forenamed persons defenders to have Com-peared before his Grace and the Estates of Parlia-ment at one certain day long bygone to have heard and seen decret and sentence given and pronounced in the said matter in manner above and under-written as in the said Summonds and Executions thereof more fully is contained After elapsing of the tyme to which the defenders were Cited to compare the said summonds was called in pre-sence of her Majesties high Commissioner and the Estates of Parliament upon the tenth of January 1701 and one years At which time the pursuer Comparing by M^r John Fairholme Advocat his procurator And the said defenders by M^r James Graham and M^r William Black Advocats their procurators the foresaid summonds was appointed

to be given out to be seen by the defenders procurators and was accordingly given out upon the said tenth day of January and seen and returned by the defenders procurators upon the seventeenth of the said month. Thereafter the foresaid action having lyeen over untill the twenty ninth of June 1704 and three there was intimation then made for the pursuer to the defenders procurators that he was to insist therein, and that they should not pretend ignorance thereof as an instrument under the hand of Patrick Murray Notar Publick bears. Afterwards there was a Petition to her Ma^{ty} high Commissioner and the Estates of Parliament given in for the pursuer Shewing that he the said George having had the misfortune not only of being a Creditor of Bonhards for the principal sum of Twenty five thousand merks, being the whole stock he had acquired for his own and families subsistence and provisions, But also was still more unfortunat in being Cautioner for him in several considerable sums amounting to above fourty thousand pounds Scots: Bonhard being distressed by his Creditors the pursuer was necessitat to retire and abscond and his whole stock is now evicted by arrests and adjudications. And he is rendered uncapable thet three years hygone to use that industry and follow such employments as might any wayes tend to procure a livelyhood to himself and family. In order to procure his liberty he did humbly mean himself to his Grace his late Majesties Commissioner and Estates of Parliament upon the Act of Parliament 1704 and ninety eight Assent protections and did Cite his Creditors to compare before his Grace and the honourable Estates of Parliament to hear and see protection granted to him for his person for such a time as should be thought convenient and that for the following reasons Primo Because the most of the distresses against him are not for any debt due by himself but only as Can^r for Bonhard. And yet for the pursuers said Creditors their better payment he is content to Assigne and Dispose to them his rights and adjudications for sums of money either properly due to himself or which he has obtained for his relief And seeing Bonhard is at present at liberty the Estate being sequestrat in a factors hand for the behoove of his creditors it is humbly Conceived that the pursuer who is Cautioner for him ought also to have protection for his Engagements. Secundo Many of the pursuers Creditors knowing that the Twenty five thousand merks due to him is all he has to satisfy them with, and that persequit Execution against him will no wayes contribute to their speedier payment but that his returing and absconding for fear thereof does rather incapacitat him from that industry and employment which might tend to their mutual advantage (in case the pursuer were at liberty to prosecute the same) did therefore Consent that his Grace and the honourable Estates of Parlia-

ment might grant the pursuer a protection for such a time as they should think fit as the signed Consent lying in process doth testify. And in regard that the process being now ready to be advised and that intimation is made thereof by way of instrument to the defenders advocates and that others of the pursuers Creditors have most unreasonably refused to give their consent Therefore Craving His Grace and the honourable Estates of Parliament to Compell the pursuers case and to cause call his foresaid summons for protection and to advise the same with the reasons abovementioned in order to grant him a personal liberty for such time and space as his Grace and their Lordships should think fit as the said Petition bears. Which Petition being upon the twenty third of September 1704 and three considered by his Grace her Majesties then high Commissioner and the Estates foresaid They appointed all parties Concerned to be ready to debate their Concern in the above cause the first diet the Parliament should be upon privat busines And there being upon the twenty fourth of August instant an Intimation for the pursuer again made to the forenamed procurators of his said Creditors that he was to insist in his said action for a protection as an other Instrument under the hand of the said Patrick Murray Notar publick fully bears. Thereafter the foresaid Action and Cause was upon the day and date hereof Called in presence of her Majesties high Commissioner and the Estates of Parliament foresaid. And they having heard the said Petition And that the said process at the pursuers instance against his Creditors being publickly Called at the great door of the Parliament house in the usual manner none Compared to object against the desire thereof And being therewith well and ripely advised They Granted and hereby Grant to the said George Dundas pursuer a Protection for security of his person against all legal diligences for civil debts due by the pursuer to his Creditors abovenamed called in this process untill the next Session of Parliament inclusive Declaring that this protection shall not defend against any diligence for Warrantice of assignments and dispositions granted by the pursuer to any of his said Creditors.

THE Account of the Tunnage, read, whereof, and of the Commissions remarks upon the tenors follow,

[Account of the Tunnage]

ACCOUNT of the Tunnage

By an unprinted Act anno 1695 there was Sixteen shilling imposed upon each tun of forreigne ships trading in this Kingdom and four shilling Scots on the tun of each Scots ship above twelve tuns burden.

This imposition commenced the first of August 1695 being appointed for carrying on an account

of the ancient and present state of this Kingdom and a Geographical description thereof by Captain Sleser and John Adair and was to be uplifted by the Collectors of the Customs who were made lyaible for their omisions as well as their introumissions.

Upon the first of September 1698 The Parliament did by a new act reduce the imposition of Sixteen shilling per tun on foreign ships to Eight shilling Scots per tun for encouragement to those who would Export coal and raised the foresaid imposition to twenty four shilling per tun to be Exacted from all other foreign ships arriving in this Kingdom upon the account of any other trade; This new imposition with the abovementioned four shilling on our own shipping was Continued five years to be applied for keeping up the three frigates belonging to the Government and for maintaining a Professor of Law at Edinburgh in so far as there should be an overplus in the tunnage more than what should be found due to John Adair and Captain Sleser.

CHARGE of the Tunnage upon the Collectors from the first of August 1695 to first of August 1698.

By Collections Twenty one thousand three hundred and thirty nine pounds - - -

£21339 — —

DISCHARGE,

For Printing Presses, Types, Paper, and other Charges for promoting the Geographical Description of this Kingdom by John Adair, Twelve thousand eight hundred & forty pounds - - -

£12840 — —

To Captain Sleser Four thousand eight hundred pounds - - -

4800 — —

To Sir Archibald Saintclair and Hugh Brown Three thousand three hundred pounds - - -

3300 — —

Balance resting by the Collectors Three hundred and ninety nine pounds - - -

399 — —

£21559 — —

This is the best Account the Commission can give to the Parliament of the Tunnage untill the year 1698 for tho nothing has been wanting in their part to the making up of a more exact Charge upon the Collectors by considering the report books belonging to the several Customs houses and the books of the Lights of May Island yet their endeavours have hitherto been unsuccessful However they have good reason to think that if

this fond had been rightly managed it had turned to a much better account.

The Commission has succeeded no better in their inquiry into the same from the first of February 1698 to the first of September 1703 Only by a modest computation and with respect to the first charge they apprehend that at least the sum of forty four thousand pounds ought to be charged upon the Collectors But they hoped there will be such measures laid down by Sir Andrew Home now General Collector of that fond as will prove effectual for giving the Parliament satisfaction.

They must likewise represent to the Parliament that four of their number did visit M^r Adairs work and told them it was far advanced and deserved encouragement.

THE Petition Alexander Nisbet read, and Recommended to the Commission for any fund can be found for him.

Recommendation in favor of Alex^r Nisbet.

MEMORIALS for M^r Adair & Captain Sleser with a Petition for Sir Robert Sinclair read, & Remitted to the Commission with preference to their respective interests conform to the Act of Parliament.

Result in favor of M^r John Adair Captain Sleser and Sir Robert Sinclair

AS to the Rests and Imbezements of the Tunnage Remitted to the Commission to Assist Sir Andrew Home to make the imposition effectual and to hear any representations thereunto and Recommended to the Lords of the Treasury and Exchequer to roup the same with the burden of his hygone salaries.

Result and Recommendation asent the Tunnage

ACT for an imposition on foreign ships in favors of M^r Adair to bear his Charge of finishing the maps and descriptions of the sea coasts and islands read, with the foresaid report of the Commission concerning the progress made by him; Ordered that in the Act there be inserted That he go on to perfect the sea maps in the first place and next the land maps and that the duty be twelve shilling on the tun and to endure for five years And then ordered a first reading to be marked on the Act.

[M^r John Adair]

THE Accounts of the Admiralty read, Whereof and of the Observations thereon the tenors follow.

[Accounts of the Admiralty]

THE ACCOUNTS of the Admiralty given in by Hew Cuningham.

CHARGE upon the Admiralty.

1st By Cash received out of the Pole money and otherways Two hundred and thirty seven thousand five hundred and fifty eight pounds, nine pennies - - - £237558 — 9

* From Sir Andrew Myretoun per the Theſauries precept in Sir George Hamiltons account Forty eight thousand pounds - -

48000 — —
£285558 — 9

DISCHARGE,

1st For providing ſhips of war and maintaining the ſame with other neceſſaries thereto belonging Two hundred and ſeventy three thouſand five hundred and fifty eight pounds, nine pennes - - £27558 — 9

2^d Given to Sir Andrew Myretoun twelve thouſand pounds - - 12000 — —
£285558 — 9

OBSERVATIONS on the Accounts of the Admiralty

1st That the firſt Article has been Conſidered by a particular Account and found fully infracted and applied for the uſes of the Admiralty.

2^d That the twelve thouſand pounds mentioned in the diſcharge as given to Sir Andrew Myretoun he retained the ſame for advancing thirty ſix thouſand pounds of the Theſaurys precept mentioned in the Charge.

3^d That conſiderable arrears are owing to the Seamen amounting to the ſum of Eighty four thouſand pounds or thereby.

UPON reading whereof The firſt Obſervation Sufſained The ſecond Obſervation Remitted to the Commiſſion to inquire thereant and to report.

THE Parliament having heard that part of the report Relating to the falſe Muſters which is as follows, That tho the ſtanding forces ſince the year 1698 were payed as compleat according to the Eſtabliſhments Yet by the Cheek Muſter rolls ſubſcribed by the Magiſtrats of the places where the Muſters were made it is evident that for the ſpace of ſome years thereafter the ſeveral Regiments and Companys were ſeldom or never compleat but deficient in conſiderable numbers The Commiſſion cannot poſitively Affirm who muſt be anſwerable to the Parliament for theſe abuſes the Muſter Maſter General being then out of the Kingdom who they doubted not is able to inform the Parliament better of this matter than they can Only in all humility they muſt repreſent that this deſerves the Parliaments conſideration that a right method may be fallen upon for preventing the like in time coming; And having alſo heard a Peti-

tion preſented by John Smith offering to diſcover the ſaid falſe muſters Who being called alleſſedged that Thomas Bruce general muſter maſter had received One hundred pounds Sterling and one man of each company of the Regiment in the garrion of Inverlochie to get their Muſter rolls compleatly given in which he offered to prove by Colonel Forbes and John Forbes Agent to the regiment, And of conſent of M^r Bruce John Forbes was examined and he ordered to produce his books on oath before the Commiſſion, And Remitted to them to meet to morrow at eight a clock to inspect the articles in the books and to call the ſaid John Forbes Colonel Forbes or any other who were officers in that regiment and to ſtate the whole articles relating to this affair and the manner of probation and by whom and to report to the Parliament.

PETITION The Earl of Marchmont Craving a ratification of a charter in his favors to be paſt, read.

[Earl of Marchmont]

REMITTED to the Commiſſion to inquire how far Kilmaronock and his partners were leaſed in their tack of the Excife and to report.

[Result in favors of Kilmaronock & partners]

ACCOUNT of the Arrears due to the Army for cleavings and clothing money from the firſt of November 1699 to the firſt of December 1700, read, which with the Obſervations thereon made by the Commiſſion of Parliament are as follows.

[Account of Arrears due to the Army &c.]

Resting to the Army from the firſt of November 1699 to the firſt of February 1691, Three hundred & ſeventy four thouſand four hundred & ſeventy ſeven pounds ſixteen ſhilling & nine pennes - £574477 15 9

From the firſt of February 1691 to the firſt of February 1693 One hundred & ſeven thouſand eight hundred and twenty eight pounds ſeventeen ſhilling - - 107828 17 —

From the firſt of February 1693 to the firſt of January 1698 One hundred and ſeventy one thouſand three hundred and twenty four pounds two ſhilling - - 171324 2 —

From the firſt of January to the firſt of July 1698 Forty five thouſand five hundred and ten pounds nine ſhillings - - 45510 9 —

From the first of July 1698 to the first of December 1700 Six hundred and thirty seven thousand one hundred and thirty two pounds, two shilling - - - - - 637132 2 --
£1336273 5 9

OBSERVATIONS upon the Arrears due to the Army

1st That if the forces had been payed according to their numbers as they were mustered a far less sum had been owing to them.

2^d That the Establishments were increased from time to time and no wayes proportionable to the funds appointed by the Parliament.

3^d That the deficiencies allowances and abatements in the tack duties of Excise gave occasion to the above mentioned arrears.

[Account mis-
applying the
funds]

OVERTURE for an Act anent the misapplying the funds, read.

[Account of
Cefs &c.
owing to
the Publick]

ACCOUNT of what is owing to the Publick of the Cefs Excise Hearthmoney Polemoney and Tunnage since the year 1689 to 1701, read, Which is as follows.

Rests of Cefs and Excise as per the Commissions observations on the second account, Seventy eight thousand one hundred and ninety two pounds - - - - - £78192 -- --

By the fractions of the Cefs omitted in the second account four hundred pounds - - - - - 400 -- --

By the Rests of Cefs and Excise as p^r the discharge of the fourth account, Forty nine thousand four hundred and forty seven pounds 49447 -- --

By Sir Thomas Moncrief to account of the Civil List Threty three thousand one hundred and twenty eight pounds ten shilling - - - - - 33128 10 --

By Sir Thomas Kennedy of his tack duty of Excise Twenty two thousand four hundred and sixty four pounds - - - - - 22464 -- --

By Broomhall as the balance of the fifth account sixteen thousand one hundred and forty pounds eight shilling - - - - - 15140 8 --

By the Duke of Queensberries bonds Forty two thousand one hundred and forty four pounds - 42144 -- --

By the late Duke of Argylls bond nine thousand four hundred and thirty seven pounds four shilling - 9437 4 --

By Colonell Hamiltons bond five hundred & eighty eight pounds - 588 -- --

By the fractions of Cefs omitted in the Sixth Account one thousand and three hundred pounds six shilling - - - - - 1300 6 --

By rests of Cefs and Excise not carried to any subsequent account as p^r the observation on the seventh account Twenty thousand one hundred & four pounds five shilling - 20104 5 --

By fractions of Cefs omitted in the seventh account Two thousand four hundred pounds - - - - - 2400 -- --

By Baillie Meinzie and Captain Wood of their tack duty of Excise Three hundred and forty eight thousand pounds - - - - - 348000 -- --

By the fractions of Cefs omitted in the Eight Account One thousand eight hundred & forty six pounds 1846 -- --

By the Collectors of the Pole 1693 Fifty five thousand six hundred and seventy pounds sixteen shilling - 55670 16 --

By Jerviswood of the Pole 1695 Four thousand three hundred and fifty pounds sixteen shilling - - 4350 16 --

By the Tacksmen and partners of the Pole 1695 untill four Articles of their Accounts be instructed Twenty six thousand three hundred & seventy six pounds - - 26376 -- --

By the Tacksmen of the Pole 1698 Thirty eight thousand and seventy seven pounds four shilling - - 38077 4 --
£749066 9 --

Besides these Defts owing to the publick there will be considerable sums resting out of the Hearth money and Tunnage these funds not being brought as yet to any distinct charge.

General
Remit to the
Commission
about the
Publick
Accounts.

UPON reading of which Account The first three Articles Remitted to the Commission to inquire if these that were receivers at that time Received these balances and the Lords of Treasury Ordered to raise process against the deficients, The fourth Article with the Abbreviat given in for exhausting the same Remitted to the Commission, The fifth Article Remitted to the Commission, As to the payment of the sums in the Duke of Queensberies and late Duke of Argyle bonds Remitted to the Commission to hear their defences and to divide amongst the officers who had right to these funds out of which these sums were borrowed what shall be found due; As to Colonel Hamiltons bond the Contents thereof cleared formerly; As to all the fractions of Cels omitted, the quota to be kept up and the Collectors lyable, And what is omitted in general Remitted to the Commission to inquire thereunto and to report.

THE Parliament Declared they would consider Sir William Meinzie's petition next Sederunt.

Remit to the
Commission
concerning
the Lord
Bellhovens
tack duty.

MOVED That inquiry be made asent the arrears of the tack duty of the Lord Bellhovens tack in the terms of the deliverance of Parliament thereunto in his favors. And the question being stated whither to Remit the same to be determined by the Lords of Exchequer or to the Commission of Parliament to make inquiry and report against the next Session of Parliament, and Carried Remit to the Commission.

THE Lord Chancellor by order of the Lord high Commissioner Adjourned the Parliament till to morrow at ten a clock.

AUGUST XXVI, M.DCCXV.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THE process the Laird of Clackmannan against his Creditors being called and none of them Comparing protection was granted to him to the next Session of Parliament inclusive, in manner following.

Protection
in favor of
the Laird
of Clack-
mannan

ANENT the summons and action raised and pursued before the high Court of Parliament at the instance of David Bruce of Clackmannan merchant in Edinburgh M^r Thomas Learmonth Advocate Margaret Williamson only lawful daughter and heir to the deceased James Williamson only lawful son and heir to the deceased John Williamson of Barnhill Charles Milne Writer to the Signet lawful son to Robert Milne of Balfarg as repre-

senting the deceased Walter Weir Merchant in Edinburgh

Murrays lawful Children to umq^d M^r Patrick Murray Minister at Stirling William Row eldest lawful son to umq^d James Row of Cheshers

Murray of Poltoun as representing the deceased John Johnstoun lately one of the Baillies of Edinburgh his father in law William Angus in Bruntisland as representing the deceased Patrick Angus there James Ged skipper there as representing the deceased Patrick Ged there William Robertson Merchant in Edinburgh John Earl of Mar Sir John Shaw of Greenock

Lundie of Glafweil Agnes Simpson relict of George Bervie Maltman in Kirksaldie George Bervie their son and Agnes Bervie relict

of the deceased Henry Boiswell late Provost of Kirksaldie as representing the said umq^d Henry Boiswell Andrew Mitchell in Easter Gellies as heir and representing the deceased Andrew Mitchell

his father John Watson of Dunkeir James Campbell of Gargunnoch James Kenneway in Kinroes Alexander Dick taxter and as Treasurer of the Queensferry James Moodie in Thos Carls of Alloway as representing umq^d Robert Miller there

William Burd present Treasurer for the Gildry of Stirling William Aitkine present Master to Cowans hospital there William Murray present Master to Spittells hospital there Patrick Stevenson present Treasurer to the Kirk Session there

Christopher Russell son and apparent heir to umq^d Robert Russell late Provost there James Campbell of Dollar and Isobel Morris his spouse Margaret Edie spouse to John Cowie merchant in Dum-

ferry and the said John for his interest Elizabeth Edie spouse to David Edie present Treasurer there and the said David for his interest as representing the deceased Henry Imes Weaver there

Isobel Bennet relict of the deceased William Cous-toun of Barhill Sarah Wilson lawful daughter to William Wilson at the Walkmill of Crombie John Smeiton son to umq^d Thomas Smeiton in Alloway

as representing James Mitchell in Alloway M^r Robert Wright [Minister at Culrois] John Anderfous elder and younger in Wester Gellies John Morrison baxter in Alloway as representative to

Steven there Robert Fergusson servitor to the Earl of Mar as representing Daniel Ferguson taylor there John Kirk Treasurer to the Kirk Session there William Henderson as representing umq^d

Thomas Henderson of Whitehill John Dempster in Townhead of Alloway as representing umq^d James Dempster there John Scotland in Wester Saline as representing umq^d Robert Gib and Margaret Gib his daughter there Charles Keirle of Gogar for himself and as representing M^r Robert Bruce of Woodside and his sisters William Galloway Wright in Edinburgh as heir to umq^d William Galloway in Jellman in Alloway John Cal-

ender Collector or Surveyer in Borroughfouness Elspeth Spowart relict of John Savers in Alloway

and John Sawers her son as representing umq^h Margaret Steven her mother there John Anderson in Kinrossine as representing James Anderson there Margaret Richardson relict of umq^h Collis Oliphant in Bruntisland and Oliphant her daughter Beatrix God relict of James Bruce Messenger there David White in Clackmannan Walter Rob in Balwhain Sir William Bruce of Stainhouse James Bruce of Powfouls John Wordie of Torbrex David Douglass son to umq^h Hary Douglass in the Gellies George Currie in Princescot James Huttoun in Corffoord as representing the said umq^h Hary Douglass John Macon in Alloway and Isobell Fotheringham his spouse Thomas Scotland in Wether Dollarbeg Captain John Bruce in Clackmannan Lieutenant Hary Bruce in Sawchie M^r Charles Bennet in Easter Livelihoods son to umq^h M^r George Bennet Minister at Saint Meneas Robert Scotland in Clackmannan Kathrine Bruce daughter to umq^h John Bruce Merchant at Dundie John Robertson son to umq^h M^r John Robertson late Baillie of Haddington as representing the deceased John Robertson Writer in Edinburgh Sir James Justice one of the principal Clerks of Council and Session as representing Baillie Justice James Baird Writer to the Signet as representing John Anderson Writer there M^r John Meinzie of Cambo Advocate for himself and as representing William Reid Merchant in Edinburgh William Bennet younger of Grubbet and Hay his Lady as representing Sir David Hay Doctor of Medicine Alexander Drummond Writer in Edinburgh as representing the deceased M^r Alexander Drummond Writer in Edinburgh his father William Broun of Dalgozie lawful son to and as representing M^r James Broun Archibald Sydeserf now of Ruchlaw lawful son to Archibald Sydeserf of Ruchlaw James Lafrise Writer in Edinburgh as representing the deceased M^r James Caithness Writer in Edinburgh his father in law Walter Young Merchant in Edinburgh James Guthrie Merchant in Edinburgh M^r Thomas Rig Advocat William Patoun of Panholls Writer to the Signet for himself and as representing the heirs of Alexander Gay late depute Town Clerk of Edinburgh Doctor Alexander Brown as representing the deceased James Kello Writer there Sir Robert Sinclair of Longformacus Gilbert Fyfe Merchant in Edinburgh Mistress Kathrine Binning relict of and as representing umq^h Scot of Bawlaw M^r George Douglass eldest lawful son to umq^h Henry Douglass Writer in Edinburgh his father Patrick Williamson Vintner in Edinburgh as representing the deceased Thomas Littlejohn taylor there Margaret Gih relict of umq^h M^r George Jolly Merchant in Edinburgh Thomas Mackbrayer indweller in the abbay of Holyrudehouse Jean and Margaret Mackbrayers Children to the said Thomas as representing umq^h James Gih Merchant and Vintner in the Canon-

gate Gilbert Kirkcotton Writer in Edinburgh Ker of Morfoun John Kennedy Apothecary in Edinburgh as representing the heirs of William Ramsay indweller there Agnes Williamson spouse to Alexander Coustoun putther there Captain John Bruce of Woodside Margaret Henderson relict of David Hodge indweller in Leith Agnes Law daughter to umq^h Law Goldsmith in Edinburgh and as heir to her said umq^h father M^r George Shaw Advocat John Viscount of Stair M^r William Dalrymple of Glenmure M^r Roderick Mackenzie of Prestounhall M^r John Buchanan Writer in Edinburgh and Christian Wright his spouse Mary Craisinght relict of M^r Robert Wright Minister at Clackmannan Mary Wright relict of James Bruce Merchant in Alloway Patrick Pitcairn younger of Pitlour as representing the heirs of Archibald Wilson late Baillie in South Queensferry William Bruce of Newtown Alexander Bruce his son Alexander Inglis Merchant in Edinburgh Charles Craisinght of Woodside David Bruce Apothecary in Edinburgh Gavin Hamilton one of the depute Clerks of Council and Session Patrick Blair Writer in Edin^r Robert Boyd Writer there John Wright of Kerley Rebecca Pringle spouse to Renben Mackreuben periwigmaker in Edinburgh and him for his interest as representing David Pringle Chirurgeon there Sir Andrew Ramsay of Wauchton M^r David Blair Minister of the gospel at Edinburgh and John Blair Writer there his brother German as representing the relict of M^r Robert Blair late Minister at Saint Andrews Alexander Gray Merchant in Edin^r as representing Alexander Cruickshanks Merchant there John Edgar lawful son to umq^h Thomas Edgar Chirurgeon there as representing his said umq^h father, George Suttie lawful son to umq^h James Suttie Merchant in Edinburgh as representing umq^h M^r George Suttie and Sutties his Children Alexander Aikenhead Writer to the Signet David Plenderleith Writer there George Lockhart of Carnwath as representing umq^h Sir George Lockhart of Carnwath his father Kathrine Hamilton relict of umq^h M^r Alexander Dunbar Writer to the Signet and Ronald Dumber his son as representing the deceased M^r James Danbar Minister of the gospell William Murray of Haldan Sir James Macklurg late Dean of Gild of Edinburgh Lieutenant Colmell James Bruce of Kennet Alexander Milne of Carriden Sir Robert Milne of Barmton M^r George Campbell Merchant in Edinburgh William Eccles Doctor of Medicine Francis Bruce Writer in Edinburgh John Sharp of Hoddam Murray of Melgum as representing Alexander Murray of Prestounfield Sir James Hall of Darglath as representing Sir John Hall of Darglath his umq^h father Patoun son to umq^h William Patoun late Baillie of Edinburgh as representing the deceased Archibald Patoun Merchant there and his spouse and against the

Tutors and Curators of such of the forenamed persons as are minors if they any have for their interests The which summonds maketh mention That where it hath been the pursuers misfortune to have lost his Estate and become insolvent partly through his haveing unadvisedly entered himself heir to his father believing his debts far within the value of his estate the pursuers father left him By which mistake the pursuer continued to bestow very considerable sums of money for sitting out and putting in good condition the coals of Clock-makers and Sauchie Which though at the beginning they did not answer the pursuers expectation yet is now found to be most beneficial to his Creditors Secundo As soon as the pursuer knew his insolvency he disposed his whole Estate to his Creditors and they or their factor have ever since been in possession thereof, Tertio The pursuer has obtained consent from the most considerable of his Creditors and only some few out of humour do persist to Execute legal diligence against him to no other effect possible but to vex him and ruin his person after he has diverted himself of all his Estate for their satisfaction And in that case the allowing the pursuer a freedom for his person is most consistent with Law. And asent the charge given to the said hail Defendants and the Tutors and Curators of such of them as are minors if they any have for their interests to have Compared before the said Estates of Parliament at a certain day now hygone to have answered at the pursuers instance if they have just cause to allowedge why the pursuer should not have the benefite of a Protection from the rigour of his said Creditors for such time as should be thought requisite With Certification if they faildging Protection would be granted to him in manner foresaid as in the said Summonds and Executions thereof is more fully expressed The said pursuer Comparing by Sir John Erskine Advocat his procurator And there being no Comparance for the defenders the foresaid Summonds and Executions thereof with the absence of the defenders being at length heard seen and considered by her Majesties High Commissioner and the Estates of Parliament and they being therewith well and ripely advised Our Sovereign Lady with advice and consent of the said Estates of Parliament has Given and hereby Gives Protection to the pursuer from personal diligence for civil debts untill the next Session of Parliament inclusive Because after elapsing of the diets of comparance to which the said defenders and the Tutors and Curators of such of them as are minors were lawfully Cited by several Messengers at arms by vertue of the said Summonds to have Compared before the said Estates to the effect and with certification as is above expressed The said Summonds was on the second of August 1704 vijr and three and thereafter also on the nineteenth day of July last bypass Called in the usual manner by a Master at the

patent gate of the Parliament house after the opening thereof and before the fitting of the Parliament where the pursuer comparred by his procurator abovenamed but the defenders faildging to Compare as said is And the said Summonds and Action being this day again called in the accustomed manner and none of the defenders Comparing Therefore and upon advising the whole proceed Protection was Granted to the pursuer in manner and endurange the time abovementioned.

THE Ratification in favours of the Earl of Marchmont of his Charter, pass, Of which Ratification the tenor follows.

RATIFICATION in favours of Patrick Earl of Marchmont and Patrick Lord Polwarth his son of the Barony of Marchmont.

OUR SOVEREIGN LADY with the special advice and consent of the Estates of Parliament Ratifies Approves and perpetually Confirms a Charter pass and expedie under her Majesties great Seal of this Kingdom of the date at Saint James the last day of January 1704 vijr and four years Granted by her Majesty with Consent of the Lords and others Commissioners of her Treasury and Exchequer for the time to and in favours of Patrick Earl of Marchmont in liferent and to Patrick Lord Polwarth his eldest lawful son and the heirs male to be procreat of his body Which faildging to the heirs male of the said Patrick Earl of Marchmont of his marriage with the deceased Dame Grissell Ker Which faildging to the said Earl his nearest lawful heirs male whatsoever Which also faildging to his nearest lawful heirs female the eldest succeeding alwayes without divison Which also faildging to his nearest lawful heirs and assignees whatsoever heretahly and irredeemahly With and under the express provisions and conditions therein and after mentioned Of all and hail the Lands Mills Milllands Baronies teinds parsonage and viccarage rights of patronage and others particularly under written vij. All and hail the half of all and hail the Lands of Polwarth to wit the half of the Town of Polwarth and mill thereof called the mill of Reidbraes containing the West Maines of Polwarth called Reidbraes with mannor place houses higgings yards orchyards parts pendicles annexes connexa tenents tenandries service of free tenents with all their pertinents lying within the Sherifdom of Berwick formerly united in one hail barony called the Barony of Reidbraes All and hail the other half of the said lands of Polwarth called the East half thereof with mannor place corn mill dovecost and pertinents thereof and the advocation donation and right of patronage of the paroch kirk of Polwarth and all privileges and

pertinents belonging thereto lying within the said Sheriffdom of Berwick formerly conquest and acquired by the deceased Sir Patrick Home of Polwarth Knight and Baronet from amq^r Sir David Home of Wedderburn and lately disposed by George Home now of Wedderburn in favors of the said Patrick Earl of Marchmont then designed Sir Patrick Home of Polwarth All and hail the Lands of Hardens above and below the water thereof The Lands of Ferrieswalla with parts pendicles and pertinents thereof All and hail the Lands of Birgemshiells extending to thirty merk land with parts pendicles annexis comexis and pertinents of the same whatsoever And sicklike all and hail four husband lands of Rafterlawa of Whitsonne with annexis comexis and pertinents thereof all lying in the said Sheriffdom of Berwick All and hail two husband lands in the Town and territory of Groden with the pertinents called Bankhead lying within the said Sheriffdom And all and hail the Lands of Halthaw with parts pendicles and pertinents of the same lying within the Bailliary of Lauderdale and Sheriffdom foresaid All and hail the Lands of Vigorushaugh with the filings thereof upon the waters of Tweed and Teviot The lands of Brodyards with the dovecoat thereof The lands of Horsemereat together with a husband land in the town of Cesford with all and sundry parts pendicles annexis comexis tenants tenandries service of free tenants and all their pertinents lying within the Sheriffdom of Roxburgh all formerly united and incorporated in one baili and free Barony called the Barony of Polwarth whereof the Town of Polwarth is ordained to be the principal Burgh and is Erected in a free Burgh of Barony with all liberties immunities commodities and casualties of a Burgh of Barony With free power to the said Earl and his foresaids of choosing and creating yearly Baillies Clerks and Officers for governing the said Burgh and of keeping therat a weekly mercat every Tuesday and two yearly fairs one upon the twenty fourth day of August and the other on the thirteenth day of January conform to a Charter thereof under the Great Seal dated the twenty fifth day of June Oe thousand six hundred and sixty nine And sicklike All and hail the Lands of Greenlaw Reidpeth with tower fortalice manor place houses higgings common muir mills miltures annexis comexis parts pendicles and pertinents of the same The lands of Broomhill Blasenbruid with the pertinents The Lands of Greenlaw dean with manor place mills milllands and affrieted miltures thereof The lands of Polkhaugh Blasenbruid alias Blasenberrie with the pertinents The lands of Radfield Whiteside Tonendrie Markworth and Claydish with the pertinents The Mains of Greenlaw and Kirklands thereof The Town and Burgh of Greenlaw with the teind shaves thereof included all united and erected in one free Barony called the Barony of

Greenlaw Reidpeth With all and sundry privileges liberties and immunities whatsoever granted by his deceased Majesty and his predecessors in favors of amq^r Sir George Home of Spot or any of the predecessors or authors of the said Patrick Earl of Marchmont and fully expressed in the charters and other rights thereof And specially with full power and liberty of holding a weekly mercat in the said Burgh and Town of Greenlaw every Thursday and two yearly free fairs one thereof to begin yearly on the first Thursday of June and to continue two days and the other to begin the last Thursday of October and to indure the like space With all and sundry liberties privileges immunities tolls customs emoluments casualties profits and duties of the said weekly mercat and yearly fairs and with the advocacion donation and right of patronage of the paroch kirk and parochine of Greenlaw as well parsonage as vicarage And also all and hail these two husband lands in Elvetlaw and two Cottage Lands in Greenlaw with all and sundry houses higgings yards parts pendicles and pertinents of the same all lying within the said Sheriffdom of Berwick Which husband lands and two cottage lands immediately abovement are united and annexed to the said Barony of Greenlaw Reidpeth, All and hail one husband Land lying in the Town and territory of Beinftoun with houses yards & pertinents lying in the Constabulary of Haddingtoun and Sheriffdom of Edinburgh formerly possessed by Thomas Angus of Haprig And further of all and hail the Lands of Rowanftoun with houses higgings yards orcheyards tofts crofts parts pendicles and pertinents thereof tenants tenandries and service of free tenants of the same lying within the parochine of Greenlaw and Sheriffdom of Berwick foresaid. Which Charter proceeds on the resignations of the said Patrick Earl of Marchmont and Patrick Lord Polwarth respective With and under the fil provisions and conditions afterspecified viz. Providing that the said Patrick Lord Polwarth and the rest of the heirs male and substitutes succeeding to the said Lands and Estate by vertue of the tailzie abovementioned shall be bound holden and obliged to name and designe themselves by the Surname of Home only and to bear the Arms and Armorial Coat of the family of Marchmont And also that if it shall happen (by the fallour of heirs male) the foresaid female heirs to succeed by vertue of the abovementioned tailzie to the Lands and Estate abovementioned In that cais the female heir so succeeding shall be bound and obliged to be married to a Noldeman or Gentleman of the Surname of Home or who with his heirs that shall succeed to the said Lands and Estate by vertue of the said tailzie shall assume the said surname and bear the arms and armorial coat of the said familie of Marchmont And sicklike providing that it shall not be lawful to the said Patrick Lord Polwarth

nor others the heirs of tailzie abovewritten or any of them to do directly or indirectly any fact or deed to frustrate break innovat or change the said tailzie in order of succession and with the provisions and conditions above expressed And if it shall happen the said Patrick Lord Polwarth or any of the heirs of tailzie above specified to fail in the exact and punctual performance of the forsd conditions or to do directly or indirectly any fact or deed contravening the same In that case and upon every such event the Contraveener shall by so doing loose his right to the said Estate And the same shall devolve accrete and pertain to the next immediat heir of tailzie under the provisions and conditions above expressed and that simply by way of exception without any declarator To which next immediat heir it shall be lawful to cognosce and serve himself heir in special either to the Contraveener or his immediat predecessor who died last infest and thereupon to obtain himself duly & lawfully infest and seised in the said Lands and Estate without being any ways lyable to the debts or deeds of the Contraveener And lastly providing that it shall be leifum and lawful to the said Patrick Earl of Marchmont himself to sell and dispose the said Lands and Estate and to Contract and take on debts upon the same and to grant as he pleases rights and securities for the same without consent of his said son or any others the heirs of tailzie abovewritten sicklike as if he were absolute far thereof altho the same be provided to his said eldest son and the heirs of tailzie above specified, By which Charter her Majesty with consent foresaid Dijoins the said Lands Baronies Mills Mill lands teinds rights of patronage and others foresaid with the pertinents from all and whatsoever Lordships Baronies Regalities and other jurisdictions whatsoever to which the same were formerly united And of new Unites Erects and Incorporates the same in one hail and free Lordship and Regality with Chappell and Chancellary to be called now and in all time coming The Lordship and Regality of Marchmont with full right privilege and jurisdiction of Chappell and Chancellary And sicklike of Judiciary within the hail bounds of the said united Regality and Makes and Constitutes the said Patrick Earl of Marchmont during his life and the said Patrick Lord Polwarth and the heirs male and of tailzie above specified under the conditions and provisions above expressed heretable Lords of the said Lordship and Regality Giving and Disponing to them the foresaid Regality and jurisdiction with free chappell and chancellary right and privilege of Judiciary and all and sundry privileges immunities casualties honors dignities emoluments and liberties whatsoever pertaining thereto to be possessed and enjoyed by them sicklike and as freely in all respects as any other Lord of Regality within this Kingdom possesses or enjoys or can possess and enjoy by virtue

of the Laws and Constitutions thereof With Power and Commission to them by themselves and their Bailies and Deputes to hold fence and continue Courts of Regality within the bounds thereof or any part thereof for administration of justice and to Create and Elect all members of Court and to Ensit and Direct in their own names as heretable Bailies of the said Regality all Citations Precepts Brieves Edicts and Proclamations and others for serving heirs and administration of Justice in all causes civil and criminal And with power to them and their Bailies depute substitute and Clerks, (and no others) to give infestment by virtue of precepts forth of the Chancellary upon the said services and retours And also with power to them to Conven before them all delinquents and transgressors within the said Regality and to incarcerate fine and adjudge them and to uplift and apply to their own use the amercements forfeitures effects fines and bloodwites of the said transgressors and delinquents And sicklike to Replede all and whatsoever persons dwelling and residing within the said Regality from all other Courts and Jurisdictions to which they shall be cited And to administer justice in all Causes Civil and Criminal (the Crime of Lese Majesty only excepted) And to cause lawfully Execute their sentences And to uplift assigne and dispose the Liferent Estates and forfeitures of all persons who shall be guilty within the said Regality of the crimes foresaid or any of them or who shall happen to be denounced rebels which liferent estates and forfeitures are by the said Charter given and disposed to the said Earl during his life and to his said son and their forewids fur ever By which Charter also the Town and Burgh of Greenlaw is ordained to be the head Burgh of the said Regality in all time coming and is thereby Erected in a free Burgh of Regality And all Proclamations Denunciations and Executions of Hornings Inhibitions Appraisings Publications and Interdictions Breives and others within the said Regality are ordained to be Execute at the merest cross of the said Burgh and all services of Breives Regifications of Hornings Inhibitions Publications and Interdictions and others within the said Regality are ordained to be done and performed at the said Burgh as the principal and head Burgh of the said Regality in all time coming And her Majesty does thereby Give and Commit to the said Earl during his life and after his decease to his said son and the heirs above specified of Electing and Naming yearly Magistrats Clerks Serjants Officers and other members necessary for government of the said Burgh And of making and creating within the same free Burghes with power to sell huy and trade in wine wax salt cloth and all other merchandise and commodities whatsoever and of having there all sorts of mechanicks and tradesmen and of keeping two new yearly fairs one upon the first Thursday of June and the other

on the last Thursday of October each of them to continue two dayes With the tolls cutomes privileges and immunities thereof besides the other two fairs formerly allowed to be holden there And her Majesty does furdur by the said Charter Decern and Ordain the Castle of Reidhres to be the principal Mefunge of the Barony of Reidhres and one Saffine to be taken thereat by delivery of earth and stone to be sufficient for the said hali Barony and one Saffine fo to be taken at the mercat crofs of the Toun of Polworth to be sufficient for the said hali Burgh and Barony of Polworth and one Saffine fo to be taken at the mid Castle of Greenlaw to be sufficient for the said hali Barony of Greenlaw and the said husband land lying in the said territory of Beinfoun and for the said Lands of Rowanfoun with the pertinents Which husband Land in Beinfoun and lands of Rowanfoun with the pertinents are thereby united and annexed to the said Barony of Greenlaw for ever And one Saffine to be taken at the mercat crofs of Greenlaw to be good and sufficient for the said hali Regality comprehending the hali Lands Baronies teinds mills mill lands rights of patronage office of Bailiary of the said Regality With all and sundry privileges pertaining thereto notwithstanding the same ly difcontigues Which hali Lands Baronies teinds mills mill lands rights of patronage and others particularly abovementioned all lying and designed in manner above exprefsed and all now United and Erected in an hali and free Regality called the Barony of Marchmont are by the said Charter of new Given and Disposed to the said Patrick Earl of Marchmont in liferent and to the said Patrick Lord Polwarth and their forefoids under and with the provisions and conditions above exprefsed heretabily and irredemably To be Holden of her Majestie and her fuccessors in fee and heretadg for ever For yearly payment of taxward blench and few duties respective mentioned in the said Charter And her Majesty with advice and content of the said Estates of Parliament Ratifies Approves and perpetually Confirms the precept of Saffine contained in the said Charter and the Infrument of Saffine following or competent to follow thereon in the hali heads articles and clauses of the said Charter Precept and Saffine after the form and tenor thereof And Wills and Grants and for her Majesty and her Royal fuccessors Statutes and Ordains that the same shall be conform to the tenors of the same good valid and sufficient rights to the said Patrick Earl of Marchmont and Patrick Lord Polwarth and their forefoids for bruicking and enjoying in all time coming without stop or impediment the forefoid new erected Regality comprehending the particular Lands Baronies & others abovementioned in liferent and fie as is above exprefsed And Declares that the samen Charter Precept and Saffine shall never in time coming be quarrelled by her Majesty or her fuccessors And

that this present Ratification is and shall be of as great force strength and effect to all intents as if every word of the foresaid Charter and Precept and Saffine hereby ratified were insert herein With the not inserting whereof and with all other objections and imperfections that may be alledged against the same or this present Ratification of the same Her Majesty with Consent foresaid Dispensed and hereby Dispenses for ever.

THE Act for the imposition on all foreign ships read the second time And after several Amendments made thereon It was put to the vote Approve or Not and carried Approve and Touched with the scepter by her Majesties high Commissioner in the usual manner, Of which Act the tenor follows.

ACT for an Imposition on Foreign Ships that come into this Kingdom, for bearing the charges of finishing the Maps and description of the Sea coasts and Isles, &c.

OUR SOVEREIGN LADY with advice and 9
consent of the Estates of Parliament Statutes and Ordains That as a fund for Completing the Sea and Land Maps and other ends aftermentioned Twelve shilling Scots be exacted for ilk voyage of every tun of all ships and vessels not belonging to persons residing in Scotland that shall come in to any port or road within this Kingdom and shall there load unload or break bulk above one hundred pounds Scots value for provisions to be payed in to the Collectors of her Majesties Cutomes and applied at the sight of the Lords of the Treasury for paying such sums as shall be found refing to John Adair Geographer for such maps as are already compleated and for defraying his expences and for his pains in finishing the maps and descriptions of the hali sea coast and islands of this Kingdome and then for finishing the land maps in the first place And for paying of the yearly Salary of Twelve hundred pounds due to the Judge of the Admiralty in the second place and the superplus (if any be) to the payment of One thousand eight hundred pounds yearly to Mr Alexander Cunninghams Professor of the Civil Law and to Captain John Sleser for the ends mentioned in the eighteenth Act seventh Session of King Williams Parliament entituled An Act unent the Tunnage And in the last place to Mr Alexander Nisbet to enable him to publish his Treatise of Herulbry And her Majesty with advice and consent foresaid Ordains this Imposition to Commence from the first of September this present year and to endure and be uplifted for the space of five years thereafter by the Collectors of her Majesties cutomes at the several ports for the space foresaid, who with their Cautioners are

herely Declared lyable for the said imposition in so far as the same shall not be faithfully and punctually uplifted and payed in by them And moreover Ordains the said Collectors & their deputies to enter the names of the Masters ships and burden in the report books of the several Customs offices and Give the said John Adair subscribed Lists thereof as the ground of their charge every year And appoints the same Execution against all persons lyable in payment as is usual for the Queens customs And finally Her Majesty with advice and consent forefild Grants full Power and Warrant to the Lords Commissioners of her Majesties Treasury to Let in tack the forefild duty of tunnage at any time during the space foresaid With power to the Tacklinen to appoint Collectors of their own naming or to make use of the Collectors of the customs as they shall think fit The said Collectors and their Cautioners being alwayes bound as above.

since there is no sufficient documents but only copies of papers produced, Her Majesty be addressed to send to the next Session of Parliament the principal papers relating thereto And it was Resolved nemine contradicente That there be a draught of an Address brought in from the Parliament to the Queen to lay before the next Session of Parliament all the principal papers relating to the Plot and to find the evidences persons and witnesses to appear at the next Session of Parliament.

THE Lord Chancellour by order of the Lord high Commissioner Adjourned the Parliament till Munday next at ten a clock.

AUGUST XXVIII, M.DCC.IV.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

ORDERED That the Two Captain Drummonds have preference for their arrears as is contained in the Minuts of the date the twenty third instant.

[Captains Drummonds]

THE Address to be sent to her Majesty read And after several amendments made thereon It was put to the vote Approve or Not and carried Approve, Of which Address the tenor follows.

May it please your Majesty
WE your Majesties most loyal and faithful Subjects, the Noblemen Barons and Burgesses convened in Parliament humbly represent to your Majesty our great disappointment in not having the original papers concerning what was called in England by the House of Peers The Scottish Conspiracy laid before us and the persons who were Examined in that matter sent hither for which there was application made in the beginning of this Session, We therefore in all humble duty lay before your Majesty the concern of the whole Nation in this affair, In which the intermeddling of the House of Lords having been declared by a resolve in this Session to be an encroachment upon the independence of this Nation and your Majesties prerogative as Queen of Scotland We make it our most humble request to your Majesty That you will in your great wisdom take such measures as may effectually prevent all such like meddlings for the future.

Address by the Parliament to Her Majesty

WE also take leave to offer to your Majesty as our opinion that nothing can obstruct more our coming into the measures that have been recommended by your Majesty in relation to the suc-

Remit to the Commissioners concerning John Smiths complaint against the General Muster Master

THE Parliament having heard the Report of the Commission to whom it was Remitted to inquire further into the complaint given in by John Smith against the General Muster Master and they being both present John Smith Craved that John Forbes agent to Colonel Hills Regiment then in the garison of Inverlochie might be examined on the interrogators given in by him Who being called was examined; And thereof the further inquiry in this whole affair both in that regiment and all the other regiments since the time the General Muster master got his Commission and all the muster masters deputies and agents for the regiments since the Revolution Remitted to the Commission With power to them to call and examine Witnesses and likeways to call for papers writs and documents for clearing this whole matter and to report next Session of Parliament.

Remit in favour of Lieutenant Smith & Cornet Henry Montgomery

PETITIONS Lieutenant James Smith in the Garison of the Castle of Edinburgh and Cornet Henry Montgomery who served in the late Earl of Eglingtons troop of light horse, Craving arrears due to them Read and Remitted to the Commission.

[Public funds]

ACT anent the misapplying the publick funds read, and a first reading ordered to be marked thereon and to be printed.

[Arming the Country]

ACT for arming the Country read, and a first reading ordered to be marked thereon and to be printed.

[The Plot]

THE Parliament proceeded to take the affair of the Plot into consideration; It was moved that

cession than the House of Lords their proceeding to make any more encroachments of that nature.

THEREFORE We do humbly intreat your Majesty That all the persons and papers relating to that affair that have been examined in England concerning this Plot may be sent hither at the meeting of the next Session of Parliament that this matter may be examined to the bottom And those who are unjustly accused may have right done them And those who are guilty punished according to their demerits.

Subscribed in presence By warrant
and in name of the Estates of
Parliament By

May it please your Majesty

Your Majesties most humble most obedient
and most faithful Subject and Servant

Sic subscribitur SEAFIELD Cancellor.

Edinburgh

I. P. D. P.

August 28th, 1704.

AFTER which Her Majesties high Commissioner made a speech to the Parliament as follows.

My Lords and Gentlemen

YOU have now sit long, and I think you cannot Complain that you have been cut short by frequent Adjournments or short Sederunts. In this time more might have been done, However some good laws are past and one in particular which gives sufficient evidence of the disposition her Majesty was in to have gratified you in whatever was reasonable. I advertised you lately that you had not much longer time to sit, and tho I cannot but say the time you have had since has been usefully employed, Yet if more dispatch had been made some of those good laws which are before you might have past. But now I must tell you that I am not allowed to give you any more time, her Majesty thinking a short Recess necessary at present; So it will not be long before you have an opportunity of doing what still remains fit to be done, for I can assure you no disappointment that Her Majesty hath met with, will in the least alter her gracious disposition towards this Her ancient Kingdom.

THE Lord Chancellor By order of her Majesties high Commissioner Adjourned the Parliament till the seventh day of October next.

Apud Edinburgh,

XXVIII DIE JUNII, A. D. M,DCC,V.

THE LAWS and ACTS made in the THIRD SESSION of the FIRST PARLIAMENT of Our most High and dread Sovereign ANNE by the Grace of God Queen of SCOTLAND ENGLAND FRANCE and IRELAND Defender of the Faith Holden and Begun at Edinburgh the twenty eight day of June One thousand seven hundredth and five years, By His Grace John Duke of Argyll, Marquis of Kintyre and Lorn, Earl of Campbell and Cowall, Viscount of Lochoy and Glenyis, Lord Inverary, Mull, Morvern, and Tirre, Heretable Justice General within the shire of Argyll Isles and others, Heretable Sheriff and Lord high Lieutenant of the said shire Her Majesties heretable great Master-household in the Kingdom of Scotland, One of the Lords of her Majesties most honourable Privy Council, An extraordinary Lord of the Session, Briggaadeer General and Captain of her Majesties Life-guards of horse, Briggaadeer General and Colonel of a Regiment of Fusileers in the service of their high Mightines the States General, and Knight of the most ancient and most noble order of the Thistle, Her Majesties high Commissioner for holding the same, By vertue of a Commission under the great seal of this Kingdom

WITH the special advice and consent of the Estates of Parliament underwritten.

THE EARL OF SEAFIELD LORD HIGH CHANCELLOUR

Lord Archbald Campbell as Lord High Treasurer

The Duke of Queensberry Lord Keeper of the Privy Seal.

DUKES of

Hamilton

Atholl

MARQUESSSES of

Ansandale Secretary

Montrose

Tweeddale

Lothian

3 F

EARLS of

Lowdown Secretary

Crauford

Errol

Marischall

Sutherland

Mar

Rotheſe

Mortoun

Buchan

Glencairn

Eglintoun

Home

Wigtoun

Strathmore

Roxburgh

Kellie

Haddington

Galloway

Lauderdale

Weyms

Dalhousie

Findlater

Leven

Selkirk

Northesk

Belarins

Forfar

Kilmarvock

Kintoir

Aberdeen

Dunmore

Melvill

Ruglen

March

Marchmont

Hyndfoord

Cromarty

Stair

Roxberry

Glasgow Theſ' dep'

Bute

Hopetoun

VISCOUNTS of

Stormont

Duplin

Carnock

Primrose

LORDS

Forbes

Saltoun

Semple

Elphinston

Rofs

Torphichen

Lundois

Balmerinock

Blantyre

Craustoun

Burgbleigh

Forrester

Pittaligo

Fraser

Bargany

Ellbank

Belhaven

Rollo

Colvill

Bellenden

Kinnaird

LESSER OFFICERS OF STATE

The Lords Register

Advocat

Justice Clerk

COMMISSIONERS FOR THE BARONS OF
THE SEVERAL SHIRES

Edinburgh

Robert Dundas of Arncliffe

Sir Robert Dickson of Inveresk

George Lockhart of Carnwath

Sir James Foulis of Colington

Haddington

Sir John Lander of Fountainhall

Andrew Fletcher of Saltoun

William Nisbet of Dirleton

John Cockburn younger of Ormiston

Berwick

Sir Robert Sinclair of Longformacus

Sir John Home of Blackadder.

Sir John Swintoun of that ilk

Sir Patrick Home of Rentoun

Roxburgh

Sir William Ker of Greenhead

Sir Gilbert Elliot of Minto

Archibald Douglass of Cavers

William Bennet of Grubbet

Selkirk

Mr John Murray of Bowhill

Mr John Pringle of Haining

Peebles

William Morison of Prestongrange

Alexander Horseburgh of that ilk

Lanerk

William Baillie of Lamingtoun

George Baillie of Jerveswood

John Sinclair younger of Stevenstoun

James Hamilton of Aikenhead

Dumfries

Sir John Johnstoun of Westerhall

William Douglass of Dornock

John Sharp of Hoddam

Mr Alexander Ferguson of Isle

Wigtoun	M ^r William Stuart of Castlestuart M ^r John Stuart of Sorbie
Air	M ^r Francis Montgomery of Giffno M ^r William Dalrymple of Glenmuir Sir Hugh Cathcart of Carleton John Birsehn younger of Bishoptoun
Dumbarton	M ^r William Cochran of Kilmarnock Sir Humphray Colquhoun of Lufk
Bute	M ^r Robert Stuart of Tillicultry John Stuart of Kinquinfick
Renfrew	Sir John Houston of that ilk Sir Robert Pollock of that ilk
Stirling	John Grahame of Killearn James Grahame of Buchlivie Robert Rolfe of Powhouse
Linlithgow	Thomas Sharp of Hourtoun M ^r John Montgomery of Wrae
Perth	John Hallan of Glenesgles Sir Patrick Murray of Ochertyre Mungo Grahame of Gerthie John Murray of Strouan
Kincardin	Sir Thomas Burnet of Leyes Sir David Ramsay of Balmain
Aberdeen	Alexander Gordon of Pithung John Udny of that ilk William Seton younger of Pitmedden James Moir of Stoniewood
Inverness	Ludovick Grant of that ilk Alexander Grant younger of that ilk
Nairn	Hugh Rolfe of Kilravock John Forbes of Colfoden
Cromarty	Sir Kenneth Mackenzie M ^r Aenes Mackleod of Cadbole
Argyll	M ^r John Campbell of Mammere Sir James Campbell of Auchinbreck James Campbell younger of Ardkinglass
Fyfe	Sir William Anstruther of that ilk David Bethun of Balfour Major Henry Balfour of Dunbowg Robert Douglass of Strathendry
Forfar	M ^r Patrick Lyon of Auchterhouse M ^r James Carnegie of Finhaven James Halyhurton of Pitcur David Grahame younger of Fintrie

Ramf	James Ogilvie younger of Boynd Alexander Duff of Bracoe
Stewartry of Kirkcudbright	William Maxwell of Cardineth Alexander Mackie of Falgoun
Sutherland	Alexander Gordon of Gairthie
Caithness	Sir George Sinclair of Clyth James Sinclair of Stenster
Elgin	Sir Henry Innes younger of that ilk
Stewartry of Orkney	Sir Archbald Stewart of Burray Alexander Douglass of Eglishay
Clackmannan	M ^r Alexander Abercrombie of Tullibody
Roß	Kenneth Mackenzie of Seawall M ^r George Mackenzie of Inchculter
Kinross	John Bruce of Kinross

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Aberdeen	John Allardice
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Saint Andrews	Alexander Watson
Glasgow	Hugh Montgomery
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Haddingtoun	Alexander Edgar
Dysart	John Black
Kirkcaldie	James Oswald
Montrose	James Scot
Coupar	Patrick Bruce
Anstruther Easter	Sir John Anstruther
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Inverness	Alexander Duff
Brantford	Sir John Erskine
Inverkeithing	James Spittle
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Forfar	M ^r John Lyon
Rotheway	M ^r Dugald Stuart
Naim	John Rose
Forres	George Broddie
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Northberwick	Sir Hugh Dalrymple
Anstruther Wester	Sir Robert Anstruther
Cullen	M ^r Patrick Ogilvie
Lander	Sir David Cunningham
Kintoir	George Allardice
Annand	M ^r William Johnston
Lochmabben	M ^r John Carruthers
Sanquhar	William Alves
New Galloway	George Home
Kilreny	M ^r James Bethun
Fortrose	M ^r Roderick Mackenzie
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Dornock	John Urquhart
Queensferry	M ^r James Stuart
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Inverury	Sir Robert Forbes
Weick	M ^r Robert Fraser
Kirkwall	M ^r Robert Douglass
Inverbervy	M ^r Alexander Maitland
Stranraer	M ^r George Dalrymple
Campbeltown	M ^r Charles Campbell

PRAYERS said.

HER Majesties Commission to John Duke of Argyll for representing her Royal person in this Session of Parliament, read by the Lord Clerk Register and ordered to be recorded, Whereof the tenor follows.

ANNA Dei gratia Magnæ Britanniæ Franciæ et Hiberniæ Regina fidei, defensor Omnibus probris hominibus ad quos presentes littere nostre pervenerint Salutem Quandoquidem Nos magni momenti rationibus currentis nostri Parlamenti hujus antiqui regni nostri Scotiæ comitis in tertia sua Sessione [Edinburgi] tertio die mensis Maii proxime futuri conventura hactenus Statuimus, Rebus autem nostris necessario Nos avocantibus dictæ nostri Parlamenti Sessioni interesse nequimus Ideoq. Commissionem nostram eisdem eminentissimi ordinis summæ, fiduciæ et præclaræ animi dotibus instructam, regiam nostram personam et auctoritatem in eisdem representandi concedere decrevimus Cuius

quamplurima habeamus indicia de fidelitate instaminata egregiis animi dotibus et integritate fidelissimi et dilectissimi nostri consanguinei et concilii Joannis Ducis de Argyll cujus egregiam animi dotes ad summam illud fiduciæ munus rite obendum ac pia nostra Regiæ proposita propaganda tam in promovendo commodo et interesse dicti nostri antiqui Regni et in Ecclesiæ et in republicæ quam ministerio nostro ipsum usquequaq. idoneum et instructum reddant Noveritis Igitur Nos Dedisse et Concessisse tenore, presentium Damus et Concedimus predicto fidelissimo et dilectissimo nostro Consanguineo et Concilio Joanni Duci de Argyll &c. nostram plenissimam potestatem et commissionem facram nostram personam representandi et regiam nostram auctoritatem in dicta proxima Sessione predicti currentis Parlamenti nostri dicti Regni [nostri] gerendi et in re quavis alia ubicumq. de Ecclesiæ firmanda pace et pollicita dicti Regni nostri conservanda et excolenda et re nostra promovenda tractandum fuisse in universis ejusdem administrationibus tanquam supremo nostro Commissionario, Porro tenere presentium eundem Joannem Ducem de Argyll cum Commissionarii nostri titulo, regali nostra auctoritate insignimus plenam, illi tribuimus potestatem omnia et singula ad munus et imperium Commissionarii spectantia tam plene et libere in quovis respecta et conditione quam quilibet alius ejusdem summi muneris et characteris regnantibus quibuscunq. nostrorum decessorum unquam fecerat seu de jure facere poterat facienti, Quæquidem omnia et singula in dicta hac commissione prosequenda ab ipso facienda Nos firma et rata habemus et habitare fumus Omnibus et singulis Insuper Status nostri officialibus illis, qui nobis ab intimis Conciliis Judicibus Legatis et officariis nostrorum in hoc regno copiarum ceterisq. quibuscunq. subditis nostris ut predictum Joannem Ducem de Argyll tanquam supremam nostram Commissionarium facram nostram personam representantem et regiam nostram auctoritatem gerentem ad effectum et secundum normam in hac nostra Commissionem prescriptam (Quæquidem Commissio ad datam presentium incipiet et durante dicta proxima Sessione Parlamenti et donec eisdem a nobis revocabitur in vigore durabit) agnoscant reverentur et ipsi audientes se præbent stricte Mandamus et Imperamus Et Declaramus hæc nostram Commissionem absq. prejudicio fore præfato Joanni Duci de Argyll cujusvis alius Diplomatis seu Commissionis de quocunq. alio munere ipsi a nobis concredito Sed eisdem durante hac nostra Commissione ac etiam post ipsius expirationem durante nostro beneplacito in pleno vigore continuare modo in singulis diplomatibus et Commissionibus ipsi concessis contineri In cujus rei Testimonium presentibus magnam nostram sigillum appendi mandavimus Apud eulam nostram de Saint James's sexto die mensis Martii anno

Commission to John Duke of Argyll for representing her Majesty in this Session of Parliament

Domini millesimo septingentesimo quinto et anno regni nostri tertio. Per signaturam manu S. D. N. Regine superscriptam. Written to the great seal and registat the fourteenth day of March 1st 1705 and five, Sic subscribitur Charles Kerr. Sealed at Edinburgh the sixteenth day of March One thousand seven hundredth and five years In absence of Sir Alexander Ogilvie of Forghen, Sic subscribitur Jo: Stewart dep^o.

ROLLS called.

THE Earl of Forfar Protested in name of the Duke of Douglas that the calling of any other in the rolls of Parliament may not prejudice him of his first vote in Parliament.

THE Earl of Forfar also Protested in name of the Earl of Sutherland against the calling of any Earl before him.

THE Earl of Mar protested against the calling of any Earl before him.

THE Earl of Findlater Protested against the calling of the Earl of Airlie before him.

HER Majesties Gift and Commission in favors of James Earl of Seafield to be Lord high Chancellor read and ordered to be recorded, And then the Lord Clerk Register administrat the oath of allegiance to him who sware the same and signed it with the assurances, and took the oath of Parliament: The tenor of his foresaid Commission follows.

ANNA Dei gratia Magnæ Britanniæ Franciæ et Hiberniæ Regina fideiq; defensor Omnibus probis hominibus ad quos presentes littere nostre pervenerint Salutem Quandoquidem Nos intelligentes quantum ministerii nostri commodò ioterit summe illud fiduciæ munus et officium Cancellarii nostri antiqui regni nostri Scotiæ unico euidem fidelitate intaminata integritate et eximio animi dotibus imbuto committere Cumq; plurima habemus testimonio de fidelitate præclaris animi dotibus et integritate fidelissimi et dilectissimi nostri Consanguinei et Cocellarii Jacobi Comitis de Seafield tam in ejusdem summi muneris priori sua functione quam aliorum magnæ fiduciæ munerum et officiorum in prædicto Regno Noveritis igitur Nos Nominasse Preficisse Constituisse et Ordinasse tenoreq; præsentium Nominamus Facimus Constituimus et Ordinamus eundem fidelissimum et dilectissimum nostrum consanguineum et conciliarium Jacobum Comitem de Seafield (durante nostro beneplacito solummodo) supremi antiqui dicti Regni Cancellarii et solum et principalem nostri regni sigilli ejusdem regni Custodem Damus pariter Concedi-

mus et Disponimus illi (durante spatio antedicto) ideam munus et officium cum universis honoribus dignitatibus præcedentia privilegia feodia et pensione per quemlibet ex ejus in dicto officio antecessoribus potitis et gavisis sive de lege et consuetudine eo juste spectare dignoscuntur Et speciatim cum plenaria potestate et privilegio presidendi in omnibus Parliamentis Ordinum Conventibus Curis aliisq; omnibus Conventibus per Nos statutis vel statuendis quibus dictus noster supremus Cancellarius intererit, excepto omnimodo Secretario nostro presente Thesaurario nostro Principali, Omnibus pariter subditis nostris iamdudum et imperamus ut memoratum Jacobum Comitem de Seafield tanquam supremum nostrum antedicti Regni Cancellarium omni quo per est honore et respectu summo illo officio et muneri debito agnoscant, prosequantur et reverentur, Secretaria etiam nostri Concilii dicti Regni Dominos Requiritur isq; auctoritatem tribuamus ut juramentum ejus de fidei administratione in dicto munere et officio exigant Utq; iidem juramenta fidelitatis et securitatis aliq; juramenta per Leges statuta ipsam dicere et subscribere efficiant In cujus rei Testimonium præsentibus magnam sigillum nostrum appendi mandavimus Apud saltem nostrum de Saint James nono die mensis Martii anno Domini millesimo septingentesimo quinto, Et anno regni nostri tertio. Per signaturam manu S. D. N. Regine superscriptam. Written to the great seal and registate the fourteenth day of March 1705. Sic subscribitur Charles Kerr. Sealed at Edinburgh the fourteenth day of March one thousand seven hundredth and five years, Sic subscribitur Jo: Dickson.

HER Majesties Gift and Commission in favors of Sir James Murray of Philiphaugh to be Lord Clerk Register, read and ordered to be recorded, Whereof the tenor follows.

ANNA Dei gratia Magnæ Britanniæ Franciæ et Hiberniæ Regina fideiq; defensor Omnibus probis hominibus ad quos presentes littere nostre pervenerint Salutem Quandoquidem Nobis abunde satisfactum fit tam de fidelitate et præclaris animi dotibus quam de sincera integritate fidelissimi et dilectissimi nostri Domini Jacobi Murray de Philiphaugh speciatim vero quod ad munus et officium registorum et rotulorum nostrorum Clerici in dicto regno nostro obeundum appime est instructus Noveritis igitur Nos Nominasse Constituisse et Ordinasse sicuti tenore præsentium Nominamus Constituimus et Ordinamus dictum Dominum Jacobum Murray durante nostro beneplacito solummodo nostrorum registorum et rotulorum nostri Concilii Sessionis et Seccæarli nec non omnium Commissionum Parliamentorum et Ordinum Conventuum in dicto nostro regno Clericum Dando

et Concedendū illi idem munus et officium durante spatio antedicto cum omnibus honoribus dignitatibus libertatibus proficiis immunitatibus privilegiis et casualitatibus quibuscumq; eo spectantibus vel quæ de jure et praxi dicti nostri regni eo spectare dignoscuntur, Cum plena et absoluta potestate et auctoritate illi durante nostro beneplacito ut dictum est Eligendi et Constituendi Clericos Substitutos vel deputatos unum seu plures in dictis officiis seu quavis ejusdem parte idq; ad vitam talium substitutorum qui eorum officiis cum omnibus eorundem emolumentis duram omnibus eorum vitæ diebus respective poterint Ordinamus deusq; et auctoritatem ipsi tribuimus omnia et singula facere et prestare de lege et praxi hujus nostri regni dicto officio competentia vel perperis a quovis alio in dicto officio prestita In cujus rei Testimonium presentibus magnum sigillum nostrum appendi mandavimus Apud aulam nostram de Saint James Septimo die mensis Aprilis annu Domini millesimo septingentesimo quinto, Et anno regni nostri quarto. Per signaturam manu S. D. N. Regine suprascript. Written to the great seal and registred the twenty fifth day of April 1705. Sic subscribitur Charles Kerr. Sealed at Edinburgh the twenty fifth day of April One thousand seven hundredth and five years. Sic subscribitur Alex^r Ogilvie.

THEREAFTER The Lord High Chanceller Administred the oath of alleageance to him the said Sir James Murray who swore, and subscribed the same with the assurance and took the oath of Parliament.

HER Majesties Gift and Commission in favours of William Marquess of Annandale to be one of the Principal Secretaries of State read, and ordered to be recorded, Whereof the tenor follows.

Commissio
& Gift of
the office of
one of the
Secretaries
of State to
the Marquess
of Annandale

ANNA Dei gratia Magnæ Britannie Francie et Hibernie Regina fideiq; defensor Omnibus probis hominibus ad quos presentes littere nostræ pervenerint Salutem Quandoquidem Nos considerantes munus et officium unius ex principalibus status nostri Secretariis antiqui regni nostri Scotie nunc vacare per promotionem fidelissimi et dilectissimi nostri Consanguinei et Conciliarii Jacobi Comitæ de Seafield ad officium supremi Cancellarii predicti Regni nostri Et nihil magis in ministerii nostri et regnorum nostrorum commodum conducere posse quam ut viri probate fidelitatis et integritatis principales nostre Coronæ ministri speciatim vero status nostri Secretarii constituantur quibus specialem habere poterimus fidem tam quoad auctoritatem nostram quam subditorum commodum Nosq; etiam abunde satisfactæ de præclaris animi dotibus probitate aliisq; perperchis facultatibus fidelissimi et predicti nostri Consanguinei et Conciliarii Gulielmi Marchionis de Annandale quibus ad munus

et officium minus ex duobus principalibus status nostri secretariis prædictis assequaq; est instructus Ob prædicta itaq; et multas alias magni momenti rationes et considerationes Noveritis Nos Nominasse Constituisse et Ordinasse sicuti tenore presentium Nominamus Constituimus et Ordinamus eandem Gulielmum Marchionem de Annandale unum ex duobus principalibus status Secretariis nobis pro dicto regno Scotie durante nostro beneplacito solummodo copincipalem et conjunctum cum fidelissimo et dilectissimo nostro Consanguineo et Conciliario Joanne Comite de Roxburgh altero pro dicto Regno status Secretario Dando et Concedendo sicuti tenore presentium Damus et Concedimus predicto Gulielmo Marchioni de Annandale locum officium et munus unius ex duobus principalibus conjunctis status nostri secretariis predictis cum justo et equali dimidio omnium honorariorum emolumentorum beneficiorum casualitatum dignitatum et immunitatum quæ ad dictam munus et officium perperis pertinebant seu pertinere et spectare poterant Una cum annua pensione mille librarum monetæ Sterlinensis secundum donationem ejusdem per nos ipsi concessam datam cum presentibus Cum plena potestate illi utendi et exercendi dictum munus et officium durante spatio antedicto Et specialiter scribendi subscribendi et nobis offerendi omnes donationes cautiones et signaturas quascumq; regali nostra manu munendas Et levandi et recipiendi justum et equale dimidium omnium honorariorum præriorum et casualitatum eo spectat atq; etiam equalem habendi potestatem et privilegium cum dicto Joanne Comite de Roxburgh altero nostro status Secretario pro dicto Regno recipiendi interponendi et conservandi omnia signeta dicti Regni et equale beneficiorum et emolumentorum inde proveniēti dimidium, in privatos suos usus et commodum applicare Atq; etiam potestatem constituendi deputatos et dictorum nostrorum signetorum custodes et omnes Clericos et figetorum nostro scribis admittendi et recipiendi Cum omnibus Clericis Vicecomitatuum et Clericis ad pacem in dicto Regno et eo nomine ipsi Commissiones tribandi quibus dictis numeribus ad vitam frui et fungi possint Idq; quoties contigerit dicta munia quacumq; casu esse vacua Et compositionem et commodorum dimidium ex admisione dictorum Clericorum proveniēti Recipiendi ac idem ad privatos accomodandi prædicti In cujus rei testimonium presentibus magnum sigillum nostrum appendi mandavimus Apud aulam nostram de Saint James nono die mensis Martii anno Domini millesimo septingentesimo quinto et anno regni nostri tertio. Per Signaturam manu S. D. N. Regine suprascriptam. Written to the Great Seal and registred the sixteenth day of March 1705, Sic subscribitur Charles Kerr, Sealed at Edinburgh the sixteenth day of March 1705 and five years in absence of Sir Alexander Ogilvie of Fonglen, Sic subscribitur Jo: Stuart Dep^t.

HER Majesties Gift and Commission to Hugh Earl of Loudoun to be the other principal Secretary of State read, and ordered to be recorded Whereof the tenor follows.

Commission and Gift of the office of one of the Secretaries of State to the Earl of Loudoun

ANNA Dei gratia Magnæ Britannie Franciæ et Hiberniæ Regina fidei, defensor Omnibus probis hominibus ad quos presentes littere nostræ pervenerint Salutem Quandoquidem Nos Regio nostro animo pendentes nihil magis in ministerii nostri et regnorum nostrorum commodum conducere posse quam ut probatæ fidelitatis et integritatis viri principales Coronæ nostræ ministri speciatim vero status nostri Secretarii constituantur Quibus speciem poterimus habere fidem tam quod auctoritatem nostram quam subditorum nostrorum commodum Nosq; etiam abunde satisfactæ et compertum habentes de fidelitate integritate aliisq; perculis facultatibus fidelissimæ et dilectissimæ nostri Consanguinei et Concillarii Hugonis Comitis de Loudoun Quibus ad munus et officium unius ex principalibus status nostri Secretariis prædictis obeundum usquequaq; fit idoneus Ob prædictas itaq; et multas alias rationes et consideraciones Noveritis Nos Nominasse Constituisse et Ordinasse Sicuti Nos tenore presentium Nominamus Constitulimus et Ordinamus eundem Hugonem Comitem de Loudoun unum ex duobus status nostri Secretariis nobis pro antiquo nostro Regno Scotiæ durante nostro beneplacito solummodo et donec presentes a nobis scripto revocetur coprincipalem et conjunctum cum fidelissimo et dilectissimo nostro Consanguineo et concillario Guallelmo Marchione de Annandale altero pro dicto regno status Secretario Dando et Concedendo sicuti Nos tenore presentium Damus et Concedimus durante spatio antedicto ipsi dicto Hugoni Comiti de Loudoun locum munus et officium unius ex duobus principalibus status nostri Secretariis antedictis cum justo et equali dimidio omnium feodorum proficiorum emolumentorum casualitatum libertatum et immunitatum que ad dictum munus locum et officium propriis pertinebant seu pertinere poterant Una cum annua pensione mille librarum monetæ Sterlineis secundum donationem ejusdem per Nos ipsi concessam datam cum presentibus Cum plena potestate illi utendi exercendi et fruendi dicto loco munere et officio Et specialiter scribendi subscribendi et nobis offerendi omnes donationes cautiones et signaturas quascumq; regali nostra manu munitas Et interponendi et recipiendi justum et æquale dimidium omnium bonorum premiorum et casualitatum eo spectantium atq; etiam æqualem habendi potestatem et privilegium cum dicto Guallelmo Marchione de Annandale altero nostro status Secretario pro dicto regno recipiendi interponendi et conservandi omnia signeta dicti Regni et æquale dimidium beneficiorum et emolumentorum inde provenientium in privatis suis usus applicandi ac etiam potestatem deputatos et custodes dictorum

nostrorum Signetorum Constituendi et Admittendi, et Adscribendi omnes Clericos et Signeto nostro scribas cum omnibus Clericis Vicecomitatuum et Clericis ad pacem in dicto regno nostro Et eo nomine ipsis tribuendi Commiſſiones quibus munitis illis muneribus ad vitam fungi et frui possint Idq; quoties contigerit dicta munia vel quodvis eorum quocumq; casu esse vacua Et recipiendi compositionum et commodorum æquale dimidium ex admissione dictorum Clericorum provenientium ac ea ad privatas accomodandi usus In cujus rei Testimonium presentibus magnam Sigillum nostrum appendi præcepimus Apud aulam nostram de Kensington quinto die mensis Junii anno Domini millesimo septingentesimo quinto et anno regni nostri quarto. Per signaturam manu S. D. N. Regine superscriptam. Written to the Great Seal and registrat the eleventh day of June 1705. Sic subscribitur Charles Kerr. Sealed at Edinburgh the Eleventh day of June one thousand seven hundred and five years. Sic subscribitur Alex^r Ogilvie.

HER Majesties Gift and Commission to David Earl of Glasgow to be Lord Treasurer depute, read and ordered to be recorded, Whereof the tenor follows.

ANNA Dei gratia Magnæ Britannie Franciæ et Hiberniæ Regina fidei, Defensor Omnibus probis hominibus ad quos presentes littere nostræ pervenerint Salutem Quandoquidem Nos abunde satisfactæ sumus de integritate et eximii animi dotibus fidelissimi et dilectissimi nostri Consanguinei et Concillarii Davidis Comitis de Glasgow unde pro munere et officio Thesaurarii nostri deputati antiqui Regni nostri Scotiæ obeundo usquequaq; sit instructus Noveritis Igitur Nos Nominasse Constituisse et Ordinasse Sicuti Nos tenore presentium Nominamus Constitulimus et Ordinamus eundem Davidem Comitem de Glasgow durante nostro beneplacito solummodo Thesaurarium nostram Deputatum in officiis Thesaurarii nostri computatoris rotulatoris Collectoris et novarum nostrarum augmentum Thesaurarii et receptoris generalis dicti nostri antiqui regni Cum plenaria potestate illi dicto munere et officio durante spatio antedicto fruendi et exercendi Cum omnibus libertatibus honoribus privilegiis preeminentiis beneficiis et casualitatibus quibuscumq; eo spectantibus et pertinentibus tam plene et libere in omnibus respectibus et conditionibus quam quivis alii ejus predecessores in dicto officio functi et potiti sunt ullo tempore preterito fungi et potiri poterant Speciatim vero absq; præjudicio generalitatis antedictæ locum et suffragium tanquam uni ex nostris status officialis in omnibus nostris dicti regni Parliamentis generalibus Conciliis et Conventibus habendi, Ac Nos considerantes plenam potestatem et officium Thesaurarii nostri principalis nunc in

Commission and Gift of the office of Treasurer depute to the Earl of Glasgow

Commissionem Thesaurarii versam esse expresse igitur Declaramus et Ordinamus quod hanc presentem nostram donatio dicti officii Thesaurarii nostri deputati dicte Commissioni nequaquam derogari quicquidum in plena potestate et vigore remanebit Et quod prefatus David Coomes de Glasgow tanquam unus ex nostris Commissionariis nostri Thesaurarii exercerebit Nominando Constituendo et Ordinando Sicuti per presentes Nominamus Constituimus et Ordinamus eundem Davidem Comitum de Glasgow unum esse ex dictis Thesaurarii Commissionariis in vicem nuperi nostri Thesaurarii deputati tam plenarie et libere ad omnes intentus et proposita ac si in dicta Commissione nominatus fuisset Quodquidem etiam Declaramus tibi tanquam Thesaurario deputato in quibusvis officiis et privilegiis eo spectantibus nullo modo prejudicari si in posterum durante continuatione presentis nostre Commissionis nominatus fuerit Thesaurarius principalis In cujus rei Testimonium prefuturis magnum sigillum nostrum appendi mandavimus Apud eulam nostram de Kensington quinto die mensis Junii anno Domini millesimo septingentesimo quinto et anno regni nostri quarto. Per signaturam manu S. D. N. Regine superscriptam. Written to the Great Seal and registrat the eleventh day of June 1705. Sic subscribitur Charles Kerr. Sealed at Edinburgh the eleventh day of June One thousand seven hundredth and five years. Sic subscribitur Alex^r Ogilvie.

THEREAFTER the said Earl of Glasgow Lord Treasurer depute Swore the oath of allegiance, Signed the same with the Assurance, and took the oath of Parliament.

HER Majesties Gift and Commission to Adam Cockburn of Ormiston to be Lord Justice Clerk read, and ordered to be recorded, Whereof the tenor follows.

ANNA Dei gratia Magnae Britanniae Francie et Hiberniae Regina fidei defensor Omnibus probis hominibus ad quos presentes littere nostrae pervenerint Salutem Quandoquidem Nobis abunde satisfactum est de integritate et eximio animi dotibus Adami Cockburn de Ormiston unde pro manere loco et officio inframentationato fungendis usque, quaq; sit idoneus Noveritis Igitur Nos Pectore Nominaisse Constituisse et Ordinaisse Sicuti Nos tenore presentium Facimus Nominamus Constituimus et Ordinamus memoratum Adamum Cockburn de Ormiston durante nostro beneplacito solummodo nostre Justiciarie Clericum in nostro Regno Scotie Dando Concedendo et Disponendo dicto Adamo Cockburn durante spatio aedicto dictum munus et officium Justiciarie Clerici cum universis bonoribus privilegiis immunitatibus feodis proficiis et casualitatibus quibuscunq; eo spectantibus per eum

tam plenarie et libere in quovis respectu et conditione gaudendis et possidendis quam quivis alii in dicto officio predecessores eodem gravati sunt aut quovis tempore retroacto potiri potuerant In cujus rei Testimonium presentibus magnum sigillum nostrum appendi mandavimus Apud eulam nostram de Saint James Octavo die mensis Januarii anno Domini millesimo septingentesimo quinto et anno regni nostri tertio Per signaturam manu S. D. N. Regine superscriptam. Written to the great seal and registrat the twenty first day of January 1705. Sic subscribitur Charles Kerr: Sealed at Edinburgh

THEREAFTER The Lord Justice Clerk swore the oath of allegiance signed the same with the assurance and took the oath of Parliament.

CHARLES Earl of Erroll Lord high Constable and David Earl of Weyms swore the oath of allegiance signed the same with the assurance, & took the oath of Parliament.

Some new Members admitted

SIR David Ramsay of Balmaln one of the Commissioners Elected for the shire of Kinross in place of the deceased Sir James Falconer of Ples-doe swore the oath of allegiance subscribed the same with the assurance and took the oath of Parliament.

SIR Peter Halket Commissioner for the Burgh of Dumfries and M^r James Stewart Commissioner for the burgh of Queensferry swore the oath of allegiance subscribed the same with the assurance and took the oath of Parliament.

MOVED that there being two Commissions presented last Session of Parliament from the Shire of Clackmannan one for Andrew Burnside of Hartshaw the other for M^r Alexander Abercrombie of Tullibodie, And Burnside being now dead, Tullibodie should be admitted.

MOVED that seeing there was a Competition betwixt these two Commissions there be a competent time allowed to acquaint the Barons and freeholders of that shire for objecting against Tullibodies commission if they think fit, and that before he be admitted, And after some debate It was put to the vote Admit or Delay and carried Admit; Tullibodie thereafter swore the oath of allegiance subscribed the same with the assurance and took the oath of Parliament.

HER Majesties Commissioner acquainted the Parliament that he had a Letter from her Majesty to them but in respect many of the members were not yet come to Town he thought proper to delay

Commission and Gift of the office of Justice Clerk in favour of Adam Cockburn of Ormiston

presenting the Letter till the Parliament were more fully assembled.

AFTER which the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Tuesday next at ten a clock in the forenoon.

JULY III, M^o DCC^o V.

PRAYERS said. Rolls called.

A LETTER from her Majesty to the Lord high Commissioner read, Appointing Lord Archibald Campbell brother german to his Grace to have the place and vote of the Lord high Treasurer in this Session of Parliament Of which Letter the tenor follows.

Sic superscribitur ANNE R.

RIGHT trusty and right intirely beloved Cousin and Councillor, We greet you well Whereas the office of Lord high Treasurer is now in Commission, And it being provided by the Laws of that our Kingdom That the number of our Officers of State who are to have vote and place in Parliament should not exceed the number of Right even tho at any time there should be more persons employed in the execution of the said offices And it being reasonable that there should be one named to appear and act in the ensuing Session of Parliament as our Treasurer aforesaid, Therefore We do Nominate and Appoint our right trusty and well beloved Lord Archibald Campbell Brother to the Duke of Argyll to have the place and vote of the Lord High Treasurer in the ensuing Session of Parliament So We bid you heartily farewell Given at our Court at St James the ninth day of March 1704 And of our Reign the 4th year.

By Her Ma^y Command

Sic subscribitur SEAFIELD.

Directed thus,

To Our Right Trusty and Right Entirely Beloved Cousin and Councillor John Duke of Argyll Our Commissioner to Our Parliament of Our ancient Kingdom of Scotland.

THE said Lord Archibald Campbell did then swear the oath of allegiance, subscribe the same with the assurance, swore the oath of Parliament & thereafter took his place.

JAMES Black Commissioner Elected for the Burgh of Dysart in place of George Eason deceased swore the oath of allegiance subscribed the same with the assurance and swore the oath of Parliament.

M^r Roderick Mackenzie of Preflounhall Commissioner elected for the burgh of Forres in place of M^r John Mackenzie of Afloat deceased swore the oath of allegiance subscribed the same with the assurance and swore the oath of Parliament.

MINUTS of the last Sederunt read.

MOVED that Alexander Mackie of Pelgoun being admitted last Session of Parliament but he having of consent declared that he would not vote till the competition betwixt him and Patrick Murdoch of Camlodan should be determined And seeing Camlodan does not compare to compete he ought now to have his vote; After some debate, It was agreed that he should have his vote in Parliament.

THE double election of the Laird of Balnagoun and M^r George Mackenzie of Inchaltair for the shire of Ross appointed to be considered next meeting of Parliament.

HER Majesties Letter to the Parliament Presented by her Majesties high Commissioner and read by the Lord Clerk Register, Of which Letter the tenor follows.

Sic superscribitur ANNE R.

My Lords and Gentlemen

IT hath been our great care and concern ever since our Accession to the Crown, to preserve the peace, and promote the true interest and advantage of that our ancient Kingdom, and above all to have your present Establishment so secured, that both you and after ages may reap the benefits thereof.

YOU are now again met in Parliament and no doubt with a full view of all your present circumstances, which We heartily wish may be seconded with such endeavours on your part as what may best accomplish what We fo really design.

IN your last meeting We recommended to you with the greatest earnestness the settling of the succession of that our ancient Kingdom in the Protestant Line And several things having since happened which shows the great inconveniency of this matters continuing in suspense We cannot but at present most seriously renew the recommendation of this settlement as being convinced of the growing necessity thereof, both for the preservation of the Protestant Religion and the peace and safety of all our dominions, And for defeating the designs and attempts of all our Enemies, And to prevent any objection to the said settlement that can be suggested from the views or fears of future Inconveniences that may happen to that our Kingdom. From thence We shall be ready to give

3 H

Her Majesty,
Letter to the
Parliament

Letter from
her Majesty
appointing
Lord Archibald Campbell
to have
place and
vote of Lord
High Treas.
GIVEN in this
Session of
Parliament

Some
Members
absented

the Royal Assent to such Provisions and Restrictions as shall be found necessary and reasonable in such a case: And therefore We must still leave it upon you as most necessary for all the ends above mentioned that you go to the Settlement of the Succession before all other business.

WE are fully satisfied (and doubt not but you are) that great benefits would arise to all our Subjects, by an Union of Scotland and England, and that nothing will contribute more to the composing of differences and extinguishing the heats, that are unhappily raised and fomented by the enemies of both Nations than the promoting of every thing that tends to the procuring the same Therefore We earnestly Recommend to you to pass an Act for a Commission to set a treaty on foot between the Kingdoms, as our Parliament of England has done for effectuating what is so desirable and for such other matters and things as may be judged proper for our honour and the good and advantage of both Kingdoms for ever In which We shall most heartily give our best assistance.

THE Supplies granted by the Parliament for maintaining the Forces with the Forts Garrisons and Frigots are now at an end, and these being still necessary to be maintained, as likewise that the Magazines of arms and ammunition be duly furnished for the peace and security of the Kingdom specially now in time of war We doubt not but you will provide the supplies needfull in such manner as may be most easy and effectual.

WE have named the Duke of Argyle to be our Commissioner to represent Our Person in this Session of Parliament, as one of whose capacity and zeal for our service and the Kingdoms good and advantage We are sufficiently assured and no less hopeful that he will be to you acceptable, We have fully empowered him to declare our firm resolutions to maintain the Government both in Church and State as by Law established and likewise to consent to such further Laws as shall be thought needfull for that end.

WE have also empowered him to give the Royal Assent to such good Laws as shall be concluded for the advancement of piety and discouragement of Immorality for the better encouraging and improving of Trade and Manufacture The farther securing of private rights and conveyances and for promoting the more easy & speedy administration of Justice and generally for what may be found for the good and advantage of the Kingdom In all which and whatever else may contribute to the happiness and satisfaction of our People you shall have our ready and cheerful concurrence And so we bid you heartily farewell Given at our

Court at Windsor Castle the 18th day of June 1705, and of our Reign the fourth year.

By her Majesties Command
Sic subscribitur DAVID NAIRNE.

The foresaid Letter is directed thus,
To the Noblemen, and to the Barons Commissioners for Shires, and to the Commissioners for Burghs Assembled in Parliament in our ancient Kingdom of Scotland.

HER Majesties Commissioner made his Speech to the Parliament, As also the Lord Chancellor made his Speech to the Parliament.

MOVED by the Marquess of Annandale that her Majesties Letter to the Parliament with the Commissioners and Lord Chancellours Speeches to the Parliament be printed.

ORDERED that her Maj^{ty} Letter with the Lord Commissioners and the Lord Chancellours Speeches to the Parliament be printed.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Friday next at ten a clock before noon.

JULY VI, M,DCC,V.

PRAYERS said Rolls called.

WILLIAM Earl of Kilmarnock swore the oath of allegiance subscribed the same with the assurance and twice the oath of Parliament.

MINUTS of the last Sederunt read.

THE objections against Palgouns commission appointed to be discussed next meeting of Parliament.

THE contraverted election of the shire of Ross betwixt Balnagoun and George Mackenzie of Inchculter called, and their prosecutors being heard upon the objections against the president of the meeting as a nullity of the election The Parliament having considered the debate It was put to the vote Sustain or Repell the objection and carried Repell, After which Balnagoun withdrew his Commission and Inchculter being preferred swore the allegiance subscribed the same with the assurance and twice the oath of Parliament.

THE Act containing the orders of the house read, and the same ordered to be printed and affixed on the usual places according to custom.

[The Queen's Letter, the Lord Commissioner & Lord Chancellor's Speeches to be printed]

E. Kilmarnock admitted

Inchculter admitted

[Orders of the House]

*Additions to
the Orders of
the House*

ORDERED that the Clerk to the General Register of Sessions and the Clerk to the Register of Hornings be allowed to be present at the meetings of Parliament.

ORDERED that her Majesties Solicitors be allowed to be present at the meetings of Parliament.

[Order of
precedence]

PROPOSAL presented by the Marquis of Anandale That the Parliament go into the consideration of such limitations and conditions of government as shall be judged proper for the next Session in the Protestant line and that at the same time a Committee of Parliament be named to consider the condition of the coin of the Nation and the state of its commerce or trade as to export and import and to prepare and bring in the most proper remedies and regulations for that end.

RESOLVE presented by the Earl Marishall
That the house before all other affairs will make
such regulations of the trade and coin of this
Kingdom as may be most for the advantage of
the Nation.

RESOLVE presented by the Earl of Marr that this house will proceed previous to all other business to take into their consideration the Nations circumstances as to England and how to enter into a treaty with them.

AFTER some debate these two questions were put Whither to proceed first to consider Coin and Trade, or Limitations of Government, And carried to Proceed first on Coin and Trade; next the question was put Proceed by way of Resolve or Overture and Carried by way of Overture.

THEREAFTER the Earl of Marr Declared that since his motion was given in by way of resolve he withdrew the same for the time.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Tuesday next at ten a clock before noon.

JULY 2, 1890, V.

PRAYERS said. Rolls called.

MINUTES of the last Sederunt read.

(Election
Strategy
of Weekend
Night)

THE contraverted Election of the Stewartry of Kirkcubright betwixt Palgoun and Camlodden called and their pro^s being heard upon the objections against the Legality of the meeting After some debate thereupon It was put to the vote Sustain the objections founded upon the want of a due

intimation to the Barons and Freeholders of the Steuargry or Repell and carried Repell And having proceeded to the other objections the same were repelled without a vote.

ORDERED that parties procurators should insist to discuss the mutual objections against either parties Electors.

MOVED that they should yet have a diet appointed to them for discussing their objections and accordingly the twenty sixth of this instant appointed for hearing them And diligence of consent granted to both parties for recovering all writs which shall be necessary in discussing the said competition.

PROPOSAL for supplying the Nation with [Money]
money read and ordered to ly on the table.

DRAUGHT of an Act Discharging the importation and wearing of Musline Calligo and other Foreign Linnen, read and ordered to ly upon the table.

[Importing of Muslin &c.]

DRAUGHT of an Act Discharging the impor-
tation of Victual from Ireland read and ordered to
ly upon the table.

DRAUGHT of an Act Dischargeing the Importation of Forreigne Butter and Cheese read and ordered to ly upon the table.

ORDERED that her Majesties Solicitors cause print these Overtures for information of the members of Parliament.

RECOMMENDED to the Commission appointed for public accounts to whom Doctor Chamberlands proposal was remitted last Session of Parliament to bring in the same next Session.

THEN the Lord Chancellour by order of her Majesties high Commiſſioner Adjourned the Parliament till Thursday next at ten a clock.

JULY XII, M.DCC.V.

PRAYERS said. Rolls called.

MINUTES of the last Sederant read.

PROPOSAL by Doctor Hugh Chamberland,
 agent a land Credit road, and ordered to be printed.

[Muslin &c.] THE draught of the Act Discharging the importation and wearing of Musline Calligoe and other foreign Linnen again read and after some amendments upon the said Act a first reading ordered to be marked thereon.

[Butter & Cheese] THE draught of the Act Discharging all English Irish and foreign butter and cheese again read And after some amendments a first reading ordered to be marked thereon.

[English & Irish Victual] THE draught of the Act discharging the importation of victual from England and Ireland again read And after some reasoning thereon ordered to ly upon the table.

[Adjourning the Session] ACT adjourning the Summer Session to the first of November next read, and put to the vote Mark a first reading or Not, and Carried in the negative.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten a clock.

JULY XIII, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Importing Molasses] THE draught of an Act against the importing of Molasses from foreign parts into this Kingdom read and ordered to ly upon the table.

[Importing of tanned Leather] THE draught of an Act Discharging the importation of English or Irish tanned leather read and ordered to be printed.

[Muslin &c.] THEREAFTER the Parliament proceeded to the consideration of the draught of the Act discharging the importation and wearing of Musline Calligoe and other foreign Linnen And after some amendments the further consideration thereof was delayed till next meeting of Parliament.

[Butter & Cheese] THE draught of the Act Discharging the importation of English or Irish butter or cheese, read the second time, And after several amendments It was put to the vote Approve the Act or Not and carried Approve.

THEN the Lord Chancellour by order of her Majesties high Commissioner Adjourned the Parliament till Tuesday next at ten a clock.

JULY XVII, M,DCC,V.

PRAYERS said Rolls called.

GEORGE Monro Commissioner elected for the Bargh of Irving in place of Mr Alexander Cunningham deceased swore the oath of alleadgeance subscribed the same with the asurance and swore the oath of Parliament.

George Monro admitted

MINUTS of the last Sederunt read.

RESOLVE presented by the Duke of Hamilton That this Parliament will not proceed to the nomination of a Successor till we have had a previous treaty with England in relation to our commerce and other concerns with that Nation And further It is Resolved That this Parliament will proceed to make such Limitations and Conditions of Government for the rectification of our Constitution as may secure the Liberty Religion and Independency of this Nation before they proceed to the said nomination, And after reasoning thereupon It was put to the vote Approve the Resolve or not and carried Approve.

Resolv

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Friday next at ten a clock.

JULY XX, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THE draught of a letter presented by the Marquess of Tweeddale in answer to her Majesties Letter to the Parliament read.

[Letter to the Queen]

DRAUGHT of an Act for a treaty with England presented by the Earl of Mar, read.

[Treaty with England]

AN other draught of an Act for a treaty with England presented by the Marquess of Lothian, read.

DRAUGHT of an Act sent the way of choosing Officers of State Privy Counsellors and Members of Exchequer and Thesaurary in case of her Majesties decease without heirs of her body to succeed to her presented by the Earl of Rothes, read.

[Choosing of Officers of State &c.]

DRAUGHT of an Act for advancing and establishing the herring fishing in and about this Kingdom, read.

[Herring Fishing]

[Herring & White fishing.]

AN other draught of an Act anent herring and white fishing, read.

[Importation of Brandy.]

DRAUGHT of an Act Discharging the importation of brandy and all foreign spirits, read.

[Exporting of Wool.]

DRAUGHT of an Act anent the exportation of Wool and skins and Woollen yarn read.

ORDERED that these Acts be printed for information of the Members.

[Lord Galt.]

REPORT of the Commission for public accounts in relation to Doctor Chamberlands proposal read, As also the Doctors proposal with the objections against the same and answers made to the objections all read, And after reasoning upon it the further consideration of the proposal was delayed till the second Sederunt of Parliament next week.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Tuesday next at ten a clock.

JULY XXIV, M.DCC.V.

PRAYERS said Rolls called.

[The Earl of Mortoun's protestation for precedence.]

THE Earl of Mortoun Protested against the calling of any Earl in the rolls of Parliament before him.

HER Majesties Commission to James Duke of Queensberry to be Lord Privy Seal read and ordered to be recorded, Whereof the tenor follows.

[Commission of the office of Keeper of the Ferry Seal to the Duke of Queensberry.]

ANNA Dei gratia Magnæ Britannie Franciæ et Hiberniæ Regiis fidei, defensor Omnibus prohis hominibus ad quos presentes literæ nostræ pervenerint Salutem Quandoquidem Nos Considerantes antiquam fidelitatem insignem, animi dotes fidelissimi et dilectissimi nostri Consanguinei et Concellarii Jacobi Ducis de Queensberry quibus ad munus locum et officium Secreti nostri Sigilli Custodie fideliter Obsequium usquequaq. est idoneus Noveritis Igitur Nos Fecisse Nominasse Constituisse et Ordinasse scilicet Nos per presentes Nominamus Facimus Constitimus et Ordinamus eundem Jacobum Ducem de Queensberry (durante nostro beneficio solummodo) [Domum] Custodem Secreti nostri Sigilli antiqui regni nostri Scotiæ Dando Concedendo et Disponendo illi munus et officium Secreti nostri Sigilli Custodis antedicti Cum loco et ordine precedentiæ proxime et immediate post presidem Secreti nostri Concilii dicti [nostri] regni Una cum universis honoribus dignitatibus privilegiis feodis casualitatibus proficiis et divitiis quibuscumq. eo

spectantibus per eum fructibus et gaudendis tam plene adeoq. libere in quovis respectu et conditione quam eadem per ullos alios ejus predecessores in dicto munere et officio quovis tempore præterito potuisse et gavisæ fuisse Cum potestate etiam dicto Jacobo Duci de Queensberry deputatos pro custodiendo dictum Secretum Sigillum Nominandi et Constitutendi et Clericos et dicto Sigillo scribas (pro quibus respondebit) Creandi, Et generaliter omnia et singula alia faciendi utendi et exercendi ad privilegium et libertatem dicti officii perprius spectantia aut quæ in posterum quovis modo eo spectare dignoscantur Que quidem omnia per dictum Jacobum Ducem de Queensberry legitime facienda in dicto munere loco et officio obeunda firma et rata habemus In cujus rei Testimonium presentibus magnam Sigillum nostrum appendi præcepimus Apud Aulam nostram de Windsor Cælle decimo octavo die mensis Junii anno Domini millesimo septingentesimo quinto et anno regni nostri quarto. Per signaturam manu S. D. N. Regine superscriptam. Written to the great seal and registered the twenty fourth day of July 1705 Sic subscribitur Charles Kerr. Sealed at Edinburgh the twenty fourth day of July One thousand seven hundred and five years, Sic subscribitur Alex^r Ogilvie.

THEREAFTER the said Duke of Queensberry swore the oath of allegiance subscribed the same with the assurance and swore the oath of Parliament.

MINUTS of the last Sederunt read.

MOVED that the Parliament proceed to the consideration of the draught of the Letter presented by the Marquis of Tweeddale in answer to her Majesties gracious Letter to the Parliament, Moved also that they proceed to the consideration of these Acts relating to trade which are lying before the Parliament And after debate it was put to the vote Proceed to the consideration of the draught of the Letter presented or the draughts of the Acts relating to trade and carried Proceed to the consideration of the Acts relating to trade.

[Order of procedure.]

THEN the Parliament did proceed to the consideration of the Acts for establishing and advancing the herring fishing in and about this Kingdom And after some reasoning upon them a first reading ordered to be marked on the Act presented by the Provost of Edinburgh Reserving to any member to offer clauses to be added to the said act when the same comes to be under consideration for a second reading.

[Herring Fishing.]

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Thursday next at ten a clock.

JULY XXVI, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

Palgoun
admitted

MOVED that this day being appointed for discussing the contraverted election of the Steuarity of Kirkeudbright betwixt Palgoun and Cumlodan, the Parliament would now proceed to the consideration thereof And the flamen being called, and parties procurators allowed to be heard It was objected by the procurators for Palgoun that the Protestations taken by Cumlodan against Palgoun's Electors at the time of the Election were not legal in regard these protestations bear not that there were instruments taken thereupon in the terms of the Act of Parliament 1st vj^r and eighty one made anent election of Commissioners to the Parliament And after reasoning thereupon It was put to the vote Sustain the objection made against the protestations taken by Cumlodan or Not, and carried Sustain the Objection.

THEREAFTER Cumlodan withdrew his Commission Whereupon Palgoun was allowed to have his vote in Parliament.

[Council of
Trade]

DRAUGHT of an Act for appointing a Council of trade read and ordered to be printed.

[Royal
Myne]

DRAUGHT of an Act Dissolving royall Myne from the Crown, read, and ordered to be printed.

[Game]

DRAUGHT of an Act for preserving the Game read and ordered to be printed.

[Chamber-
land's Re-
port]

RESOLVED that Doctor Chamberlands proposal and other Overtures relating to coin be first under consideration next Sederunt previous to all other business.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten a clock.

JULY XXVII, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Proposal
for a Paper
credit]

PROPOSAL for Supplying the Nation with money by a Paper credit read And after reasoning and debate thereon, It was agreed that the forcing any Paper credit by an Act of Parliament was unfit for this Nation.

MOVED that the Parliament proceed to consider If it be convenient that the current species within the Kingdom should be raised above what it passes for at present, and after some debate It was put to the vote Proceed or Delay and carried Proceed Thereafter it was agreed that the raising of the current species above what it passes for at present is an unfit expedient for this Nation. [The City]

MOVED that the Parliament might appoint a day for taking to their consideration If it be fit that the value of the English milled money and doucatoons and other foreign species should be lowered, and the same delayed till the Parliament return to consider the state of the Coin of this Kingdom.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Tuesday next at ten a clock.

JULY XXXI, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THE Draught of an Act and Commission for a treaty with England read, and moved that a first reading be marked thereon. [Treaty with England]

MOTION presented by the Duke of Hamilton that the Parliament proceed to the necessary Acts for regulating our trade the rectification of our present constitution and the limitations in the terms of the first resolve And after reasoning and debate upon the act and motion It was put to the vote Proceed to consider the Act for a treaty or Proceed to consider Limitations, and carried Limitations. [Order of procedure]

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Thursday next at ten a clock.

AUGUST II, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

MOVED that the Parliament proceed to limitations And in order thereto that the draught of the Act anent the way of choosing the Officers of State in case of her Majesties decrease without heirs of her body be read, and that it have a first reading marked thereon. [Choosing Officers of State]

MOVED that the Parliament proceed to consider the acts already presented which relate to trade And after debate it was agreed that the Act anent the choosing the Officers of State be read.

[Order of
procedure]

A RESOLVE offered that the Parliament will proceed first to the finishing of all such acts as shall be found necessary for the right regulation of the trade of this Kingdom and next to the finishing the necessary limitations and rectifying our constitution and that previous to any act for a treaty with England And after debate upon the resolve A proposal was made that it should be insert in the Minutes that the Parliament doth agree That in the first four ensuing Sederants they will proceed to consider acts in relation to trade As likewise Agree that the next four Sederants thereafter the Parliament will proceed to consider rectifications of our constitution and limitations upon the successor and that no extraneous business shall intervene And after debate it was put to the vote Whither approve the resolve or Mark the proposal in the Minutes, And carried Mark the proposal in the Minutes.

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten a clock.

AUGUST III, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederant read.

[Overtures
read]

THE Overture for an Act prohibiting and discharging the importation of all manner of merchandise and commodities from England read.

OVERTURE for an Act anent the coinage of copper, Overture for an Act Discharging the victualling of ships outward bound with Irish or foreign beef read As also the Overtures for the Acts following Act discharging the importation of tobacco Act Discharging the wearing of silk stuffs velvet and stamped Calico, Act Discharging the importation of Starch and powder made of Starch Act for easing the Leidges as to the prices of fleshes in Edinburgh Canongate and Leith all read and ordered to be printed for information to the members.

[Order of
procedure]

MOVED that the Parliament proceed to consider the Act for establishing and advancing herring fishing upon which there is a first reading already marked Moved also that the Parliament proceed to consider the draught of the Act appointing a Council of trade And after debate it was put to the vote Whither the act for the fisherie or the

act appointing a council of trade should be first considered and Carried Act for the fisherie And accordingly the same was read and proceeded on And after debate upon the clause relating to the roasing of herrings with foreign salt, It was put to the vote Allow of the roasing of herrings to be exported with white salt Yes or No, and Carried in the negative.

MOVED that the petition by M^r George Campbell anent the improvement of salt be read and agreed that the same be under consideration before finishing of this act.

[M^r George
Campbell]

MOVED that a clause be added prohibiting the importation of all English salt and agreed that the same should be likewise considered before the act be finished.

[Importa-
tion of Eng-
lish salt]

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Tuesday next at ten a clock.

AUGUST VII, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederant read.

ORDERED that the Overture for a triennial Parliament be printed.

[Triennial
Parliament]

THEN the Act for the fisherie further proceeded on and agreed that the premium of coast fishing that shall be exported be nine pounds per Last, and free of duty which makes ten pounds four shilling.

[Fisherie]

MOVED that there be an additional premium for encouraging hush fishing and making red herrings And after debate it was put to the vote Whither the same should be in this act or in a separat act and Carried in this act And then agreed that eighteen pounds including the duty be the premium for ilk laft of hush herring to be exported.

MOVED that the premium for red herrings be twenty four pounds Moved also that it be thirty six pounds And after reasoning it was put to the vote Whither twenty four or thirty six pounds and Carried twenty four pounds including the duty as the premium of ilk laft of red herrings to be exported.

THE farther Consideration of the Act delayed till the next Sederant.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten a clock.

AUGUST VIII, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Lockhart
of Kirkton]

PETITION for Captain Walter Lockhart of Kirkton presented and a Sitt of execution granted to the petitioner for the time contained in the deliverance upon his petition.

[Report
of the Public
Accounts]

ORDERED that the report of the Commission for publick accounts be printed for information to the members.

[Countess of
Sesforth]

PETITION for Frances Countess of Sesforth moved and the Earl of Cromarty and others concerned in the said petition Ordained to see and answer the same.

[Fisherie]

THEN the Parliament proceeded to the act for the fisherie And after some debate amendments and the addition of some clauses to the act it was put to the vote Approve the Act or Not and carried Approve.

[Mr George
Campbell]

PETITION Mr George Campbell for improving the salt of this Kingdom read, and ordered that the same come first in the next Sederunt of Parliament.

[Council of
Trade]

THE Act appointing a Council of trade read and ordered that a first reading be marked thereon.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten a clock.

AUGUST IX, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Import
of Irish
vituals]

PETITION by Lieutenant Collonell Patrick Ogilvie for guarding the west coast to prevent the import of Irish vitual &c. read, and the same ordered to be printed.

ANOTHER proposal to prevent the import of Irish vitual also read and ordered to be printed.

PETITION Mr George Campbell for improving the salt of this Kingdom read, and considered and the desire thereof granted as follows.

Act in favour
of Mr George
Campbell for
improving Salt

HER Majesties high Commissioner and the Estates of Parliament having heard the Petition of Mr George Campbell merchant in Edinburgh Humbly

Shewing unto them That the petitioner hath with great pains and industry found out an improvement whereby the salt as formerly made in the present salt pans may be considerably bettered in its quality and augmented in its quantity more than in the ordinary way hitherto used Whereupon there is a contract drawn up betwixt the Salt masters of this Kingdom and the petitioner and which is already signed by a considerable number of the Salt masters and the petitioner By which Contract the petitioner is to discover and communicate to the said Salt masters his said improvement on the terms & conditions expressed in the contract, Likewise upon the twenty first of November 1705 vjth and ninety nine The petitioner obtained an act of Privy Council in his favours upon the narrative of his said new invention and of his agreement with the Salt masters and of the great benefit and advantage that may redound to the Leidges by this so considerable an improvement of the chief manufactory of the Kingdom And therefore Giving and Granting to the petitioner his heirs and assignees and such only as he and they have agreed or shall agree with, the sole power and privilege for using of the said improvement during the space of twenty five years next ensuing the date of the said act in the terms and conditions therein contained and hereafter expressed in the petitory part of the said petition as the said Contract and Act of Privy Council both produced with the said petition do instruct And this being a considerable improvement of the chief manufacture of the Kingdom and may tend to the great benefit and advantage of the Leidges the petitioner is desirous it should be secured by authority of Parliament, And it being not possible to have all Salt masters concurring by reason of minors, creditors, and salt pans to be built hereafter and other hindrances and as little just that such as do not agree with the petitioner should have the benefit of his invention and discovery Therefore Craving His Grace and the honourable Estates to consider the premises and for further security and encouragement to the petitioner to pass an Act of Parliament in favours of the petitioner and such as do or shall contract with him Giving and Granting to him his heirs and assignees the sole and special licence power privilege and authority that he and they by him and themselves and by his and their deputies servants and workmen and such only as he and his forefathers have agreed or shall agree with, shall and may from time to time and at all times during the space of twenty five years after the date of the said Act of Parliament use and exercise the petitioner's new way and method of making & improving salt [Providing that any person or persons who shall during the said space agree with your Petitioner or his forefathers assent his said new way of making and improving Salt] That it

shall be lawful and lawful to them to enter or accept of the Contracts already made or to be made with any of the salt makers upon the same terms that others have agreed into, or entered in therewith and the petitioner to be obliged and by the said Act declared bound and liable to receive them upon the same terms that others have already agreed and are received upon And by the said Act to approve and interpose their authority to the Contract above mentioned or any other Contract or Contracts to the same import entered or to be entered into betwixt the petitioner and his foresaids and the Salt makers or others who do or shall contract with them And in regard the present Salt works are by Act of Parliament Declared Manufactories That therefore by the said Act all Salt works to be fitted and made after the petitioner's new method be declared to continue and be Manufactories with all the privileges and immunities formerly pertaining and belonging to the salt manufactories by the Acts of Parliament 1st vjth and sixty one and 1st vjth and eighty one, And for the better encouragement security and establishment of the said new Improvement against minores creditors and others not contracting with the petitioner or his foresaids Prohibiting and Discharging all the Salt makers or others who have or within the foresaid space of twenty five years may have any going salt pans to use the petitioners said new method and invention, or to counterfeit or resemble the same whereby to pretend themselves the inventors and defilers thereof during the space foresaid unless they first agree with the petitioner or his foresaids in the terms of the Contract abovementioned With Certification to them if they or any of them do in the contrair the going of their salt pans shall be stopped by any Judge ordinary upon summons complaint or process instructed by an instrument of interruption taken by the petitioner till they agree in manner foresaid or find caution to make their salt after the former manner without meddling with the petitioners said new invention And they shall also be further punished for their contempt as the Lords of Privy Council shall see cause And further that they shall be answerable to the petitioner and his foresaids according to the utmost rigour of the law for his or their damages thereby to be sustained And by the said Act to Recommend to all her Majesties Judges Officers and Ministers of the Laws to give their favourable concurrence to the petitioner and his foresaids in the prosecution of the said Act and on all occasions needful to be assistant to them therein as the said Petition bears And Her Majesties said Commissioner and the Estates of Parliament having this day fully considered the said petition and being therewith well and ripely advised They granted & hereby Grant the desire thereof And Ordained and hereby Ordain this present Act to be Extended

thereupon and given to the petitioner for his security in manner and to the effect represented.

THEN the Parliament proceeded to consider the Act for appointing a Council of trade And after debate upon the clause whereby it is provided that the Commissioners should be named by Queen and Parliament It was put to the vote Approve or Alter the clause and carried Approve the clause And after some other amendments made upon the Act Agreed that the same be under further consideration next Sederunt of Parliament previous to all other business.

[Council of Trade]

THEN The Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten a clock.

AUGUST X. MDCCV.

PRAYERS said Rolls called.

MINUTES of the last Sederunt read.

THE Laird of Brodie Excused by her Majesties Commissioner for his absence this Session of Parliament in regard of his indisposition.

MOVED That Mr James Anderson Writer to her Majesties Signet having wrote [a Book] intitled an Historical Essay Shewing that the Crown and Kingdom of Scotland is imperial and independent, thereby clearing the independency of this Nation he should have a reward for that good service and agreed that he shall have for reward the sum of four thousand eight hundred pounds As also that the thanks of the Parliament be given him by the Lord Chancellor in presence of her Ma^{ty} high Commissioner and the Estates Which was accordingly done.

[Mr James Anderson W. S.]

MOVED That Mr James Hodges who hath in his writings served the interest of this Nation get likewise a reward for the same and agreed that he shall have the like sum of four thousand eight hundred pounds.

[Mr James Hodges]

MOVED That the book intitled the Superiority and direct Dominion of the Imperial Crown of England over the Crown and Kingdom of Scotland, being scurrilous and full of falsehoods As also the Pamphlet intitled The Scots Patriot unmasked, reflecting upon the honour and independency of this nation both wrote by William Atwood, be burnt by the hand of the hangman And accordingly the same was ordered to be done by the Magistrates of Edinburgh Wednesday next being the fifteenth instant betwixt the hours of eleven and

[Books written by William Atwood ordered to be burnt]

twelve and that a Warrant be given to them for that effect.

[Council of Trade]

THEN the Parliament proceeded to consider the Act for appointing a Council of trade And after several amendments it was put to the vote Approve the Act or Not and carried Approve.

MOVED That it be determined If the election of these members who are to make up the Commission for trade shall be in plene Parliament or by the Estates separat And Agreed that it be by the Estates separat Also Agreed that the said Commission consist of Seven of each State being in hall Twenty one and agreed that Seven of them be a quorum.

MOVED That the members of Parliament who are Tacksmen and Collectors of her Majesties customes and excise be excluded from being chosen as members of the said Commission And after debate it was put to the vote Exclude or Not and carried Exclude.

THEN The Lord Chancelour by order of her Majesties High Commissioner Adjourned the Parliament till Tuesday next at ten a clock.

AUGUST XIV, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Council of Trade chosen]

THEN the Estates did separat to chose their Commissioners, who returned the persons following For the Nobility The Marquess of Lothian, the Earl of Mar, the Earl of Buchan, the Earl of Leven, the Earl of Hyndford, the Earl of Stair, the Earl of Hopetoun. For the Barons Sir Robert Dickson, the Laird of Camwath, Sir John Swinton, the Laird of Jerreswood, the Laird of Kilmaronock, Sir Thomas Burnet of Leyes, James Moir of Stonywood. For the Royal Burrows Sir Patrick Johnston, Hugh Montgomery, Sir James Smollet, Sir Alexander Ogilvie, M^r John Clerk, M^r Dougald Stuart, Sir Hugh Dalrymple.

ORDERED that their lifts be insert in the Act.

Protestation by the Lord Balmorinoch and Earle of Erroll and Marischall

THE Lord Balmorinoch gave in the Protest following That the nomination of this Commission or Council of trade by the Estates severally being a late practise and founded upon no Law, shall not be drawn in consequence in prejudice of the right and priviledge of Parliament to name by the whole house, Whereupon he took instruments, To which protest the Earls of Erroll and Marischall adhered.

MOVED that any member of Parliament may have the priviledge to be present at the meetings of the Council of trade and the time Agreed to.

THEN the Lord Chancelour by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten a clock.

AUGUST XV, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THE Lord Lundsore excused for his absence in regard of his indisposition.

THE Overture for an Act anent the way of choosing Officers of State &c. in case of her Majesties decease without heirs of her body read. [Overture read]

OVERTURE for limitations on the successors of her Majesty (deceasing without heirs of her body) who shall be likewise Kings of England read.

OVERTURE for an Act for a triennial Parliament read.

MOVED that there be a first reading marked upon the act anent the way of choosing Officers of State after the death of her Majesty: Moved that there be a first reading marked upon the act for a triennial Parliament, Also moved that the further consideration of these acts be delayed, After debate it was put to the vote Proceed or Delay and carried Proceed. [Order of Proceed]

AGREED that a first reading be marked upon the act anent the choosing Officers of State Also agreed that a first reading be marked upon the act for a triennial Parliament.

MOVED that the Parliament next Sederunt proceed to consider the Act anent the way of choosing Officers of State which was presented before the Act for a triennial Parliament: Also moved that they proceed first to the Act for a triennial Parliament And after debate it was put to the vote which of these acts the Parliament should first proceed on and carried Proceed to the act for the way of choosing Officers of State next Sederunt previous to all other business.

THEN the Lord Chancelour by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten a clock.

AUGUST XVI, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THEN the Parliament proceeded to consider the Act anent the way of choosing Officers of State &c. in case of her Majesties decease without heirs of her body And after debate upon the clause for nominating the said officers it was put to the vote If the nomination of the Officers of State &c. shall be by the King in Parliament with the advice consent and approbation of the Estates or If the nomination shall be by the Estates of Parliament, and Carried that the nomination shall be by the Estates of Parliament.

MOVED that the nomination upon the death of any of the Lords of Session or Judiciary be in the same manner as the Officers of State and added to this act.

MOVED also that the same be considered by a separat act And after reasoning Agreed that the Lords of Session and Judiciary be nominat in the same manner as the Officers of State and that the Commissions to be granted to them upon any vacancy shall be during life.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Tuesday next at ten a clock.

AUGUST XXI, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THEN the Parliament proceeded to the further consideration of the Act anent the way of choosing Officers of State &c. in case of her Majesties decease without heirs of her body.

MOVED that the clause be added That in the event forasaid there be three presidents of the Session chosen and nominat by the Parliament to preside by turns for the space of two months only And after reasoning It was put to the vote Add the clause to the Act or No and Carried in the negative; Then the act being read It was put to the vote Approve the act or No and carried Approve.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten a clock

AUGUST XXII, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

PETITION for John Earl of Crawford against Sir William Meinzie late tacksmen of the excise and his Cautioners read and they ordered to fee and answer the same against the second Sederunt next week with Certification.

PETITION for John Duke of Atholl against the said Sir William Meinzie read and he ordered to fee and answer against the said diet with Certification.

PETITION for Frances Countess Dowager of Seaforth against the Earl of Cromarty and others again read, and they ordained to fee and answer against the second Sederunt next week with Certification.

ORDERED that the second Sederunt next week be for privat business.

THEN the Parliament did proceed to consider the Act for a triennial Parliament And after some reasoning whether this act shall take effect during the Queens reign or upon the succession only being put to the vote Carried that it should take effect during the Queens reign.

MOVED that this Parliament continue only for one year after this date; Also moved that it may continue for three years And upon debate It was put to the vote, One or Three years And it carried that this Parliament may continue Three years after this date.

MOVED that seeing by the act Farmers Managers and Collectors of her Majesties Customes and Excise, and Surveyers are declared incapable to be members of Parliament, That the general Receiver be likewise added, And after debate It was put to the vote Add the general receiver to the act or Not and Carried in the negative Then the whole act being read It was put to the vote Approve the act or Not and carried Approve.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Friday next at ten a clock.

[Earl of Crawford agt Sir William Meinzie]

[Duke of Atholl agt Sir William Meinzie]

[Countess of Seaforth agt the Earl of Cromarty]

[Act for a Triennial Parliament]

[Choosing Officers of State]

[Lords of Session & Judiciary]

[Act anent Choosing Officers of State]

AUGUST XXIV, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Patrick
Lord
Kinnaird]

PETITION for Patrick Lord Kinnaird Craveing a list of personal execution against him and of real diligence against his estate for some time, read, and the same ordered to be under consideration the first day for privat business.

[Supply]

ACT for a Supply to be granted to her Majesty for maintenance of the standing forces, forts garrisons and frigotts presented by the Earl of Glasgow Lord Treasurer drupate read, and the same craved to have a first reading.

[Assent the
Plot]

MOVED that there being an Address last Session of Parliament for transmitting the papers relating to the late plot, The Parliament may be satisfied what answer is given to the said Address Upon which motion her Majesties Commissioner Declared he had received a letter from her Majesty relating thereto and that he would signifie her Majesties pleasure therein to the Parliament the third Sederunt next week, Whereupon the said Sederunt was appointed for inquireing into that plot.

[Order of
procedure]

MOVED that the Act of Supply shall have now a first reading but before a second reading be given to it that the Parliament will come to a conclusion in the affair of the treaty and such branches of trade as shall be necessary to consider in relation to the clauses in the English act.

ALSO moved that there be an addition to the former motion in thir terms That the Parliament will likewise pass such acts as shall regulate the balance of trade to the advantage of the Nation before a second reading. And after some reasoning it was put to the vote Add or Not and Carried in the negative.

THEN a first reading marked on the Act for a Supply.

ORDERED that the Charge and Discharge of funds from August 1st vijth and four to July 1st vijth and five be printed.

AGREED that the Parliament next Sederunt proceed to the consideration of the Act for a treaty with England previous to all other business.

THEN the Lord Chancellour by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten a clock.

AUGUST XXV, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THE Act and Commission for a treaty with the Kingdom of England read, And after long debate thereon the further consideration thereof delayed till the next Sederunt.

[Treaty with
England]

THEN the Lord Chancellour by order of her Majesties high Commissioner Adjourned the Parliament till Tuesday next at ten a clock.

AUGUST XXVII, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THE draught of an Address to her Majesty why the Parliament cannot proceed to an Act for a treaty with England offered by the Laird of Saltoun in thir terms " We your Majesties most loyal and faithful Subjects The Noblemen Barons and Burgeses convened in Parliament humbly represent to your Majesty that the Act lately past in the Parliament of England containing a proposal for a treaty of Union of the two Kingdoms is made in such injurious terms to the honour and interest of this Nation that We who represent this Kingdom in Parliament can no wayes comply with it which We have the greater regrate to refuse because a treaty of Union has in this Session been recommended to us by your Majesty [but out of the great sence of the duty we owe your Majesty] We do Declare that We shall be alwayes ready to comply with any such proposal from the Parliament of England whenever it shall be made in such terms as are no wayes dishonourable or disadvantageous to this Nation" And after a long debate thereon the Parliament did proceed to the Act for a treaty with England and being read it was put to the vote Mark a first reading to the Act or Not, and carried To mark a first reading on the Act.

[Address
sent to
Union with
England]

THEN agreed that this Act shall not be finished and approved the next Sederunt that the Parliament shall proceed upon the consideration thereof but prejudice to the voting the clauses of the Act that shall be then adjusted.

A CLAUSE offered by the Duke of Atholl to be added to the said act read, and the same ordered to ly upon the table to be considered when the Parliament proceeds to consider that act.

THEN the Lord Chancellour by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten a clock.

AUGUST XXIX, M,DCC,V.

PRAYERS said. Rolls called.

MINUTS of the last Sederunt read.

PETITION for John Earl of Crauford against Sir William Meinzie's Craveing the same execution against Sir William's Cautioners as against the said Sir William read; Answers to the said Petition also read, And the Parliament having considered the petition with the answers and the report of the Commission for publick accounts relating to the said petition, Recommended to the Lords of the Treasury to Assigne to the petitioner the said Sir William Meinzie's tack and all execution that may be competent thereon Which Recommendation is as follows.

HER Majesties high Commissioner and the Estates of Parliament having heard the petition of John Earl of Crauford Humbly Shewing unto them That the petitioner having represented the hardships he lyes under through his being engaged for the clothing money of the regiment lately under his command, the last Session of Parliament he obtained a deliverance ordaining Sir William Meinzie's of Gladstones in the first end of the sums due by him to pay the petitioner what he was engaged in for clothing as the petitioner should instruct before the Lords of the Treasury or Committee of Parliament, Upon the petitioners application and perusal of his instructions the right honourable the Lords of the Treasury were pleased to find thirteen months clothing due to his regiment at disbanding and that the same extended to Two thousand eight hundred and ninety six pounds sixteen shilling eight pence sterling. This decreet of Parliament and report of the Treasury being upon the petitioners application again reviewed by the Committee of Parliament they adhered to the same, and the Committee having called for the Contracts and other Engagements upon the petitioner and stated the same They found that the Sums of money in his respective engagements amounted to no less than the above written sum of two thousand eight hundred and ninety six pounds sixteen shillings eight pence Sterling, And therefore the Committee by their Decreet on the eleventh of June last Decerned and Ordained the said Sir William Meinzie to pay the petitioner the foresaid sum and ordained burning and all other Executorials to be directed on the same The petitioner does with all gratitude acknowledge the just proceedings of the right honourable the Estates and Committee of Parliament and Lords of the Treasury in this matter But still he

must beg leave to represent to his Grace and this present Parliament that what he has hitherto obtained hath proven ineffectual He does with all submission presume that it was the good meaning and designe of the Parliament that he should both have the same security for the money due by Sir William Meinzie's and the same execution that was originally competent for recovering it Whereas to the petitioners great loss Sir William Meinzie's cautioners are not decerned to pay nor is the petitioner allowed to quarter until payment be made So that Sir William Meinzie's by absconding not only frustrates the petitioners payment but so far irritates those to whom the petitioner stands engaged that he at present suffers by their diligence hardships that he is ashamed to lay before this honourable Judicatory And Therefore Craveing his Grace and the right honourable the Estates of Parliament to allow the petitioner the same security & execution for the said sum of Two thousand eight hundred and ninety six pounds sixteen shilling eight pence Sterling that was competent by the original tack and thereupon to Decern the Cautioners as well as Sir William Meinzie to pay the same And in case of delay that the petitioner may be allowed quartering as well as other legal diligence as the said petition bears, Which being upon the twenty second day of August instant Considered by her Ma^{ty} high Commissioner and the said Estates of Parliament They ordained Sir William Meinzie's and his Cautioners to see and answer against the second Sederunt of the then next week With certification And accordingly they having heard the Answers to the said petition given in for Alexander Meinzie's of Culteralloe Mentioning That the said Earl Represents that he having applied to the Parliament in the former Session thereof Shewing the difficulty he was under for his engagements on the account of the clothing his Regiment The Estates did ordain Sir William Meinzie's to pay to him out of the first of the sums due by him what his Lordship was engaged in for clothing according as he should instruct the same before the Lords of the Treasury or Committee of Parliament As also that upon perusal of his instructions the said Lords of the Treasury have found thirteen months clothing due to his regiment which in money extends to two thousand eight hundred and ninety six pounds sixteen shillings eight pence Sterling And sicklike That the Committee of Parliament having reviewed the Decreet of Parliament and Report of the said Lords of the Treasury with the contracts &c. wherein his Lordship was bound That they found the sum due to his Lordship did extend to the sum of Two thousand eight hundred and ninety six pounds sixteen shilling eight pence Sterling foresaid and in prosecution thereof ordered Sir William Meinzie to pay the foresaid sum to his Lordship And that notwithstanding thereof Sir

3 L.

William Meinziez shuns all manner of payment and his Cautioners are not decreed against and therefore Craves that his Grace and Estates of Parliament would find the Cautioners in the same case as Sir William Meinziez the principal tacksmen and to Decern them to pay the sum to his Lordship and in case of delay that he may be allowed quartering as well against the cautioners as against Sir William and all other diligence that was competent by the original tack This petition being by his Grace and the Estates of Parliament ordained to be seen and answered by Sir William Meinziez and his Cautioners It is answered for Culteralloes one of the Cautioners bound in the tack That by the Laws of the Kingdom there are fixed forms of procedure as well in relation to processies intented before the high Court of Parliament as before other Judicatures wherein the citation of parties and several other solemnities are requisite and Culteralloes not being so summoned he doth humbly contend that he is not obliged to answer in hoc statu Secundo Whatever may be pretended against Sir William Meinziez who composed last Session of Parliament and so subjected himself tho not cited Yet he is only one of the principal tacksmen and Alexander Wood the other is dead and neither he nor any representing him called or discluded So that Culteralloes who is only one of two Cautioners and neither the said Alexander Wood nor the other Cautioner called he ought at least to have all the inducie legales allowed to him and which being allowed he will be able to offer such unquestionable grounds as will liberat him of any obligation in the tack and therefore the desire of the petition ought to be refused untill he be legally cited and his defences heard and considered in communi forma as the said answers also bear. And her Majesties high Commissioner and the said Estates of Parliament having this day fully considered the foresaid petition with the Answers above mentioned given in by Culteralloes They Recommended and hereby Recommend to the Lords of Thesuary to assigne to the petitioner the tack duty and tack itself against Sir William Meinziez and others thereby bound for payment of his debt With quartering and all other diligence competent to the Thesuary for making the same effectual.

PETITION for Alexander Campbell of Finah craving that he may not be prejudged of the two thousand four hundred pounds allowed him last Session of Parliament by any preference granted this Session. And that he may have the same execution against Sir William and his Cautioners as is craved in the former petition; And the same likeways remitted to the Lords of Thesuary to assigne to the petitioner Sir William Meinziez tack with all action that may be competent thereon for

the said two thousand four hundred pounds, in manner at length following.

HER Majesties high Commissioner and the Estates of Parliament having heard the petition of Collorell Alexander Campbell of Finah Humbly Shewing unto them That last Session of Parliament Sir William Meinziez was appointed to pay the petitioner Two hundred Pounds Sterling out of the first & readiest of the five thousand pounds Sterling which he was Decerned in as a part of the tack duty due by him out of the inland Excise for which upon the petitioners application to the Comitty of Parliament he obtained also their Decreet decerning Sir William to pay to him the said sum which has hitherto proven ineffectuall because such diligence by quartering &c. and otherways was not then Decerned to pass against his Cautioners as against himself And therefore craving his Grace and the honourable Estates to grant the petitioner such a deliverance on his said petition for his payment primo loco as is ordained in favors of the Earl of Crauford for his payment of what's decerned to him out of the said fund against the said Sir William and his Cautioners and to ordain such diligence to the petitioner as is granted to him by the deliverance on his petition presented by him this day for payment of the foresaid sum due to him as the said petition bears And her Majesties high Commissioner and the said Estates of Parliament having this day fully considered the foresaid petition and being therewith well and ripely advised They Recommended and hereby Recommend to the Lords of Thesuary to Assigne to the petitioner the tack duty and tack it self against Sir William Meinziez and others thereby bound for payment of his debt abovementioned with quartering and all other diligence competent to the Thesuary for making the same effectual.

PETITION for the Duke of Atholl against the said Sir William Meinziez read, Craving to be relieved of several contracts for cloathing to his late regiment wherein his Grace funds ingaged and that the sums due by Sir William may be affected therewith. And the Parliament having considered the said petition The desire thereof granted after Alexander Campbell of Finah and the Lord Crauford their payments as follows.

HER Majesties High Commissioner and the Estates of Parliament having heard the petition of John Duke of Atholl Humbly Shewing unto them That he entered into several contracts of cloathing with Sir William Meinziez and his partners for cloaths to his regiment All which contracts Sir William still retains in his own hands because of a ballance of Eight hundred and four pounds three shilling and six pence Sterling yet

Recommendation of Decreet Alexander Campbell of Finah agt Sir William Meinziez

Decreet of Duke of Atholl of Sir William Meinziez

resting to them and Sir William Meinzie being considerably indebted to the publick Craving therefore his Grace and the honourable Estates of Parliament to order Sir William Meinzie to give up and discharge the several contracts whereby the petitioner stands bound to him and allow him to retain the Eight hundred and four pounds three shilling six pence Sterling in his own hands which will be in part payment to the petitioner of a much more considerable sum of arrears due to him for which arrears no doubt this honourable house will appoint suitable funds, as the said petition bears Which her Ma^{ty} high Commissioner and the Estates of Parliament having considered on the twenty second day of August instant They Ordained Sir William Meinzie to see and answer against the second Sederunt of the then next week with certification And her Ma^{ty} said Commissioner and the Estates of Parliament having this day again fully considered the said petition And being therewith well and ripely advised They Ordained and hereby Ordain the above Sir William Meinzie to give up and discharge the foresaid contracts wherein the petitioner stands bound And for that end Allowed and hereby Allow Sir William and his partners to retain the aboveⁿ Eight hundred and four pounds three shilling and six pence as the balance resting of the foresaid Contracts in their own hands for payment of the foresaid sum due to them by the petitioner.

PETITION for the Marquess of Lothian read Craving relief from the Parliament of the clothing money of his late independent troupe, and regiment of dragons now commanded by him, And that Sir William Meinzie's fond might be affected therewith, And the Parliament having considered the same the desire of the petition granted in so far as the said fond shall not be exhausted by the former preferences and Recommended to the Lords of Treasury to assigne the said [tack] and all execution that may be competent thereon for the ends contained in the said petition, as at length here follows.

HER Majesties high Commissioner and the Estates of Parliament having heard the petition of William Marquess of Lothian and the officers of the regiment of dragons under his command Humbly Shewing That there is due to the petitioner as Captain of an independent troop of horse from the first of November 1st 17th vj^{re} and eighty nine to the first of January 1st 17th vj^{re} and ninety one the sum of eight hundred and sixteen pounds nine shillings Sterling and as Collonell of that regiment of dragons which was afterwards commanded by the Lord Forbes, from the first of February 1st vj^{re} and ninety one to the first of April 1st vj^{re} and ninety seven, the sum of Two thousand & eighty

five pounds seventeen shillings and two pence Sterling. And to him and the officers of the regiment of dragons presently under his command from the fifteenth of March 1st vj^{re} and ninety eight at which time they arrived in Scotland out of Flanders to the first of December 1st and vj^{re} the sum of Six thousand nine hundred and forty pounds twelve shillings and nine pence Sterling And from the first of August 1st vj^{re} and four to the first of September 1st vj^{re} and five the sum of two thousand six hundred pounds twelve shillings and six pence Sterling making in all the sum of Twelve thousand four hundred and forty three pounds eleven shilling and five pence Sterling Of which a great part is clothing money and for which the petitioner stands personally bound And therefor Craving his Grace and the honourable Estates of Parliament to take into their serious consideration the case of the foresaid petitioner and officers in wanting so great a part of their pay for which they have so faithfully and honestly served both at home and abroad and in particular what hardships the Marquess of Lothian suffers by standing personally bound and under diligence at Law for most of the said clothing money which without the protection and assistance of this honourable house must inevitably tend to his great and irrecoverable loss and prejudice and render him incapable to cloath his said regiment, And to order payment of the above balance so long and so justly due out of some effectual fund, and particularly out of what's due by Sir William Meinzie of the tack duty of the inland Excise, specially seeing it's out of what's due by him the petitioners should have been payed and ought now to be preferred thereto as the said Petition bears. And her Majesties said Commissioner and the Estates of Parliament having this day fully considered the said petition After the preference to Finab the Earl of Crawford, and the Duke of Atholl They Recommended and hereby Recommend to the Lords of Treasury to assigne to the petitioner the tack duty and tack it self against Sir William Meinzie and others thereby bound for payment of his debt with quartering and all other diligence competent to the Treasury for making the same effectual out of the superplus of the five thousand pounds Sterling after the said preferences.

MOVED that the said preferences do not prejudice David Callender of the Six hundred pounds allowed him the last Session of Parliament for his attendance upon the Commission for publick accounts, and the same agreed to.

MOVED that Sir William Meinzie his partners and their Cautioners be Discharged of their tack of Excise and Absconded upon payment of the Sixty thousand pounds wherein he was decreed last

Session of Parliament at the terms of Martinmas 1st vij^e and five and Candlemas 1st vij^e and six by equal portions under the penalty of twelve thousand pounds for each terms faille. And after debate it was put to the vote Aforesaid in the terms foresaid or not and carried Aforesaid, Which is as follows.

Act in
favour of
Sir William
Molineux

HER Majesties high Commissioner and the Estates of Parliament having heard the petition or representation of Sir William Molineux of Gladstones Humbly shewing unto them That in August 1st vij^e and ninety eight the petitioner being unfortunately engaged in a tack of the inland Excise to commence the first of March 1st vij^e and ninety nine, Within a few days after the roup there was such an alteration of the season through the excessive rains and winds that several persons who had agreed to be partners with the petitioner did reile Which being represented by him to the Lords of Thesaurie they to incourage him and the deceased Alexander Wood to sign the tack did accept such caution as they offered, After the tack was signed the petitioner both before its commencement and also during its first year did by reiterated applications represent to the Lords of Thesaurie that moeth of the corns were not cut down and the greatest part of what was cut was utterly insufficient as was notour to all the Nation Of which the Lords of Thesaurie were so sensible that by the late King's allowance they granted them a considerable Supercedere for a great part of the tack duty Likens the petitioner and his partner did before March 1st and vij^e freely and ingenuously represent to the Lords of Thesaurie that to continue them in the tack would be a certain loss to the government Seeing the fond it self and the hail privat flocks of them and their cautioners would not make up the tack duty And therefore Craved that seeing famine had happened which by the quality of the tack did make it void; their Lordships would liberat them thereof and dispose upon the tack at their pleasure Whereupon after remitting the affair to a Committee and a most strict inquiry and examination made of the state of the Country, The Lords of Thesaurie and Exchequer after having obtained the late King's warrant and upon mature deliberation did supercede them fifteen thousand pounds of their tack duty they paying up the remaining twenty five thousand pounds And further the second year appointed them to collect and uplift by vertue of their tack they finding surety (as they did) for their intromission that year. And so with great care pains and expence they got the most part of the Country sublet in tacks and for the Thesauries security did deliver these subtacks to Robert Rutherford who got payment thereof accordingly and yet over and above all that the petitioner and his partners received these two years they

were necessitat to pay Two thousand pounds Sterling out of their own flocks more than the whole fond of the Excise did afford. In January 1st vij^e and one the Estates of Parliament were so fully satisfied that the fund of Excise would not afford payment of the tack duty that they did order the rousing thereof de novo and with much difficulty did get the same let at thirty thousand pound Sterling per annum tho there was then a great alteration of the seasons and the victual became much more plentiful than it had been in any of the [two] preceeding years. In anno 1st vij^e and three The Parliament having appointed inquiry to be made aent the publick funds and causes of the deficiency thereof these Commissioners did in anno 1st vij^e and four make report that there was Twenty nine thousand pounds Sterling deficient of the tack duty of the inland Excise betwixt March 1st vij^e and ninety nine and March 1st vij^e and one Which oblidged the petitioner (Alexander Wood his partner being then dead) to lay the case before her Ma^y Commissioner and the Estates of Parliament by petition, And being conscious to himself that he had managed the affair with the greatest exactness and caution that was possible for bringing in the fond and likeways presuming that the qualifications of famine in the land these two years were so notour that they needed little proof He did subject himself to a vote of Parliament without demanding his procurators to be heard upon the relevancy of these qualifications And by the vote the Parliament did find the Tack a standing tack for these two years. But in regard of the petitioners having given in an account of his intromissions with the fund of these two years, They did appoint a Scrutiny to be made by a Commission of Parliament aent the verity of the accounts so given in to be reported this Session of Parliament, And in the mean time ordained the petitioner to pay five thousand pounds Sterling whereof the one half at Martinmas and the other half at Candlemas last bypast: With this vote and decerniture the petitioner being greatly surprized whilst in hurry and confusion of mind thereaent tho he then was and still is satisfied that the account of his intromissions which he had offered to the honourable house, and whereby it was evident that he had payed two thousand pounds Sterling more than the fund had afforded was and is exact Yet he would have done more by far than was in his power if his partners would have concurred So that his Grace and honourable Estates may plainly perceive why it is that the foresaid decerniture against the petitioner is not obtempered his said partners and their representatives having refused to advance one farthing upon pretence that they were neither called nor decerned against and that if they had been called they would have pled upon their legal grounds upon which they presume they would have obtained exoneration This disp-

pointment from the petitioners partners doth again oblige him in all humility to lay his case before the honourable house and humbly to represent Primo That the petitioner by himself and others in his name have frequently attended the Commission of Parliament appointed for making the foresaid scrutiny in order to clear any seeming difficulties that arose to them thereunto and does presume that their report is ready and that thereby the ingenuity of the account presented by the petitioner to the Estates will appear, notwithstanding of all the suggestions and aspersions put upon him thereunto Secundo That it seems most reasonable that his partners and their representatives should be brought on an equal foot with him as to any payments beyond what the fund hath afforded And in order thereto that they should be discussed before this honourable house the petitioner having caused cite them for that effect, Tertio That through his partners refusing to concur to make up their parts of the five thousand pounds Sterling and he not being able to do it by himself he hath been necessitated ever since Martinmas last to abandon his native country to the great prejudice if not utter ruine of himself and family And therefore Craving his Grace and their Lordships to take his case into their serious consideration, And in order thereto to prefix a diet for receiving from the foresaid Commission the report of the above-mentioned scrutiny whereby it's hoped his faithful and diligent care in the management yea and his ingenuity as to his intromissions conform to the account which he presented in Parliament will be vident and by which he is already two thousand pounds Sterling in advance and that if his Grace and the honourable Estates do think fit to appoint him to pay or lose any further than what he hath already advanced it will plainly appear to proceed from the calamitous circumstances the Nation then groined under and could not possibly be misd out of the fund, Secundo That his Grace and their Lordships will be pleased simul et semel with advising the report to receive in and hear the petitioners proofs against partners that so whither the decision be for or against the petitioner they may be equal sharers therein Tertio That in the interim his Grace and their Lordships may be pleased to allow a personal protection to the petitioner untill the final decision that so he may attend thereupon without the hazard of imprisonment Whereby it is hoped that he will thereby be enabled to subject those other partners as an additionall security for obtempering any decree of Parliament to be pronounced after advising the foresaid scrutiny as the said petition bears. And her Majesties said Commissioners and Estates of Parliament having likewise heard that part of the report of the Commission of Parliament appointed for stating and examining the publick accounts which relates to the said affair Bearing that it being remitted to them

to consider whither or not the account given in by Sir William Meinzie be a true account They had made all the inquiry into this matter that possibly they could by taking the depositions of Sir William his Treasurers and Collectors as to the extent of their task duties and Collections as likewise of the sums payed in by them to him as also they had examined them conform to interrogators lying in the Clerks hands particularly whither or not there were any double tacks under hand dealings promises or gratifications made for concealments and upon the whole matter they make the following observations First That Colin Allison who was Sir William's Subcollector and Cashier for the Town of Edinburgh and shire of Midlothian gives up in the account whereon he has deponed an article of twenty eight thousand pounds Scots or thereby of rents in the said Town and Shire which Sir William did not give up in his account given in last Session of Parliament and the reason given by him therefore is that he looked upon the said list of rents as irrecoverable But they found Sir William added by a doquet to the said account the sum of two thousand four hundred pounds received by him before giving in thereof to the Parliament and that since that time he acknowledges himself to have received the sum of one thousand nine hundred pounds And found that for the remainder of the said twenty eight thousand pounds Scots he hath decrees against the treasurers lyable in payment thereof which he produces for his exoneration, Secoodly That whereas he should have taken care to have set subtacks during the first year of his management he on the contrary suffered the Excise to be in collection because it seems he could not bring it up to the extent of his task duty with any advantage to himself But it appeared plainly to the said Commission that more could have been made thereof than the collections amounted to, Thirdly That notwithstanding of the exact inquiry the Commission made into this matter yet they could not discover any double tacks under hand dealings promises or gratifications for concealments, Fourthly That the Salaries given by him to his Collectors and Surveyors seemed to be a little exorbitant amounting in some shires to near a fifth part of the whole collection, Fifthly That he made subtacks during the second year of his management for lesser sums than he received the year before by Collections which the said Commission of Parliament judged to be ill management in respect that the second year of Sir William's tack was by far a year of greater plenty than the first, But as to all these the Commission presumed to refer the Parliament to a more full and particular account inserted in the Minutes of their Committee dated the third day of May last To which is subjoined Sir William's answers That this matter might appear more clear to the Parliament when stated with all the advantages and disadvantages that the observa-

tions of the Commission and Sir William's answers can suggest; The Commission were oblig'd further to represent to the honourable house That tho by a vote their Lordships Declared Sir William Meinsie's tack to be a standing tack and ordain'd him to pay in five thousand pounds Sterling at Martinmas and Candlemas last by equal proportions; yet he hath been so far from making any payments conform to their order that he withdrew and went out of the Kingdom near eight months ago. In the mean time tho their Lordships had not empowered the Commission to do diligence against him Yet upon application made to the Treasury their Lordships order'd his tack to be registred, together with homing and caption after the ordinary manner as the said report also bears And sick-like her Majesties high Commissioner and the said Estates of Parliament having also heard the answers to the foresaid report made for Sir William Meinsies and particularly mentioned in his answers to a petition presented to them for the Earl of Crumford against him and his Cau^{ty} by which answers Sir William represented that he did with all humility take that occasion to vindicat his candor and ingenuity in the management of the foresaid Excise the two years abovementioned and to clear that the account of his intronisations with the fund as signed by him and given in to the Parliament was exact that so the insinuations made to the contrare may not be regarded And in order thereto his Grace and the honourable Estates were entreated to take notice That the Commission of Parliament in the first paragraph of their report ancient the said Sir William do say, they had made all the inquiry into this matter that possibly they could by taking the depositions of Sir William his tacksmen and collectors as to the extent of their tack duty and collections As likewise of the sums payed in by them to him As also they had examined them particularly whither or not there were any double tacks, under hand dealings promises or gratifications made for concealments And the third Observe in the report runs thus That notwithstanding of the exact inquiry we made into this matter yet we could not discover any double tack under hand dealings promises or gratifications for concealments, From which it is plain that since there is no under hand dealing in the matter the account given in by him is to be considered as true and exact Whereas from the first observation mentioned in the report in relation to the Excise of Edinburgh it may appear to some as tho the account given in by Sir William thereabout were not exact Because first he makes no mention therein of twenty eight thousand pounds of rests given up by his Subcollectors, Secundo Because he hath received two thousand four hundred pounds more than is mentioned in his printed account and likewise that he hath received one thousand nine hundred pounds since last Session of Parliament as

also that he hath decreets against the breuars for the superplus To this it was answered Primo Sir William in the printed account was not giving account of the whole surveyes of the Kingdom but only of his actual intronisations with any part of the fund, these surveyes being still to be cleared by the particular books all which he was ever ready to give upon oath and the printed account was framed in the year 1702 vj^{te} and three in order to have been given at that time to the Committee of Parliament, But Sir William having received about two hundred pounds Sterling of the rests in and about Edinburgh after the printing of that list and before presenting thereof to the Parliament he did most justly shjoun thereto the foresaid two hundred pounds Sterling as received by him since ayne and which is contained in the signed account of his intronisations presented to the Parliament and still lying in the Clerks hands Secundo as a further evidence of Sir William's ingenuity in the matter since the decerniture of Parliament in the year 1702 vj^{te} and four He hath received one thousand nine hundred and forty six pounds Scots more of these rests which he no sooner received than he owned the same to the Committee of Parliament and is but very small proportion of the two thousand pounds Sterling already advanced, and no wayes suitable to enable him to oltemper the other decernitures of Parliament, Tertio Tho the twenty eight thousand pounds of rests mentioned in Collin Allisons deposition to which the report relates appear considerable, yet it is not valuable if duly considered for the same is stated according to surveyes and decreets taken thereupon without regard to spilt brochts stored or returned ale, the death or breaking of breuars; and it is not without difficulty that the foresaid two thousand four hundred pounds and one thousand nine hundred pounds hath been got out of these rests and scarce any more can be expected that way. The Second observation in the report runs thus That whereas he should have taken care to have Set Subtacks during the first year of his management he on the contrary suffered the Excise to be in collection because he could not it seems bring it up to the extent of his tack duty with any advantage to himself; but it appears plainly to us that more could have been made thereof than the Collections amounted to. Least Sir William's silence in this matter should be interpret to import an acknowledgement of what is contained in that Observe viz. That by setting the same in subtacks the first year he might have made more thereof than was done by Collection It is answered Primo By the third Observe in the report already mentioned the Commission owns that there is nothing of under hand dealing discovered and why Sir William without the least prospect of advantage to himselfe should have endeavoured to disappoint the Government of all that could be made of the fund is

Scarce conceivable Especially seeing even at that time it was notour to the whole Kingdom that the fond could not make up much above the half of the tack duty so that he behoved to be at the discretion of the Government Secundo If there had been any error in that manner of manangement it might as reasonably be imputed to the other tacksmen against whom there is not yet any decret of Parliament, But Tertio it is notour and can be instantly instructed that Sir William, and Alexander Wood did cause print and publish advertisements through all the shires and at all the Royal Burrows of the Kingdom inviting all to come in who inclined to take Subtacks of the Excise and that several months before the commencement of the tack, And the some persons upon these advertisements did come and treat with them for parcels thereof yet none did offer to bring it the length of the collections neither would they at all engage unless they had been secured in the tack at that rate for five years So that the evidences which make it plain to the Commission that more could have been made of it the first year than the collections amounted to are such as he neither knows nor can comprehend. As to the fourth Observe bearing that in some places the Salaries given by him to Collectors and Surveyers were exorbitant It is answered That it is very well known his fault was not in being too liberal that way but in some shires the Collections were small yet the trouble of ingathering them was considerable by reason of the then circumstances of the Country which obliged Sir William and partners to give the like allowance as formerly. The fifth Observe bears That in the second year which was more plentiful than the first Sir William granted Subtacks for lesser Sums than he had received the preceding year by collection. To this it is answered that the single instance hereof is only in the shire of Haddington which was more auspicious the first year than any place of the Kingdom for albeit it had never at any time before payed above one thousand pounds per annum yet that first year by Collection it did afford nine hundred and seventy six pounds but in the second all that Sir William could make of it was Eight hundred and seventy pounds which he judged to be more reasonable than to depend upon the uncertainty of a collection In the close of the report it is represented That Sir William Meinzius withdrew and did not make payment of the sum which he was appointed to pay and whereupon diligence by appointment of the Lords of Treasury is gone out against him To this it is answered That it was not contempt but absolute incapacity to obtemper that made him withdraw and which was occasioned through the representatives of his said partners refusing to concur or pay any part thereof, and whereby Sir William's credit was so impaired that none would either lend to him or buy from him because of his

circumstances with the Parliament. From what is premised it being evident that toward the reimbursement Sir William Meinzius of the two thousand pound Sterling advanced by him before the year 1705 vijth and three more than the fund had afforded he hath not at any time nor any manner of way received any part thereof except the two hundred pounds Sterling owned and acknowledged by him in the account signed and given in to the Parliament anno 1705 vijth and four and one thousand nine hundred pounds Scots which he hath got payment of out of the desperat rests stated in Colin Allisons account since that time And therefore by the foresaid answers after answering the Earl of Crasfords petition He concluded hoping his Grace and the honourable Estates would bring the affair to a conclusion and determine at worst that upon payment of the several sums already allocat upon that fund he might be exonered and have recourse against partners and their representatives for relief as accords or at least that the exoneration might be full and the decision betwixt him and partners might be remitted to be summarily decided by the Lords of Session with a Parliamentary power And in order thereto that the petition presented by Sir William and lying in the Clerks hands with his process against partners might be read and considered and receive Interdictor thereon according to justice as the said answers also in themselves proper And her Majesties high Commissioner and the Estates of Parliament foresaid having this day fully considered the foresaid petition or representation with the abovementioned report of the Commission of Parliament thereunto and the answers abovementioned thereto and being therewith well and ripely advised They Assentified and hereby Assentified Sir William Meinzius and partners upon payment of the five thousand pounds Sterling by equal portions at Martinmas and Candlemas next under the penalty of one thousand pounds Sterling for each of the said terms failing Reserving to him his relief against partners and others lyable in payment as accords.

MOVED That Sir William and his Cautioners Assigne what is unpaid of the twenty eight thousand pounds of outstanding debts resting to him by brewers and others arising from the subject of the said excise And after debate it was put to the vote Assigne or No and Carried in the negative, And it being then moved That seeing they were not to assigne, the brewers and others may be discharged, And being put to the vote Discharge or No it carried No.

MOVED that Sir William Meinzius's process against partners and their representatives may be remitted to the Lords of Session to be determined

by them summarily without shidding the course of the roll, and the same agreed to, as follows.

Result to the
Sediton Sir
William
Meinzie agt
his partners
& their
representa-
tives

ANENT the summonds and action raised and intented before the high Court of Parliament at the instance of Sir William Meinzie of Gladstanes against Archbald Dunbar of Thandertoun who was one of the partners in the tack of the excise aftermentioned George Oswald son and heir served and returned to the deceased Sir James Oswald of Pingeltoun his father who was another of the said partners at least behaving as heir to him at least Exce^r Decreed and Confirmed to him at least vitious and universal intromettor with his writs evidents goods and geir at least lucrative successor to his father after making of the foresaid tack at least who possessed the estate or effects whereof his father was in possession for the space of three years and so lyable conform to the Act of Parliament and otherways representing him upon special passife titles to be insisted in and also Jasper Wood alias Johnston of Waristoun son and heir to the deceased Alexander Wood breuer in Edinburgh who was conjunct tacksmen with the pursuer, and oy and heir to the deceased Jasper Johnston of Waristoun who was cautioner for the said Alexander Wood one of the tackmen and who became ingaged at the desire and upon the account of the said Alexander Wood as Alexander Meinzie of Culteralloe was upon the pursuers account and

Johnstoun relict of the said Alexander Wood and daughter to the said deceased Jasper Johnstoun as Exce^r to her said father and husband at least she and her said son as representing the said deceased Alexander Wood and Jasper Johnstoun upon the passife titles particularly and generally shovementioned and who or one or other of the said representatives received dispositions or other rights from the said defuncts of their lands means and estate in their own or their trustees names for their behoove and who also had of their means and estate finiditiously conveyed after the date of the foresaid tack The which Summonds maketh mention That where the further being unfortunately ingaged in an tack of the Inland Excise which did commence in the year 1st vj^{re} and ninety nine the Parliament in the last Sediton thereof by a vote did find the samen a standing tack and appointed the pursuer to pay five thousand pound Sterling of the deficiency of the tack duty albeit the pursuer did defend and was ready to instruct that he had payed Two thousand pounds Sterling more than the fund had afforded and likeways did reserve to their own consideration what further they should think fit to enact after a scrutiny to be made anent the quota of the pursuers intromissions And seeing several persons were ingaged with him as partners in the said tack and so lyable to relieve the pursuer proportionally and that they were

not conveyed nor decerned against in Parliament necessar it is that the said pursuer have decret pronounced against them or the representatives of such as are deceased As particularly the representatives of the deceased Sir James Oswald and Alexander Wood and of Jasper Johnstoun their cautioner And that in order thereto the pursuer is desirous to prosecute an action before the Parliament that so they may be brought upon an equal foot with him as to the hault consequences of the said tack and therefore it was necessary for the said pursuer to have warrant for citing all his said partners and representatives of the deceased and their cautioners in manner underwritten And anent the charge given to the before named defenders by two several Masters of Parliament in manner following viz. to the said Archbald Dunbar and George Oswald personally apprehended and to the said Jasper Wood alias Johnston and the said

Johnstoun at their dwelling houses to have Compeared before the said high Court of Parliament or Committee thereof to have been appointed for privat affairs at a certain day bygone to have answered at the instance of the said pursuer and to have heard and seen them for themselves et nominibus passivis quibus supra Decreed by decret of Parliament to relieve the pursuer proportionally in manner foresaid as in the said summonds and executions thereof is fully exprest The said pursuer compearing by M^r John Meinzie advocat his procurator who for him produced in prefrence of the said high Court of Parliament an tack by way of contract dated the seventh of September 1st vj^{re} and ninety eight betwixt the Lords Commissioners of his Majesties Thesauri with advice and consent of the Lords and others Commissioners of Exchequer for the time on the one part and the said Sir William Meinzie then designd William Meinzie present Baillie of Edinburgh and the said deceased Alexander Wood thereby designd Merchant there on the other part Whereby the said Lords Commissioners of Thesauri with advice foresaid did Set in tack to the said Sir William Meinzie and Alexander Wood their heirs or assignees the excise of three pennies Scots upon each pint of ale and beer brown to be vended and sold in place of two mecks formerly upon the boll of malt and ficklelike the excise of three shilling Scots upon each pint of aquavite or strong waters made of malt brown and sold within this Kingdom to be paid by the retailers conform to the Acts of Parliament and the other duties mentioned in the said tack which was to continue and indure for five years after their entry thereto which is by the said tack declared to begin upon the first day of March 1st vj^{re} and ninety nine years inclusive Referving and Declaring always as it is thereby reserved and declared For the which causes the said Sir William Meinzie and Alexander Wood as prin-

cipals and Alexander Meinzie of Culterawes and Jasper Johnston of Waristoun now deceased as Cautioners for and with them Oblidged themselves conjunctly and severally their heirs executors and successors to have payed to the said Lords Commissioners of Thesauri and their successors in office or to any other having power from them the sum of Forty thousand pounds Sterling by four quarterly payments each year in manner more fully expressed in the said tack With the sum of One thousand and five hundred pounds Sterling of liquidat penalty toties quoties in case of failzie in not thankful payment of each quarters duty and by and at our payment thereof as the said tack of the date foresaid containing therein [an obligation] by the said tacksmen to relieve their cautioners above-named with several other clauses insert and registered in the books of Exchequer upon the ninth day of February 1705 and ninety nine years more fully bears And also produced in presence of the said high Court of Parliament An minute of agreement of the date the first day of September 1705 and ninety eight years betwixt the said Sir William Meinzie the said deceased Sir James Oswald of Fingeltoun the said M^r Archibald Dunbar of Thundertoun and the said umq^d Alexander Wood on the one and other parts whereby they band and oblidged them not only to bear a proportional burthen of the tack duty of the said annexed excise of three pennies upon the pint of ale and the excise of brandy and strong waters conform to the Acts of Parliament as the same was then set to the said Sir William Meinzie and of any disadvantage and loss that should happen But likewise should either be bound and give sufficient security to the publick for their respective proportions of the tack duty or otherways in case any of the said partners should not be concerned in the security given to the publick, then they should be bound and give security to the rest of the partners for their respective shares that they should be concerned in as the said Minute of agreement registered on the seventh day of February 1705 and ninety nine years in the books of Exchequer also more fully bears And the said Archibald Dunbar of Thundertoun George Oswald Jasper Wood alias Johnston Defendants at the first calling of the said summonds in the usual manner at the great gate of the Parliament house conform to the Act of Parliament Comparing hy M^r Francis Grant advocat their procurator And the said Johnston relief of the said Alexander Wood Comparing at the same time hy M^r Alexander Ferguson of Isle her procurator The foresaid summonds executions thereof and writs produced for the pursuer were then ordained to be given out to the said M^r Francis Grant to see And the same being accordingly given out by the said M^r John Meinzie the pursuer's procurator they were seen and returned by the said M^r

Francis Grant for Miffreß Wood only And the said summonds and action being this day again moved in presence of her Majesties high Commissioner and the Estates of Parliament They Remitted and do hereby Remit the abovementioned cause to be determined by the Lords of Session summarily without abiding the course of the roll.

MOVED that the Parliament take to consideration the report of the Commission for publick accounts in relation to the Lord Belhaven's tack of excise; Ordered that the same be under consideration the next Sederunt to be appointed for privat hushness.

[Order of procedure]

MOVED That for expediting of business The Lord Chancelour appoint Petitions to be read conform to their order in the roll of privat hushness, and the same agreed to.

PETITION for Walter Lockhart of Kirkcoun moved, and a further sise of all execution against him for the sums contained in his Petition granted.

[Walter Lockhart of Kirkcoun]

PETITION for the Countess of Seaforth against the Earl of Cromarty and Kenneth Mackenzie again read, And after debate the same remitted to the Lords of Session to be discussed by them summarily without shidding the course of the roll, Which remit is as follows.

HER Majesties high Commissioner and the Estates of Parliament having heard the Petition of Frances Countess dowager of Seaforth Humbly Shewing unto them That her case being wholly extraordinary and such as requires a speedy remedy not to be obtained but by the justice and favor of the Lord Commissioner his Grace and the Estates of Parliament The petitioner must in all humility represent the same as follows, She was married to the late Earl of Seaforth in the year and by articles of marriage agreed with the consent of all friends there was to be settled upon her an annuity for her lifetime of One thousand pounds Sterling yearly out of the Estate of Seaforth, For performance of these articles and by the advice of the best Lawyers in Scotland it was agreed that Isobell Countess Dowager of Seaforth Mother to the said Earl the petitioners husband and in whose person the right to the nine prefeable appraisings of the Estate of Seaforth was conveyed should make the petitioner a settlement for the said thousand pound Sterling jointure in the terms of the articles And accordingly the said Settlement was made wherein all these appraisings are mentioned with their conveyances in the person of the Earl of Cromarty and other trustees and

Remit to the Session the Countess of Seaforth against the Earl of Cromarty and Kenneth Mackenzie

from the said trustees to M^r Kenneth Mackenzie and from M^r Kenneth Mackenzie to the old Countess who thereupon Disposes to the petitioner the foresaid annuity of one thousand pounds Sterling of jointure and assigns her for that effect to the foresaid appraisings and infeftments thereon and to the dispositions and procuratories granted by the appraisers And also by the said trustees and upon the said dispositions and procuratories the petitioner is infeft under the great Seal And her infeftment being thus expedie was sent to her friends in England as an undoubted and unquestionable security, But when it pleased God to remove the Earl her husband by death in the year

and when thereupon the petitioner expected to enter to the possession of her said jointure she was refused and thereupon necessitated to send for her infeftments from England and to raise Summons of poinding the ground and of mails and duties before the Lords of Session And further when she insisted in the said Summons the Lord Prefecthall Compensing with an adjudication left against the old Countess and the petitioner's foresaid husband as charged to enter heir pretended her infeftment was a non habente potestatem, And that he had the only preferable right because the petitioner did not produce the foresaid appraisings and the conveyances thereof to the old Countess the petitioner's author whereupon her right and infeftment was founded. Albeit it was manifest to all that these appraisings and conveyances being the great security of the fee of the Estate could not be in the petitioner's hands who had only right to a life rent annuity and for which she had all reason to repose an intire confidence in the old Countess her mother in law and the other friends that they would preserve those appraisings and the conveyances thereof for the security of the fee and also for her said life rent annuity; But the petitioner being thus disappointed and necessitated to take out diligences for recovering of the said appraisings and conveyances thereof all that she obtained thereby was to get the Lord Cromarty's oath and deposition who deposed fairly and honestly upon his foresaid trust and upon the conveyance that he and the other trustees had made in favours of Kenneth Mackenzie, As also to get Kenneth Mackenzie's oath and deposition how he was denuded in favours of the old Countess the pursuers immediat author, but as for the old Countess her self her oath and deposition availed the petitioner nothing since she disowned the having of these rights the petitioner wanted, Whereupon she was necessitated to raise a new Summons for making up the conveyances she wanted either by obtaining the Earl of Cromarty and the said Kenneth Mackenzie to renew their deeds that were wanting according to their foresaid depositions otherways to have the tenor thereof made up as the same was fully libelled in the Summons raised for that

effect, And in this Summons the petitioner insisted with all diligence, but not being able to have the cause decided this last Session she was left in an uncertainty that is but too obvious, She needs not tell his Grace and their Lordships what trouble and vast expence this affair has cost her a stranger now these

years bypast and how that if it had not been first by the favour and equity of the Lords of Session and next by the justice and equity of the Estates of Parliament that she had got an alimont of five hundred pounds Sterling yearly decerned to her during the dependence of her cause she had been reduced to the greatest extremities Likeas even at present her necessities through had payment are greater than she is willing to profess But that which she must lay before his Grace and their Lordships with all submission is That they may observe by the premises that all her security depends upon the renewing of the foresaid deeds of conveyance by the Lord Cromarty and Kenneth Mackenzie conform to their oaths and declarations emitted thereunto, So that if they should come to die as all are mortal before the next winter Session the petitioner must inevitably lose her jointure right for ever unless his Grace and their Lordships in whose power it only is do provide a remedy And Therefore Craving His Grace and the honourable Estates of Parliament to take the premises to their consideration and since the petitioner has advanced her affair as much as possible before the Lords of Session and that she is also hopeful that the Lord Cromarty is willing to renew his deed conform to his oath and declaration emitted thereunto and that Kenneth Mackenzie will do the same if authorized and ordained thereto by his Grace and the honourable Estates to Grant Warrant to Cite the said Earl of Cromarty and Kenneth Mackenzie before his Grace and the honourable Estates for the effect foresaid, to prevent the irreparable hazard of their deaths, Which his Grace and the honourable Estates of Parliaments justice can only supply in the manner abovementioned according to justice as the said petition bears. Which being upon the eight day of August instant considered by her Majesties high Commissioner and the said Estates They Ordained the Earl of Cromarty and the abovesaid Kenneth Mackenzie and others concerned to see and answer the same And thereafter on the twenty second day of this said moneth of August They ordained the Earl of Cromarty and the said Kenneth Mackenzie to see and answer against the second Sederunt of the then next week with certification And this day Her Majesties high Commissioner and the said Estates of Parliament having again considered the said petition and being therewith well and ripely advised They Remitted and do hereby Remit to the Lords of Session to discuss the action abovementioned, summarily without abiding the course of the roll.

ORDERED That the third Sederunt next week be for privat hufinefs.

[Maiden
[speak]] OVERTURE for an Act in favors of a Maiden hospital, read and a first reading marked thereon.

[Lord
[speak]] PETITION for Patrick Lord Kinnsaird again read and the same delayed till the next Sederunt for privat hufinefs that the creditors may see and answer the said petition.

[The Warden
[speak] Robert
[speak]] MOVED That the process at Sir Walter Scotson infuance against Robert Malloch and others be now under consideration, And agreed that the same be considered the next Sederunt for privat hufinefs.

THEN the Lord Chancelour by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten a clock.

AUGUST XXX, M.DCC.V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Papers
[speak] the
[speak]] HER Majesties Commissioner acquainted the Parliament with her Majesties answer to the Address and signified that he had received some papers which had been before the House of Lords which were now in the hands of the Earl of Loudoun Lord Secretary and that he expected the rest; And the said papers were given in by the Lord Secretary to the Lord Clerk Register.

MOVED that the Address to her Majestie left Session of Parliament may be read, and the same accordingly done.

MOVED that the schedule or inventar of the papers produced be read, and the same accordingly read.

MOVED that such papers as are now transmitted being in bundles may be opened that it may be known whither the same be originals or only copies and the bundles being opened some of them were read.

ORDERED that Colin Campbell of Glendarule Mackleod one of the Captains of her Majesties foot guards and George Mackenzie son to George Mackenzie in Stonehaven be cited to compare before the Parliament against the third Sederunt next week in order to their examination and that warrant be granted for that effect which was accordingly done.

ORDERED that the Clerks of Council transmit what papers are in their hands relating to that matter against the said day.

THEN the Lord Chancelour by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten a clock.

AUGUST XXXI, M.DCC.V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

MOVED that the Address to her Majesty left Session of Parliament in relation to what was called in England The Scotish Conspiracy may be printed, and the same agreed to.

[Answer the
[speak]]

OVERTURE for an Act and Commission for plantation of kirks and valuation of teinds presented and ordered to be printed.

[Commission
[speak] of Teinds]

OVERTURE for an Act and Commission for visitting Schools and Colledges ordered to be printed.

[Visiting
[speak] Schools &
[speak] Colledges]

OVERTURE for an Act Discharging the Peers and others going into England without leave of the Privy Council read and ordered to be printed.

[Discharging
[speak] Peers
[speak] going
[speak] to
[speak] England]

OVERTURE for an Act in favors of the patrons and heretors of the shire of Argyle ordered to be printed.

[Patrons of
[speak] the
[speak] shire
[speak] of
[speak] Argyle]

PETITION for the Earl of Sutherland read Craveing he may be brought in peripasion with the Duke of Atholl and Marquess of Lothian and others to affect Sir William Meinzie's fund for payment and satisfaction of his arrears, And after some debate the petitioner acquiesced to the preferences granted to the forenamed persons on that fund, but craved that he may be preferred to some other publick fund.

[Earl of
[speak] Sutherland
[speak] &c.]

MOVED that a day be appointed for takinge the report of the Commission for publick accounts which were remitted to the said Commission and the third Sederunt next week appointed for receivinge the said report, At which time the Earl of Sutherlands petition to be under consideration and all persons havinge pretences to the publick funds to be then heard.

[Publick
[speak] Accounts]

THEN the Parliament proceeded to the consideration of the Act for a treaty with England And after some amendments made upon the clause con-

[Treaty with
[speak] England]

taining the powers to be given to the Commissioners, the same was approved.

MOVED that there be an addition to the said clause in this terms That the Union to be treated on shall not derogate any wayes from any fundamental laws ancient privileges offices rights dignities and liberties of this Kingdom, And after debate it was put to the vote Add the clause or not and Carried in the negative.

THE further consideration of the Act delayed till next Sederunt.

THEN the Lord Chancelour by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten a clock.

SEPTEMBER 1, M.DCC.V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Treaty with
England]

THEN the Parliament proceeded upon a Draught of the Act for a treaty with the Kingdom of England, and the Act read, also the clause presented by the Duke of Atholl relative thereto read, and moved that the same be added to the Act.

MOVED that the first part of the said clause rescinding that part of the English Act declaring the Subjects of Scotland to be Aliens after the twenty fifth of December 1st vije- and five be first under the Parliaments consideration which was agreed to.

THEREAFTER moved that the Act for a treaty be plain and simple without qualities and that the sentiment of the Nation concerning the clause in the English Act declaring the Subjects of Scotland to be Aliens be considered in a separat way other than by this Act of treaty.

AFTER reasoning It was agreed to by the Estates of Parliament That the clause in the English Act declaring the Scots Aliens be rescinded before the Treaty of Union commence.

THEREAFTER the clause given in by the Duke of Atholl read being in these terms Providing always that the said Commissioners shall not go furth of this Kingdom to enter into any treaty with these to be appointed for England untill there shall be an act past by the Parliament of England rescinding that clause in the English Act by which it was enacted That the Subjects of Scotland shall be adjudged and taken as Aliens after the

twenty fifth of December 1st vije- and five; And a vote was thereupon flated Add the clause to this Act or do it by a separat way.

BEFORE voting the Duke of Atholl gave in a Protestation in these terms In regard that by an English Act of Parliament made in the last Session thereof intituled Act for the effectual securing the Kingdom of England from the apparent dangers that may arise from several acts lately past in the Parliament of Scotland, The Subjects of this Kingdom are to be adjudged Aliens born out of the allegiance of the Queen as Queen of England after the twenty fifth of December 1st vije- and five I do therefore Protest for my self and in name and behalf of all who do adhere to this my protestation that for saving the honour and interest of her Majesty as Queen of this Kingdom and maintaining and preserving the undoubted rights and privileges of her Subjects no act for a treaty with England ought to pass in this house unless a clause be adjected thereto Prohibiteing and Discharging the Commissioners that may be nominat and appointed for carrying on the said treaty to depart the Kingdom in order thereto untill the said clause be Repesed and Rescinded by the Parliament of England And do therefore Desire this my Protestation may be marked and recorded in the Records of Parliament Which protestation being read, The said Duke of Atholl did take instruments thereupon And the same was adhed to by the persons following viz. Of the Nobility the Duke of Hamilton, the Marqueses of Montrose and Tweeddale the Earls of Erroll Marischall Rothes Home Wigtoun Strathmore Roxburgh Haddington Selkirk Aberdeen Ruglen and Bute The Viscount of Stormont The Lord Saltoun the Lord Semple, the Lord Balmerinoch the Lord Blantyre the Lord Pittligo the Lord Belhaven the Lord Colvill and the Lord Kinnaird Of the Barons George Lockhart of Carnwath Sir James Foulis of Colington Sir Robert Sinclair of Longformacus Sir John Swintoun of that Ilk Sir Patrick Home of Rentoun George Baillie of Jerveswood, John Sinclair younger of Stevenston M^r Alexander Ferguson of Isle John Hirstone younger of Bilsboughton M^r W^m Cochran of Kilmarnock Sir Humphray Colquhoun of Luff Sir John Houston of that Ilk John Graham of Killearn James Graham of Buchlivie Robert Rollo of Powhousie Sir Patrick Murray of Ochertye John Murray of Strowan Sir David Ramsay of Balmaine Alexander Gordon of Pitbug John Udney of that Ilk James Moir of Stonywood Lindovick Grant of that Ilk David Bethun of Balfour Major Henry Balfour of Dunboug Robert Douglass of Strabendry, M^r Patrick Lyon of Auchterhouse M^r James Carnegie of Fishaven James Halyhurton of Pitcar David Graham younger of Fintrie James Ogilvie younger of Boynd Alexander Duff

Protestation
the Duke of
Atholl and
others con-
cerning the
Act for a
treaty with
England

of Bracco Alex' Mackghe of Palgoun Sir George Sinclair of Clyth James Sinclair of Stempster M' Alexander Abercrombie of Tillibody M' George Mackenzie of Inchculter and M' Eneas Mackleod of Cadboll Of the Royal Burrows Alexander Robertson Alexander Watson Alexander Edgar Patrick Bruce Alexander Duff Sir John Erskine James Spittle Francis Molison Sir Peter Halkat John Hutcheson M' William Sutherland M' John Lyon M' Dougald Stewart Sir Robert Anstruther M' John Carruthers George Home M' James Bethun and M' Robert Fraser.

THEN the vote was stated Add the clause to this Act or do it by a separat way and Carried by a separat way.

MOVED that the Parliament now proceed to consider the way of the nomination of the Commissioners for the Treaty Whither the same shall be left to her Majesty or be done by the Estates of Parliament.

ALSO moved that it being now late the further proceeding on this Act be delayed till the next Sederunt And the vote being stated Proceed on this Act or Delay, carried Proceed.

THEREAFTER the vote was stated Leave the nomination of the Commissioners to the Queen or to be done by the Estates of Parliament and Carried to be left to the Queen.

THEN the Act again read, and put to the vote Approve or Not.

BEFORE voting the said Duke of Atholl Protested against approving the Act in respect of the reasons contained in his former Protestation which was also adhered to by the persons following Of the Nobility The Marquesses of Montrose and Tweeddale The Earls of Erroll Mariball Rothes Home Wigton Strathmore Roxburgh Hadinton Selkirk Aberdeen and Ruglen, The Viscount of Stormont, The Lord Saltoun the Lord Semple the Lord Balmerinoch the Lord Blantyre the Lord Pitligo the Lord Belhaven the Lord Colvill and the Lord Kinnaird, Of the Barons George Lockhart of Carnwath Sir Patrick Home of Rantoun George Baillie of Jerreswood John Sinclair younger of Stevenston M' Alexander Ferguson of Isle John Birsbane younger of Bilschoptoun M' William Cochran of Kilmaronock Sir Humphray Colquhoun of Luss Sir John Houston of that ilk John Grahame of Killewa James Grahame of Buchvie Robert Rollo of Powhouse Sir Patrick Murray of Ochertyre John Murray of Strowan Alexander Gordon of Pitlurg John Udney of that ilk James Moir of Stonywood Ludowick Grant of that ilk David Bethun of Balfour Major Henry

Balfour of Dunboug Robert Douglass of Strathendrie M' Patrick Lyon of Auchterhouse M' James Carnegie of Finhaven James Halyburton of Pitcur David Grahame younger of Fintrie James Ogilvie younger of Boynd Alexander Duff of Bracco Alexander Mackghe of Palgoun Sir George Sinclair of Clyth James Sinclair of Stempster M' Alexander Abercrombie of Tillibody M' George Mackenzie of Inchculter and M' Eneas Mackleod of Cadboll Of the Royal Burrows Alexander Robertson Alexander Watson Alexander Edgar Patrick Bruce Alexander Duff Sir John Erskine James Spittle Sir Peter Halkat Francis Molison John Hutcheson M' William Sutherland M' John Lyon M' Dougald Stewart Sir Robert Anstruther M' John Carruthers George Home M' James Bethun and M' Robert Fraser.

THEN the vote was stated Approve the Act or Not, and carried Approve.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Tuesday next at ten of the clock.

SEPTEMBER IV, M.DCC.V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

PETITION for the Earl of Buchan Craving a competent time to enter heir cum beneficio Inventari to his predecessors last infest read, and ordered that the same ly upon the table till the third Sederunt this week appointed for privat business to the effect all persons having interest may see and answer the same against the said diet.

[Earl of Buchan]

THE Draught of an Address to her Majesty presented by the Earl of Sutherland read.

[Draughts of an Address]

ANOTHER Address to her Majesty presented by the Laird of Saltoun read.

OVERTURE of an Act Ordaining and Enacting that the Commissioners to be named by her Majesty for the part of Scotland shall not enter upon a treaty till the clause in the English act Declaring us Aliens be rescinded, read.

MOVED That the Parliament proceed in this matter by way of order of Parliament and by addressing her Majesty and not by way of Act of Parliament And after debate It was put to the vote Proceed by way of Order and Address, or by way of Act and Address, and carried by way of Order and Address.

Order concerning the Treaty

THEN Agreed and Ordered by the Estates of Parliament nemine contradicente That the Commissioners to be named by her Majesty for the Kingdom of Scotland shall not commence the Treaty of Union untill the clause in the English act Declaring the Subjects of Scotland aliens be retracted.

THEREAFTER the Parliament proceeded to consider the Draught of the Address to her Majesty that was first given in And after some amendments thereon it was put to the vote Approve the Address or Not and carried Approve nemine contradicente, Of which Address the tenor follows.

May it please your Majesty

Address by the Parliament to the Queen concerning the Treaty with England

WE your Majesties most loyal and dutiful Subjects The Noblemen Barons and Burgesses assembled in Parliament do in all humility represent to your Majesty that in compliance with the desire of your Majesties royal Letter, whereby you earnestly recommend to us to pass an act for a Commission to set a treaty on foot betwixt the Kingdoms of Scotland and England and for a nearer and more complete Union between them and for such other matters and things as may be judged proper for your Majesties honour, and the good and advantage of both Kingdoms for ever; We have by our vote agreed to the passing of the said act in the most fair and equal terms that could be expected, leaving to your Majesty the nomination of the Commissioners for this Kingdom and the time and place of their meeting with the Commissioners of England.

BUT the We have in that Act forbore to take any notice of a clause in a late Act of the Parliament of England intituled An Act for the effectual securing the Kingdom of England from the apparent dangers that may arise from several Acts lately past in the Parliament of Scotland By which clause the natives of this your ancient Kingdom of Scotland are after the twenty fifth day of December next to be adjudged and taken as aliens born out of the allegiance of the Queen of England; yet we cannot but with all submission signify to your Majesty as Sovereign of both Kingdoms that we and the whole Nation whom we represent are most sensible of the great injury done us by that clause whereby we are denied the right & privilege in England which the natives of England do enjoy in Scotland and which we have constantly enjoyed in England as a legal and necessary consequence of our being natural born subjects of the same Sovereign and hath always been sustained as a mutual privilege in the Courts and Judicatures of both Nations. For which reason We have found it absolutely necessary for main-

taining the honour of this Nation to agree and order unanimously That the Commissioners to be nominat by your Majesty for this Kingdom shall not commence any treaty with England untill first the said clause in the English act be repealed.

WE must therefore in all humility intreat and hope from your Majesties goodness and justice That in your Royal wisdom you will take such course as the said clause in the Act of the English Parliament may be repealed, to the effect the foresaid treaty of Union so much desired may commence and proceed with the wished for success.

Subscribed in presence by Warrant, and in name of the Estates of Parliament

By

May it please your Majesty

Your Majesties most humble most obedient and most faithful subject and servant

Sic subscribitur SEAFIELD Chancellor.

Edinburgh.

I. P. D. P.

September 4th 1705.

OVERTURE for an Act for encouraging the exportation of beef and pork read, and a first reading marked thereon.

[Exporting of Beef & Pork]

THEN the Lord Chancellour by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten a clock.

SEPTEMBER V, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

MOVED by the Duke of Atholl That it be recommended to her Majesties high Commissioner to present the Address which was approved the last day to her Majesty as his Grace shall see it proper and convenient and the motion agreed to.

[Presenting the Address]

OVERTURE for an Act prohibiting and discharging the importation of all merchandize and other commodities from England after the twenty fifth of December next ay and untill the prohibitory clauses in the English Act of Parliament be repealed read and a first reading marked thereon.

[Importing of Merchandize]

OVERTURE for an Act anent the exportation of Wool and Skins read and a first reading marked thereon.

[Exporting of Wool]

OVERTURE for an Act discharging the importation of English or Irish tanned leather read and a first reading marked thereon.

[Tanned Leather]

[Wool and
Linnen man-
ufacture]

OVERTURE for an Act taking off the duty of Wool and Linnen manufacture read, and a first reading marked thereon.

[Wool
Linnen
Towasse]

OVERTURE for an Act for sending ambassadours from this Kingdom to foreign treaties read, and a first reading marked thereon and ordered that the same be printed.

[Providing
of Shipps]

OVERTURE for an Act discharging the victualling of ships of this Nation outward bound with Irish or foreign beef or providing themselves with foreign small beer read, and a first reading marked thereon.

[Discharg-
ing Peers
going to
England]

OVERTURE for an Act discharging the Peers of this Kingdom their going into England without leave of the Privy Council again read, And being moved that it have a first reading, It was put to the vote Mark a first reading or not and Carried in the negative.

THEN the Lord Chancellour by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten a clock.

SEPTEMBER VI, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Assent a
Supply]

PROPOSAL anent the arming and training of an army of Seventy two thousand foot and eight thousand horse by raising of a moneth and half moneth's supply read and ordered to be printed.

ORDERED that Colin Campbell of Glenderule and Neil Mackleod one of the Captains of her Majesties foot guards and George Mackenzie son to George Mackenzie in Stenhyre who were cited before the Parliament do attend the further diets thereof.

[Ratifica-
tion &
Peers]

ORDERED that the Ratifications and Warrants for fairs to be given in this Session of Parliament be ready to be presented the third Sederunt next week And her Majesties high Commissioner appoints the Lord Advocate the Lord Treasurer depute and Lord Justice Clerk or any two of them to revise the same.

[Public
Accounts]

ORDERED that the said Sederunt next week be for receiving the report of the Commission for public accounts and that petitions relating thereto come in according to the order of the said report.

PROCESS Sir Walter Seton against Malloch and others called And parties pro^{se} being heard as to the forcing of the process The Parliament refused to allow the defenders to fix the fame in regard they did not call for it debito tempore And the procurators being further heard whither a personall protection shall be granted to the pursuer or not, After the Parliament's reasoning thereon They in respect of his special circumstances granted to him a personall protection Referring to the Creditors to insist by way of reduction before the Judge Ordinary of any deed done in their prejudice.

MOVED that he be obliged to give his oath before the Lord Chancellour whither he hath made any fraudulent conveyance or not and that before Extracting.

MOVED also That his protection be given simply without any such quality And after debate it was put to the vote Simply or with a Quality, and carried Simply.

THEN agreed that this protection continue till recalled by the Parliament, Which Protection is as follows.

ANENT the Summonds raised and granted conform to the Act of Parliament by deliverance of the Lords of Council and Session and pursued before the Parliament at the instance of Sir Walter Seton Advocate against his Creditors and their factor afternamed viz. Robert Malloch merchant in Edinburgh Alexander Brown merchant there Margaret Blyth daughter lawful to the deceased M^r Henry Blyth Doctor of Medicine M^r Andrew Handieside Writer in Edinburgh her factor for his interest Margaret Kilpatrick relict of the deceased William Dick Writer there and M^r James Kilpatrick late Schoolemaster in Ireland Making mention That where the pursuer being in his younger years induced to sign some bonds either with or for his father albeit it be notour that the pursuer never had any portion from him The said pursuer thereby and by other engagements of his own through the feverity of his Creditors is reduced to difficulties and cannot have personall freedom to prosecute his affairs unless a protection be granted to the pursuer by the Parliament And seeing in order thereto it is necessary that the said pursuers Creditors or their factors be cited before the Parliament in manner prescribed by the second Act fifth Session of King William's Parliament He had therefore Craved the Lords of Council and Session would grant Warrant to the pursuer to have Letters directed for citing his Creditors afternamed before the then ensuing Court of Parliament to the effect aftermentioned Which the said Lords by their deliverance of the date the twenty seventh day of June last granted warrant for to the effect

Protection
Sir Walter
Seton ag^t
his Creditors

after expressed And assent the Charge given in manner underwritten by virtue of the said Summons to the forenamed defenders to have compared before the said high Court of Parliament at an certain day now bygone with continuation of days to have answered at the instance of the said pursuer That is to say to have heard & seen an protection granted by the Parliament in favours of the said pursuer in order to his having personal freedom to prosecute his affairs as in the said Summons and Executions thereof more fully is contained The said pursuer Comparing by M^r Francis Grant Advocat his procurator And the said huill Defenders being absent at first calling of the said Summons in manner aftermentioned But thereafter at calling thereof this day the said Robert Malloch Alexander Broun Margaret Blyth and M^r Andrew Handieside her factor Comparing by M^r David Forbes Advocat their procurator The foresaid Summons and Executions thereof with the alleadgences of both parties comparing as said is and the absence of the said M^r James and Margaret Kilpatrick two of the defenders being all at length heard seen and considered by her Majesties high Commissioner and the Estates of Parliament and they being therewith well and ripely advised her Majesty with advice and consent of the said Estates Granted and hereby Grants personal protection to the pursuer for any civil cause or debt whatsoever ay and while the Parliament recall the same Because the forenamed Defenders being all lawfully Cited conform to the said Summons by an Mefenger at Arms in manner underwritten viz. the said Robert Malloch Alexander Broun Margaret Kilpatrick and M^r Andrew Handieside factor foresaid all personally apprehended in Edinburgh and the said Margaret Blyth and M^r James Kilpatrick as being presently furth of this Kingdom hy open proclamation at the Mercat Crofs of Edinburgh and pair and shoor of Leith to have compared at a certain day now bygone with continuation of days before the high Court of Parliament to have answered at the instance of the said pursuer and to have heard and seen protection granted by the Parliament in his favours in order to his having personal freedom to prosecute his affairs or else to have shown an reasonable cause in the contrair with certification to them if they faulged Her Majesty and her high Commissioner and Estates of Parliament would grant the pursuer a protection in the terms of the Act of Parliament After elapsing of the said day of comparance the foresaid Summons was in the terms of the Act of Parliament after opening the house and before fitting down of the Parliament called at the patent gate of the Parliament House But there being no comparance made then for the defenders The said summons and cause was this day again called in the usual manner in presence of her Majesties high Commissioner and the Estates of Parliament where

the said M^r Francis Grant Comparing for the pursuer And the said M^r David Forbes Comparing for the said Robert Malloch Alexander Broun Margaret Blyth and M^r Andrew Handieside her factor did for them Crave to see the Procefs To which it was answered by the said M^r Francis Grant That the defenders cannot now claim to see the procefs in hoc statu when the procefs is come in to be advised and he ought to have compared at first calling and then craved to see the procefs and therefore the dilator ought to be repelled Whereupon her Majesties high Commissioner and the Estates of Parliament Repelled the alleadgence and refused to allow them to see the procefs Thereafter the said M^r David Forbes alleadged that the Defenders for whom he Compars are Creditors to the pursuer and that he has made fraudulent conveyances in prejudice of his Creditors and therefore ought not to have a protection Whereunto the said M^r Francis Grant answered, and denied that the said pursuer had made any disposition in prejudice of his Creditors, and that it is still intire to quarrell any disposition that is made by the pursuer in favours of his Creditors as accords With which debate abovewritten and with the absence of the said Margaret and M^r James Kilpatrick two of the defenders the lawfully cited and oft times called to have compared and defended in the said matter as said is Her Ma^{ty} high Commissioner and the said Estates being ripely advised They granted personal protection to the pursuer for any civil cause or debt whatsoever in manner foresaid ay and while the Parliament recall the same.

PETITION for Patrick Lord Kinnaird continued till next Sederunt for privat business and to be then first under consideration.

[Patrick Lord Kinnaird]

PETITION for Collorell Patrick Ogilvie and others for preventing the importation of Irish victual read, And after debate agreed that the same be under the consideration of the Parliament the first Sederunt after the Act of Supply shall be finished.

[Colonel Patrick Ogilvie]

PETITION for the Earl of Buchan again read And after reading thereon It was put to the vote Grant a year to the petitioner to enter heir to his predecessors who died last infest for the ends contained in his petition or Not and carried Grant as follows.

HER Majesties high Commissioner and Estates of Parliament having heard the petition of David Earl of Buchan Humbly Shewing unto them That where by the twenty fourth Act of the fifth Session of the first Parliament of his late Majesty King William It is Statute and Ordained that any apparent heir shall have free liberty and access to enter to his predecessor cum beneficio Inventarii as use is in Executory and moveables allowing still

Act in favour of the Earl of Buchan

to the said apparent heir year and day to deliberate in which time he may make up the foresaid Inventory. And the deceased William Earl of Buchan the petitioners immediat predecessor having died soon after the said Act before expiring of the year and day thereby allowed without entering to his predecessor in the terms thereof The petitioner being the next apparent heir was hindered from entering by his absence out of the Kingdom for near the space of two years thereafter, as is very well known to several members of this honourable house And seeing that the petitioners entering now cum beneficio can infer no prejudice to any person concerned more than the entering within year and day, and that it appertains only to the high Court of Parliament to give a further allowance to the petitioner in this matter Therefore Craving his Grace and the right honourable the Estates of Parliament in consideration of the speciality of the petitioners case by reason of his absence out of the Kingdom abovementioned and that no person can be in the least prejudged by what is desired to allow yet a competent time to the petitioner to enter heir cum beneficio Inventarii in the terms of the said Act to his predecessor last infest as his Grace and their Lordships should think fit, as the said petition bears. Which being upon the fourth of September instant read in presence of her Majesties high Commissioner and the said Estates They ordained any party concerned to answer thereto against the third meeting this week being the day appointed for privat business. And her Majesties high Commissioner and the said Estates of Parliament having this day being their said third meeting heard the said petition again and being therewith well and ripely advised They Allowed and hereby Allow the petitioner a year from this date to enter heir to his predecessor last infest cum beneficio Inventarii to the effect mentioned in the Act of Parliament made thereunto.

OVERTURE for an Act in favours of the Town of Glasgow for an imposition of two pennies upon the pint of all ale brown and vended within the said Town for payment of their debt, read.

OVERTURE for an Act in favours of the Royal Burrows and others for the same imposition also read.

MOVED That a first reading be marked on the Act in favours of the Town of Glasgow. Also moved that a first reading be marked on the general Act. And after debate It was put to the vote Mark a first reading on the general or special Act, and carried Mark a first reading on the special Act.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten a clock.

SEPTEMBER VII, M^o DCC^o V.

PRAYERS said. Rolls called.

MINUTS of the last Sederunt read.

MOVED That the Petition for Sir David Cunningham of Milnecraig anent the changing of the high way about his house be read and agreed that the same be under consideration the first Sederunt after the Act of Supply shall be finished previous to all other privat business.

[Sir David Cunningham of Milnecraig]

THEN the Parliament proceeded to consider the Act for the right curing packing and pinning of beef and pork for exportation And after reading and some amendments made thereupon It was put to the vote Approve or Not and carried Approve.

[Packing of Pork]

PETITION for Captain Walter Lockhart again presented and a further silt of execution granted to him, in manner following.

HER Majesties high Commissioner and the Estates of Parliament having heard the Petition of Captain Walter Lockhart of Kirkcoun Humbley Shewing unto them That it is well known, and certain that the petitioner engaged both as a partner and collector in the Pole 1st vjth and ninety three not with any design of advantage but to recover if possible payment of one thousand one hundred and ten pounds seventeen shilling ten pence Sterling of arrears due to him for his troop in the Lord Cardross's regiment of Dragoons raised upon the petitioner's own expence at the Revolution Upon which consideration in the whole management of the said Pole the petitioner did behave himself with that compliance to all orders of the Commission of Parliament about it and did acquit himself so faithfully as to his Collection which extended to about one thousand two hundred pounds Sterling, that he hath always had the favour both of the Commission and Parliament for the three hundred and fifty three pound Sterling of the said One thousand & two hundred retained by him on the account of the said arrears and therefore when the late Commission of Parliament made their report They expressly Declared that the petitioner of all the Collectors had been most willing to obey the orders of the Commission And when the foresaid Commission was renewed in the Parliament 1st vijth and one at which time the petitioner did petition that his case might be considered as to his arrears and in the mean time might be allowed to retain the remains of his collection then in his hand and that all diligence against him might be discharged, the Parliament

Act or Silt of Execution in favours of Captain Walter Lockhart of Kirkcoun

by their deliverance the twenty third of December 1705 vj^r. Ordered his petition to be seen and answered and in the mean time sited Execution And then the Commission that was renewed the first of February 1705 vj^r and one they Impower and authorize them expressly to consider and determine upon his said petition and grounds thereof which was a great advance in the petitioners favors and no doubt had taken effect if that Commission had not been quickly thereafter dissolved: And yet such was their sense of the petitioners case and their inclinations to do him justice that four of their number all of them yet alive did on the sixteenth of December last Declare under their hand that they regarded the petitioners case as singularly recommended to them And that therefore when warrants were issued out against the Collectors none were issued out against him and that they did then resolve to take his case to their special consideration on the account of what he had borrowed and advanced for the maintenance of his troop which had not been burdensome to the Country whereby there was more arrears due to him than to any other three troops in the Regiment and that the petitioner had made ready advances upon the Commissions orders, which had distinguished his case from that of others And therefore in compliance with the recommendation of Parliament They did allow the petitioner to give bond and caution till his case was fully determined And further that they were particularly designed to shew the petitioner favour when they allowed the thousand pounds Sterling of expences to the tacksmen and collectors of the Pole 1705 vj^r and ninety three, as the declaration under their hands produced with the said petition testified By which His Grace and their Lordships might perceive how much the petitioners case did deserve to be and hath all along been favoured Likewise he has been forced to pay in the two hundred and ten pounds Sterling for which the said bond and caution was granted. The petitioner might also represent to his Grace and their Lordships some other grounds of favour As first That some of the officers and others concerned in the Pole did by a write under their hand dated the eighteenth of December 1705 vj^r and one years for certain reasons therein mentioned Consent that he should retain the said three hundred and fifty three pounds Sterling retting of his said Collection for the arrears due him as the same produced also with the said petition testified And Secundo It cannot but also have weight with His Grace and their Lordships that upon the seventeenth day of July 1705 vj^r and ninety five the petitioner was by a special Act of Parliament Recommended to the late Kings favour for repARATION of the losses he had suffered and did then represent to the Parliament as the foresaid Act and Recommendation bears, but did get nothing as yet, The petitioner

might also tell his Grace and their Lordships that when the Parliament granted the present Commission for publick accounts They provided that the proceedings already made by former Commissions of Parliament anent the Pole 1705 vj^r and ninety three should stand good And that the present Commission should proceed where the former left towards the concluding of that affair by a just dividend And the petitioner does very thankfully acknowledge that this present Commission has observed the injunction and has shewed him all favour on the grounds above mentioned; Only when the question fell in about the stating of the dividend the Commission judged that regiments should be considered and not particular troops which proved a great hardship to the petitioner, And he still humbly represents that by the very Act of Parliament 1705 vj^r and ninety three imposing the Pole it is appropriated expressly for payment of the Country's arrears and for payment of all officers regiments and troops to be first brought up to an equal foot which the petitioner humbly conceives includes the case of his troop as distinct from the regiment and that he cannot be involved in the reckoning of the pay made to the regiment but ought to stand upon his own reckoning specially since the said Act of Parliament 1705 vj^r and ninety three was made after dissolving of the regiment and that the former Commission found that the reckoning ought to be made by troops So that it was strange after to clear a provision made in the said Act in favours of officers and troops and when the petitioner instantly produces a distinct account of one thousand one hundred and ten pounds seventeen shilling Sterling due to him for his troop over and above any thing due to the Country and besides the promiscuous payments made to the regiment, he should now be included in the pay of the regiment wherein he is not nor was not then concerned, But besides all the grounds above represented the petitioner has this yet to add That all he collected is really and truly counted for by him except the foresaid three hundred fifty three pounds Sterling of which he has payed since One hundred & eighty five pounds seventeen shillings six pence Sterling conform to a decret arbitral amongst the partners and Two hundred and ten pounds Sterling conform to a decret of the Commission extending in all to three hundred and ninety five pounds which is forty two pounds more than ever he received All which grounds did appear so just and equitable to the foresaid Commission that they having pleased to allow the petitioner to apply to his Grace and their Lordships for his just relief in this matter, And therefore seeing his case as a Collector hath been distinguished and favourably regarded by the foresaid Commission of Parliament and that it hath still been thought reasonable that the final remains of the petitioners Collection still in his hands should

be allowed to him in part payment of his said great arrears and that on the dividend the petitioner has so just a claim for his troop distinct from the Regiment and that this his interest in the dividend is confirmed by the foresaid decret arbitral As also that in his collection thereof he has given so honest and satisfieing an account and of the great and extraordinary pains he was put to in that matter Therefore Craving his Grace and their Lordships in consideration of the baill premises to allow the petitioner to retain the foresaid three hundred and fifty three pounds Sterling as the remains of his collection in satisfaction of the arrears due to him pro tanto and to discharge any caption or other diligence to be put to execution against him therefore and also to order payment to be made to the petitioner of what sum his Grace and their Lordships should think fit for the great trouble and expence he was at in collecting the said pole money in the north the snowy winter 1st vjth and ninety four being there from the twenty eight day of October 1st vjth and ninety four to the twenty fourth day of February 1st vjth and ninety five as the said petition bears. With which petition there was produced for instructing thereof the foresaid Declaration founded on subscribed on the Sixteenth of December last by the Earls of Lauderdale and Leven Sir Francis Scot of Thirlestane and M^r James Hamilton of Bangour who were members then on life of the Commission granted in the Parliament anno 1st vjth and ninety for the pole 1st vjth and ninety three and gave constant attendance to the Sederants of the said Commission and who thereby Declare in favours of the said Captain Walter Lockhart as is more fully exprest in their said declaration And also the foresaid other declaration founded on subscribed on the eighteenth of December 1st vjth and one years by some of the officers who have right to the arrears due to the army preceeding 1st vjth and ninety one and to the pole money imposed for payment thereof in the Parliament 1st vjth and ninety three viz. the Laird of Grant Sir John Houstoun of that ilk and Sir Robert Dickson who conform to their respective interests and proportions did thereby for the reasons therein mentioned freely consent that the petitioner retain the said three hundred and fifty three pounds Sterling and that the same be allowed to Sir John Cochran and the other Collectors in part payment of the monyes decreed to be payed in by them to the Clerk as the Armes cashier for the said pole 1st vjth and ninety three Together with a memorial for the petitioner Bearing the balance of the petitioners arrears being distinguished from the Lord Cardrofs Dragoons in which he was a Captain to be one thousand one hundred and ten pounds seventeen shillings and ten pence Sterling after deducing of forty eight pounds sixteen shillings and ten pence which the said troop owed to the Country, including his

Sixth part of the promiscuous debt charged upon the regiment Which account is attested on the Sixth of September instant by William Seton younger of Pitmedden M^r Robert Fraser M^r John Clerk and M^r Dougald Stewart members of the Commission appointed by the Parliament for auditing the publick accounts, And her Majesties high Commissioner and the said Estates of Parliament having fully considered the said petition on the day and date of thir presents They Sisted and herchy Sist personal Execution for the sums therein contained ay and while the petitioner be heard upon the grounds of his said petition and memorial.

THE Act taking off the duty of Linnen and Woollen manufacture that shall be exported, again read, And after some amendments it was put to the vote Approve the Act or Not and carried Approve.

[Linen & Woollen manufacture]

ACT prohibiting and discharging the importation of all merchandize and other commodities from England again read, And after debate it was put to the vote Proceed to a prohibition in general or of particulars, and carried to proceed to a prohibition of particulars.

[Importation of merchandize from England]

MOVED that the importation of Tobacco from England be one of the particulars to be prohibited, and after debate it was put to the vote Prohibit or Not, and Carried in the negative.

[Importation of Tobacco from England]

THE further consideration of the other particulars delayed till the next Sederant.

THEN the Lord Chancellour by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten a clock.

SEPTEMBER VIII, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederant read.

PETITION for the Town of Culrois read, and all parties having interest ordained to see and answer against the third Sederant next week appointed for privat business.

[Town of Culrois]

ACT prohibiting the importation of commodities from England again read And after reasoning Recommended to the Council of trade to consider the branches of our commerce with England and other places and to bring in what overtures shall be proper for advancing the trade of this Kingdom next Session of Parliament Then the Parliament

[Importation of Commodities from England]

proceeded to consider the Act of Supply which was again read. And after reasoning it was put to the vote Grant Six months Supply to her Majesty extending to four hundredth and thirty two thousand and eight hundred pounds for maintaining the army garrisons and frigots for one year or Not and carried Grant Six months Supply for the ends foresaid.

AGREED that the Supply be payed at the terms following viz. Two months at Martinmas next 1st vije- and five Two months at Candlemas 1st vije- and six and two months at Lammas there-after.

MOVED that another months supply be granted for payment of four thousand eight hundred pounds to M^r James Anderson Writer to her Majesties Signet and four thousand eight hundred pounds to M^r James Hodges conform to a vote in this Session of Parliament and also for payment of two thousand and four hundred pounds to William Baine brother to the deceased James Baine Wright in part of the sums due to the said James Bayne by the Government and for outrigging her Majesties ship the Royal William and for maintaining two Birlines to be kept upon the West coast for preventing the importation of Irish victual and other prohibite goods, and the term of payment of the said months supply to be Martinmas 1st vije- and six. And after reasoning upon the said motion it was put to the vote Approve or Not and carried Approve.

Recommendation to the Treasury in favour of the Royal Burrows, M^r James Anderson, M^r James Hodges and William Bayne

THEN ordered that the Royal Burrows outrig the frigots and two Birlines with all convenience and Recommended to the Lords of the Treasury to Assigne so much of the said months Supply as shall be disbursed by them for these ends. As also Recommended to the Lords of the Treasury to assigne so much of the said months Supply to the above persons as will satisfy the respective sums granted to them by the Parliament; And the Act of Supply having received some other amendments it was put to the vote Approve the Act or Not and carried Approve.

ORDERED that additional Lifts of Commissioners for Supply be given in next Sederunt.

THEN the Lord Chancellor by order of her Majesties high Commissioner, Adjourned the Parliament till Tuesday next at ten a clock.

SEPTEMBER XI, M.DCC.V.

PRAYERS said. Rolls called.

MINUTS of the last Sederunt read.

PETITION for Sir David Cunninghame of Milnecraig for changinge the high way about his house again read, And after debate the desire of the petition granted under the provisions and at the sight and to the satisfaction of such persons as contained in the deliverance upon the said petition, as follows.

HER Majesties high Commissioner and the Estates of Parliament having heard the petition of Sir David Cunninghame of Milnecraig Humbly Shewing unto them That he having inclosed a considerable quantity of ground to the south of his house of Livingston which will require the changinge of the high way, which at present goes straight by his door and is both uneasie to him and bad of it self, a little more than what is allowed by the Act of Parliament albeit without any prejudice to travellers And seeing in former Parliaments the like incouragement has been given to inclosers and that the new way made by the petitioner is good and sufficient and better than the former Therefore Craveing his Grace and honourable Estates to authorize and allow him to change the high way as it now goes from east to west straight by his house, to go straight south from the south corner of the east dike of the petitioners present park along the new park dike and at the turning of the same to go west by the south side of Davidstoun through the kirkstoun of Livingston to the Loch-shott where the former high way comes in and that no person going or coming from east to west or from west to east make use of the former way under the penalties contained in the Acts of Parliament anent planting and inclosing of ground, and that the same may be printed and published, as the said petition bears, Which her Majesties high Commissioner and the Estates of Parliament having on the seventh day of September instant heard and having declared they would take the same to their consideration before all other business the first Sederunt of Parliament after the Act for the Supply is finished And having accordingly this day fully considered the same and being therewith well and ripely advised They Granted and hereby Grant the desire thereof With this expresse quality and provision That the petitioner before fitting up of the said old high way make the foresaid new high way a sufficient high way in winter as well as summer of twenty foot broad except where it goes betwixt houses at the sight and to the satisfaction of the Earl of Hopetoun Sheriff of

Act in favour of Sir David Cunninghame, baron of Milnecraig.

the Duke of Hamilton, the Marquess of Montrose, the Earl of Lauderdale and Lord Torphichen, or any three of them.

THE Lord Chancellor acquainted the Parliament that the rest of the papers relating to the late plot were now transmitted, And they should be given in to the Lord Clerk Register to the effect any member of Parliament may see the same.

MOVED that the Act naming publick Ministers for Scotland to be present at foreign treaties wherein the Kingdom may be concerned be again read, which was accordingly done And after some debate and amendments made upon the Act it was put to the vote Approve the Act, or Delay the further consideration thereof, and carried Approve the Act.

OVERTURE for an Act appointing a fund for defraying the charges and expences of the publick Ministers to be named by her Majestie to attend the foreign treaties, read, and a first reading marked thereon.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Thursday next at ten a clock.

SEPTEMBER XIII, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

PETITION for Mistress Jean Ramsay daughter to the deceased Lieutenant General Ramsay read.

THEREAFTER an Overture for an Act in favors of the said Mistress Jean Ramsay read and a first reading ordered to be marked thereon.

OVERTURE of an Act for an additional Excise presented by the Earl of Sutherland for satisfying the arrears due to the officers who have served since the revolution read, and ordered to be printed.

THE Act appointing a foud for defraying the charges and expences of the publick Ministers to be named by her Majesty to attend the foreign treaties again read, And after some amendments made upon the Act it was put to the vote Approve the Act or Not, and carried Approve the Act.

THE Act in favors of the Town of Glasgow again read, and after debate it was put to the vote Grant to the Town of Glasgow an imposition of two pennies upon the pint of ale brown and vanded

within the said Town for the uses contained in the Act; And after some amendments made upon the Act it was put to the vote Approve the Act or Not and carried Approve.

ORDERED that the Town of Glasgow cause print this Act after Extracting thereof As also the Act granted in anno 1704 and ninety three in their favors.

MOVED that this Gift in favors of the Town of Glasgow be burdened with payment of the sum of three thousand six hundred pounds to Mr James Anderson Writer to her Majesties Signet for insabbling him to carry on an account of the ancient and original Charters and Seals of our Kings preceeding King James the First in Copper plates according to the ancient characters of the said Charters and the motion agreed to.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten a clock.

SEPTEMBER XIV, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

PETITION for Sir Andrew Kennedy against Sir Alexander Cumming of Culter read, And remitted to the Lords of Session to determine the point of right and possession of the petitioners office as intire to be discussed summarily, Which remit is as follows.

HER Majesties high Commissioner and the Estates of Parliament having heard the petition of Sir Andrew Kennedy of Clowburn Conservator &c. Humbly shewing unto them That it pleased the late King William of ever glorious memory very soon after the late happy Revolution, to grant a Commission to the petitioner to be Conservator of the Priviledges of this Kingdom in the Netherlands for all the dayes of his natural life, Of which Commission and office the petitioner has been in possession more than fifteen years and did justly judge himself secured therein as his property unless he should forfeit it by his malversations and that the same were declared against him It being not only the plain import of his Commission ad vitam aut culpam but also fully secured both by the Law and the Claim of Right by which the office of all Judges ought to be ad vitam aut culpam, and the disposing of all forfeitures before sentence is declared to be contrary to Law. Notwithstanding whereof the petitioner is of late surprized by a Commission alledged to be granted

[Mr James Anderson's Royal Charters & Seals]

Remit to the Session of Sir Andrew Kennedy's cause against Sir Alexander Cumming of Culter

by her Majesty of his said place and office in favours of Sir Alexander Cumming of Culter which being in Law presumed to be obtained periculo impetrantis and not to be confirmed her Majesties deed, who is far from all injustice The petitioner must with all submission represent that this second gift is unprecedented and may be of ill consequence and likewise that therein the petitioner is not only concluded guilty without any due sentence, but also as he is informed deprived of both his right and possession which could not legally be done without a previous sentence and doth evidently tend to his enorm prejudice and lesion For which cause so soon as the petitioner heard of Sir Alexander's said practice he immediately intened a Declarator of his right during life and reduction and improbation of Sir Alexander's said gift, before the Lords of Session the most competent Judges in this cause wherein he called the said Sir Alexander in order to a legal and free discussion pretending to no more but that if innocent as the petitioner hopes he shall be found he might be secured from Sir Alexander's molestations and that on the other hand if found guilty, Sir Alexander might then and not before have the benefit of his said pretended Commission: But Sir Alexander not content to prosecute as the Law allows and to attend a legal discussion and decision hath not only just his gift per saltum under the great seal but also presented the same to the Royal Burrows in order to be presently put in possession and no doubt will pursue the same method both with the States General and Town of Camperre, who are concerned in the said office Which practices do not only tend to dispossess the petitioner summarily against Law and his foresaid right but must also be the occasion of great confusion to the prejudice of trade both here and in these foreign parts where the said office is appointed for it's due regulation. The petitioner shall not here further reflect upon Sir Alexander's foresaid Gift and Commission and what extraordinary clauses may be found therein, the he humbly presumes to say that they may deferre the consideration of the honourable Estates of Parliament on several accounts; But seeing that the petitioner is legally provided by his gift ad vitam as said is and that his office so secured is indeed his property and that he can neither be deprived thereof nor in the least molested in his possession save by course of Law which he never declined and that by our Law it is certain that any such second gift can take no effect whatsoever unless the former gift in the petitioner's favours be first declared to be lost admitted and forfeited He must on these considerations most humbly apply to her Majesties high Commissioner and the honourable Estates of Parliament for their justice and protection against abuses not otherways to be prevented, For seeing Sir Alexander hath already without attending any legal discussion or warrant

as said is offered to take possession here to the petitioners prejudice manifestly against Law and that the petitioner cannot expect but that he will follow the same practice with the States General and Town of Camperre not only to disturb the petitioner's possession but likewise to the prejudice of the staple trade in these parts The petitioner doth with all submission presume that his Grace and their Lordships will take the case into their consideration And therefore humbly Craving His Grace and the honourable Estates of Parliament to take the premises to their consideration and in regard of the petitioners Gift and Commission standing and eld with long possession as said is And that the petitioner has also raised a Declarator of his right and reduction and improbation of Sir Alexander's gift wherein he is called to ordain that the petitioners right and possession continue unmolested or undisturbed in any sort except in due course of law And that while the petitioners foresaid gift is standing and not declared to be lost or forfeited Sir Alexander hath no pretence either to right or to possession here or elsewhere specially in these foreign parts more than if his said second gift had never been granted and that all objections are still intire to the petitioner against the said second gift as records as the said petition bears. And her Majesties Commissioner and the said Estates of Parliament having this day fully considered the said petition and being therewith well and ripely advised They Remitted and do hereby Remit the right and possession as to the petitioner's office abovementioned intire to be summarily discussed before the Lords of Council and Session without shidding the course of the roll.

ACT in favours of Mistress Jean Ramsay again read.

[M^{rs} Jean Ramsay]

A RESOLVE offered that the Parliament during this Session will not grant any new Cess or any other Imposition whatsoever upon the Kingdom or any part thereof read.

[Order of procedure]

MOVED That before the Resolve take effect the petitions given in for the Town of Dundee and other royal Burrows be read, And after debate it was agreed to proceed to the consideration of the act in favours of Mistress Jean Ramsay before approving the resolve, and then it was put to the vote Agree to the Resolve now read or Read and Consider the petitions presented by the Town of Dundee and the other Royal Burrows, and carried Agree to the resolve.

THEN the Parliament proceeded to the consideration of the act in favours of Mistress Jean Ramsay appointing a moneths cess to be payed at the terms

[M^{rs} Jean Ramsay]

mentioned in the act for payment of the cloathing money and arrears due to the deceased Lieutenant General George Ramsay her father And after some amendments made upon the act It was put to the vote Approve the act or Not and carried Approve.

[Merchants
& Edin-
burgh]

PETITION for the merchants in Edinburgh in relation to passes from her Majesty during the time of war for carrying on their trade road, and Recommended to her Majesties high Commissioner to represent to her Majesty as their humble request That passes be granted by her Majesty to the subjects of this Kingdome trading to France and Spain and that her Majesty may be pleased to give such orders as shall protect them in their said trade as well against her Majesties ships of war and privateers as those of her allies.

[Publick
Accounts]

ORDERED That next Sederunt The report of the Commission for publick accounts be received and that the article relating to the Lord Belhaven and his partners their tack of Excise be first under consideration, Thereafter to consider the article relating to Broomhalls disbursements for the army and then Ferguslie's case with relation to the Pole money.

[Earl of
Home]

PETITION for the Earl of Home read Craveing that some time be allowed to him to enter heir to his predecessors left infest cum beneficio Inventarii and the Creditors allowed to see and answer the same against the next Sederunt of Parliament.

PETITION for Sir Thomas Kennedy of Kirkhill and partners of the tack of the Excise betwixt the year 1st vjth and ninety one and the year 1st vjth and ninety six read Craveing their damages sustained by breaking their tack by Act of Parliament and other supervenient Laws to their prejudice be considered and the petitioners recommended to her Majesty in such manner as contained in the deliverance upon the said Petition Which is as follows.

[Recommendation to her
Majesty in
Overs of
Sir Thomas
Kennedy
of Kirkhill
and partners]

HER Majesties high Commissioner and the Estates of Parliament having heard the petition of Sir Thomas Kennedy of Kirkhill and partners of the annexed Excise from November 1st vjth and ninety one to November 1st vjth and ninety six Humbly shewing unto them That where the petitioners were tacksmen of the annexed excise of two merks upon the boll of malt brown and vended within this Kingdom and of Six pence upon the pint of brandie and strong waters not made of malt and three pence upon the pint of aquavitz and strong waters made of malt for the space of five years from November 1st vjth and ninety one to November 1st vjth and ninety six Which tack contains warrandice at all hands and which certainly was

the strongest assurance the petitioners could desire that the subject of their tack should remain unprejudged by any deed of the publick and much more that their tack should continue uninterrupted or broke contrary to the publick faith which it implies or otherways that all their damages should be certainly and fully repaired conform to the Law in all contracts of that nature. But notwithstanding of the said incontroverted ground and principle the petitioners were prejudged first by supervenient Laws and then by an Act of Parliament that down right broke their tack The supervenient Laws that they complain of are first The Act of Parliament 1st vjth and ninety three Imposing an additional Excise of three pennes upon the pint of ale and beer for the space of twenty three moneths from the first of June 1st vjth and ninety three to the first of May 1st vjth & ninety five which Act did necessarily and exceedingly diminish the consumption of malt to the prejudice of the petitioners, For the method of this imposition upon the liquor being new and the additional burden great put the brewers in such disorder that many through the whole Kingdom did close up and intermit Or if they continued to brew it was in far less quantities as is notoriously known Besides that this intermission and giving over of the brewers was visibly occasioned by the contest where this additional burden should lodge the customers and drinkers expecting still that the ale and beer should continue of the same goodness and at the former price which many brewers not being able to comply with did actually desert There was also another great incumbrance that did arise to the petitioner's prejudice from the subtasks that they had set for the most part of the Kingdom except Edinburgh and some few other parts where the subtaskmen in several shires gave over and took instruments against the petitioners and raised process of liberation or cesses upon the said supervenient Law as the Subtaskmen of the shires of Fyfe Aberdeen Merns and Angus comprehending the Town of Dundee Which process the Lords being unwilling to Determine as concerning his Ma^{ty} revenue the said Subtaskmen applied to the Parliament and obtained Remits and thereby put the petitioners to double and excessive expences. And as for the Town of Edinburgh and other parts that the petitioners retained in their own Collection the damage occasioned by the said additional Excise was very great as is evident by comparing their proceeding surveyes with those that were made after the said additional Excise was imposed during the twenty three moneths whereof the survey fell far short as the petitioners are ready instantly to instruct albeit the malt was no deerer during that space than before The petitioners might also inform his Grace and their Lordships how that they were the first that ever raised the annexed Excise when set upon the malt only without any

help from the land rent of the shires and yet they can make it appear by the surveyes of the shires of Roxburgh Berwick and Wigtoun that these shires produced little more than the half of their quotas laid on them by the Act of Parliament 1st vijth and sixty three during the standing of this additional Excise which is a clear demonstration how great a diminution this supervenient Act did occasion to the subject of the petitioners tack. Their tack was likewise burdened with prior particular tacks fet below the quota as that of the shire of Aberdeen which was set for ten thousand pounds less and continued for the first year of the petitioners tack which they grant they undertook in prospect of advantage in the succeeding years but were deprived thereof by the said supervenient Act of the additional Excise and by breaking of their tack in manner aforementioned Secondly the petitioners are also prejudged by another supervenient Act past in Parliament in the year whereby it is Statute that for bygones as well as in time coming the imposition upon brandy and strong waters should only be exacted from retailers in pints and lesser quantities whereas by former Acts the least cask of brandy allowed to be imported was half a hoghead and who ever sold in lesser quantities was reckoned a Retailer as was found by several Decrets of Excheq^r upon the faith whereof the petitioners became tacksmen whereas now all that buy brandy or strong waters in any quantity above a pint are clearly liberat So that the Excise of these liquors became not worth the collection and the process the petitioners had for great sums of that Excise depending before the Excheq^r are by the retrospect of this last Act of Parliament fallen to the enorm lesion and damage of the petitioners. It hath been informed that the petitioners are considerable gainers notwithstanding of these supervenient Laws; but how is this possible when the duties of the sub tack fet by them do not amount to the quotas of the Act of Parliament and their tack duties do exceed these quotas greatly And as for what remained to them in collection they have offered to exhibit the books of their surveyes, both before and after the additional Excise and all their desire is that their damages may be liquidat accordingly, They shall not urge his Grace and their Lordships that the petitioners took the said tack with a prospect of advantage which so far as it truly and naturally arises from their tack is as much their right as any other part of their property; But that which they precisely insist upon is that their tack is their right which being of a subject uncertain they have fully as good a claime to any profit that might have arisen by it as they had certainly been made lyable to the loss if the subject had come short without any extraordinary accident and consequently if any part of the subject of their tack be diminished or withheld by a supervenient Law, it is evidently

a prejudice to their tack, and an incurring of the warrantioe of their damage ought justly to be considered as if it were a pure *damnum emergens* And the publick laws may be made for the support of the Government yet if these Laws should plainly interfere with and prejudice privat rights & contracts the Government is as much obliged to make good the same as any privat party entering in the like contract, But in the next place besides the diminution of the subject of the petitioners tack which they suffered by these supervenient Laws which ought to be made good to them they have another ground of complaint beyond all exception viz. that in the Parliament 1st vijth and ninety five when there was then a year and six moneths of their tack yet to run the Parliament thought good plainly and directly to break their tack by turning the annexed Excise from the malt to the liquor and rescinding all tacks (whereof the petitioners was the only principal tack) of and concerning the said annexed Excise upon malt and declaring the same to be fallen in consequence of the dissolution there made. The petitioners are far from Complaining as if the Parliament had wronged them in this matter since they knew perfectly that the Parliament had never refinded or taken away their tack and privat right but with a full purpose to repair them and therefore they need say no more on this head; but sure their tack was broke by the Sovereign pleasure of King and Parliament and undoubtedly with a design to make up their loss and satisfy their privat interest. The petitioners have no question but this high and honourable Court will see it done The rather seeing what they humbly desire is obvious in Law and natural reason that the publick who set the tack should either have made it good or repair the damages and that after a tack is set the subject of the tack cannot be altered nor the tack broken without mutual consent And therefore Craving his Grace and honourable Estates of Parliament to consider the damages the petitioners have sustained first by the said supervenient Laws which is above five thousand pounds Sterling as shall be instructed to a demonstration, And then by taking away of their tack by the foresaid Act of Parliament 1st vijth and ninety five while there was a year and six moneths of it still to run which points being plain both in law and reason the petitioners are perfused that the justice and equity of the Sovereign Court of Parliament will find out and provide the proper and just remedies whereby the petitioners may be fully repaired as the said petition bears. And her Majesties high Commissioner and the Estates of Parliament having this day fully Considered the said petition And being therewith well and ripely advised They Recommended and hereby Recommend the petitioners to her Majesty to repair the damages sustained by them by reason of the supervenient Acts of Par-

liament mentioned in the petition in such way and manner as her Majesty shall in her Royal Willdom think fit.

PETITION for Collorell James Campbell read Craveing payment of the arrears due to him mentioned in his petition and the petitioner Recommended to the Lords of the Treasury conform to the deliverance upon his petition, Which is as followeth.

HER Majesties high Commissioner and the Estates of Parliament having heard the petition of Collorell James Campbell Humbly Shewing unto them That the petitioner having been one of the Captains of the Lord Forbes his regiment of dragoons and there being considerable sums due to him as such and several officers of the Regiment having got their arrears; The petitioner did likewise get a precept from the Lords of her Majesties Treasury upon Sir Thomas Kennedy of Kirkhill for payment of one hundred and four pounds one shilling seven pence Sterling of the sums due to him out of the remains of the Excise duty, Which Sir Thomas refusing to pay and suffering to be protested the petitioner did apply to the high and honourable the Estates of Parliament the last Session for his payment Which the Parliament were graciously pleased to remit to the Commission upon the twenty third of August 1705 viz^t and four And now after tryal taken by the Commission into the payments of Sir Thomas Kennedy's Excise duty they find the same exhausted so that the petitioner can expect nothing from that fund Craveing therefore his Grace and their Lordships to Recommend the petitioner to the Lords of her Majesties Treasury to grant him precept for the above sum of one hundred and four pounds one shilling and seven pence Sterling out of the exchequer or balance of any fund their Lordships think fit as the said petition bears. And her Majesties said Commissioner and Estates of Parliament having this day fully considered the said petition and being therewith well and ripely advised They Recommended and hereby Recommend to the Lords of Treasury to Grant precepts to the petitioner out of some effectual fund for payment of one hundred and four pounds one shilling seven pence Sterling due to him.

PETITION for Sarah Dalrymple daughter to Dalrymple read Craveing the privilege of a Janaping Manufactory; Answers to the said petition by M^r Le Blanc and M^r Scot Glas makers alth read And after some debate the petition and answers ordered to ly upon the table.

OVERTURE for an Act for the ease of the Leidges as to the prices of fleshes in Edinburgh, read, and a first reading ordered to be marked

thereon And agreed that the representation for the skinners be under consideration when the Act comes to receive a second reading.

PETITION for Captain Thomas Hay read, and the Lady Semple Collorell John Buchan and others ordained to be cited in the terms of the Act of Parliament.

[Capt Thomas Hay]

PETITION for the Lady Bredisholme against James Muirhead of Bredisholme read, And after debate it was put to the vote whether the said James Muirhead should see and answer the said petition or be cited in the ordinar form, and carried that he should be cited.

[Lady Bredisholme ag^t Muirhead of Bredisholme]

PETITION for Captain Charles Campbell read Craveing payment of his arrears and a sist of personal execution against him for some time and that part of the petition as to Sist of personall Execution ordained to be seen and answered by his Creditors against the next Sederunt and Recommended to the Lords of the Treasury for a certain sum conform to the deliverance on his petition; The Act and Recommendation whereupon became it bears for date both this day and the eighteenth instant is recorded that day.

Act and Recommendation in favour of Captain Charles Campbell to be found Recorded 18th instant

ACTS of Ratification in favours of several persons read and several Protestations taken against some of the said Acts, As also several Warrants for Fairs read, and a Protestation taken against the fair of Balquidrock granted to the Laird of Touchadam, and the Extracting of the said fairs superceded till next Sederunt. And all objections against the said fairs made betwixt and that time to be received; Which several Acts of Ratification, and for Fairs &c. pass in Parliament, and the protestations against them are as follows.

[Ratifications & Fairs]

RATIFICATION in favours of Her Majesties high Commissioner, John Duke of Argyll of the Dukedom of Argyll &c.

OUR SOVEREIGN LADY with the special advice and consent of the Estates of Parliament Ratifies Approves and perpetually Confirms an charter under the great Seal of the date at Saint James's the twelfth day of May 1705 viz^t and two years Granted by her Majesty for her self and as come in place of the Prince and Stewart of Scotland, and of the late Bishops respective with consent of her Commissioners of the Treasury and Exchequer for the time to her Majesties high Commissioner John Duke of Argyll then Marquess of Lorn and his heirs male and of tidgle therein specified Which falling due to his other heirs or assignees whatsoever heretaby and irredeemably

Answers delivered to the Treasury in favour of Collorell James Campbell

[Duke Dalrymple]

[Prices of fleshes in Edin^g]

under the provisions and limitations therein mentioned of the Lands Earldom Lordships Baronies Burghs Offices Castles Mills harbours teinds patronages and others therein expressed, With power of holding the fairs and mercats and the other freedoms and privileges therein set down All which formerly pertained to and were Relinquished by the deceased Archbald Duke of Argyll and are all of new Disposed to the said John Duke of Argyll and his forefairs by virtue of the said charter Wherein also is contained a Dissolution of several of the Lands and others therein mentioned which do not ly locally or by annexation in the shire of Argyll from all jurisdictions to which they were formerly united and an Erection thereof in the Regality Lordship and Barony of Campbell Ordaining the Kirktown of Dollar to be the head Burgh thereof Which Burgh Her Majesty has by the said charter Erected in a free Burgh of Regality to be called the Burgh of Regality of Campbell And has likewise Erected the Town of Ros in Rosneath in a free Burgh of Barony to be called the Burgh of Barony of Portrose And has given to the said Duke and his forefairs the privilege of keeping fairs and mercats at the said several Burghs on the dayes therein specified And a power to build a free port and harbour at the said Burgh of Portrose with the tolls customes duties and other privileges and powers specified in the said charter Whereby also her Majesty as come in place of the said Prince and Steuart has Dissolved several lands and others therein mentioned from all Lordships and Baronies to which they were formerly united and has adjoined the same to the old Barony of Auchnagarran Declaring one Session to be taken at the manner place of Auchnagarran or any part of the said Barony to be sufficient for the haill By which Charter Her Majesty as Queen of Scotland has likewise united and erected all the other Lands Earldom Lordship and others therein specified in the Dukedom Marquisat Earldom Lordship and Barony of Argyll Declaring one Session to be taken at the Castle of Inverary or at any part of the said Dukedom to be sufficient for the haill To be Holden of her Majesty for her self and as come in place of the said Prince and Bishops respective and of her successors in manner expressed by the said charter Which also contains a dispensation for serving retouring & infefting in the lands and others therein mentioned that are holden in tack ward the heirs and successors of the said Duke notwithstanding of their minorities and a Confirmation of all rights of the said Lands Dukedom Baronies and others foresaid granted to him and his forefairs and to the said unqu^d Duke of Argyll his father or any of their predecessors with diverse other clauses Together with the precept of Session contained in the said charter and instrument of Session following thereupon In all and sundry

heads articles clauses provisions and conditions of the same with all that has followed or may follow thereupon And her Majesty with consent of the said Estates of Parliament Wills & Grants and for her and her Royal successors Statutes and Ordinances that the foresaid charter and infeftment thereon shall be good valid and sufficient rights conform to the tenors of the same to the said John Duke of Argyll and his forefairs for possessing and enjoying the said haill Dukedom Marquisat Earldom Lordship and Barony of Argyll and Barony of Auchnagarran united respective in manner foresaid and comprehending severally therein the Lands Lordships Baronies Burghs of Baronie and Regality teinds offices fees duties few duties castles towers fortalices mills mill lands moutures woods forrests isles locks fishings coals coalheughs advocations donations and rights of patronage and other pertinents mentioned in the said charter all lying as is therein expressed without fopt or impediment and that the same shall never be quarrelled by her Majesty or her successors and also that this present generall ratification is and shall be as effectual and sufficient to the said John Duke of Argyll and his forefairs as if the foresaid charter with the instrument of Session following thereupon were word by word insert herein with the not inserting whereof and with all other objections that may be proposed against the validity of this present ratification or rights hereby ratified Her Ma^{ty} with consent foresaid has dispensed and hereby dispenses for ever.

THE Duke of Atholl Protested That the foresaid Ratification in favours of Her Majesties Commissioner the Duke of Argyll should not prejudice the offices granted to him.

The Duke of Atholl's Protestation

THE Marquess of Montrose also Protested against the foresaid Ratification That the same should not prejudice him of his offices.

The Marquess of Montrose's Protestation

M^r William Cochran in name of the Earl of Linlithgow did likewise Protest against the before written Ratification.

Protestation for the Earl of Linlithgow

RATIFICATION in favours of John Earl and Margaret Countess of Mar of a tack of the duties of the Lands & Lordship of Stirling

OUR SOVEREIGN LADY with the special advice and consent of the Estates of Parliament Ratifies Approves and Confirms the Confirmation prorogation and tack expedie under her Majesties Privy Seal of the date at Saint James's the sixteenth day of January 1st vije^r and three years and granted by her Majesty with consent of the Lords and others Commissioners of her Treasury and Exchequer for the time whereby Her Majesty

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not only Ratified and Confirmed a tack of the few mauls few farms kains customs and other duties of the Lands and Lordship of Stirling granted by the deceased King William and Queen Mary of the date at Kensington the eight day of February 1st vith and ninety to John Earl of Mar for the space of fifteen years after the term of Lambmas 1st vith and eighty nine and thereafter ay and while the same should be recalled and discharged The said Earl paying to their Majesties and their Royal successors the tack duty therein mentioned at the term specified therein With a Ratification and Prorogation of the said former tack containing also a new tack of the said Lands and Lordship of Stirling for the space of ten years complete after the 1st and expiring of the former tack and thereafter untill the same should be discharged granted by the said deceased King William to the said Earl of Mar for payment of the tack duty therein and after specified at the time expressed therein and bearing date at Kensington the twelfth of January 1st vith and two in the hall heads clauses and articles thereof But also without hurt or derogation thereto did with consent foresaid Prorogate Extend and Continue and of new in tack and abedation let all and hiall the few mauls farms kains customs and other duties of the said Lands and Lordship of Stirling to the said John Earl of Mar and Margaret now Countess of Mar his spouse then designed Lady Margaret Hay eldest lawfull daughter to Thomas Viscount of Dupline and the longest liver of them two during all the dayes of their or either of their lifetimes and thereafter to the said John Earl of Mar his heirs male or assignees for the space of nineteen years and ay and while the same be recalled and discharged With power to the said John Earl of Mar and the said Countess his spouse and longest liver of them and after both their decaide to the said Earl his heirs male and assignees to intronet with and uplift the said few mauls few farms kaines customs and other duties of the said Lands and Lordship of Stirling during the space foresaid and thereafter as said is Paying for the same the said Earl and Countess of Mar and longest liver of them two to her Majesty and her Royal successors the tack duty of ten merks Scots money on the seventeenth day of July yearly Providing alwayes that in case the said Countess shall happen to survive the said Earl before the expiring of the former tack the said new grant and abedation shall be effectual in her favors and she preferred to the said few farms few mauls kains customs and other duties of the said Lordship of Stirling during all the dayes of her lifetime to all other competitors or pretenders whatsoever By which letter of tack the said John Earl of Mar is also Exonerat and Discharged of the hygene tack duty of the said Lordship of Stirling retting preceeding the date thereof And it is Declared that the said Earl his acceptation thereof

shall not be prejudicial to any right he hath or shall happen to have to the said few mauls and others abovementioned of the said Lordship if any he shall be found to have in manner fully expressed in the said tack in all and sundry heads articles clauses provisions and conditions of the same And her Majesty with consent of the said Estates of Parliament Wills and Grants and for her and her Royal successors Statutes and Ordaines That the foresaid Confirmation prorogation and tack shall be good valid and sufficient conform to the tenor thereof to the said John Earl of Mar and Margaret Countess of Mar his spouse and longest liver of them two during their or either of their lifetimes and thereafter to the heirs male or assignees of the said Earl for possesing and enjoying during the space foresaid without any stop or impediment in so far as concerns her Ma^{ty} interest the foresaid few mauls farms kains customs & other duties of the said Lands and Lordship of Stirling And Declares That the said Confirmation Prorogation and tack shall never be quarrelled by her Majesty or her successors And also that this present Ratification shall be as effectual to all intents as if every word of the foresaid Confirmation Prorogation and tack were insert herein Whereunto and with all other objections that can be proposed against the validity of this Ratification and rights hereby Ratified Her Majesty with consent foresaid has dispensed and hereby dispenses for ever.

RATIFICATION in favours of Lord Charles Ker Director of the Chancery

OUR SOVEREIGN LADY with advice and consent of the Estates of Parliament Ratifies Approves and Confirms ane Letter of Gift and Commission granted by her Majesty under the great seal to and in favours of Lord Charles Ker therein designed second lawfull son to the deceased Robert Marquess of Lothian dated at Bath the fourth day of September 1st vith and three years Whereby her Majesty for the causes therein specified did Nominat Constitute and Ordain the said Lord Charles Kerr sole and only Director of Her Majesties Chancery in this her ancient Kingdom of Scotland during all the dayes of his lifetime and Gave and Granted to the said Lord Charles Kerr the said place and office during the space foresaid With the hall priviledges fees profits casualties and emoluments whatsoever pertaining or that are known to appertain thereto With full power to him to exercise the said office during the space foresaid and to nominat and appoint deputies and other servants under him for whom he shall be answerable and to write register and extract all breives retours tutories charters gifts patents precepts and other writs of whatsoever nature pertaining to the said office and to keep the testimony of

the great seal and append the same to all precepts commissions tutories and other writs in use to be sealed therewith according to the custom and privilege of the said office and also to uplift intromet with and receive the hail fees salaries casualties profits and emoluments whatsoever pertaining or that are known to appertain thereto and to possess and enjoy the hail dignities liberties privileges and profits of the same as fully and freely in every respect and condition as the deceased Sir William Ker or Sir John Scot or any other directors of the said office of Chancery possessed or in any time bygone could have possessed the same And Declared that the generality of the said Gift and Commission should be as valid and effectual to all intents as if every particular relating to the said office were therein insert as the said Gift and Commission of the date foresaid containing therein her Ma^y promise to ratify the same in Parliament fully bears, in the hail heads articles clauses tenors and contents of the samen And her Majesty with consent of the said Estates of Parliament does hereby Declare Decern & Ordain that this present general ratification shall be as valid effectual and sufficient and of as great force strength and effect to all intents and purposes to the said Lord Charles Ker during the space foresaid as if the said letter of Gift and Commission were herein word by word insert Whereunto and with all faults nullities and imperfections of the samen Her Majesty and the said Estates of Parliament dispensed and by thir presents dispenses for ever.

RATIFICATION of a Charter under the Great Seal in favors of the deceased M^r William Hamilton son to umq^d Lord Basil Hamilton of the Baronies of Baldoon Cumpstoun & Lechfergus

- 4 OUR SOVEREIGN LADY with the special advice and consent of the Estates of Parliament Ratifies Approves and perpetually Confirms a Charter under her Majesties Great Seal of the date at Saint James the fifteenth day of May 1^{to} vijr and two years granted by her Majesty with Consent of the Lords and others Commissioners of her Treasury and Exchequer for the time to the deceased M^r William Hamilton eldest lawful son of umq^d Lord Basil Hamilton and to his heirs and assignees whatsoever heretabyl and irredeemably of all and sundry the Lands Baronies Mills Woods fishings and others aforementioned viz. All and hail the Lands of Baldoon and Clauchrie with the mannor place of Baldoon houses biggings yards orcheyards outlets insets parts pendicles and hail pertinents of the same with the salmoned fishings and other fishings in the water of Bladgenoch used and wont All and hail the twenty merk land of Kirkinner lying contiguous comprehending the Lands

of Miltoun with the mill thereof called Millgred-dan maltures and sequels of the same The lands of Skaitt Kirriemainoch Cruick and Littlehills with houses biggings yards pasturages parts pendicles and hail pertinents thereof All and hail the Kirklands of Kirkinner with houses biggings yards parts pendicles and pertinents of the same All and hail the Lands of Kirriewhine with houses biggings yards and pertinents all lying in the parochine of Kirkinner & shieridom of Wigtoun All and hail the twenty merk land of Itoun comprehending the five merk land of Skellary & Boig-croft the five merk land of Balfairne, the five merk land of Steuartoun and five merk land of Orcheyardtoun with houses biggings yards orcheyards annexis connexis dependences and pertinents thereof whatsoever lying within the parochine of Kirkinner and shieridom of Wigtoun foresaid All and hail the ten merk land of Lybraek with houses biggings and pertinents thereof lying in the parochine and shieridom foresaid All and hail the Lands of Kilture Clouds and Blair with the corn and walk mill of Blair mill lands maltures and sequels of the same lying in the parochine of Sorbie and shieridom abovementioned All and hail the ten merk land of the Kirklands of Wigtoun with all the houses biggings yards orcheyards parts pendicles and pertinents thereof lying in the parochine and shieridom of Wigtoun And all and hail the Lands of Culquhork with houses biggings yards tofts crofts parts pendicles and pertinents lying in the said parochine and shieridom of Wigtoun And sikelike all and sundry the Lands Baronies and others aforementioned lying in the Steuartry of Kirkcudbright viz. All and hail the Lands of Kirkdale and Breoch with houses biggings yards woods parts pendicles and pertinents thereof lying in the parochine of Kirkdale now annexed to Kirkcudbright otherwise called Ferriertoun and Steuartry foresaid All and hail the Lands of Auchingaskell And all and sundry the Lands of Kirkcrist and the Temple crofts of the same The lands of Meris and the old Mill of Kirkcrist mill lands maltures and sequels thereof with the jurisdiction and office of Bailiary of the said Lands lying in the said Steuartry All and hail the Lands of Boreneis with houses biggings and pertinents All and hail the lands of Nuntoun and Bishoptoun and with the mill and salmoned fishings and other fishings upon the water of Dee apprifed at the instance of Sir David Dunbar from William Brown of Newtown All and hail the Lands of Bannagan with the islands of Meikle and Little Rodies and their hail pertinents lying in the parochine of Kirkcuders and Steuartry abovementioned And all and hail the Lands of Calcasgrie and lands of Toftrie with houses biggings yards and pertinents lying in the parochine of Tweyname and Steuartry foresaid And also all and hail the Lands and Barony of Tweynam comprehending the lands and others

aftermentioned viz. All and hail the manner place tower and fortalice of Tweynam alias Cumpthoun with houses higgings yards woods parks parts pendicles and pertinents All and hail the maines of Tweynam lying contigue to the manner place commonly called the Boirland of Cumpthoun With the salmond fishings upon the water of Dee pertaining to of Tweynam All and hail the lands of Over Cumpthoun with the pertinents All and hail the lands of Kemplectoun mill thereof mill lands multures and fequels of the same The lands called Inglistoun as a part and pertinent of the said Barony The lands of Blackmerck alias merks The lands of Overmaines in Tweynam alias Old maines The lands of Glengops The lands of with the mill & mill lands multures and fequels thereof The lands of Belnacampie alias Campheltoun with all other lands in the said Barony of Tweynam by whatsoever name or designation the same are known With all and sundry houses higgings yards moies mairs meadows pasturages tenents tenandries and servico of free tenants of the said hail lands and Baronies with the advocation donation and right of patronage of the kirk and paroch of Tweynam All and hail the lands of Barclay with the pertinents lying in the parochine of Berick alias Dundrenan and Steuarty foresaid All and hail the lands of Overlaw with houses higgings yards and pertinents lying in the same parochine All and hail the lands of Balig And all and hail the lands of Calnaghtrie Hebslefield and Drogmans with houses higgings yards parts pendicles & pertinents lying in the said parochine of Dundrenan and Steuarty abovementioned All and hail the Lands and Barony of Bombie comprehending the lands houses mills woods pasturages fishings and others after-specified viz. All and hail the lands of Bombie with the mill called the mill of Bombie multures and fequels of the same woods fishings and shaws thereof All and hail the Castle or manner place of Kirkcudbright situate at the east end of the Toun of Kirkcudbright with houses higgings yards orcheyards and pertinents All and hail the lands of Lochfergus The lands of Auchinflower the lands of Blacklockcartoun Burnsidecroft The lands of Littlestockartoun The lands of Breckloch and Whiteclofs Whinnielegat & Redhrie The lands of Meikle Seipland The lands of Little Seipland The lands of Gribbie The lands of Merks and Kilbride The lands of Jordanland Wetland and Glenlay All and hail the lands of Gorgegore and Corriedow lying in the parochine of Balmacelland And all and hail the lands of Polmadie with the mills mill lands multures and fequels thereof lying in the parochine of Kells and Steuarty foresaid All and hail the lands of Borenefs The lands of Chapple-toun and lands of Barmageehan All and hail the lands of Plumtoun with mills multures woods fishing and pertinents lying in the united parochines

of Kirkanders and Borg All and hail the lands of Auchlean Milnthird and Laichackland with houses higgings mills woods fishings and pertinents of the same lying in the parochine of Kirkhormo and Steuarty abovespecified all formerly united and erected in one Barony called the Barony of Bombie All and hail the lands of Balgreditan with houses higgings and pertinents lying in the said parochine and sherifdom of Kirkcudbright All and hail the lands of Littlekirkland All and hail the lands of Meiklekirkland with the jurisdiction and office of Bailiary of the said lands All and hail the lands of Grange and Cottages thereof And all and hail the lands of Mutehill And all and hail the Mill-toun of Dunrod and all crofts pertaining thereto And all and hail the mill of Dunrod mill lands multures and fequels thereof and all crofts thereto belonging And all and hail the Kirklands of Dunrod houses higgings crofts and pertinents of the same and specially these crofts called Tonguecroft Souther flack croft and Glesan croft All and hail the lands of Little Gatwa and lands of Meikle Gatwa The lands of Knock Over Gatwa lying in the parochine and Steuarty foresaid And all and hail the mill of Kirkcudbright called the Toun mill with the mill lands affricited multures and other multures hamscock and fequels of the same All and hail the lands of Culdoch and Carls of Culdoch with houses higgings yards fishings crofts fisheries and hail parts pendicles and pertinents of the same used and went All and hail the lands of Drummore and Balsrie and the Lands of Mulloch and Girthstanewood within the said Steuarty formerly pertaining to John Ewart and adjudged from him at the instance of Robert Rutherford and disposed to Sir David Dunbar of Baldoon or to some other for his use And all and hail the lands of Airieland And all and hail the lands of Netherthrid with the hail houses higgings woods fishings parts pendicles and pertinents of the same lying in the parochine of Kirkhormo and Steuarty foresaid And also all and hail the lands and Barony of Newark containing and comprehending the five merk land of Inglistoun The lands of Lagg, The lands of Ruchtili The lands of Rentounbridge The lands of Dalquadrine The lands of Halhill The lands of Newark The lands Brue The lands of Gaitside The lands of Cludan with the corn and walkmills of Newark and the manner place of the said Lands and Barony houses higgings yards orcheyards outsets insets tenents tenandries woods fishings advocation donation and right of patronage of the Kirk and Chaplainrie thereof parts pendicles and hail pertinents of the same lying within the parochine of Irongray and Steuarty of Kirkcudbright which formerly pertained to Robert Graham late Provost of Dumfries and were apprifed and adjudged from him at the instance of David Dunbar younger of Baldoon With all right title and interest which her Majesty

had has or any wayes may have claim or pretend to the foresaid lands. By which Charter her Majesty with consent foresaid did also Give Grant and Dispose in favours of Lady Mary Hamilton relict of the said deceased Lord Basil and to her heirs and assignees during all the dayes of her lifetime for her lifent ufe allemarly all and haill an yearly liferent of Eight thousand merks Scots money free of all publick burdens yearly to be uplifted and taken at two terms in the year Whitsunday & Martinmas by equal portions beginning the first terms payment at the term of Martinmas preceeding the date of the said Charter which was the first term following the decease of the said Lord Basil and thereafter yearly and termly during her lifetime furth of all and haill the Lands of Baldoon and Clauchrie and furth of the other lands fishings acres and others therein mentioned or furth of any part or portion of the same and also the liferent ufe of the mannor place of Baldoon with office houses yards and orcheyards pertaining thereto free of all publick burdens in manner fully expressed in the said Charter which proceeds on the first Adjudications therein mentioned obtained against the said Lady Mary Hamilton formerly designed Lady Mary Dunbar as lawfully charged to enter heir to the said deceased Sir David Dunbar of Baldoon her Grandfather and the said umq^d David Dunbar younger of Baldoon her father and who had Relinqued to be heir to them And which adjudications were conveyed in the person of the said deceased M^r William Hamilton as is at length mentioned in the said Charter and also proceeds on the resignation of the said umq^d Lord Basil Hamilton in manner specified therein Whereby also all and sundry the Lands Baronies mills woods fishings and others aboveswritten are all of new Given and Disposed to the said M^r William Hamilton his heirs and assignees foresaid, and it is Declared lawful to them to possesse the Lands and others foresaid by virtue of all or any of the rights and titles therein mentioned then in his person or which he should thereafter acquire and that conjunctly or severally the one without prejudice of the other as they shall think fit By which Charter also her Majesty annexed created and incorporated the said haill Lands of Baldoon and Clauchrie with the salmond fishings and other fishings in the water of Bladenoch used and wont And all and haill the said twenty merk lands of Kirkinner with the said Lands of Kirriewhine The said ten merk land of Kirkland of Wigton The said ten merk land of Lybrack And the said twenty merk land of Killture Clough and Blair with all their houses biggings woods mills fishings and pertinents in one haill and free Barony to be called the Barony of Baldoon And sicklike united annexed created and incorporated all and sundry the Lands of Kirkdale Balmangan Meikle and Little Roddes and Cultergie And all and haill the Castle tower and fortalice of

Tweynam alias Cumstoun with houses biggings yards & pertinents All and haill the maines of Tweynam lying contiguous to the castle commonly called the Boirland of Cumstoun with salmond fishings in the water of Dee pertaining to the said lands of Tweynam The lands of Over Cumstoun The lands of Kempleton mills mill lands miltures and sequels thereof The lands called Inglistoun The lands of Blackmarks The lands of Overmaynes of Tweynam The Lands of Glengyps The lands of Fafsock The mill called the Old mill The lands of Belmacumbe alias Campbellton All and haill the lands of Gorgrego Corridow and Polansdie The lands of Balmagreehan The lands of Borenes Campbellton and Phantoun with all their mills miltures fishings and pertinents upon the west side of the water of Dee, in another haill and free Barony to be called now and in all time coming the Barony of Cumstoun And likewise united annexed created and incorporated all and haill the lands of Bomhie with the mill called the mill of Bomhie mill lands miltures sequels woods fishings and pertinents of the same All and haill the Castle tower fortalice and manner place of Kirkcudbright with houses biggings yards orcheyards and pertinents thereof The lands of Lochfergus Auchinstower The lands of Blackstockartoun The lands of Littlestockartoun The lands of Brackleish Whiteclofe The lands of Meikle and Little Seilund The lands of Grithle The lands of Balgredan The said lands of Auchlan and Middle third The manour place mill and pertinents of the said lands of Arklund The said ten merk land of Netherthird and Aricland The lands of Berclay all lying in the Steuarty of Kirkcudbright in another free Barony to be called in all time coming The Barony of Lochfergus ordaining the mannor place of Baldoon to be the principal messuage of the said Barony of Baldoon, The castle of Cumstoun to be the principal messuage of the said Barony of Cumstoun And the old castle of Lochfergus to be the principal messuage of the said Barony of Lochfergus And one Seafine of the said several Baronies to be taken at the said several messuages to be sufficient for the haill lands and others respective foresaid united as said is also the same do not ly contiguous To be Holden of her Majestie for herself and as come in place of the Bishops of Galloway and Dumblain Dean and Sudean of the Chappell royal respective and of her successors in manner expressed in the sauen Charter, whereby her Majesty with consent foresaid likewise Willed Granted Decerned and Ordained that albeit it should happen the twenty merk land of Kirkinner comprehending as said is and the foresaid lands of Skellary and Boigeroff Lybrack Killture Clough and Blair and the foresaid lands and others lying in the Barony of Tweynam now called Cumstoun and the Barony of Bomhie now called Lochfergus comprehending the lands and others aboveswritten

as well now annexed thereto as formerly pertaining to the same to fall by reason of waired nonentry or either of them in the hands of her Majesty or her successors yet it should be lawful to the heirs and successors of the said M^r William Hamilton to possess and enjoy and uplift the rents of all and sundry the foresaid Lands & Baronies with the pertinents during the said waired and nonentry or either of them Paying always for the said twenty merk land of Kirkinner comprehending as said is and for the said Lands of Skellary and Boigeroft and the lands of Lybrack Kilfure Clough and Blair during the said waired and nonentry or either of them the sum of Two hundred and twenty pounds Scots money yearly at two terms in the year Whitsunday and Martinmas by equal portions With the like sum for the relief of the said Lands when the same shall happen And for the said Lands and Barony of Tweynam alias Cumpetoun comprehending the hall Lands and others abovementioned contained in the said Barony during the time of the said waired and nonentry or either of them the sum of Two hundred pounds Scots money yearly at the said two terms by equal portions With the like sum for the relief of the same lands when the same shall happen And sikelike for the said Lands and Barony of Bomhie now called Lochfergus comprehending the lands and others abovementioned during the said waired and nonentry or either of them the sum of four hundred and eighty pounds Scots money yearly at the said two terms by equal portions With the like sum for the relief of the same lands whensoever the same shall happen, And also the heirs of the said M^r William Hamilton paying the sum of Eighteen hundred pounds money foresaid for the marriage of every heir or heirs that shall fall out To which sums respective the foresaid duties of waired relief nonentry and marriage are Taxed and for payment of which several sums as said is the same duties and the rents and profits of the same Lands and Baronies holden ward in manner foresaid for all years and terms the same should fall in her Majesties hands are Disposed and Assigned to the heirs and Assignees of the said M^r William Hamilton in manner more fully expressed in the said Charter By which also it is Declared lawful to the heirs and successors of the said M^r William Hamilton and his foresaid to obtain themselves at any time of their age entered served retoured and infest as heirs to their predecessors in all the lands Baronies and others foresaid holden ward notwithstanding of the foresaid waired and nonentry and the minority of the said heirs, and the said services retours and infestments are declared as sufficient as if expede after the said heirs their age of twenty one years compleat or by virtue of particular dispensations And the several rights and infestments granted to the said deceased Sir David and David Dunbars elder and younger of Baldoon and to the

said Lord Bail M^r William and Lady Mary Hamiltons respective are confirmed as the said Charter fully bears And her Majesty with consent of the said Estates of Parliament does also Ratifie Approve and perpetually Confirm the precept of Sentence contained in the said Charter and Infestments following and competent to follow on the same in all and sundry heads articles and clauses of the said Charter precept and infestments And Wills and Grants and for her and her Royal successors Statutes and Ordains that the said Charter and infestments thereon shall be in so far as concerns her Majesties right and interest good valid and sufficient conform to the tenor of the same to the heirs and successors of the said deceased M^r William Hamilton and to the said Lady Mary Dunbar for their several interests abovementioned and that the same shall never be quarrelled or revoked by her Majesty or her successors and that this present Ratification shall be to all intents and purposes as effectual and sufficient as if every word of the said Charter Precept and Infestments were insert herein with the not inserting whereof and with all other objections that may be proposed against the validity of this Ratification and of the rights hereby ratified Her Majesty with consent foresaid does hereby dispense for ever.

RATIFICATION in favours of Sir William Anstruther of that ilk of the Barony of Anstruther

OUR SOVEREIGN LADY with advice and 5
consent of the Estates of Parliament Ratified Approved and perpetually Confirmed and does by this presents Ratifie Approve and perpetually Confirm a charter under the great Seal of the date at Kensington the twenty ninth day of April 1st 17th and four years granted by her Majesty with consent of her Commissioners of Treasury and Excheq^r for the time and proceeding on the resignations and other conveyances therein mentioned to and in favours of Sir William Anstruther of that ilk one of the Senators of the Colledge of Justice and the heirs male lawfully procreate or to be procreate of his body Which falling to his heirs of tailzie and provision to be named by him in manner therein specified And falling to them to his heirs and assignees whatsoever heretably & irredeemably Of all and hiall the lands town and Barony of Anstruther Office of Baillary of the hall Lordship and Barony of Pittenweem and priviledge of Commony on the common muir thereof, and of the several other lands teinds mills and others expressed in the said charter With all other lands and others whatsoever pertaining to the said barony of Anstruther and united thereto by the old rights and infestments of the same And sikelike of all and hiall the lands and Barony

of Androß comprehending the lands and others therein mentioned. And of all and hail the Lands and Barony of Ely with the Burgh of barony port and harbour of Ely and hail customs anchorages tolls priviledges liberties casualties profits commodities and powers particularly specified by the said charter and specially of keeping and holding in the said burgh a weekly mercat and two yearly fairs upon the dayes therein expressed and of the office of fearcherie of all prohibited and uncustomed goods coming to or going from the said Burgh of Ely or port thereof And of the Town and lands of Canmuir and several other lands mills patronage and others contained in the said charter all formerly united in one hail and free Barony called the Barony of Androß in manner therein mentioned. And likeways of all and hail the east half of the Town and lands of the Newtoun of Riras & of all and hail the lands and barony of Dairsey And likeways of all and hail the superiority of these parts and portions of the lands of Invergelly sometime pertaining to the Abbey of Dryburgh And of the superiority of an house and three acres of land in Anstruther sometime also belonging to the said Abhacy with the few duties payable furth thereof Together with the patronage of the kirk of Kilreny and Kirklands thereof and of several other lands patronages and others specified in the foresaid charter all lying within the shireldom and shetwarty of Fyfe respective All which are by the said Charter of new Disposed to the said Sir William and his forefaiids and of new United and Erected in one hail and free Barony to be called the Barony of Anstruther For which one Sealine by deliverance of earth and stone at the manner places of Anstruther or Ely or any other part of the said lands is ordained to be sufficient in manner mentioned in the samen charter Which contains a disposition and ratification of the offices of one of her Ma^{ty} carvers and maisters of household to the said Sir William and his heirs male succeeding in his lands of Anstruther and a gift of the office of heretahle and perpetual fearchers of prohibited and uncustomed goods within the burghs of Anstruther and Ely and ports of the same With power to intromet therewith and of keeping courts for cognoscing thereon and also of having a coquet in the said Burghs with priviledge of the seals of the same and of appointing keepers and Clerks of the said coquets and seals with the hail fees casualties priviledges and powers belonging to the said several offices and expressed in the said charter To be Holden of her Majesty for payment of the few duties of victual opuns and pultrie or prices thereof specified therein and of the other few blench and other duties mentioned in the samen whereby also the waird noncentry relief and marriage of the heirs which were due and payable for the foresaid lands and Barony of Anstruther and the lands of Burnthiells and Muir.

camhus with the pertinents together with the respective duties to which the said waird noncentry relief and marriage were taxed and all other profits and casualties of the same are Given and Disposed to the heirs successors and assigneyes of the said Sir William Anstruther succeeding to him therein And further the holding of the said Lands is changed from Taxward to Blench and the serving retouring & infesting therein the heirs and successors of the said Sir William at any time of their age notwithstanding of their minorities is allowed and dispensed with And also the several rights and conveyances of the Lands and others foresaid are Confirmed in manner fully therein set down And Her Majesty with consent foresaid does also Ratifie Approve and perpetually Confirm the precept of Sealine contained in the foresaid charter with the instrument of Sealine following thereupon in all and sundry points articles clauses and provisions of the said charter precept and sealine And her Majesty with advice and consent foresaid Statutes and Ordains that the foresaid charter with the precept therein contained and infestment following thereupon are and shall be conform to the tenors of the same good valid and sufficient rights to the said Sir William Anstruther and his forefaiids for possesing and enjoying the lands offices and others thereby disposed without any impediment in so far as concerns the interest of her Majesty or her royal successors and Declares that the same shall never be quarrelled nor revoked by her Majesty or her forefaiids and that this present ratification is and shall be as valid and effectual to all intents as if every word of the said charter precept and sealine were at length insert herein Whereunto and with all other objections that may be proposed against the validity hereof or of the writs hereby ratified Her Majesty with consent foresaid has dispensed and hereby dispenses for ever.

LORD Archibald Campbell in name of her Majesties Commissioner the Duke of Argyll Protested against the said Ratification That it should not prejudice him of his office of Master of household to her Majesty.

Lord Archibald Campbell's Protestation in name of the Duke of Argyll

SIR Robert Forbes in name of the Royal Burrows Protested against the Burgh of Ely, it's having by the Charter ratified the same priviledges with Royal Burrows.

Sir Robert Forbes's Protestation in name of the Royal Burrows.

RATIFICATION in favors of Mr Robert Stewart of Tillculry of the Lands & Barony of Tillcultry &c.

OUR SOVEREIGN LADY with advice and consent of the Estates of Parliament Ratified Approved and perpetually Confirmed and does by thir presents Ratifie Approve and perpetually

Confirm a Charter under the great Seal of the date at Saint James's the twelfth day of May 1st vije and two years granted by her Majesty with consent of her Commissioners of the Treasury and Exchequer for the time to Mr Robert Stuart of Tillicultrie one of the Senators of the Colledge of Justice and his heirs and assignees whatsoever heritably and irredeemably Of all and hail the Lands and barony of Tillicultrie comprehending therein the several lands teinds acres mill Burgh of Barony weekly mercats yearly fairs and others particularly expressed in the samen charter And of all and fundry the mines and mineralles of gold silver copper tin lead and others whatsoever within the said Lands Barony and others and within all the bounds mentioned in the rights and infeftments thereof as for the principal And of the Lands and Barony of Duncrub and others particularly therein mentioned in special warrandice and security of the foresaid lands Barony teinds and others principally disposed as said is, Which charter proceeds on the several resignations, decreets of sale and adjudication, and other conveyances therein specified and contains a new gift and disposition of the samen hail lands baronies and others foresaid principal and warrandice With a confirmation of all contracts dispositions charters feoffines and other rights of the lands and others foresaid generally and specially therein set down made and granted in favors of the said Mr Robert Stuart and his foresaid and of his predecessors and authors and a dispensation for taking one Seafine of the hail lands and others foresaid principal and warrandice by delivery of earth and stone at the manour place or any other part of the said lands and Barony of Tillicultrie Which seafine is by the said charter Declared as sufficient for the said hail lands as well principal as warrandice with the mills woods fishings teinds coals coalheughs mines minerals burgh of Barony and others particularly therein mentioned with the pertinents as if a particular Seafine were taken upon every part and portion of the samen notwithstanding that they ly discontigue To be Holden of her Majesty and her successors in manner expressed by the said charter for payment of the few blench and other duties specified therein Whereby also the marriage of the heirs and assignees of the said Mr Robert Stuart payable for the said lands and barony of Tillicultrie is Given and Disposed to him and his foresaids for payment to Her Majesty and her successors of the sum of two hundred pounds Scots money [therefore] as oft as the same shall fall To which sum Her Majesty did by the foresaid Charter Tax the said marriage in all time coming And further Her Majesty with consent foresaid did by the same Declare and Ordain that it should be lawful and lawful to the said Mr Robert Stuart his heirs and assignees to alienat and dispose irredeemably or under reversion the lands and others

foresaid as well principal as warrandice or any part thereof and to grant annuities and infeftments of annualrent without consent of her Majesty or her successors notwithstanding of any clauses for not alienating or any other prohibitory or irritant clauses and conditions contained in the rights and infeftments thereof which clauses for not alienating and all others prohibitory and irritant, services and performances (if any be) contained in the rights and infeftments of the said Lands and Baronies with all casualties and other benefices which may in all time coming accrefce and redound by vertue thereof to her Majesty and her royal successors are by the foresaid [Charter] Renounced in favors of the said Mr Robert Stuart and his foresaids as is more fully expressed thereintill And our said Sovereign Lady with consent of the said Estates does hereby also Ratify Approve and perpetually Confirm the precept of Seafine contained in the said Charter and the instrument of Seafine following thereupon in all and sundry heads points articles and clauses of the said charter precept and seafine And Wills and Grants Statutes and Ordains that the foresaid charter with the infeftment thereon are and shall be conform to the tenors of the same good and sufficient rights to the said Mr Robert Stuart and his foresaids for possessing and enjoying the lands and others therein mentioned without any stop or impediment in so far as concerns the interest of her Majesty or her royal successors and Declares that the same shall never be quelled by her Majesty or her said successors And also Statutes and Ordains that this present ratification of the same shall be to all intents as effectual as if the foresaid Charter precept and instrument of Seafine hereby ratified were word by word insert herein Whereunto and with all other defects and imperfections that may be alledged against the validity of this present ratification or of the foresaid Writs hereby Confirmed Her Majesty with consent foresaid did dispense and hereby dispenses for ever.

RATIFICATION in favors of Daniel Stuart brother german to Sir William Stuart of Castlemilk.

OUR SOVEREIGN LADY with the special advice and consent of the Estates of Parliament Ratifies Approves and Confirms the Commission and Gift under her Majesties Privy Seal in favors of Daniel Stuart brother german to Sir William Stuart of Castlemilk Whereof the tenor follows ANNE by the Grace of God Queen of Great Britain France and Ireland defender of the faith Forasmuch as We taking into our royal consideration the great advantages which doth accrefce unto our ancient Kingdom of Scotland by a free coinage therein and that by the twenty fourth act of the

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second Session of the first Parliament of the late King James the seventh our Royal father there was granted to his said late Majesty and for ever annexed to our Imperial Crown of our said Kingdom twelve shillings Scots in place of each ounce of bullion formerly imposed by the eight act of the first Session of the second Parliament of King Charles the Second upon the several Commodities therein specified for defraying the charges of a free coinage paying the salaries of the mint and other uses therein mentioned Which imposition and grant is by the collectors tacksmen cash-keepers or receivers and their deputies to be kept apart by it self from all other customes and revenues in a secure chest whereof the General or Master of the mint is to have one key and the Cashkeeper and receiver another and not to be opened without the General or Master of the mint aforesaid be present and to be applied to the use of the said mint alternately And We graciously Considering That the foresaid imposition was promiscuously mixed with others of our revenues by the Collectors thereof and that considerable sums thereof were ordered to be payed for other uses and ends than it was appointed for by the said Act Therefore and for preventing the like misapplication hereafter We thought not only convenient but necessary to appoint a general receiver collector and cash-keeper of the said imposition for receiving of the same from the tacksmen farmers and collectors of the customes and others lyable in payment thereof who should keep the said money in a secure chest and also a key of the said chest conform to the method prescribed by Law And We understanding that the said office of Receiver-General Collector and Cash-keeper of the said imposition is now vacant in our hands and at our gift and disposition through the decease of our Royal brother King William And We being sufficiently informed of the fidelity loyalty and good qualifications of Daniel Steuart brother german to Sir William Steuart of Castlemilk and his fitness for discharging the said trust Therefore Wit ye us of our own proper motive and with advice and consent of our right trusty and right well beloved Cousins and Councillours James Earl of Seafield Lord high Chancellor of our said Kingdom James Duke of Queensberry principal secretary of state for our said Kingdom Archbald Duke of Argyll Hugh Earl of Loudoun Alexander Lord Montgomery Adam Cockburn of Ormiston Lord Treasurer depute and M^r Francis Montgomery of Giffin Lords Commissioners of our Treasury Comptrolery and Treasury of new augmentations of our said Kingdom and also with advice and consent of the remanent Lords and others Commissioners of our Exchequer within the same to have Nominated and Appointed Likens We by thir presents make nominat and appoint the said Daniel Steuart Receiver generall Collector and Cashkeeper of the

said imposition during our pleasure only Giving granting and disposing to the said Daniel Steuart during the space foresaid the said place & office of Receiver-general Collector and Cash keeper of the said imposition With the yearly fee and salary of fifty pounds Sterling money to be payed to him out of the first and readiest of the fund appointed for paying the fees and salaries of the officers of our said mint Together also with the whole fees profits benefites casualities & priviledges belonging or that shall be known to appertain and belong therto With all other freedoms easements emoluments accommodations and immunities proportionally which are allowed to the other officers of our said mint as well not named as named (Excepting always what is prohibited and innovated by the standing Laws relative to the mint) Together also with convenient and fiteable Lodgings within the said minthouse for the said Daniel Steuart and his family to be assigned to him by the general thereof And We Command the said yearly fee and salary of fifty pounds Sterling money to be punctually payed to the said Daniel Steuart out of the foresaid fund yearly termly and quarterly as is payed to the other officers of our said mint the first terms payment thereof beginning at the feast and term of Candlemas next to come and so furth to continue yearly termly quarterly and continually thereafter during the space foresaid With full power to the said Daniel Steuart as Receiver general Collector and Cashkeeper of the said imposition and to such as he shall appoint for whom he shall be answerable to receive intromet with and uplift the said imposition from the several Tacksmen Farmers and Collectors of our customes over all our said Kingdom and from all others lyable in payment thereof who are also hereby required to make payment of the same to the said Daniel Steuart not only what is due and payable at the term of Martinmas next but also of what is resting unpaid, and not yet put in the said chest conform to the Act of Parliament of all years and terms hygone and in time coming and to put the same duly in a secure chest and to keep the key thereof which was formerly kept by the General of the Mint or by the said Daniel Steuart or M^r William Spens former Collectors of the said imposition and that during the whole space and time of this present Commission Requiring hereby the said Daniel Steuart to observe and obey all such orders directions and instructions which shall be given to him from time to time conform to the tenor of the said Act of Parliament as to [his] receiving introming and nplaying of all sums arising from the said imposition and to make just count and reckoning of all his intromissions therewith to the said Lords Commissioners of our Treasury Lord high Treasurer and Treasurer depute for the time being yearly termly quarterly and so oft as he shall be thereto required Commanding like-

ways the General of our said Mint to receive and admit the said Daniel Stewart in the usual manner and to Assigne to him and his family convenient lodgings within our said Mint-house And lastly We Declare that We will Ratifie and Confirm this present Gift in the first Session of our Parliament to be holden within our said Kingdom Given under our Privy Seal at our Court at Saint James's the thirty first of December 1st vije* and two and of our reigne the first year Per signaturam manu S. D. N. Regine suprascript. manibus, Commissionariorum Thesaurarii et Scaccarii subscript. Written to the Privy Seal and registrat the first day of June 1703, Sic subscriptur Will. Alves dep'. Sealed at Edinburgh the 30th June 1703 Sic subscriptur Pat: Scot, IN all and sundry the heads points articles and clauses thereof And her Majesty with Consent foresaid Statutes & Ordains the foresaid Commission and Gift to be conform to the tenor thereof a good and sufficient right and title to the said Daniel Stewart for possessing & enjoying during the space therein mentioned the foresaid office of receiver-general collector and cashier of the abovescribed imposition With the foresaid yearly fee and salary of fifty pounds Sterling and all other fees profits casualties freedoms emoluments and immunities abovementioned Together with the said lodgings in the Mint house as is above expressed Dispensing hereby with all defects and imperfections of the said Commission and Gift and of this present Ratification of the same.

RATIFICATION in favours of Sir Gilbert Elliot of Minto and Gilbert Elliot his son of the Lands & Barony of Minto.

- 8 OUR SOVEREIGN LADY the Queens Majesty with advice and consent of the Estates of Parliament Ratifies Approves and perpetually Confirms a Charter under the Great Seal of Scotland dated at Kensington the twenty eight day of February 1st vije* & ninety five years Granted by the deceased King William with Consent of the then Commissioners of his Treasury and Excheq^r to Gideon Scot of Heychester and the heirs male lawfully procreat of his body Which falling to the said Gideon Scot his other heirs male whatsoever Which also falling to his other heirs and assignees whatsoever Of all and hiall the Lands and Barony of Minto as well two parts as third part thereof property and superiority of the same with all and sundry caillies towers fortalices manour places houses biggings yards orcheyards mills mill lands miltures woods fishings pasturages annexis connexis tenents tenandries and service of free tenents thereof and of all and sundry the parts pertinencies and pertiments of the same whatsoever And of all and hiall the half of a merk land of the said Lands of Minto with houses biggings yards

and pertinents thereof whatsoever with the advocation donation and heretabie right of patronage of the paroch kirk and parochine of Minto and parsonage and vicarage teinds thereof with the manse glibe and kirklands of the samen and with the teinds fruits rents emoluments and duties whatsoever pertaining and belonging thereto with the power of presenting qualified and able persons to the said kirk and service of the cure thereof as oft and so oft as the samen shall vaik in all time thereafter And likeways of all and hiall the Lands of Craigend and Deanfoot with manour place houses biggings yards rents emouments and duties whatsoever and hiall pertinents thereof whatsoever with that peice of gross ground of the mains of Minto lying betwixt the dike called the Horneward and house of Craigend Together with the priviledge of commony and common pasturage and of calving winning and leading away peats fail and divots furth and from the common moie and Commony of Minto all lying within the Barony of Minto and Sherifdom of Roxburgh and all formerly united and incorporat in one hiall and free Barony called then and in all time thereafter to be called The Barony of Minto Declaring that one Seasine to be taken by the said Gideon Scot his heirs and assignees foresaid in all time thereafter at the said manour place of Minto should stand & be an sufficient Seasine for all and sundry the said Lands and Barony of Minto & others abovescribed with the pertinents notwithstanding the same ly not contigue and together conform to the Charter granted by her Majesties said dearest brother the late King William to the said Gideon Scot thereupon, Which Charter hereby confirmed proceeded upon the said Gideon Scot his own resignation and contains a new gift & disposition of the said Lands and Barony with a new Erection of the said Barony and a dispensation for taking one Seasine therefore at the manour place of Minto Together with an Erection of the Town of Minto and pertinents in a free Burgh of Barony with all the priviledges liberties and immunities whatsoever belonging to any Burgh of Barony within the Kingdom of Scotland With the power to the said Gideon and his foresaids of keeping therout a weekly mercat every Wednesday and two fairs yearly one upon the fourteenth of June and the other upon the fourteenth of November With the hiall other priviledges rights and liberties particularly & generally set down and contained in the said Charter To be holden of his Majesty and his forefessors in fee heretage and free Barony for ever as is fully expressed in the samen Charter Whereby the duties of ward nomenstry relief and marriage formerly payable for the said lands and Barony are Taxed for payment of the sums respective therein set down and the heirs are allowed to enter thereto and be infeft therein notwithstanding of their miseries And sicklike Ratifies and Approves another Charter

under her Majesties Great Seal of Scotland dated at Edinburgh the fourth of August one thousand seven hundred and three years proceeding on the resignation of the said Gideon Scot and granted by her Majesty with consent of her Commissioners of the Treasury and Exchequer for the time to and in favors of Sir Gilbert Elliot of Minto Knight and Baronet one of the Senators of the Colledge of Justice then designed of Headshaw in liferent during all the dayes of his lifetime and to Gilbert Elliot his eldest son procreant betwixt him and Dame Jean Carr his spouse and the heirs male of his body Which failzieing to the said Sir Gilbert himself and the heirs male to be procreant of his body in this present or any other marriage Which failzieing to Robert Elliot of Middilim-mill and the heirs male of his body Which failzieing to such persons and heirs of provision one or more to be named by the said Sir Gilbert by an writte under his hand in beidge poutlie And failzieing any such nomination or if the same be revoked then to the said Sir Gilbert his nearest heirs and assigneyes whatsoever the eldest heir female alwayes succeeding without division in fee heretablie and irredeemably and with and under the provisions conditions burdens restrictions and irritancies particularly therein mentioned Of all and hail the Lands and Barony of Minto Comprehending therein all and hail the lands of Minto as well two parts as third part thereof property and superiority of the same with castles towers fortalices manor places houses higgings yards and others abovementioned, All and hail the half merk land of the lands of Minto with houses higgings yards orcheyards and pertinents thereof with the advocation donation and heretablie right of patronage of the paroch Kirk of Minto with the teinds parsonage and vicarage of the same with the manse glibe and kirklands thereof and with the teinds farms profits rents emoluments and other duties whatsoever belonging and pertaining thereunto with power to present persons fit and sufficiently qualified to the said church and serving the cure thereof whensoever the samen shall vaick And also comprehending the lands of Craighend and Deansfoot with the manor place houses higgings yards meies muirs meadows parts pendicles and hail pertinents of the same whatsoever with that peles of grass ground of the mains of Minto lying betwixt the dike called the Horseward and the house of Craighend Together also with the Town and burgh of Barony of Minto with the privilege of a weekly mercat every Wednesday with two fairs yearly the one upon the fourteenth of June and the other upon the fourteenth of November to be kept and holden therewith with the hail tolls customs casualties and duties belonging thereto and all rights privileges liberties & immunities of a free Barony and burgh of Barony mentioned and contained in the above Charter in favors of the said Gideon Scot To be

holden of her Majesty and her highness Successors in manner abovespecified for payment of the tax ward duties therein contained for the said Lands Barony & others abovespecified during the time of the ward and nonentry thereof and for the relief of the same and for the marriage so oft as the samen vaicks Together with the precepts of Session contained in the said several Charters and Instruments of Session respective following thereon In all and sundry the heads clankis articles privileges rights circumstances and conditions therein mentioned as well expressed as not expressed after the forms and tenors of the samen in all points with all that has followed or may follow thereupon And her Majesty with consent of the said Estates of Parliament Wills and Grants and for her and her Royal Successors Statutes and Ordains that the foresaid Charters and Instruments thereon shall be good and sufficient rights conform to the tenors of the same to the said Sir Gilbert Elliot his son and their forefairs for possessing and enjoying the said lands Barony and others abovespecified without stop or impediment and that the same shall never be quarrelled by her Majesty or her Successors and also that this present Ratification shall be as valid effectual and sufficient to all intents and purposes as if the foresaid Charters precepts and Instruments of session following thereupon were herein de verbo in verbum at length inferd and ingrossed with the not inserting whereof and with all other Objections that may be proponed against the validity of this Ratification or rights hereby ratified Her Majesty with consent foresaid dispensed and hereby dispenses for ever.

RATIFICATION in favors of Sir Gilbert Elliot of Minto and Gilbert Elliot his son of the Barony of Headshaw.

OUR SOVEREIGN LADY the Queen's Majesty with advice and consent of the Estates of Parliament Ratifies Approves and perpetually Confirms a Charter under the Great Seal of Scotland of the date at Kensington the eleventh day of January 1st vijsth years granted by his late Majesty King William her Majesty's royal brother with consent of his Commissioners of the Treasury and Exchequer for the time proceeding on the resignation of Sir Gilbert Elliot of Minto one of the Senators of the Colledge of Justice, then designed Advocat and Clerk to the Privy Council to and in favors of the said Sir Gilbert Elliot in liferent during all the dayes of his lifetime and Gilbert Elliot his lawful son and the heirs male to be procreant of his body Which failzieing to the nearest and lawfull heirs male of the said Sir Gilbert Which failzieing to the said Sir Gilbert his nearest and lawfull heirs and assigneyes whatsoever in fee heretablie and irredeemably and under the conditions and reservations therein mentioned Of all and

hall the Lands of Headshaw with manor place and dwelling house thereof with the mill mill lands sequels and other duties of the same And of all and haill the lands of Crawknow lands of Dryden and Clews houses yards orcheyards moyses mains meadows outsets insets annexis connexis and haill parts pendicles and pertinents of the said lands respective whatsoever lying within the parochine and Barony of Askirk Regality of Glasgow and Sherifdom of Roxburgh As also her Majesty with advice and consent foresaid Ratifies and Approves the new gift and disposition specified and contained in the said Charter of the said haill Lands and others abovementioned Together with the advection donation and right of patronage of the parish kirk and parochine of Askirk with all right his Majesty or his predecessors had to the teinds great and small parsonage & vicarage of the said parochine of Askirk according to the Laws and Acts of Parliament made saiet patrons gifted and disposed by her Majesties said Royal brother in favors of the said Sir Gilbert and Gilbert Elliots and their foresaids Together also with the Erection of the said haill lands right of patronage and teinds in a free Barony to be called in all time coming the Barony of Headshaw appointing the manor house of Headshaw to be the principal messuage of the said Barony and that a Sealine to be taken therest shall be sufficient for the said haill Lands and Barony foresaid in favors of the said Sir Gilbert and Gilbert Elliots and their foresaids With and under the provisions conditions and reservations specified in the said Charter To be holden of his Majesty and his successors by the said Sir Gilbert and Gilbert Elliots and their foresaids for payment of the sum of fifteen pounds six shilling eight pennies for the said Lands of Headshaw mill thereof said Lands of Dryden with the pertinents and of the sum of forty shilling Scots for the Lands of Crawknow and Clews in name of few ferme with thirteen shilling four pennies in augmentation of the rental And also for payment of one penny Scots money in name of blench ferme if it be asked alienarly for the said Barony and right of patronage of the said kirk of Askirk and the teinds parsonage and vicarage of the parish thereof, in manner fully expressed in the said Charter Together with the precept of Sealine therein contained said instrument of Sealine following thereon In all and sundry the heads clauses articles privileges rights circumstances and conditions therein mentioned after the forms and tenors of the same in all points And her Majesty with consent of the said Estates of Parliament Wills and Grants and for her and her Royal successors Statutes and Ordinances that the foresaid Charter and Sealine thereon shall be good and sufficient rights conform to the tenors of the same to the said Sir Gilbert Elliot his son and their foresaids for possessing and enjoying of the said Lands Barony and others above-

written without stop or impediment and that the same shall never be quereilled by her Majesty or her successors And also that this present Ratification shall be as valid effectual and sufficient to all intents and purposes as if the foresaid haill Charter and precept with the instrument of Sealine following thereupon, were herein de verbo in verbum insert and ingrossed with the not inserting whereof and with all other objections that may be proponed against the validity of this Ratification or rights hereby ratified Her Majesty with consent foresaid has dispensed and hereby dispenses for ever.

RATIFICATION in favors of David Earl of Leven of a tack of the feu & teind duties of lands within the parishes of Dumfermling Kinglassie & Newburn

OUR SOVEREIGN LADY with the special 10
advice and consent of the Estates of Parliament Ratifies Approves and Confirms a tack expedie under her Majesties Privy Seal of the date at Saint James's the fifteenth day of May 1st vije^a and two years granted by her Majesty with consent of her Commissioners of Treasury and Exchequer for the time to David Earl of Leven his heirs and Assignes whatsoever during the space of two nineteen years compleat beginning at the term of Whitfunday 1st vije^a and two years Of all and sundry the feu and teind duties payable to her Majesty furth of all and whatsoever Lands lying within the parochines of Dumfermling Kinglassie and Newburn which are parts and portions of the Lordship and Regality of Dumfermling and which were formerly set in tack to the deceased Charles Earl of Dumfermling which is now expired Excepting alwayes the lands now belonging to the Earl of Rothes in the parochine of Kinglassie conform to a tack fet to him And providing that the said tack hereby ratified shall not comprehend nor extend to the feu and teind duties that were possessed by the deceased John Marquess of Tweeddale as having right to a tack of the Lordship and Regality of Dumfermling set to the deceased Earl of Dumfermling Of which feu and teind duties the said unquth Marquess and John now Marquess of Tweeddale obtained a new tack from his deceased Majesty With full power to the said David Earl of Leven during the foresaid space to intromet with and uplift by himself and his factors in his name all and sundry the feu and teind duties thereby fet and to apply the same to his own proper use and behoove and to rais and execute inhibitions for the said teinds yearly and if need beis to call follow and pursue therefore as accords of the law With free ith and entry thereto and with all other freedoms commodities eximents profits and righteous pertinents appertaining or that shall be righteously known to appertain thereto as fully and amply as

at any time before the said few and teind duties were occupied and possessed by the said deceased Earl of Dumfries and any of his predecessors or successors by virtue of the tack therein mentioned or any other tacks granted by her Majesties predecessors to them freely quietly well and in peace but any revocation obstacle or again calling whatsoever Providing that the granting of the foresaid tack hereby ratified and the acceptance thereof by the said David Earl of Leven shall noways hurt weaken or prejudice any former right or title which the said Earl has to the paroch kirk of Newburn as patron thereof or otherways But it shall be lawful to him to hruik and possess by virtue of both or either of the said rights at his pleasure Paying therefore yearly the said David Earl of Leven his heirs and assignees foresaid to her Majesty and her successors and Chamberlands in their names the sum of Ten pounds Scots money in name of tack duty at the term of Whitsunday yearly during the said tack in manner more fully expressed therein In all and sundry heads articles and clauses thereof And her Majesty Wills and Grants and for her and her royal successors Statutes and Ordinances the said tack to be a good valid and sufficient right conform to the tenor of the same to the said David Earl of Leven and his forefathers for possessing and enjoying the feu and teind duties thereby set during the space therein and above mentioned in so far as concerns the interest of her Majesty And with consent foresaid Declares that the same shall never be quarrelled nor revoked by her Majesty nor her successors in time coming And that this present Ratification shall be as valid and sufficient to all intents as if the said tack were word by word insert herein Whereanent and with all other defects and imperfections of this present Ratification and of the said tack ratified hereby by her Majesty with consent foresaid dispensed and hereby dispenses for ever.

RATIFICATION in favors of Lieutenant Colonel William Maxwell of the Lands & Barony of Cardinefs

- 11 OUR SOVEREIGN LADY and Estates of Parliament presently convened by her Majesties special authority have Ratified and Approven and hereby Ratifies and Approves a Charter expedie under her Majesties great Seal proceeding by warrant upon a signature under the hand of his Majesty the deceased King William of glorious memory of the date at Kensington the third day of February 1703 viz: and two years granted with consent of the Commissioners of the Treasury and Exchequer for the time and proceeding upon the several decreets of adjudication decreet of sale resignations and other conveyances therein specified in favors of Lieutenant Colonel therein designed

Captain William Maxwell of Brigadier Maitland's regiment in liferent during all the dayes of his lifetime and William Maxwell his eldest lawful son and the heirs male to be procees of his body Which falling to his other heirs male and of tailzie and provision and to his other heirs and assignees respective and successive therein mentioned heretahly and irredeemably in fee (with and under the provision condition power and faculty conceived in favors of the said Lieutenant Colonel William Maxwell and with and under the other conditions provisions and restrictions respective therein expressed) Of all and haill the Lands and Barony of Cardinefs comprehending the several towns lands mills woods fishings rights of patronages teinds miltures and others respective therein contained And of the two merk and an half merk Land of Killearn And the half merk Land of Tor with all their pertinents all lying within the Stewartry of Kirkcudbright as prin^d And of the Lands and Baronies of Castlestewart and Ravenelton with their pertinents in real warrandice By which Charter their Majesties for the onerous causes and upon the considerations particularly and generally therein expressed were graciously pleased to erect these Lands of the said Barony called the Clachan of Anwith and Marquocher with the Crofts pertaining to the mains of Cardinefs adjacent thereto and the house of Cardinefs called Ardwell or Busavell adjoined with the haill houles biggings yards tofts crofts and other pertinents thereof belonging thereto in an free Burgh of Barony to be called the Burgh of Cardinefs At which they are impowred to keep a weekly mercat and four free fairs yearly on the dayes therein expressed and to receive and dispose on the tolls and customes thereof And also erected that part of the Barony of Cardinefs lying upon the west side of the water of Fleet where the same falls into the sea in ane free port and harbour Giveing to the said Lieutenant Colonel his son and their forefathers power to build the said harbour with the several priviledges and casualties therein specified Which Charter contains also a new Gift and Disposition of the said haill Lands and Baronys principal and warrandice and of the said Burgh of Barony fairs mercat and free port and harbour priviledges and casualties of the same with all right their Ma^{ties} had or might pretend thereto And an new Erection of the said haill Lands Burgh and others principally above disposed in an haill and free Barony to be called as of before the Barony of Cardinefs Ordaining the castle and tower of Cardinefs to be the principal messuage thereof and one Session to be taken thereat or upon the ground of any part of the said Barony by tradition of earth and stone alienarly to be sufficient for the haill foresaid principal Lands Burgh of Barony free port and harbour and also for the said Lands and Baronys with the pertinents disposed in real warrandice To be holden of their Majesties and their

Royal successors in free Barony Burgh of Barony fee and heretage for ever For payment for the said principal Lands of the tax ward duties for the ward nonentry relief and marriage respective contained in the former Charter and Infestment thereof granted to unq^d Sir Godfrey Mackulloch of Myretoun taxing the said Lands and whereby their Majesties of new Taxes the same to the said former Tax duties and dispenses with the entry of the heirs notwithstanding of their minority And for the said new erected Burgh of Barony free port and harbour fairs and mercats tolls and customs and penny Scots money of blench duty yearly at the merat crofs of the said Burgh, with due administration of justice And for the Warrandice Lands when the samen shall fall in warrandice the few and blench duties and other duties and services contained in the former infestments thereof in manner at length specified in the said Charter and Infestment Together with the Instrument of Sasine following on the samen in the haill heads claues conditions tenors and contents thereof with all that has followed or may follow thereupon And her Majesty and Estates of Parliament foresaid Wills Grants and for them and their successors Statutes and Ordains that the foresaid Charter and Infestment thereon shall be good valid and sufficient rights conform to the tenors of the same to the said Lieutenant Collorell William Maxwell his son and their foresaids for possessing and enjoying the said haill Lands and Barony principally disposed and in case of eviction the said warrandice Lands without flopt or impellment and that the same shall never be quarrelled by her Majesty or her successors, And that this present general Ratification is and shall be as effectual and sufficient to the said Lieutenant Collorell William Maxwell and his said son and their foresaids in all time coming as if the said Charter under the Great Seal containing the foresaid Erection had been duly past and exped under the great Seal before the death of the late King William and as if the samen with the instrument of Sasine following thereupon were herein particularly and verbatim insert and ingrooved Wherein and with all other exceptions and objections that may be moved proposed or alledged ag^t the validity of this present Ratification or rights thereby confirmed her Majesty and Estates of Parliament foresaid have dispensed and hereby dispenses for ever.

RATIFICATION in favors of Arthur Forbes of Echt of the Barony of Echt

- 12 OUR SOVEREIGN LADY with the advice and consent of the Estates of Parliament Ratifies Approves and perpetually Confirms a Charter under the great Seal of the date at Kensington the twenty eight day of April 1st 17th and ninety

eight years granted by the deceased King William with consent of his Commissioners of Treasury and Excheq^r for the time and proceeding upon the resignation of the now deceased Thomas Forbes of Echt to and in favors of Arthur Forbes now of Echt his eldest lawfull son in fe and to the heirs male of his body Which fallgjeing to return to the nearest & lawfull heirs male of the said unq^d Thomas Which all fallgjeing to his nearest and lawfull heirs and assignees whatsoever heretab and irredeemably under the provisions therein expressed Of all and haill the Lands and Barony of Echt comprehending all and haill these Six pound Lands of old extent of Tillfour old and new Weller Echts with the mills of Tillfour mill lands multures sequells and knaveships thereof and the pendicles afterment^r viz. Tillfour Tilliboy Waachtundale Tillcehodie and Broomhill with the pertinents of the same The ten shilling land of old extent called the West third part of the touns and lands of Finneries called the meikle & little Finneries and Monecht with the pertinents with the third part of the mill thereof and third part of the mill-lands multures sequells and knaveships of the same The Lands called Millhill of Echt with houska higgings yards tofts crofts parts pendicles and their pertinents all lying in the parochine of Echt and sherrifdom of Aberdeen with the mill mill lands multures sequells and knaveships houses higgings yards outsets insets moles mules annexis connexis widdings tenents tenandries service of free tenents parts pendicles and haill pertinents of the said Lands and others abovement with free right of the Forest where woods parks and boigs were or shall happen to be within the said Lands and Barony or any part thereof Together with the ad- vocation donation and right of patronage of the personage and vicarage of the kirk of Echt and teinds patronage and vicarage of the same with the teinds fruits profits and duties belonging thereto and their pertinents And also all and haill that funny third part of the Touns and Lands of meikle and little Finneries and Monecht with the pertinents and the third part of the mill of meikle Finneries and of the mill lands multures sequells and knaveships thereof pertaining thereto with all and sundry houses higgings yards orchyards moles mules pasturages tofts crofts outsets insets annexis connexis dependences parts pendicles and all their pertinents lying within the parochine of Echt and sherrifdom of Aberdeen foresaid and all united erected and incorporated in an haill and free Barony called the Barony of Echt conform to the Charter of erection thereof granted to Arthur Forbes of Echt deceased in liferent and the said unq^d Thomas Forbes his son in fe under the Great Seal of this Kingdom of the date at Edinburgh the eighteenth day of February 17th 17th and seventy six years whereby the manner place and house of Echt is ordained to be the principal mes-

snage of the said Barony and one Seafine to be taken there is declared sufficient for the said hail Barony notwithstanding of its discontiguities in manner more fully specified in the said Charter All which Lands and others abovementioned by the foresaid Charter hereby ratified of new given and disposed to the said Arthur Forbes in fee and to his heirs and others abovementioned heretahly and irredeemably under the provisions therein specified with all right title and interest which her Majesty her predecessors or successors had have or any wayes may have thereto or to any part thereof in manner more fully expressed in the said Charter Whereby also the Town of the mains of Echt with all and sundry Lands tenements cottages houses biggings yards orchards mairs meadows marishes tofts crofts parts pendicles and pertinents lying within the territory thereof and built or to be built thereon is erected in a free Burgh of Barony to be called the Burgh of Barony of Echt with the powers privileges and liberties expressed in the said Charter and particularly with power to the said Arthur and his forefairs of keeping a mercat weekly upon Thursday and two fairs yearly one thereof to be called Thomas fair and to begin upon the first Tuesday of June and the other to be called Kathrin's fair and to begin on the third Tuesday of August each of them to continue three dayes and of uplifting and receiving and employing for their own use the tolls customs and casualties of the said fairs and weekly mercat By which Charter the said hail Lands and Barony of Echt comprehending as said is and the said Burgh of Barony with the hail liberties privileges and immunities pertaining thereto are of new united and erected in an hail and free Barony to be called the Barony of Echt Ordaining the new manner place or Cattle of Echt to be the principal messuage of the said Barony and that one Seafine to be taken thereat should be sufficient for the said hail Barony and others foresaid To be holden of his Majesty and his successors in manner expressed in the said Charter Whereby the said hail Barony united as said is with dispensation for taking Seafine at the manner place thereof lying in the shire of Aberdeen is absolved from all other Sherifdomes and ordinary Jurisdictions whatsoever by virtue of the said new union and the ward nonentry relief and marriage of the heir or heirs one or more with all the profits of the said marriages when the samen shall fall respective are Given and Disposed of new to the heirs male assignees and successors of the said Thomas and Arthur Forbeses succeeding to them in the said Lands and Barony And it's ordained that whensoever and as oft as the said Lands Barony and others foresaid or any part thereof shall fall in ward & nonentry and the relief and marriage of the said heirs and successors shall fall in the hands of his Majesty and his successors that then and as oft the said heirs male

successors and assignees of the said Thomas and Arthur Forbeses and their tenents for the time shall not only possess the same during the hail space of the ward and nonentry with the hail profits thereof and the hail benefits of the relief and marriage But also it shall be lawful to the heirs male and other ancestors and assignees of the said Thomas and Arthur Forbeses to obtain themselves served retoured entered infeft and seased at any time of their age even tho in minority without any dispensation in the hail Lands and Barony of Echt comprehending as said is notwithstanding that the samen are holden ward for payment yearly at two terms Whitsunday and Martinmas by equal portions of the sum of One hundred and sixty pounds Scots money for the ward and nonentry or any of them when they shall happen and of the like sum for the relief of the said Lands and Barony and of the sum of Three hundred and twenty pounds for the said marriage or marriages of the heir or heirs when the samen respective shall happen to fall Which sums his Majesty with consent foresaid did by the said Charter hold reasonable for the values profits and commodities of the said ward nonentry relief and marriage respective and every one of them And his Majesty with consent foresaid did by the said Charter also Ratifie and Confirm the several rights and securities granted to the said deceased Arthur and Thomas Forbeses of Echt and to the said Arthur Forbes now of Echt of the Towns and Lands of Culquhorne Dumbreck Kirktown of Echt Hillside and Knockquharne with the mills mill lands and pertinents thereof Holden of George Duke of Gordon his heirs and successors in manner fully expressed in the said Charter Together with the precept of Seafine therein contained and instrument of Seafine following thereupon in all and sundry heads articles clauses provisions and conditions of the same And her Majesty with consent of the Estates of Parliament Wills and Grants and for her and her royal successors Statutes and Ordains that the foresaid Charter with the infeftment thereon shall be good valid and sufficient rights conform to the tenors of the same to the said Arthur Forbes now of Echt and his heirs male and others foresaid for possessing and enjoying the said hail Lands and Barony comprehending as said is and of new united in manner abovementioned without any flopt or impediment in so far as concerns the interest of her Majesty or her royal successors and that the same shall never be quarrelled by her Majesty or her said successors and also that this present general Ratification is and shall be as valid and effectual to all intents to the said Arthur Forbes and his heirs and others succeeding to him by virtue of the said Charter as if the samen Charter and Seafine thereon were word by word insert herein with the not inserting whereof and with all other objections that may be proposed against the validity of this

present Ratification or rights thereby ratified Her Majesty with consent foresaid has dispensed and hereby dispenses for ever.

RATIFICATION in favours of John Leith of Leithhall and John Leith his son of the Lands & Barony of Leithhall.

- 13 OUR SOVEREIGN LADY and Estates of Parliament presently convened by her Majesties special authority have Ratified and Approven and hereby Ratifies and Approves one Charter under the great Seal bearing date at Kensingtoun the first day of April 1st vijth and one years granted by the deceased King William with consent of the Commissioners of his Treasury and Excheq^r for the time and proceeding on the resignations of John Leith of Leithhall and of unq^d John Earl of Mar and the deceased William Gordon of Taperde John and Henry Gordons his sons and unq^d M^r James Leith of Leithhall sometime designed of Newledy father to the said John Leith Abigneys of the said John Earl of Mar to and in favours of the said John Leith of Leithhall he being on life durling all the dayes of his lifetime and to John Leith his lawful son and the heirs male lawfully to be poceat of his body Which fullgiving to the other heirs male and of tailgic and provision respective and successeive therein mentioned and fullgiving of them to the said John Leith elder and his heirs and abigneys whatsoever heretably & irredeemably in sic With and under the condition provision power and faculty conceived in favours of the said John Leith elder Of all and hail the Lands & Barony of Leithhall comprehending the fveral and particular touns lands manor places mills teinds privileged of a yearly fair customes and commodities belonging thereto and others respective therein mentioned lying within the parochine of Ledfene and shirifdom of Aberdeen and all formerly United Erected and Incorporated in an hail and free Barony called the Barony of Leithhall All which Lands Barony and others mentioned in the said Charter with all right his Majesty had or might pretend thereto or to the mailis and duties thereof hygone and in time coming are therby of new Given and Disposed to the said John Leith elder durling his lifetime and to the said John Leith his son and to the heirs male of his body Which fullgiving to the said other heirs male and of tailgic and provision respective therein specified heretably & irredeemably in sic under the foresaid provision and faculty conceived in favours of the said John Leith elder and fully expressed in the said Charter Which contains alio an new Erection of all the foresaid Lands and Barony privileged of a fair teinds mills and others therein expressed in an hail and free Barony to be called as before the Barony of Leithhall Ordaining

the mannor place of Leithhall to be the principal messuage thereof and one Seafine to be taken in all time coming thereat or upon any part of the said Lands to be sufficient for the said hail Barony united as said is and every part of the same To be holden of his Majestic and his royal successors in taxward few and blench ferme respective free Barony sic and heretadge for ever in manner fully expressed in the said Charter Whereby also the duties of ward nonentry and relief of the said Lands and Barony of Leithhall and the marriage of the heir or heirs when and as oft as the same shall fall out are assigned and disposed to the said John Leith elder his son and their foresaids for payment of the sum of eighty six pounds Scots money yearly at two terms in the year Whitsunday & Martinmas by equal portions durling the ward and nonentry, as much for thesrelief And of the sum of one hundred and sixty three pounds for the marriage of the heir when and how oft soever the samen shall happen to fall To which sums respective the foresaid ward nonentry relief and marriage are taxed, and also the heirs are allowed to be entered served retoured and infett in the said Lands and Barony notwithstanding of their minority in manner at length specified in the said Charter, Together with the precept of Seafine therein contained and instrument of Seafine following thereupon In the hail heads clauses conditions tenors and contents thereof with all that has followed or may follow thereupon And her Majesty and Estates of Parliament foresaid Wills and Grants and for them and their successors Statutes and Ordains that the foresaid general Ratification is and shall be as valid effectual and sufficient to the said John Leith and his said son and his foresaids in all time coming as if the said Charter under the great Seal containing the said new Gift new Erection and the Taxing of the ward nonentry relief and marriage and instrument of Seafine following thereupon were herein particularly and verbatim insert and ingrofed whereament and with all other exceptions and objections that may be moved proponed and alledged against the validity of this present Ratification Her Majesty and Estates of Parliament foresaid have dispensed and hereby dispenses for ever.

RATIFICATION and Act in favours of John Forbes of Balfing and George Forbes his Son of the Barony of Alford.

- OUR SOVEREIGN LADY and Estates of Parliament presently convened by her Majesties special authority have Ratified and Approven and hereby Ratifies and Approves one Charter under the great Seal of the date at Kensingtoun the third of February 1st vijth and two granted by the deceased King William with consent of the
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Commissioners of the Treasury and Exchequer for the time and proceeding on the resignation of John Forbes of Balfour to and in favor of the said John Forbes he being on life during all the days of his lifetime and of George Forbes his eldest lawful son and the heirs male lawfully to be procreant of his body Which fullgiving to Alexander Forbes his second lawful son and the heirs male lawfully to be procreant of his body Which fullgiving to John Forbes his third lawful son and the heirs male lawfully to be procreant of his body Which fullgiving to the said John Forbes elder his other heirs male therein mentioned And fullgiving of them his heirs or assignees whatsoever in fee heretach and irredeemably with and under the condition provision power and faculty therein mentioned conceived in favor of the said John Forbes elder Of all and hail the Lands & Barony of Alford comprehending the ferial and particular Towns Lands mills and others respective therein specified and specially of an little fair or mercat called Andersmans fair holden yearly at and upon the Town of the mains of Alford with the tolls customs privileges and liberties whatsoever belonging to the said fair or mercat all lying within the parochie of Alford and shierifdom of Aberdeen and all formerly united erected and incorporated in an hail and free Barony called the Barony of Alford Which Charter contains a new gift or disposition to and in favor of the said John Forbes elder during all the days of his lifetime and to the said George Forbes his son and the heirs male of his body Which fullgiving to the other heirs male and of tailg and provision abovementioned heretach and irredeemably under the provision therein specified of the said Lands Barony and others foresaid with all right his Majesty had or could pretend thereto or to the mails and duties thereof bygone or in time coming & an new Erection of the foresaid Lands and others therein specified in an hail and free Barony to be called as before the Barony of Alford whereof the manor place of Balfour is ordained to be the principal mesuage and one Sesaine to be taken thereat or any part of the said Lands is declared to be sufficient for the hail Barony and every part thereof in all time coming To be holden of his Majesty and his royal successors in free Barony fee and heretache for ever For payment of the rights and services used and wont By which Charter also the duties of ward nonentry relief and marriage payable for the said Barony are taxed for payment of the sum of Two hundred and forty six pounds thirteen shilling four pennis Scots money yearly during the ward and nonentry as much for the relief and of the sum of four hundred and ninety three pounds six shilling eight pennis Scots money foresaid for the marriage of the heir when and how oft soever the women shall happen to fall in all time coming And the heirs are allowed to be served returned infest

and leased in the said Lands Barony and others foresaid notwithstanding of their minorities in manner at length specified in the said Charter Together with the precept of Sesaine therein contained and instrument of Sesaine following thereupon In the hail heads clauses conditions tenors and contents thereof with all that has followed or may follow on the same And her Majesty and Estates of Parliament foresaid Wills and Grants and for them and their successors Statutes and Ordains That the foresaid General Ratification is and shall be as valid effectual and sufficient to the said John Forbes and his said sons and their foresaids in all time coming as if the said Charter under the great Seal containing the said new Gift new Erection and Taxing of the ward nonentry relief and marriage and the instrument of Sesaine following thereupon were herein particularly and verbatim insert and ingrossed Wherewith and with all other exceptions and objections that may be moved proposed or alledged against the validity of this present Ratification Her Majesty and Estates of Parliament foresaid have dispensed and hereby dispenses for ever And her Majesty and Estates of Parliament considering That by the rights and investments formerly granted to the predecessors of the said John Forbes there was given to them the right and privilege of keeping a weekly mercat and yearly fair on the days following at the Town and Lands of Endovie which is a part of the said Barony of Alford lying in manner foresaid and that it is very fit for the good of the inhabitants of the said place and of her Majesties other Leidges dwelling near thereto to Revive and Renew in manner underwritten the said weekly mercat & yearly fair which is now become in disuetude Therefore her Majesty and the said Estates of Parliament do by this presents without prejudice of the said other fair granted by the said Charter called Andersmans fair of new Appoint a weekly mercat to be kept in all time coming at the said Town and Lands of Endovie upon every Thursday and a fair to be holden thereat yearly in all time coming upon the third Tuesday of May and to continue four dayes called Saint John's fair And have Given and Granted and hereby Give and Grant to the said John and George Forbes and their foresaids in liferent and fee respective as said is the right and privilege of keeping the said weekly mercat and yearly fair for all kinds of merchandise with all the tolls customs and casualties thereof and all other liberties privileges and advantages used and wont to belong to any having the right of keeping fairs and mercats within this Kingdom.

RATIFICATION in favors of James Earl of Mortoun of the Gift of an Annuity out of the Earldom & Lordships of Orkney & Jetland

- 15 OUR SOVEREIGN LADY with the advice and consent of the Estates of Parliament Ratifies Approves and perpetually Confirms a Gift under the Privy Seal of the date at Windfuir Castle the fifth day of August 1^{mo} vijs^r and two years granted by her Majesty with consent of her Commissioners of Treasury and Exchequer for the time in favors of James Earl of Mortoun his heirs and successors By which Gift her Majesty in consideration of the Recommendations therein mentioned from the Parliament in favors of the said Earl for an allowance to him to prosecute a reduction of the Decreet and Act of Parliament therein expressed and for a provision to him in the mean time untill the said cause were finally discussed did with consent foresaid Give and Grant to the said Earl and his fore-saids an annuity of Ane thousand pounds Sterling or twelve thousand pounds Scots to be payed to him and then yearly out of the first and readiest of the rents duties profits and casualties of the Earldom and Lordships of Orkney and Jetland including alwayes and in full satisfaction of all former Settlements made to him out of the fore-said Lands or any other manner of way on the fore-said account beginning the first terms payment of the foresaid Thousand pounds Sterling at the term of Martinmas then next to come and so furth yearly and termly ay and while his foresaid countie be of new tryed and finally discussed And for the said Earl and his fore-saids their more sure payment Her Majesty with advice and consent foresaid assigned and made over to him and then yearly as much of the said yearly rents duties profits casualties and first and readiest thereof as will yearly pay and clear the foresaid annuity And further in respect that the rents duties and casualties of the foresaid Earldom and Lordship were then in collection Her M^{ty} nominated and appointed the said James Earl of Mortoun and his fore-saids and their deutes for whom they should be answerable Her Majesties Chamberlains and Collectors of the said hall rents duties and casualties and that as fully and effectually as if a special and ample letter of Chamberlainry with all clauses ordinar had been given to them for that effect With provision alwayes that after payment to himself and them in the first place of the fore-said free annuity be and they should be countable to the Commissioners of the Treasury for the remaining superplus of the said rents duties and casualties when required and should find good and sufficient security for that end As also that if the said Lords Commissioners of the Treasury

should think fit rather to fet the said Earldom and Lordship in tack than continue it in collection they might freely do the same Providing nevertheless likeas Her Majesty by the said Gift expressly Ordained that when the said Commissioners should think fit to fet the foresaid tack they should take the Tacksmen one or more expressly obliged in the body of their tack to pay to the said Earl and his fore-saids or their order the foresaid annuity yearly and termly in the first end of their tack duty and to be allowed to the said Tacksmen on his or their receipt without any necessity of any intervening precept and order of Treasury for that effect and so as the said Earl and his fore-saids may have immediat diligence on the said registered tack against the said Tacksmen for recovering payment of the said annuity in the forend of the said tack duty without any delay, as the said gift bears, in all and sundry bonds articles and clauses thereof And her Majesty with advice and consent of the said Estates of Parliament Wills and Grants and for her and her Royal successors Statutes and Ordinains that the foresaid Gift is and shall be conform to the tenor of the same a good valid and sufficient right and title to the said James Earl of Mortoun for possesing and enjoying without stop or impediment the foresaid annuity in manner and during the space above-mentioned and Declares that the same shall never be quarrelled or revoked by her Majesty or her successors in time coming and that this present Ratification is and shall be as valid and sufficient to all intents as if every word of the said gift were insert herein with the not inserting whereof and with all other objections that may be proponed against the validity hereof or of the said gift hereby confirmed Her M^{ty} with consent foresaid dispensed and hereby dispenses for ever.

RATIFICATION in favors of James Earl of Mortoun of the Earldom of Mortoun.

- 16 OUR SOVEREIGN LADY with advice and consent of the Estates of Parliament Ratifies Approves and perpetually Confirms a Charter under the great Seal of the date at Saint James's the last day of March 1^{mo} vijs^r and four years granted by her Majesty with consent of her Commissioners of Treasury and Excheq^r for the time to James Earl of Mortoun and the heirs male lawfully to be procreant of his body Which fullgiving his heirs male whatsoever Which fullgiving his heirs and assignees whatsoever heretahly and irredecumbly Of all and sundry the Lands Lordships Baronies Regalities annualrents teinds patronages Earldom and others underwritten viz. the Lands Lordship and Barony of Aberdour with castle tower fortalice manor place mills fishings towns woods parks yards orchyards dovecoats cunningghams outsets

parts pendicles and pertinents tenements tenandries and service of free tenants advocations donations and rights of patronage of the kirks and chaplanries thereof and all their pertinents with the Burgh of Barony and Regality of Aberdour with the port and harbour of the same and full right privilege and liberty of repairing the said harbour of Aberdour or of building making and erecting a free sea port and harbour for ships in any other part of the said Barony of Aberdour as the said James Earl of Mortoun shall think fit and all other hulwarks and other works necessary thereto with full power and privilege to them of making creating and appointing Bailies Burgeses Clerks Officers Serjants and other necessary officers within the said Burgh of Aberdour for the government thereof and of choosing changing and renewing the said Bailies Clerks and other Officers yearly as they shall think fit And with power to the said Burgeses of the foresaid Burgh of Aberdour in all time coming to buy and sell wax wine lint wool broad and narrow cloth and all other merchandice and staple goods without any obstacle disturbance molestation or impediment whatsoever, and also of having admitting and receiving within the samen Burgh of Aberdour butchers maltsters fishers fiddlers fouters tailors weavers barbers smiths and all other necessary artists pertaining to the liberty of a free Burgh of Barony and Regality and of building having and keeping within the said Burgh a tolhuith a mercat cross a mercat weekly upon Friday with two free fairs yearly one upon the twenty fourth day of January to be called the First fair and the other upon the twenty seventh day of September to be called the Latter fair with power of keeping the said weekly mercat and the said two free fairs yearly for the space of three dayes and of collecting uplifting and intronetting with the customes and other duties of the said mercat and fairs for the proper use of the said James Earl of Mortoun and his foresaids And also with special and full power of receiving resignations of all lands tenements annualrents and others within the said Burgh of Aberdour and of disposing the same with all Infeftments Charters Scasines and other evidents necessary to any person or persons in whose favors the said resignations shall be made, of affixing fencing keeping and continuing as oft as need becs Baron Courts and Regality Courts within the said Burgh of Aberdour and liberty thereof and of creating Clerks Serjants and other necessary members of Court, of fining the absent, punishing the transgressors conform to the Laws of this Kingdom of Scotland and of creating uplifting receiving and applying to their own use the fines and amercements of the said Courts and of doing thereunto as freely as is granted to any other Burgh of Barony and Regality within the said Kingdom and of uplifting all and sundry the small customes anchormages dock-

silver and groundleave and all other duties and emoluments of the said port and harbour of Aberdour and of applying the same to their own use or otherways disposing thereupon at their pleasure as freely as the same are uplifted by any others of her Majesties vassalls heretable proprietors of any other free port or harbour within the said Kingdom of Scotland With full power also of loading and unloading at the said sea port and harbour the hull ships boats and bargs coming thither or going from thence and of enjoying using and exercising all other privileges liberties and immunities and uplifting all other duties and casualties of the said sea port and harbour in the same manner and as freely in all respects as any other heretable proprietors of any other free sea ports within this Kingdom in all time bypast have done or in any time to come may lawfully do all lying within the Lordship and Regality of Aberdour and Sherifdom of Fyfe The Lands Earldom and Barony of Mortoun with four fortealice manor place yeards orcheyards mills woods fishings tenements tenandries and service of free tenants with the advocacion and donation of the kirks thereof annexis comexis of the said Earldom and Barony and specially with full right of presenting four poor scholars called bursars in the Colledge of Glasgow to the Principals Regents and Masters thereof conform to the tenor of the foundation and mortification granted thereupon with all their pendicles and pertinents The Lands of Bonningtoun The Lands of Barns The Lands of Kincauld The Lands of Drumcroce The Lands of Gallowhill The Lands of Williamcraigs with all their pertinents lying within the sherifdom of Linlithgow An annualrent of four pounds Sterling money yearly to be uplifted and taken furth of the lands of Neuhle with the pertinents lying within the sherifdom of Peebles The Lands and Barony of Edmonstoun with manor place fortealice mills fishings outsets yeards orcheyards parts pendicles tenants tenandries service of free tenants with advocacion and donation of the kirks and chaplanries of the same and all their pertinents lying within the barony of Bigger and sherifdom of Lanerk The Lands and Barony of Borge The Lands and Barony of Buthill with cuthles manour places mills fishings yeards orcheyards woods parts pendicles annexis comexis tenements tenandries service of free tenants with the advocacion and donation of the Kirks & Chaplanries of the said Lands and Baronies and all their pertinents lying within the sherifdom of Kirkcudbright Which Charter proceeds on the several appraisings resignations and other conveyances therein mentioned and contains a new Gift or Disposition of the hull Lands and others therein and above specified with all right and title which her Ma^{ty} her predecessors or successors had has or any wayes may have claim or pretend thereto or to any part thereof or to the rents and duties of the same hygone and to come

in favors of the said James Earl of Mortoun and his forefairs and a new Erection of the foresaid hail Lands Lordships Baronies and others above-written in an hail and free Earldom to be called The Earldom of Mortoun ordaining the Caille of Aberdour to be the principal messuage thereof and one Seafine to be taken thereat or on any part of the said Barony of Aberdour by delivery of earth and stone to be sufficient for the hail To be holden of her Majesty in free Blench for payment yearly of an penny Scots money in name of blench ferm if required at the principal messuage or manour place of Aberdour as is fully expressed in the said Charter Whereby also the rights of the two several annualrents therein mentioned furth of the said Lands and Barony of Aberdour and the conveyances thereof in favors of the said James Earl of Mortoun are confirmed And her Majesty with advice and consent of the said Estates of Parliament Ratifies Approves and Confirms the precept of Seafine contained in the said Charter and Instrument of Seafine following or competent to follow thereupon in all and sundry heads articles and clauses thereof And her Majesty with consent foresaid Wills and Grants and for her and her Royal Successors Statutes and Ordinances that the foresaid Charter and Seafine hereby confirmed are and shall be conform to the tenors of the same good valid and sufficient rights to the said James Earl of Mortoun and his forefairs for possessing and enjoying in time coming without stop or impediment the foresaid Lands Lordships Baronies Regality Earldom and others foresaid And Declares that the same shall never be quarrelled or revoked by her Majesty or her Successors in time coming and that this present Ratification is and shall be as sufficient to all intents as if every word of the foresaid Charter and Seafine were insert herein with the not inserting whereof and with all other defects and imperfections of the said Charter and Seafine and of this present Ratification of the same and with all objections that can be proponed against the same Her Ma^{ty} with consent foresaid dispensed and hereby dispenses for ever.

RATIFICATION in favors of Sir William Maxwell of Monreith of the Lands & Baronies of Monreith Aplehie &c.

- 17 OUR SOVEREIGN LADY with the special advice and consent of the Estates of Parliament Ratifies Approves and perpetually Confirms an Charter under her Majesties great Seal of the date at Saint James's the thirtieth day of November 17th vijth and three years granted by her Majesty with consent of the Lords and others Commissioners of her Treasury and Excheq^r for the time and proceeding upon the several resignations decret of sale and other conveyances therein men-

tioned to and in favors of Sir William Maxwell of Monreith Knight and Baronet and his heirs male and of tailzie and other heirs and assignees therein specified with and under the provisions conditions restrictions limitations and irritances therein expressed heretahly and irredemably Of all and hail the Lands and Barony of Monreith the Lands Barony and Tenandry of Aplehie The Lands and Barony of Myretoun The Barony of Mochrumloch The Lands and Barony of Longcaille Fourty merk lands of the Barony of Ardwell and Killalfer, and the said Barony of Killalfer comprehending therein respective the several lands mills cadies towers manour places houses biddings yards orchyards lochs fishings teinds rights of patronage and others therein mentioned and of the five pound Land of Gairnairy and several other Lands therein expressed Which Charter contains a confirmation of several rights and infeftments of the foresaid Lands and others therein mentioned With a new Gift and Disposition thereof and an Union of the said hail Lands Baronies and others therein specified extending to a Three hundred and thirty four merk land of old extent With all and sundry their houses biddings yards orchyards tofts crofts annexis connexis woods lochs fishings parts pendicles and all their pertinents all lying within the sheriffdom of Wigton in an hail and free Barony and Forretrie to be called in all time coming the said three hundred and thirty four merk Land of old extent and Barony and Forretrie of Monreith, Ordaining the manour place of Monreith to be the principal messuage of the said Barony and Giving to the said Sir William and his forefairs all the liberties privileges emoluments jurisdictions and casualties belonging to a free Barony and Forretrie Ordaining also one Seafine to be taken at the said manour place of Monreith by deliverance of earth and stone without the necessity of any other symbol to be sufficient for the hail lands mills woods fishings patronages office of forretrie and others particularly mentioned in the said Charter and erected as said is in the said Barony of Monreith To be holden of her Majesty for her self and as come in place of the Bishops respective and of her Royall Successors for pay^t of the few duties of victual and capons or prices thereof mentioned in the said Charter and of the other few blench and taxt ward duties specified therein Whereby also the duties of ward nouentry relief and marriage payable for several of the said Lands and others are Taxed to the several fairs therein expressed and it is Declared lawful to the heirs male, of line, assignees Successors and others foresaid of the said Sir William to obtain themselves infeft and seised in the Lands teinds fishings and others mentioned in the said Charter notwithstanding of their minorities And sikklike the several few charters therein specified granted to the said Sir William and his forefairs and to his authors by Sir James Dunbar of

Mochrum of the Lands of Arrialsand Chang Glen-triploch and Barochane lying in the said shieridom with the conveyances and the several adjudications and apppellings thereof are confirmed in manner fully expressed in the foresaid Charter Together with the precept of Seaisine therein contained and instrument of Seaisine following thereon in all and sundry heads articles clauses provisions and contents of the same with all that has followed or may follow thereupon And her Majesty with consent of the said Estates of Parliament Wills and Grants and for her and her Royal successors Statutes and Ordains That the foresaid Charter and Infestment thereon shall be good valid and sufficient rights conform to the tenors of the same to the said Sir William Maxwell and his heirs male and of tailgic and other heirs and assigneyes therein specified for possesing and enjoying of the said hall lands mills woods fishings teinds patronage office of forestry and others therein expressed united as said is without stop or impediment and that the same shall never be quarrelled by her Majesty or her successors And also that this present general Ratification is and shall be as effectual and sufficient to the said Sir William Maxwell and his foresaids as if the said Charter with the instrument of Seaisine following thereon were word by word insert herein with the not inserting whereof and with all other objections that may be proposed against the validity of this present Ratification or rights hereby ratified Her Ma^{ty} with consent foresaid dispensed and hereby dispenses for ever.

RATIFICATION in favors of Sir Alexander Ogilvie of Forglen of the Town & Lands of Todlaw

- 18 OUR SOVEREIGN LADY with the advice and consent of the Estates of Parliament Ratifies Approves and perpetually Confirms a Charter under the Great Seal of the date at Saint James's the twenty first day of December 1701 vj^{te} and two years Granted by her Majesty with consent of her Commissioners of Treasury and Excheq^r for the time proceeding on the resignation of M^r Thomas Thomson of Auchquithrie to and in favors of Sir Alexander Ogilvie of Forglen as having right to the said M^r Thomas his procuratory of resignation in manner therein mentioned and to his heirs and assigneyes whatsoever heretably and irredeemably Of all and hail the Town and Lands of Todlaw with boues biggings yards tofts crofts outsets insets annexis connexis parts pendicles and hail pertinents whatsoever thereof With the salmon fishing in the water of Doveran lying within the parochine of Forglen and shieridom of Bamf Which Lands and others foresaid with all right and title her Majestie had or might pretend thereto are by the said Charter of new given and disposed to the

said Sir Alexander Ogilvie and his foresaids in manner fully expressed therein Whereby also all the writs rights and securities of the samen Lands and others abovementioned conceived in favors of the said Sir Alexander his authors and predecessors are ratified & confirmed and the foresaid Lands fishing and others abovementioned are Disjoined from all other Baronies to which they were formerly united and of new incorporated and united to the Lands and Barony of Forglen to remain inseparably therewith as a proper part and pertinent of the same with all jurisdictions privileges and immunities belonging thereto as fully as if they had been at the beginning annexed with the same and one Seaisine to be taken at the mannour place of Forglen as the principal meadow of the said Barony or upon any part of the ground of the said Lands is ordained to be a sufficient Seaisine for the said lands fishings and others abovespecified To be holden of her Majesty and her successors in manner expressed by the said Charter By which the hall waird and nonentry duties of the Lands and others foresaid and the relief thereof and marriage of the heirs of the said Sir Alexander Ogilvie and his foresaids as oft as the same respective shall fall with all the profits and emoluments thereof are given and disposed to him and his foresaids For payment yearly at two terms Whitsunday & Martinmas by equal portions during the hall space of the ward and nonentry or either of them the sum of thirty pounds Scots money as much for the relief and of the sum of Sixty pounds money foresaid for the marriage of the said heirs as oft and whensoever the samen respective shall fall To which sums abovementioned the said ward nonentry relief and marriage so oft as the samen shall fall are Taxed by the said Charter Whereby also the heirs of the said Sir Alexander and his foresaids are allowed to be served retoured infest and seised in the said Lands and others abovementioned notwithstanding of their minority as the said Charter fully bears Together with the precept of Seaisine therein contained and instrument of Seaisine following thereon in all and sundry heads articles and clauses thereof And her Majestie with consent of the said Estates of Parliament Wills and Grants and for her and her Royal successors Statutes and Ordains that the foresaid Charter with the infestment thereon shall be good valid and sufficient rights conform to the tenors of the same to the said Sir Alexander Ogilvie and his foresaids for possesing and enjoying the lands fishing and others abovementioned without stop or impediment in so far as concerns the interest of her Majestie and Declares that the same shall never be quarrelled by her Majesty or her said successors And also that this present Ratification is and shall be as effectual and sufficient to all intents as if the said Charter and Seaisine were word by word insert herein with the not inserting whereof and with all other objec-

tions that may be proposed ag^t the validity of this Ratification or rights hereby ratified Her Majesty with consent foresaid dispensed and hereby dispenses for ever.

RATIFICATION in favors of M^r James Nasmyth of Dawick of the Lands & Barony of Dawick

- 19 OUR SOVEREIGN LADY with advice and consent of the Estates of Parliament Ratifies Approves and perpetually Confirms a Charter under the great Seal of the date at Bath the seventeenth day of September 1st vith and three years granted by her Majesty with consent of her Commissioners of Treasury and Exchequer for the time Proceeding on the several resignations and conveyances of the same mentioned therein to and in favors of M^r James Nasmyth of Dawick Advocate and the heirs male lawfully to be procreat of his body Which failing to the heirs female lawfully procreat or to be procreat of his body Which failing to his other heirs of tailzie therein mentioned and failing to them to his nearest heirs and assignees whatsoever the eldest heir female succeeding always without division heretahly and irredeemably and with and under the provisions and restrictions therein set down to which the said heirs of tailzie shall be obliged in manner therein mentioned Of all and hail the Lands and Barony of Dawick comprehending the Lands of Easter and Wester Dawicks the lands of Lour Maines of Dawick with mill and mill lands thereof yards parks houses and pertinents of the same with the right of patronage of the paroch Kirk of Dawick and hail superiorities of the said Barony with the teinds patronage and vicarage of the said kirk and parochine kirklands of the same and forty eight fums of beafts lying in the parochine of Dawick and sherrifdom of Peebles And of all and hail the Lands of Wrae with all and sundry houses biddings tofts crofts mores muirs meadows pasturages parts pendicles and pertinents thereof whatsoever lying in the parochine of Manner and sherrifdom of Peebles foresaid And of the forty shilling land called Wester Smelhope with houses biddings parts pendicles and pertinents of the same lying within the parochine of Glenwholme and sherrifdom of Peebles And all and hail that part and portion of the Lands of Smelhope and a sounne of heafte upon the said Lands sometime possessed by William Grievie Miller at the mill of Urrisland And of all and hail that part and portion of land called Urrisland with the mill thereof mill lands multurets sequells and pertinents of the same whatsoever with the multurets of the Lands of Stenhope And of the Lands called the fourth part of Raubin with all and

sundry houses biddings yards parts pendicles and pertinents of the same lying in the parochine and sherrifdom foresaid with the liberty of pasturage in the common of Whomhope and other liberties used and wont with necessary feul upon the Lands of Smelhope to the tenants of the said Lands of Urrislands and mill of the same according to the usual customs Which hail Lands and others foresaid with all right and title that her Majesty her predecessors or successors had or could pretend thereto or to any part thereof or to the mulls and duties of the same are by the foresaid Charter of new Disposed to the said M^r James Nasmyth and his foreseids in manner fully expressed therein Whereby also the samen hail Lands and others abovementioned are united and erected in one hail and free Barony to be called in all time coming the Barony of Dawick and one Sessine to be taken at the manour place of Dawick which is thereby appointed to be the principal messuage of the said Barony or upon the ground of any part of the said Lands and Barony is ordained to be sufficient for all the foresaid Lands mills teinds patronage superiorities and others abovespecified with the pertinents united as said is To be holden of her Majesty and her royal successors for payment of the blench feu and taxt ward duties particularly mentioned in the said Charter By which also the duties of ward nonentry relief and marriage due and payable for the said Lands and old Barony of Dawick comprehending the lands Barony and others particularly abovespecified and for the said Lands of Cruicktown and Wrae are Taxed to the several fums therein expressed For payment whereof the same are Disposed to the said M^r James his heirs male successors and assignees foresaid in manner mentioned in the said charter And likewise the heirs male and of tailzie successors and assignees foresaid of the said M^r James Nasmyth are allowed notwithstanding of their minority to be served retoured infeft and seised in the said Lands and Barony And further the Contract of marriage betwixt the said M^r James and Mistris Barbara Pringle eldest lawful daughter of Andrew Pringle of Clifton with consent of her father on the one and other parts of the date the fifteenth day of June 1st vith and two years Together with the precept of Sessine therein contained and instrument of Sessine following thereupon in favors of the said Mistris Barbara are approved and confirmed in manner fully expressed in the Charter abovementioned The precept of Sessine contained in which Charter and instrument of Sessine thereon Her Majesty with advice and consent of the said Estates of Parliament does also Ratify Approve and perpetually Confirm in all and sundry heads articles and clauses of the said Charter Precept and Sessine And Wills and Grants and for her Majesty and her Royal successors Statutes and Ordains that the foresaid Charter and

Infestment thereon shall be good valid and sufficient rights conform to the tenors of the same to the said M^r James Nasmyth and his foresaids for possessing and enjoying the Lands mills teinds patronages superiorities and others abovementioned with the pertinents united in one Barony in manner abovementioned without any stop or impediment in so far as concerns the interest of her Majesty or her successors and Declares that the same shall never be quarrelled by her Majesty or her said successors and also that this present Ratification is and shall be as effectual and sufficient to all intents and purposes as if the said Charter and Session thereon were word by word insert hereintill with the not inserting whereof and with all other objections that may be proposed against the validity of this Ratification or of the rights hereby ratified Her Majesty with consent foresaid dispensed and hereby dispenses for ever.

ACT in favors of George Duke of Gordon
for two yearly fairs at the town of Huntley

- 20 OUR SOVEREIGN LADY and Estates of Parliament considering that fairs and mercats in convenient places tend much to the good and advantage of the Inhabitants thereof and of her Majesties other Leidges dwelling near thereto and also to increase trade and commerce in the nation and that it is very fit for these ends to authorize two yearly fairs upon the dayes following at the Town of Huntley lying in the shire of [Aberdeen] and belonging to George Duke of Gordon Do Therefore by their presents Appoint Two fairs to be kept yearly in all time coming at the said Town of Huntley One thereof upon the third Tuesday of August and the other upon the first Tuesday of October and each of them to continue four dayes and have Given and Granted and hereby Give and Grant to the said Duke his heirs and successors the right and privilege of keeping the said yearly fairs for all kinds of merchandise with all the tolls customes and casualties thereof with all other liberties privileges and advantages used and wont to belong to any having the privilege of keeping fairs and mercats within this Kingdom.

ACT in favors of Charles Earl of Erroll
for two yearly fairs at the town of Turrif.

- 21 OUR SOVEREIGN LADY and Estates of Parliament considering that fairs and mercats in convenient places tend much to the good and advantage of the Inhabitants thereof and of her Majesties other Leidges dwelling near thereto and that it is very fit for these ends to authorize two yearly fairs upon the dayes following at the Town of Turrif in the paroch of Turrif and shirifdom

of Aberdeen and Regality of Shains belonging to Charles Earl of Erroll Do Therefore by their presents appoint two fairs to be kept yearly in all time coming at the said Town of Turrif One thereof upon the last Tuesday of March to be called Saint Anns fair And the other upon the first Tuesday of December to be called Saint John's fair and each to continue four dayes And have Given and Granted and hereby Give and Grant to the said Earl his heirs and successors the right and privilege of keeping the said yearly fairs for all kinds of merchandise with all the tolls customes and casualties thereof and all other liberties privileges and advantages used and wont to belong to any having the privilege of keeping fairs and mercats within this Kingdom.

ACT in favors of John Earl of Wigton
for a weekly mercat & four yearly fairs at the Kirk of Denny & two yearly fairs at the Newtown of Cumbernald

- OUR SOVEREIGN LADY and Estates of Parliament considering that fairs and mercats in convenient places tend much to the good and advantage of the Inhabitants thereof and of her Majesties other Leidges dwelling near thereto and that it is very fit for these ends to authorize a weekly mercat and four yearly fairs upon the dayes following at the Kirk of Denny belonging to John Earl of Wigton and lying within the shire of Stirling and two yearly fairs on the dayes following at the Newtown of Cumbernald lying in the said shire and belonging to the said Earl Do Therefore by their presents Appoint a weekly mercat to be kept in all time coming at the said Kirk of Denny upon every Wednesday and four fairs to be holden at the same place yearly in all time coming One thereof upon the last Wednesday of April Another upon the twenty second of June Another upon the fourth of August And the other upon the fifth of November and also Appoint two fairs to be kept yearly in all time coming at the said Newtown of Cumbernald One thereof upon the first Friday of February And the other on the twenty ninth day of October And have Given and Granted and hereby Give and Grant to the said Earl his heirs and successors the right and privilege of keeping the said weekly mercat and yearly fairs at the said respective places for all kinds of merchandise with all the tolls customes and casualties thereof and all other liberties privileges and advantages used and wont to belong to any having the privilege of keeping fairs and mercats within this Kingdom.

ACT in favors of Sir John Johnstoun of
Calkiebend for three yearly fairs at the hill
of Tyrebaurer

OUR SOVEREIGN LADY and Estates of Parliament considering that fairs and mercats in convenient places tend much to the good and advantage of the inhabitants thereof and of her Majesties other Leidges dwelling near thereto and also to increase trade and commerce in the Nation and that it is very fit for these ends to authorize three yearly fairs upon the dayes following at and upon the west end of the foot of the hill of Tyrebaggar which is a part of the lands and Barony of Caskiebend lying in the shire of Aberdeen and belonging to Sir John Johnstoun of Caskiebend Do therefore by thir presents Appointe three fairs to be kept yearly in all time coming at and upon the said west end of the foresaid foot of the hill of Tyrebaggar One thereof upon the Tuesday immediately preceeding Easter to be called Pasche fair Another upon the first Tuesday of July to be called Martin Baluegon fair And the other upon the third Thursday of August to be called Tyrebaggar fair And have Given and Granted and hereby Give and Grant to the said Sir John Johnstoun his heirs and Successors the right and privilege of keeping the said yearly fairs for all kinds of merchandise with all the tolls customs and casualties thereof and all other liberties privileges and advantages used and wont to belong to any having the privilege of keeping fairs and mercats within this Kingdom.

ACT in favour of Sir Robert Dickson of Inveresk for a weekly market and two yearly fairs at the town of Inveresk.

24 OUR SOVEREIGN LADY and Estates of Parliament considering that fairs and mercats in convenient places tend much to the good and advantage of the Inhabitants thereof and of her Majesties other Leidges dwelling near thereto and that it is very fit for these ends to authorize a weekly mercat to be kept on Tuesday at the Town of Inveresk lying in the shire of Edinburch belonging to Sir Robert Dickson of Inveresk and two yearly fairs to be holden upon the dayes following at the said Town Do therefore by his presents Appoint a mercat to be kept weekly on Tuesday in all time coming at the said Town of Inveresk And also two fairs to be holden yearly thereat One thereof to begin upon the second Tuesday of July And the other upon the first Wednesday of October and each of them to continue from the respective dayes of their beginning to the Saturday of that week And have Given and

Granted and hereby Give and Grant to the said Sir Robert Dickfon his heirs and successors the right and privilege of keeping the said weekly mercato and yearly fairs for all kinds of merchandise with all the tolls customes and casualties thereof and all other liberties privileges and advantages used and wont to belong to any having the privilege of keeping fairs and mercats within this Kingdom.

ACT in favor of Sir Alexander Anstruther of Newark for a weekly market and two yearly fairs within the burgh of barony of Saint Mincans & Newark

OUR SOVEREIGN LADY and Estates of 25
Parliament considering that fairs and mercats in
convenient places tend much to the good and ad-
vantage of the inhabitants thereof and of her
Majesties other Leidges dwelling near thereto and
that it is very fit for these ends to authorize a
weekly mercat to be kept every Tuesday in all
time coming within the Burgh of Barony of
Saint Mincans and Newark in the shire of (Fife)
and belonging to Sir Alexander Anstruther of
Newark and that in place of the weekly mercat
formerly appointed to be holden there on Friday
And two fairs to be kept within the said Burgh
on the dayes following Do therefore by their pre-
sents Appoint a weekly mercat to be kept every
Tuesday in all time coming within the said
Burgh of Barony in place of the said former weekly
mercato And also two fairs to be kept within the
said Burgh yearly in all time coming One upon
the second Tuesday of July And the other on the
second Tuesday of September. And have Given
and Granted and hereby Give and Grant to the
said Sir Alexander Anstruther his heirs and suc-
cessors the right and privilege of keeping the said
weekly mercat and yearly fairs for all kinds of mer-
chandise with all the tolls customes and casualties
thereof and all other liberties privileges and ad-
vantages used and wont to belong to any having
the privilege of keeping fairs and mercats within
this Kindom.

ACT in favor of John Napeir of Culcreoch
for a weekly mercat and two yearly fairs at
the Clachan of Fintry.

OUR SOVEREIGN LADY and the Estates of 26
Parliament do by thir prelates Appoint and Or-
dain a weekly merest to be kept upon each Wed-
nesday in all time coming at the Clachan of
Fintyre in the shire of Stirling and belonging to
John Napier of Culenoch and two fairs to be
holden there yearly in all time coming One upon
the last Thursday of June And the other upon

the second Thursday of December And do hereby Give and Grant to the said John Napier his heirs and successors the right and privilege of keeping the said weekly mercat and yearly fairs for all kinds of merchandice, with all the tolls customs and casualties thereof and all other liberties privileges and advantages used and wont to belong to any having the privilege of keeping fairs and mercats within this Kingdom.

ACT changing a weekly mercat and two yearly fairs in favours of the Burgh of Anstruther Wester

- 87 OUR SOVEREIGN LADY with the special advice and consent of the Estates of Parliament does by their presents Appoint and Ordain a mercat to be kept weekly upon Thursday and two fairs to be holden yearly One upon the first Tuesday of July And the other upon the second Tuesday of October in all time coming at the Burgh of Anstruther Wester and that in place of the weekly mercat formerly appointed to be holden there on Sabbath and of the yearly fairs One in March and the other in December formerly kept at the said Burgh And does hereby Give and Grant to the Magistrates and Council of the foresaid Burgh and their successors in office for the behoove of the Community thereof the right and privilege of keeping the said weekly mercat and yearly fairs on the said respective dayes for all kinds of merchandice in place of the said other mercat and fairs formerly held at the said Burgh in manner above-mentioned with all the tolls customs and casualties thereof and all other liberties privileges and advantages used and wont to belong to any having the privilege of keeping fairs and mercats within this Kingdom.

ACT in favours of the Marquess of Tweeddale and the Countess and heirs and Donators of Dumfermling for a weekly mercat & two yearly fairs at the kirktooun of Fyvie

- 28 OUR SOVEREIGN LADY and Estates of Parliament considering that fairs and mercats in convenient places tend much to the good and advantage of the Inhabitants thereof and of her Majesties other Leidges dwelling near thereto And that it is very fit for these ends to authorize a weekly mercat and two yearly fairs on the dayes following at the Kirktooun of Fyvie in the shire of Aberdeen and at that part thereof which belongs to the Maines of Fyvie whereof two third parts pertain to John Marquess of Tweeddale and the other third part to Jean Countess of Dumfermling in liferent and to the heirs and donators of Dumfermling in fee Do therefor by their presents Ap-

point a mercat to be kept weekly upon Thursday and two fairs yearly One thereof to begin upon the second Tuesday of October to be called Saint John's fair And the other to begin on the second Tuesday of August to be called Saint Peter's fair and each of them to continue three dayes in all time coming at the said Kirktooun of Fyvie and at that part thereof which belongs to the said Maines of Fyvie And have Given and Granted and hereby Give and Grant to the said John Marquess of Tweeddale his heirs and successors and to the said Countess and heirs and donators of Dumfermling in liferent and in fee respective the right and privilege of keeping the said weekly mercat and yearly fairs for all kinds of merchandice And hereby Give and Grant to the said Marquess and his forefathers two third parts and to the said Countess in liferent and to the foresaid heirs and donators of Dumfermling in fee the other third part of all the tolls customs and casualties thereof and all other liberties privileges and advantages used and wont to belong to any having the privilege of keeping fairs and mercats within this Kingdom.

ACT in favours of Robert Craig of Riccartoun for a weekly mercat and two yearly fairs at the Town of Carrie

- OUR SOVEREIGN LADY with the special 29 advice and consent of the Estates of Parliament Ordains and Appoints a mercat to be kept weekly on Friday and two fairs yearly One upon the last Tuesday of March And the other on the last Tuesday of September in all time coming to be holden at the Town of Carrie in the Barony of Riccartoun and Shire of Edinburgh and belonging to Robert Craig of Riccartoun And does by their presents Give and Grant to the said Robert Craig his heirs and successors the right and privilege of keeping the said weekly mercat and yearly fairs for all kinds of merchandice with all the tolls customs and casualties thereof and all other liberties privileges and advantages used and wont to belong to any having the privilege of keeping fairs and mercats within this Kingdom.

ACT for two yearly fairs in favours of the Burgh of Stirling.

- OUR SOVEREIGN LADY with the special 30 advice and consent of the Estates of Parliament Ordains and Appoints two fairs One upon the first Tuesday of December And the other on the last Tuesday of January to be holden yearly in all time coming at and within the Burgh of Stirling and Gives and Grants to the Magistrates and Council of the said Burgh and their successors in office for the behoove of the Community of the same the

right and privilege of keeping the said fairs for all kinds of merchandise with all the tolls customs and casualties thereof and all other liberties privileges and advantages used and wont to belong to any having the privilege of keeping fairs and mercats within this Kingdom.

ACT in favors of Robert Lord Rollo for a yearly fair at the town of Denning

- 31 OUR SOVEREIGN LADY with the special advice and consent of the Estates of Parliament Ordains and Appoints a new fair to be holden yearly in all time coming upon the twenty ninth day of July at the Town of Denning in the shire of [Perth] and belonging to Robert Lord Rollo and Gives and Grants to him his heirs and successors the right and privilege of keeping the said fair yearly for all kinds of merchandise with all the tolls customs and casualties thereof and all the other liberties privileges and advantages used and wont to belong to any having the privilege of keeping fairs and mercats within this Kingdom.

ACT in favors of John Drummond of Pitkelony for three yearly fairs and a weekly mercat at the kirktown of Muthill

- 32 OUR SOVEREIGN LADY with the special advice and consent of the Estates of Parliament Ordains and Appoints Three fairs to be kept yearly in all time coming One thereof to begin on the last Tuesday of July another to begin on the eighteenth day of October And the other to begin on the fourteenth day of April and each of them to continue two dayes and a weekly mercat on Tuesday in all time coming at the Kirktown of Muthill in the Steuartry of Strathern and Shire of Perth and belonging to John Drummond of Pitkelony And Gives and Grants to the said John Drummond his heirs and successors the right and privilege of keeping the said yearly fairs and weekly mercat for all kinds of merchandise with all the tolls customs and casualties thereof and all other liberties privileges and advantages used and wont to belong to any having the privilege of keeping fairs and mercats within this Kingdom.

ACT in favors of Alexander Forbes of Ludquhairn for a weekly mercat at the Town of Ludquhairn

- 33 OUR SOVEREIGN LADY and Estates of Parliament considering that fairs and mercats in convenient places tend much to the good and advantage of the Inhabitants thereof and of her Majesties other Leidges dwelling near thereto and that it is

very fit for these ends to authorize a weekly mercat on the day following at the Town of Ludquhairn in the shire of Aberdeen belonging to Alexander Forbes of Ludquhairn Do therefore by this presents Appoint a mercat to be kept weekly on Thursday in all time coming at the Town of Ludquhairn abovementioned And have Given and Granted and hereby Give and Grant to the said Alexander Forbes his heirs and successors the right and privilege of keeping the said weekly mercat for all kinds of merchandise with all the tolls customs and casualties thereof and all other liberties and advantages used and wont to belong to any having the privilege of keeping weekly mercats within this Kingdom.

ACT changinge a weekly mercat at the Town of Kincardine Onnell in favors of Sir Robert Forbes Advocat.

OUR SOVEREIGN LADY and Estates of Parliament considering that the changinge and altering to Wednesday a weekly mercat formerly appointed to be holden on Friday at the Town of Kincardine Onnell in the shire of Aberdeen belonging to Sir Robert Forbes Advocat will tend much to the good and advantage of the Inhabitants thereof and to the ease and benefite of her Majesties other Leidges dwelling near thereto Do therefore at desire of the said Sir Robert Forbes by this presents Appoint a weekly mercat on Wednesday in all time coming to be kept at the said Town of Kincardine Onnell And that in place of the said mercat formerly holden there every Friday And have Given and Granted and hereby Give and Grant to the said Sir Robert Forbes his heirs and successors the right and privilege of keeping the said weekly mercat on the foresaid day for all kinds of merchandise with all the tolls customs and casualties thereof and all other liberties and advantages used and wont to belong to any having the privilege of keeping fairs and mercats within this Kingdom.

ACT in favors of John Murray of Touchadam for two yearly fairs upon the lands & barony of Balquidrock

OUR SOVEREIGN LADY and Estates of Parliament considering that fairs and mercats in convenient places tend much to the good & advantage of the Inhabitants thereof and of her Majesties other Leidges dwelling near thereto and that it is very fit for these ends to authorize two fairs yearly on the dayes following upon the Lands and Barony of Balquidrock in the shire of Seirling and belonging to John Murray of Touchadam Do therefore by this presents Appoint two fairs yearly

One upon the first Tuesday of July And the other on the second Thursday of November to be kept in all time coming upon the said Lands and Barony of Balquidrock And have Given and Granted and hereby Give and Grant to the said John Murray his heirs and successors the right and privilege of keeping the said yearly fairs for all kinds of merchandice with all the tolls customs and casualties thereof and all other liberties privileges and advantage used and wont to belong to any having the privilege of keeping fairs and mercats within this Kingdom.

*Protestation
for the Burgh
of Stirling
against the
said Act*

THERE was a Protestation against the said fair of Balquidrock granted to the Laird of Touchaddam, taken by the Commissioner afterwards for the Burgh of Stirling who gave in the same in writing of the tenor following I Colonel John Erskine Lieutenant Governour of the Castle of Stirling Commissioner to the Parliament for the Burgh of Stirling do in name of the said Burgh Protest against the fairs craved by John Murray of Touchaddam to be kept within the Barony of Balquidrock belonging to him lying within two miles of the said Burgh of Stirling in respect the said Burgh has an Charter from King Charles the Second bearing that his Majesty nor his successors should not erect a Burgh of Barony or Regality nor grant a privilege of weekly mercats or yearly fairs within two miles of the said Burgh And upon the said Charter the said Town has a decret of declarator And thereupon I ask and take Instruments (that the said Burgh may not be prejudged of their rights and privileges) in the hands of Sir James Murray of Philiphaugh one of the Senators of the Collidge of Justice and Lord Clerk Register In witness whereof I have written and subscribed this presents At Edinburgh the fourteenth of September one thousand seven hundred and five years, We subscribitur Jo: Erskine, And thereupon took Instruments.

ACT in favors of John Earl of Stair for two yearly fairs at the Burgh of Barony of Glenluce

- 36 OUR SOVEREIGN LADY and Estates of Parliament considering that fairs and mercats in convenient places tend much to the good and advantage of the Inhabitants thereof and of her Majesties other Leidges dwelling near thereto and that it is very fit for these ends to authorize two yearly fairs on the dayes following to be kept at the Burgh of Barony of Glenluce in the shire of Wigton and belonging to John Earl of Stair Do therefore by their presents Appoint two new fairs to be kept and holden yearly in all time coming One upon the third Tuesday of August and the other on the second Tuesday of October at the said

Burgh of Barony of Glenluce without prejudice of the other fairs formerly appointed to be kept at the said Burgh, And have Given and Granted and hereby Give and Grant to the said Earl his heirs and successors the right and privilege of keeping the said two new yearly fairs for all kinds of merchandice with all the tolls customs and casualties thereof and all other liberties privileges and advantages used and wont to belong to any having the privilege of keeping fairs and mercats within this Kingdom And also have Allowed and hereby Allow and Impower the said Earl and his foresaids to Change the place of execution and gibbet from the Abbey of Glenluce and to Erect & Continue the same near the Tolbuth of the said Burgh.

ACT in favors of Sir Alexander Meinzie of that Ilk for three yearly fairs at the Kirkton of Weem & Town of Dull

OUR SOVEREIGN LADY and Estates of Parliament considering that fairs and mercats in convenient places tend much to the good and advantage of the Inhabitants thereof and of her Majesties other Leidges dwelling near thereto and that it is very fit for these ends to authorize two fairs yearly on the dayes following at the Kirkton of Weem in the shire of Perth belonging to Sir Alexander Meinzie of that Ilk and another fair yearly on the following day at the Town of Dull in the said shire and belonging to the said Sir Alexander Do therefore by their presents Appoint Two fairs to be kept yearly in all time coming One upon the third Tuesday of January And the other upon the second Tuesday of October at the said Kirkton of Weem And another fair to be holden yearly in all time coming upon the last Tuesday of May at the said Town of Dull, And have Given and Granted and hereby Give and Grant to the said Sir Alexander Meinzie his heirs and successors the right and privilege of keeping the said yearly fairs for all kinds of merchandice with all the tolls customs and casualties thereof and all other liberties privileges and advantages used and wont to belong to any having the privilege of keeping fairs and mercats within this Kingdom.

ACT in favors of Sir Alexander Murray of Melgum for two yearly fairs at the Croftoun of Aberdenn

OUR SOVEREIGN LADY and Estates of Parliament considering that fairs and mercats in convenient places tend much to the good and advantage of the Inhabitants thereof and of her Majesties other Leidges dwelling near thereto and that it is very fit for these ends to authorize two

fairs yearly on the dayes following at the Croftoun of Aberlemno in the shire of Forfar and belonging to Sir Alexander Murray of Melgum Do therefore by this presents Appoint two fairs to be kept yearly in all time coming One upon the first Tuesday of April And the other on the first Tuesday of September at the said Croftoun of Aberlemno And have Given and Granted and hereby Give and Grant to the said Sir Alexander Murray his heirs and successors the right and priviledge of keeping the said yearly fairs for all kinds of merchandice with all the tolls customes and casualties thereof and all other liberties priviledges and advantages used and wont to belong to any havinge the priviledge of keeping fairs and mercats within this Kingdom.

ACT in favours of M^{re} Grifell Kinninmonth of that Ilk & Sir Alex^r Murray of Melgum her husband for two yearly fairs at the town of Lochgellie

- 39 OUR SOVEREIGN LADY and the Estates of Parliament considering that fairs and mercats in convenient places tend much to the good and advantage of the Inhabitants thereof and of her Majesties other Leidges dwelling near thereto and that it is very fit for these ends to authorize two fairs yearly on the dayes following at the town of Lochgellie in the shire of Fyfe and belonging to Mistris Grifell Kinninmonth of that Ilk Do therefore by this presents Appoint Two fairs One on the third Tuesday of May And the other upon the third Tuesday of September to be kept yearly in all time coming at the said Town of Lochgellie And have Given and Granted and hereby Give and Grant to the said Mistris Kinninmonth her heirs and successors and to Sir Alexander Murray of Melgum her husband for his interest the right and priviledge of keeping the said fairs yearly for all kinds of merchandice with all the tolls customes and casualties thereof and all other liberties priviledges and advantages used and wont to belong to any havinge the priviledge of keeping fairs and mercats within this Kingdom.

ACT in favours of Patrick Campbell of Mongie for two yearly fairs and a weekly mercat upon the common green of Mongie

- 40 OUR SOVEREIGN LADY and Estates of Parliament considering that fairs and mercats in convenient places tend much to the good and advantage of the Inhabitants thereof and of her Majesties other Leidges dwelling near thereto and that it is very fit for these ends to authorize two yearly fairs and a weekly mercat on the dayes following to be kept upon the common green of

Mongie in the shire of [Perth] and belonging to Patrick Campbell of Mongie Do therefore by this presents Appoint two fairs yearly to be kept in all time coming One thereof to begin upon the first Tuesday of April to be called

And the other to begin on the thirteenth day of October to be called

and each of them to continue two dayes and a weekly mercat to be holden in all time coming on every Tuesday upon the said Common Green of Mongie And have Given and Granted and hereby Give and Grant to the said Patrick Campbell his heirs and successors the right and priviledge of keeping the said two yearly fairs and weekly mercat for all kinds of merchandice with all the tolls customes and casualties thereof and all other liberties priviledges and advantages used and wont to belong to any havinge the priviledge of keeping fairs and mercats within this Kingdom.

ACT in favours of Sir James Campbell of Auchinbreck for four yearly fairs and a weekly mercat at the town of Kilmichael in Glafrie

- OUR SOVEREIGN LADY and Estates of 41 Parliament considering that fairs and mercats in convenient places tend much to the good and advantage of the Inhabitants thereof and of her Majesties other Leidges dwelling near thereto and that it is very fit for these ends to authorize four yearly fairs and a weekly mercat on the dayes following at the Town of Kilmichael in Glafrie lying in the shire of Argyll and belonging to Sir James Campbell of Auchinbreck Do therefore by this presents Appoint four fairs to be kept yearly in all time coming One thereof to begin on the fifteenth day of May. Another on the twenty second of July Another on Michaelmas day And the other to begin on the twentieth day of October and each of them to continue two dayes And a weekly mercat to be kept in all time coming every Tuesday at the said Town of Kilmichael in Glafrie And have Given and Granted and hereby Give and Grant to the said Sir James Campbell his heirs and successors the right and priviledge of keeping the said yearly fairs and weekly mercat for all kinds of merchandice with all the tolls customes and casualties thereof and all other liberties priviledges and advantages used and wont to belong to any havinge the priviledge of keeping fairs and mercats within this Kingdom.

ACT in favors of Archbald Mackalester of Tarbet for four yearly fairs and a weekly mercat at the Town of East Tarbet

- 42 OUR SOVEREIGN LADY and Estates of Parliament considering that fairs and mercats in convenient places tend much to the good and advantage of the Inhabitants thereof and of her Majesties other Leidges dwelling near thereto, and that it is very fit for these ends to authorize four yearly fairs and a weekly mercat on the dayes following at the Town of East Tarbet in the shire of Argyll belonging to Archbald Mackalester of Tarbet Do therefore by thir presents Appoint four fairs to be kept and holden yearly in all time coming One thereof to begin upon the tenth day of May Another to begin on the sixteenth day of July Another to begin upon the nineteenth day of August And the other to begin upon the sixteenth day of October and each of them to continue two dayes And a weekly mercat to be holden in all time coming every Tuesday at the said Town of East Tarbet And have Given and Granted and hereby Give and Grant to the said Archbald Mackalester his heirs and successors the right and privilege of keeping the said yearly fairs and weekly mercat for all kinds of merchandice with all the tolls customes and casualties thereof and all other Liberties privileges and immunities and advantages used and wont to belong to any havinge the privilege of keeping fairs and mercats within this Kingdom.

ACT in favors of Alexander Livingstoun of Badlormie for a weekly mercat and four yearly fairs at the East Craigs of Ogilface

- 43 OUR SOVEREIGN LADY and Estates of Parliament considering that fairs and mercats in convenient places tend much to the good and advantage of the inhabitants thereof and of her Majesties other Leidges dwelling near thereto and that it is very fit for these ends to authorize a weekly mercat and four yearly fairs on the dayes following at the East Craigs of Ogilface lying within the paroch of Teorrichen and shire of Linlithgow and belonging to Alexander Livingstoun of Badlormie Do therefore by thir presents Appoint a mercat to be kept and holden weekly on Tuesday and four fairs yearly in all time coming to be kept One upon the twelfth day of February Another on the eleventh day of June Another on the twenty second day of August And the other on the second day of November at the said East Craigs of Ogilface And have Given and Granted and hereby Give and Grant to the said Alexander Livingstoun his heirs and successors the right and

priviledge of keeping the said weekly mercat and yearly fairs with all the tolls customes and casualties thereof and all other liberties privileges and advantages used and wont to belong to any havinge the privilege of keeping fairs and mercats within this Kingdom.

ACT in favors of Sir Samuel Forbes of Foveran for two yearly fairs upon the lands of Swanford

- OUR SOVEREIGN LADY and Estates of Parliament considering that fairs and mercats in convenient places tend much to the good and advantage of the Inhabitants thereof and of her Majesties other Leidges dwelling near thereto and that it is very fit for these ends to authorize two fairs yearly on the dayes following upon the Lands of Swanford within the Lands of Greens in the parochie of Monquhetter and shire of Aberdeen belonging to Sir Samuel Forbes of Foveran Do therefore by thir presents Appoint two fairs One upon the first day of July to be called Saint Margaret's fair And the other on the first Thursday of November to be called William's fair to be holden yearly in all time coming upon the Lands of Swanford foresaid And have Given and Granted and hereby Give and Grant to the said Sir Samuel Forbes his heirs and successors the right and privilege of keeping the said two yearly fairs for all kinds of merchandice with all the tolls customes and casualties thereof and all other liberties privileges and advantages used and wont to belong to any havinge the right and privilege of keeping fairs and mercats within this Kingdom.

ACT in favors of James Broddie of that ilk for two yearly fairs and a weekly mercat at the town of Dycke

- OUR SOVEREIGN LADY and Estates of Parliament considering that fairs and mercats in convenient places tend much to the good and advantage of the inhabitants thereof and of her Majesties other Leidges dwelling near thereto and that it is very fit for these ends to authorize two fairs yearly on the dayes following and a weekly mercat in manner aftermentioned at the Town of Dycke in the shire of Elgine and Forres and belonging to James Broddie of that ilk Do therefore by thir presents Appoint two fairs to be kept yearly in all time coming One thereof to begin on the first Wednesday of May And the other to begin the third Wednesday of November and each of them to continue two dayes And a weekly mercat on Wednesday at the said Town of Dycke And have Given and Granted and hereby Give and Grant to the said James Broddie his heirs and

therefore the right and privilege of keeping the said yearly fairs and weekly mercat for all kinds of merchandice with all the tolls customs and casualties thereof and all other liberties priviledges and advantages used and wont to belong to any having the privilege of keeping fairs and mercats within this Kingdom.

THEN the Lord Chancellour by order of her Majesties high Commissioner adjourned the Parliament till Tuesday next at ten a clock.

SEPTEMBER XVIIII, M.DCC.V.

PRAYERS said Rolls called.

MINUTES of the last Sederunt read.

THE Article of the report of the Commission for publick accounts relating to the Lord Belhaven's tack of excise from September 1st vj^{re} and ninety five to March 1st vj^{re} and ninety seven, read. Petition for the Lord Belhaven and his partners read, Petition for George Mackenzie one of the Lord Belhaven's subtaskmen read; The Parliament having Considered the Petition given in by Belhaven and his partners with the report of the Commission They find that the sum of seventeen thousand one hundred and eighty one pounds eleven shillings seven pence Sterling was never paid in by the Country to the said Taskmen or Subtaskmen Therefore They discharge them and the Country of the said sum in the terms of the deliverance of Parliament upon their Petition, which is as follows.

MOVED That the principal Taskmen be discharged of the sum of five hundred and twenty six pounds eleven shilling and ten pence Sterling uplifted by them and not yet counted for And after debate it was put to the vote Discharge the Taskmen of the said sum or Not and carried Discharge, as is expressed in the Act underwritten.

HER Majesties high Commissioner and the Estates of Parliament having heard the petition of the Lord Belhaven and the other principal Taskmen of the five penny Excise from September 1st vj^{re} and ninety five till March 1st vj^{re} and ninety seven Humbly Shewing That where by the report from the Commission for auditing the Publick Accounts the petitioners are found resting in a balance of five hundred and twenty six pounds Sterling They humbly craved leave to represent to their Lordships that considering the great trouble and expences the petitioners have been at during the time of ten years bypast it is evident that they have expended far more considerable sums than

the balance found due by the report from the Commission and that they have made faith that all the money was collected and which the country did yield was payed in to the Receivers Therefore, in consideration of the petitioners faithful and most painful services to the Government in that calamitous times and in making effectual to the publick such considerable sums of money out of such broken and deficient funds they being often forced to advance of their privat money the quarterly payments not answering the exigencies of the Government as is well known to many of their Lordships, Humbly Craving his Grace and the honourable Estates of Parliament to take the petitioners case to their consideration and not only discharge the foresaid balance but also in justice to remit to the foresaid Commission the distribution of the abatement of Seventeen thousand three hundred and seven pounds Sterling as per Act of Parliament for that effect amongst them and their subtaskmen with a special regard to their expences for managing this whole affair and with a special regard to these places where the [stres of the] calamity was most sensible as the said petition bears. And having also heard the report of the Commission of Parliament appointed for stating and examining the Publick Accounts relating to the said matter Bearing that by the Minuts of Parliament dated the twenty fifth of August 1st vj^{re} and four it being remitted to the Commission to inquire into the arrears of the tack duty of the Lord Belhaven's tack of Excise in the terms of the deliverance of Parliament thereanent in his favors the said Commission before acquainting their Lordships of the inquiry they made into this affair judged it proper to lay before them the foresaid deliverance of Parliament in the Lord Belhaven's favors to the end they might see how far it agreed with what they were to report. By the Parliament 1st vj^{re} and ninety eight it was ordered That of what was payed by the Lord Belhaven and his partners of their tack duty to his Majesty nothing should be given back That what more should be found to be uplifted from the Country than was payed either in bonds or money should be given to his Majesty and that the Taskmen should be lyable for the same whither it had been uplifted by them, their subtaskmen or collectors and the taskmen are declared no further lyable and that what shall be aliated after this manner shall be proportioned amongst the subtaskmen at the sight of the Lords of Treasury, That the Commission might satisfy the remit of Parliament in the terms of this deliverance all imaginable inquiry has been made and particularly they called the Lord Belhaven's Partners Subtaskmen and Collectors before them and Examined them upon oath as to the Extent of their tack duty and collections and of the payments made by them either in money or by bonds and whither there were any promises

Act in favors of the Lord Belhaven & partners, Discharge of Excise from September 1695 to March 1697.

made or gratifications given for concealments. All these depofitions with all the other Inſtructions and documents relative to this matter the Commiſſion laid before his Grace and their Lordſhips wherein they would find Primo That the Extent of the Lord Belhaven's tack duty of Excife for eighteen months amounted to Eighty thouſand and eight hundred pounds Sterling Secundo That his Lordſhip has payed to the Treſury the ſum of fifty eight thouſand and twenty nine pounds eight ſhillings and ten pence Sterling Tertio That by ſeveral Acts of the Exchequer his Lordſhip had allowed him four thouſand eight hundred and ſixty two pounds thirteen ſhillings four pence Sterling as an abatement upon the account of guards gariſons and manufactories as is ordinarily given to other Tacksmen of the Excife Theſe two laſt ſums being added together make Sixty two thouſand eight hundred and ninety two pounds thirteen ſhillings four pence Sterling. So that there remains Eighteen thouſand and ſeven pounds ſeventeen ſhillings ten pence Sterling If this Eighteen thouſand and ſeven pounds ſeventeen ſhillings ten pence Sterling had never been uplifted by his Lordſhip his ſubtacksmen & collectors nor any part thereof from the Country then by the ſaid deliverance of Parliament in his Lordſhips favors the whole ought to be allowed; But by the inquiry the Commiſſion have made they find Primo That the Tacksmen have Intrormented with the ſum of five hundred and twenty fix pounds eleven ſhillings and ten pence Sterling not as yet counted for Secundo That Thomas Beaton Subtackſman for Fyfe has Collected the ſum of one hundred and fifty nine pounds two ſhillings and ſix pence Sterling which he retains in his hands Tertio That William Bernard Subtackſman for Eaſt Lothian retains in his hands one hundred and forty pounds eleven ſhillings eleven pence Sterling Upon the whole the Commiſſion were of opinion that when theſe three laſt ſums are payed up there will remain ſeventeen thouſand one hundred and eighty one pounds eleven ſhillings and ſeven pence which having never been payed by or collected and uplifted from the Country ought to be allowed to the Lord Belhaven and partners according to the ſaid deliverance of Parliament Together alſo with a full diſcharge of their tack duty as the ſaid report alſo bears And her Majesties High Commiſſioner and the Eſtates of Parliament having fully conſidered the ſaid petition with the foregoing order of Parliament aſent the above-mentioned Excife in anno 1^o vj^o and ninety eight with the Remit from the Parliament to the Commiſſion for the Publick Accounts for making inquiry in the terms of the ſaid order of Parliament and the Commiſſioners report abovementioned thereaſent and being therewith well and ripeſy adviſed They found and hereby find that the principal Tacksmen payed in of their tack duty to the Lords of

Treſury the ſum of Sixty two thouſand eight hundred and ninety two pounds thirteen ſhillings four pence Sterling in manner mentioned in the report and that they intrormented with five hundred twenty ſix pounds eleven ſhillings and ten pence Sterling for which the Tacksmen have not yet counted and that there is in the hands of Thomas Beaton ſubtackſman of Fyfeſhire one hundred and fifty nine pounds two ſhillings ſix pence Sterling and in the hands of William Bernard ſubtackſman for Eaſt Lothian one hundred and forty pounds eleven ſhillings eleven pence Sterling Which ſums compleats the petitioners tack duty except the ſum of ſeventeen thouſand one hundred eighty one pounds eleven ſhillings ſeven pence Sterling which after inquiry was found not to be uplifted from the Country and therefore her Majesties High Commiſſioner and the Eſtates of Parliament Diſcharged and do hereby Diſcharge the principal Tacksmen and their Subtacksmen and the Country of the ſaid ſum of Seventeen thouſand one hundred and eighty one pounds eleven ſhillings ſeven pence Sterling not uplifted from the Country in manner ſoreſaid And alſo in conſideration of the petitioners faithful ſervices in managing the matter of the ſaid Excife Exonerated and Diſcharged and do by thir preſents Exonerate and Diſcharge the petitioners of the ſaid five hundred twenty ſix pounds eleven ſhillings ten pence remaining in their hands not counted for and of the ſaid tack it ſelfe and hull clauses thereof and ſums therein contained and ordained and hereby ordains the One hundred fifty nine pounds two ſhillings ſix pence in the hands of Thomas Beaton and the one hundred and forty pounds eleven ſhillings eleven pence Sterling in William Bernards hands to be payed to George Mackenzie Tackſman of the northern ſhires in conſideration of his damages.

THEN the Parliament having conſidered George Mackenzie's petition they Deern and Ordain the ſums in the hands of Thomas Bethune of Tarvete and William Bernard two ſubcollectors of that Excife to be payed in to him in the terms of the deliverance of Parliament upon his petition, and the ſaid George Mackenzie further recommended to her Majeſty for his ſuperplus loſſes mentioned in his petition, Which decreet and recommendation follows.

HER Majesties High Commiſſioner and the Eſtates of Parliament having heard the Petition of George Mackenzie Subtackſman of the Excife of the Northern ſhires Humbly Shewing unto them That where the petitioner having unhappily ingaged himſelf in a tack of the Excife of five pennies per pint from the firſt of September 1^o vj^o and ninety five to the firſt of March 1^o vj^o and ninety ſeven And after his great expences and

Decree George Mackenzie ag^t Bethune of Tarvete and William Bernard of Recommendation to the Treſury in favor of the ſaid George Mackenzie

fatigue by the reason of the extreme famine that then appeared and suddenly ensued could get no town shire or paroch set as formerly nor so much as could reach the one half of his tack duty And seeing he found by the express terms of his tack that in case of famine the same was to be void and null, he immediately returned to Edinburgh and renounced in the hands of the Lord Belhaven and others principal Tacksmen protesting he would no further meddle but be answerable conform to his intromissions; And having made also application to the Lords of Treasury they in regard of his timely diligence and the notor truth of the calamitous Condition of the Northern Countrys as was attested by the subscriptions of the Noblemen Barons and Magistrates Gave him a silt in the interim for one half of his tack duty Whereupon and upon orders given to manage the said shires to the best avail which he performed with all the application was possible for him nevertheless the famine daily increasing in his district was not known in the south untill the north Countrys being wasted the droves of the poore over charged the south Countries, then it was that the said George his representations got credit and became a handle to the rest of the Tacksmen for obtaining an abatement And it is to be observed that most of the tacksmen were made capable to support the burden when they had entred in cheap tacks and that the tack was very near expired before they were made sensible of the famine So that the petitioners case is no wayes parallel to the rest when it is evident he had the double burden of the first and last of the raging famine and of a heavie double tack, Nevertheless the principal Tacksmen did ha-
 rass the said George and Cautioners with all the violent methods of quartering whole Companies at his house in the country and chamber when at Edinburgh wherely he was constrained by these and like methods to raise all the money his privit stock and credit with others could afford, so that albeit it is evident by the reports of the Committee that he only collected eight thousand eight hundred and seven pounds Sterling yet he was compelled to pay up to the said principal Tacksmen in specie as per receipt Ten thousand four hundred and seventeen pounds nineteen shillings Sterling and that before the act of Parliament was made for relief of the Tacksmen which with upwards of seven hundred pounds Sterling the said George expended as per particular account in now these ten years hygone makes his loss evidently to be no less than Two thousand three hundred and nine pounds Sterling, Wherefore upon the whole it will be a very great hardship if the petitioner shall be only ruined in that tack after his expences and indowours have been the occasion alleasly of procuring them an abatement of the tack duty and thereafter of turning the tack into a Collection and so the abatement ought in justice be

applied not in proportion to the quotas and tack duty but according to the mesure of the calamities which was the cause for which both abatement was granted and thereafter the tack opened. And there being upon report of the Commission of Parliament a small balance of that Excise yet in the hands of the principal and sub tacksmen which albeit but about a third part of the petitioners sum yet it is humbly presumed it will be thought highly reasonable the petitioner be refunded out of this proper fund and from those who extorted his money Therefore Craveing His Grace and the honourable Estates of Parliament to ordain payment to be made to the petitioner of the said balance in the principal and sub tacksmens hands the same being but a part of his own money and that what remains may be remitted to be summarly discussed before any competent Judicatory seeing the petitioner demands nothing for his loss of ten years time and fatigue, as the said petition bears. And having likewise heard that part of the report of the Commission of Parliament appointed for stating and examining the public accounts to which the said petition refers, Bearing that it being remitted to them to inquire into the arrears of the tack duty of the Lord Belhaven's tack of excise in the terms of the deliverance of Parliament in his favors thereanent They before acquainting the Parliament of the inquiry they made into that affair Judged it proper to lay before them the foresaid deliverance of Parliament in the Lord Belhaven's favors to the end they may see how far it agrees with what they were to report By the Parliament 17th vjth and ninety eight it was Ordered that of what was payed by the Lord Belhaven and his partners of their tack duty to his Majesty nothing should be given back, that what more should be found to be uplifted from the Country than was payed either in bonds or money should be given to his Majesty and that the tacksmen should be lyable for the same whither it had been uplifted by them their sub tacksmen or collectors and the tacksmen are declared no further lyable and that what shall be abated after this manner shall be proportioned among the Sub tacksmen at the sight of the Lords of the Treasury. That the Commission might satisfy the remit of Parliament in the terms of this deliverance all imaginable inquiry has been made and particularly they called the Lord Belhavens Partners Sub tacksmen and Collectors before them and examined them upon oath as to the extent of their tack duty and collections and of the payments made by them either in money or by bonds and whither there were any promises made or gratifications given for concealments, All these depositions with all the other instructions and documents relative to this matter the Commission laid before his Grace and their Lordships wherein they will find Primis That the extent of the Lord Belhaven's tack duty of Excise

for eighteen months amounts to Eighty thousand and eight hundred pounds Sterling, Secundo That His Lordship has payed to the Treasury the sum of fifty eight thousand and twenty nine pounds eight shilling & ten pence Sterling Tertio That by several sets of Recequer His Lordship had allowed him four thousand eight hundred and sixty two pounds thirteen shillings four pence Sterling as an abatement upon the account of guards, garrisons and manufactories as is ordinarily given to other tacksmen of the Exeise These two last sums being added together make Sixty two thousand eight hundred and ninety two pounds thirteen shilling four pennies Sterling so that there remains Eighteen thousand and seven pounds seventeen shillings and ten pence Sterling had never been uplifted by his Lordship, his Subtacksmen or Collectors, nor any part thereof from the Country, then by the foresaid deliverance of Parliament in his Lordships favors the whole ought to be allowed; But by the inquiry the Commission have made They found Primo That the Tacksmen have intromitted with the sum of five hundredth and twenty six pounds eleven shillings and ten pence Sterling not as yet counted for, Secundo That Thomas Beaton subtacksmen for Fyfe has collected the sum of One hundredth and fifty nine pounds two shillings and six pence Sterling which he retains in his hands. Tertio, That William Bernard subtacksmen for Eastlothian retains in his hands One hundredth and forty pounds eleven shillings and eleven pence Sterling. Upon the whole the said Commission were of opinion that when these three last sums are payed up there will remain seventeen thousand one hundredth and eighty one pounds eleven shillings and sevenpence Sterling Which having never been collected or uplifted from the Country ought to be allowed to the Lord Belhaven and partners according to the foresaid deliverance of Parliament Together also with a full discharge of their tack duty, as the said report also bears. And Her Majesties high Commissioner and the said Estates of Parliament having fully Considered the foresaid petition with the foresaid report of the Commission for publick accounts to which it refers and being therewith well and ripely advised They Decerned and Ordained and hereby Decern and Ordain the one hundredth and fifty nine pounds two shillings Sterling money in the hands of Thomas Beaton subtacksmen for the shire of Fyfe and the one hundred and forty pounds eleven shillings eleven pence Sterling money in the hands of William Bernard subtacksmen for Eastlothian conform to the said report to be payed to the petitioner by the said respective subtacksmen havers thereof for refunding so much of the los and damage represented by the said petition And Recommended and hereby Recommend the

said petitioner to her Majesties royal bounty for the superplus of the said los extending to two thousand and nine pounds six shillings and one penny Sterling money and ordains Letters of harning and all other needfull execution to pass upon this decret in form as effairs.

THE article of the report of the said Commission relating to the Duke of Queensberry's bond lying in the Treasury, read, Petition for his Grace also read Craving to be free of annualrents of the said bond and Compensation of the principal sum he being Creditor to the publick in far greater sums And the Parliament having considered the said report with the petition They Grant the desire thereof in the terms of the deliverance of Parliament upon the said petition, as follows.

HER Majesties high Commissioner and the Estates of Parliament having heard the petition of James Duke of Queensberry Humbly Shewing unto them That whereas in the years 1703 vj^e and ninety four and ninety six he was necessitat to employ his privat credit to borrow three thousand pounds Sterling from the Commisaries of the army for paying the troop of horse guards then under his command the said troop being then upon the English establishment and their pay not remitted from thence, His bonds were allowed to the Commisaries in their accounts to the Lords of Treasury in anno 1703 vj^e and ninety nine upon his giving bond to their Lordships for the said three thousand pounds Sterling and five hundredth and twelve pounds Sterling for hygone annualrents The petitioners case was Remitted by last Sessions of Parliament to the Commission for Publick Accounts and his Lawyers having made his defences which are inserted in the report he shall not trouble his Grace and their Lordships with repeating them being well perswaded his Grace and their Lordships will find agreeable to the Laws and practick of this Nation to allow him compensation for what he shall be found lyahle in, since the Government is and has been debitor to him of a long time in far more and considerable sums, What the petitioner begs leave further to represent is that it being evident that the money he borrowed was not for his own privat use but for the service of the troop of guards and it being notous that the pay of the said troop was not cleared for some years thereafter and then only by debentures which could not be made effectual without great discount and further the Government being debitor to the petitioner for several years in far greater sums it appears hard that he should be lyahle for any annualrents of the sum so borrowed and employed by him Therefore craving his Grace and their Lordships to consider that article of the report from the Commission which concerns the petitioner's bond

Act in form
of the Duke
of Queens-
berry

of three thousand five hundred and twelve pounds Sterling granted to the Lords of the Treasury in July 1st vjth and ninety nine and to find that the money advanced to him be the Commissaries of the army (which is the original cause of the said bond) not being for his privat use but for the service of the troop of guards and for preventing the disorders might have happened upon their not being payed that he ought not to be lyable to any arrears for the said sum And find that the petitioner being Creditor to the publick for greater sums than the said sum of three thousand pounds Sterling advanced to him by the said Commissaries he ought to have allowance and compensation for the said sum of three thousand pounds Sterling he discharging the like sum out of the sum of fourteen thousand nine hundred and twenty three pounds twelve shillings two pence Sterling yet owing to him and to ordain his bond to be given up and declare him quit and free thereof for ever upon his granting a discharge in the terms foresaid as the said petition bears. And her Majesties said Commissioner and the Estates of Parliament having likewise heard that part of the report of the said Commission of Parliament appointed for stating and examining the Publick Accounts which relates to the said affair Bearing that the Duke of Queensberry's bond to the Treasury being remitted to the Commission and to hear his defences they had accordingly heard the Duke of Queensberry's Lawyers on the said defences as to the sums of money borrowed by him from the Treasury which containing several specialities had straitned them in determining any thing against him Therefore they presumed to lay his case before the Parliament with an account of the most material things that were pled for him That the honourable house might with the greater ease give their decision in the matter, The Duke of Queensberry anno 1st vjth and ninety eight gave bond to the Treasury for three thousand five hundred and twelve pounds Sterling made up of the sums borrowed at two several times from Sir Alexander Bruce and Sir George Hamilton General Receivers of the funds of Cels and Excise, payable to the Lords of the Treasury or their successores in office at Candlemas 1st vjth and ninety nine, The Duke's Lawyers acknowledged the debt but craved compensation in respect that a far greater sum instantly verified and liquidated is owing to him by the Government Which defence of compensation they pled upon the following grounds Primo That compensation in Law is equivalent to payment and extinguishes the debt ipso jure taking place not only against privat subjects, but likewise against the Prince and that both by the Civil Law and the Municipal Laws of this Kingdom as by Act one hundredth and forty first, Parliament twelfth, James Sixth, and likewise as it was decided in the case of the Lord Maxwell against the King as is observed by

Durie December nineteenth Anno 1st vjth and thirty two, Secundo That the fourteenth Act of the Parliament 1st vjth and sixty one narates the Excise to be granted towards the defraying of the necessary Charges of the Government according to his Majesties royal plesure, That the Act eighteenth Parliament 1st vjth and eighty one continues the same five years after King Charles his decesse in statu quo, That the Act second Parliament 1st vjth and eighty five annexes the Excise to the Crown and bears expressly to be designed for supporting the interest thereof That the Act twenty eight Parliament 1st vjth and ninety five transfers the payment of Excise from the malt to the liquor but continues the annexation to the Crown and the ends and uses for which the former Acts narated it to have been granted, Tertio That the Estates of Parliament thought fit last year to acquiesce in very great allowances that had been given to the Duke of Hamilton the Marquess of Tweeddale and the Earl of Melvill Commissioners to the Parliament out of the funds of Cels and Excise, Upon which three grounds the Lawyers craved that compensation might be allowed since her Majestie had the undisputed disposal of the Excise at her plesure there having been never as yet any appropriation thereof by a Law for the use of the army And that tho the Duke's bond does not bear expressly to be borrowed out of the Excise yet since his late Majesty King William could have allowed Compensation to the Duke by vertue of the power he had to dispose of any fund not exceeding the tack duty of the annexed Excise therefore they concluded that her present Majesty Queen Anne and the Estates of Parliament ought in justice to allow the same as the said report also bears And her Ma^{ty} high Commissioner and the said Estates of Parliament having this day fully considered the foresaid petition with the foresaid report of the Commission and being therewith well and ripely advised They Found and hereby Find that there can be no annualrent due by the foresaid bond for the reason abovementioned and expressed in the said petition And that the petitioner ought to have Compensation of the sum of three thousand pounds Sterling therein contained upon his discharging the like sum out of the above specified sum of fourteen thousand nine hundred and twenty three pounds twelve shillings two pence Sterling due to the petitioner and Ordained and hereby Ordain the said bond to be retired and delivered up to the Petitioner and Declared and hereby Declare him quit and free thereof upon his granting discharge of the said sum of three thousand pounds in manner represented in the said petition.

ARTICLE of the report of the Commission relating to the bond of Eight hundredth and fifty three

pounds two shillings Sterling granted by the late Duke of Argyll to the Lords of the Treasury read and an Act thereon made as follows.

Act in favour
of the Duke
of Argyll

HER Majesties high Commissioner and the Estates of Parliament having considered the report of the Commission of Parliament appointed for stating and examining the publick accounts relating to the bond granted by the late Duke of Argyll to the Lords of the Treasury bearing that they needed not refuse to the Parliament the case of the late Duke of Argyll and the defences proposed by his Lawyers upon his bond for Eight hundred pounds Sterling these being the same with those proposed for the Duke of Queensberry only they must represent to his Grace and their Lordships one speciality in the Duke of Argyll's bond which is his obligation either to pay the said Eight hundred pounds Sterling to the Lords of the Treasury and their successors in the office or to procure a letter from King William for allowing the same to him Which letter the Commission did find his Grace procured from her Majesty Queen Anne Anno 17th vjth and three And having also considered the following Letter directed by her Majesty to the Lords of the Treasury and the bond it self which is in these terms That if betwixt & the fifteenth of September 17th vjth and ninety six and the first day of April next thereafter his Grace did not procure and deliver to the said Lords his Ma^{ty} Letter or Warrant for delivering up to his Grace the said bond without repayment of the said sume then he obliged himself his heirs and successors to pay and refund the same, And his Grace having in February 17th vjth and three obtained her Majesties Letter authorizing and requiring the said Lords to state the account of arrears due to his Grace of pay and clothing and to deliver up to the said Duke the said bond of Eight hundred and fifty three pounds two shillings Sterling and to take his receipt as so much payed to him on account of his said arrears of pay and clothing; And her Majesties high Commissioner and the said Estates being well advised with the foresaid report, letter and bond They Recommended and hereby Recommend to the Lords of the Treasury to give up and discharge the said bond upon their getting a valid discharge of the sum of Eight hundred and fifty three pounds two shillings Sterling as a part of the arrears due to the deceased Duke of Argyll.

THE Article of the Report of the Commission relating to the hearth money collected by the deceased Laird of Calsingray read and considered and an act thereon made as follows.

Act in favour
of the heirs
and successors
of the

HER Majesties high Commissioner and the Estates of Parliament having heard that Article of the report of the Commission of Parliament appointed

for stating and examining the Public Accounts relating to the hearth money collected by the deceased Laird of Calsingray Bearing that by the Minutes of Parliament dated the sixteenth of August 17th vjth and four It being Remitted to the Commission to inquire into the balance of the hearth money They found that when the deceased Laird of Calsingray made up his accounts with the Lords of the Treasury he had a balance in his hands extending to seven thousand three hundred and sixty eight pounds Scots But since that time they found that he and the Earl of Leven payed the same according to the Treasuries orders for the ends and uses to which the hearth money was granted by the Parliament except as to the sum of four hundred and thirty two pounds Scots which they had allowed the Lord Bellhaven to retain in his hands in part payment of his own arrears so that this balance hath been fully accounted for and the documents thereof are lying before his Grace and their Lordships as the said report bears And Her Majesties high Commissioner and the said Estates of Parliament having fully Considered the said Article of the foresaid report and being therewith well and ripely advised They Approved and hereby Approve thereof and Recommended and hereby Recommend to the Lords of the Treasury who are hereby authorized to Discharge the heirs of the said Calsingray and to give up the bond wherein he and his Cautioner stand bound for the said hearth money.

deceased
Laird of
Calsingray
Collector of
the hearth
money.

ARTICLE of the report of the Commission relating to Sir Alexander Bruce of Broomhall and partners their advances to the army upon the accounts mentioned in the report, Petition for the said Sir Alexander Bruce, read, and the Parliament having Considered the said report with the petition They find the petitioner Creditor to the publick in the sums and manner as is contained in the deliverance of Parliament upon the said petition which is as follows.

HER Majesties high Commissioner and the Estates of Parliament having heard that article of the Report of the Commission of Parliament appointed for stating and examining the Public Accounts relating to Sir Alex^r Bruce of Broomhall and partners their advances to the army upon the account mentioned in the said report which Bears that by the Minutes of Parliament dated the twenty third of August 17th vjth and four it being Remitted to the said Commission to Consider Sir Alexander Bruce of Broomhalls petition Craving payment of his disbursements for the army They Found that Sir Alexander Bruce and his partners did enter into a contract with the Lords of the Treasury wherein they were not obliged to forrage any troops but such as were upon the Scots establish-

Act in favour
of Sir Alex-
ander Bruce
of Broomhall

ment Yet notwithstanding thereof they foraged the troop of horse guards and the Lord Teviot's regiment of dragoons both being upon the English establishment at that time, which Sir Alexander pretends he did at the desire of the Lords of the Treasury tho he has not instructed the same by any written order, They found also that whereas their Lordships of the Parliament in the last Session thereof were pleased to acquiesce in considerable allowances given to other Commissaries as poundage for extraneous precepts payed out of the cess and excise otherways than for the use of the army Yet Sir Alex^r got never any allowance for these extraneous precepts notwithstanding, as he pretends, he had no other salary or advantage than the poundage he expected out of the Cess and Excise. He Claims likewise some consideration upon the account of his foraging the troop of guards at that time attending the Parliament which was likewise granted to other Commissaries and allowed by the Parliament the last Session thereof And upon the whole the Commission observed that tho Sir Alexander might possibly [have] been at considerable loss by reason of his exceeding the terms of his contract with the Lords of the Treasury yet it depends upon the Parliament to judge whither or not they will favour him with the same allowances that were granted to others, as the said report bears And having also heard the petition of the said Sir Alexander Bruce Jerviswood and partners Humbly Shewing unto them That the last Session of Parliament did Remit to the honourable Commissioners for publick accounts a petition presented by y^e touching certain debasements of the petitioner's for the army, That in pursuance of that Remit the Commissioners have proceeded to inquire into the state of that affair and to Examine what these debasements did amount to with grounds whereupon the same are founded and the proofs and evidences thereof as appears by the Minutes of their procedure in the same, That they have also framed and printed a short report relating to the same Therefore humbly Begging that His Grace and their Lordships would take the said affair into their consideration And after having Examined the relevancy and truth of the petitioner's pretensions as has been made appear before the said honourable Commissioners, They would in their justice take some such course as the petitioner may be payed of the same as the petition foresaid also bears. And Her Majesties said Commissioner and the said Estates of Parliament having fully Considered the foresaid report of the Commission of Parliament aunc^t Sir Alexander Bruce's Claims with the foresaid petition relative thereto They found and hereby Find That there is due and resting to the said Sir Alexander the sum of five hundred thirty six pounds Sterling for his foraging the troop of guards with hard meat during the Parliament 17^o

vje* and ninety five As also modified and hereby modifies the sum of one thousand pounds Sterling to be payed to the said Sir Alexander Bruce as due to him for his losses in foraging the troop of guards and regiment of dragoons commanded by the Viscount of Teviot And for the pondage of extraneous precepts in respect the said Sir Alex^r had no poundage for the said troops upon English pay Extending the said sums for which the said Sir Alexander is found Creditor to the sum of fifteen hundred thirty six pounds Sterling and that in satisfaction of Sir Alexander's hail Claims abovementioned exprest in the said report and petition.

MOVED That a gratuity should be given to the members of the Commission of Parliament viz. The Earl of Dunmore M^r William Seton M^r John Clerk M^r Dougald Stewart and M^r Robert Fraser for their pains & attendance in auditing and examining the publick Accounts since the last Session of Parliament: Agreed to, that each of the forenamed persons shall have Two hundred pounds Sterling payed to them for their said pains and attendance and that out of any sure fund as the same shall hereafter occur Agreed likewise that Walter Riddell Clerk to the said Commission for his pains and attendance on the said Committee shall have fifty pounds Sterling payed to him.

[Gratuities to be given to the Commissioners of Publick Accounts]

MOVED that in regard no sure fund does at present appear out of which the abovementioned persons can receive ready payment of their respective sums, That therefore the Estates of Parliament should Recommend them to her Majesty that she may order the said payments in the way & manner her royal wisdom shall judge most proper Which motion was agreed to accordingly.

[Recommendation to her Majesty in favour of several of the Members and Clerk of the Commission for auditing the publick accounts]

AGREED that the article of the report of the Commission relating to the Pole money collected by Ferguslie, and the Petition given in by George Prestoun be first under consideration next Sederunt of Parliament.

THE Article of the report of the Commission relating to Major James Cunninghame of Aiket read, Petition for the said Major James Cunninghame also read, and he preferred to a certain sum as contained in the deliverance of Parliament upon his Petition, Which is as follows.

HER Majesties high Commissioner and the Estates of Parliament Having heard the Petition of Major James Cunninghame of Aiket Humbly Shewing unto them That where the petitioner having applied the last Session of Parliament for payment of arrears due to himself of personall pay and

Act in favour of Major James Cunninghame of Aiket

money advanced to his Company and several officers therein who were in a bad condition for want of their subsistence and they being in such circumstances as the petitioner thought discreditable to the service they being then posted in that part of the highlands that had not then submitted to the Government, the petitioner advanced to them out of his own privat flock for their subsistence Two hundredth and seventy pounds Sterling And by a particular Minnte of Parliament all officers who went to Caledonia were to be preferred to all other officers out of the funds for their arrears and Companys subsistence And having instructed his claim to the Commission of Parliament and by them Recommended to his Grace and honourable Estates of Parliament in their report, the petitioner is encouraged by the great compassion the Parliament showed in not suffering Sir William Meinzie who was addibited to the Government to be ruined, so the petitioner hopes they will as little suffer a Creditor to it to be ruined who out of affection there- advanced it in the service of the government, Therefore Craveing His Grace and honourable Estates of Parliament that seeing the petitioner is one that with the first went to Caledonia and being remitted to the Commission of Parliament with a preference to all other officers who went not there to take his case so under consideration as that his affection to his Country may not be the occasion of the ruin of his family, and to appoint a sure fund for payment of the said two hundred and seventy pounds instructed advanced by him to his said Company as add is as the said petition bears And Her Majesties said Commissioner and the Estates of Parliament having also heard the report of the Commission of Parliament appointed for stating and examining the publick accounts relating to the foresaid Petition Bearing that by the Minuts of Parliament dated the twenty third of August 1^o vj^o and four a Petition for the said Major James Cunninghame with several other Petitions from the officers of the army therein named anent their arrears being remitted to the said Commission they were sorry that it did not ly in their power to take such a regard to these honourable officers [claims] as their services to their Country did justly deserve for their being no funds for their payment the Commission presumed to recommend them to his Grace and their Lordships that they might Consider their Circumstances and provide for their relief, Amongst these officers the Commission were in a special manner oblidged to consider Major Cunninghame of Aiket's case in regard the Parliament by their Minuts of the same date appointed the officers who went to Caledonia should have preference out of the respective funds in which they are concerned wherefore seeing Major Cunninghame served in the Earl of Glencairn's regiment as a Captain at the Revolution and had a right to the Pole money 1^o vj^o and

ninety three for payment of his arrears Therefore the Commission had already allowed him one hundred & forty five pounds twelve shillings Sterling in part of what is owing him out of that proportion of the Pole money which they had allotted to the Earl of Glencairn's regiment And were of opinion when all the money comes in the Major must be allowed full payment of his arrears according to the tenor of the Parliaments Remit in favors of those who went to Caledonia as the said report also bears And Her Majesties Commissioner and the said Estates having fully considered the said Petition with the foresaid report of the Commission of Parliament thereto relating and being therewith well and ripely advised They preferred and hereby Prefer the petitioner to the above Two hundred and seventy pounds Sterling out of what is remaining of the Pole money one thousand six hundred and ninety three years in the Collectors and Subcollectors hands and Ordained and hereby Ordain the Collectors and Subcollectors in whose hands the same is to pay the same to him out of the first of the dividend of that Pole belonging to the Earl of Glencairn's regiment.

THE Article of the report of the Commission anent Sir George Hamilton late Commissar of the Army read, Petition for the said Sir George also read and he Recommended to the Lords of Treasury as contained in the deliverance of Parliament upon his Petition Which is as follows.

HER Majesties high Commissioner and the Estates of Parliament having heard the Report of the Commission of Parliament appointed for stating and examining the publick accounts Bearing that by the Minuts of Parliament dated the twenty third day of August 1^o vj^o and four years it being remitted to the Commission to consider Sir George Hamilton's Petition craveing payment of hygone salaries due to him, The Commission Found that Sir George Hamilton was appointed Commissar and General Receiver by a Commission under the great Seal dated the fifth day of January 1^o vj^o & ninety one with a Salary of Six hundred pounds Sterling per annum Which Commission bears an expres clause That Sir George should Continue in the office till it should be recalled which did not happen till the beginning of the year 1^o vj^o and ninety seven whereby he justly claims five years Salaries as the said report bears. And having also heard the Petition of the said Sir George Hamilton of Tulliallan Humbly Shewing unto them That upon the petitioners application to their Lordships last Session of Parliament Craveing payment of the hygone salaries due to him as General Receiver of the funds of Supply and Inland Excise and Paymaster General of the Army for the years mentioned in his Petition, he

Act & Recommendation to the Treasury in favor of Sir George Hamilton

obtained a deliverance thereon Remitting his case to be Considered by the Commission appointed for auditing the publick accounts with power to them to determine therein as they should find Just The petitioner did apply to their Lordships and did exhibit before them his ground of claim and after consideration had thereof by them They found that he has a just claim for five years salary at six hundred pounds Sterling per annum as the Commission report page ninth does bear But the Commission having no funds before them out of which they could appoint payment to the petitioner he is necessitated again to apply to his Grace and the Estates of Parliament And Therefore Humbly Beseeching his Grace and their Lordships not only to Approve of the Commissioners report stating the petitioner Creditor in the terms thereof but also to appoint him payment of his said Credit in the way and manner and out of such funds as his Grace and their Lordships should think proper as the said petition also bears. And Her Majesties high Commissioner and the said Estates of Parliament having fully considered the said report of the Commission for auditing the publick accounts with the foresaid petition and being therewith well and ripely advised They Recommended and hereby Recommend the petitioner to the Lords of her Majesties Treasury for payment of what is due to him for the cause above-written during the time of his service to be instructed before the Lords of Treasury.

THE article of the report of the Commission relating to John Campbell of Knockrioch and partners their Collection of the pole 1⁰⁰ vj⁺ and ninety five road, Petition for the said John Campbell and partners also read and he Recommended to the Lords of Treasury as contained in the deliverance of Parliament on his petition in manner following.

HER Majesties high Commissioner and the Estates of Parliament having heard that article of the report of the Commission of Parliament appointed for stating and examining the publick accounts relating to John Campbell of Knockrioch and partners their Collection of the pole 1⁰⁰ vj⁺ and ninety five years Bearing that by the Minuts of Parliament dated the twenty third day of August 1⁰⁰ vj⁺ and four the account of the pole money 1⁰⁰ vj⁺ and ninety five being Remitted to the Commission as to the three articles not determined by the Parliament viz. The article of the imbezements of Collectors extending to Sixteen thousand five hundred and ninety six pounds Scots The article of the quadruples of the army extending to seventeen thousand seven hundred and sixty pounds Scots The article of six thousand pounds Scots as the pole of the Episcopal Clergie They the said Commission did find by the Tackman

John Campbell of Knockriochs oath and by other instructions that these imbezements cannot be furder extended than to fourteen thousand eight hundred and forty two pounds Scots, As to the second article they found by considering the Establishment of the forces for that year that the Quadruples of the army could amount to no more than thirteen thousand four hundred and fifty six pounds Scots And that the third article viz. the pole of Episcopal Clergie could not exceed three thousand pounds Scots the half of what is stated: Upon the whole matter the Commission did represent to the Parliament that since by the Minuts of the last Session of Parliament they were pleased to allow these articles to the Tackman John Campbell when instructed before the said Commission therefore it follows that by what the Commission did represent to the Parliament in their last years report and by what they have now represented, the publick will be debtor to the Tackman in the sum of four thousand nine hundred and twenty two pounds Scots as the said report bears And having also heard the petition of the said John Campbell and his partners Tackmen of the pole 1⁰⁰ vj⁺ and ninety five Humbly Shewing unto her Majesties said Commissioner and the Estates of Parliament That by the report from the Commission of Parliament to whom the inquiring into the said pole was remitted It is clear that the petitioners have payed the full tack duty and that the publick are debtor to them in four thousand nine hundred and twenty two pounds Scots Wherefore the petitioner and partners ought not only to be discharged but the sum due to them ought to be stated as a publick debt and their Tack to be delivered up to them And therefore Craveing his Grace and honourable Estates of Parliament to recommend to the Lords of her Majesties Treasury and Exchequer to grant the petitioner and partners a sufficient discharge of the said tack and deliver up the same to them and to state the foresaid sum as a debt due to the petitioner and his partners by the publick as the said petition also bears And her Majesties said Commissioner and the said Estates of Parliament having fully considered the said petition with the foresaid report of the Commission for publick accounts and being therewith well and ripely advised They Found and hereby Find that the petitioners have payed the full tack duty of the pole 1⁰⁰ vj⁺ and ninety five and that the publick are debtors to them in four thousand nine hundred and twenty two pounds Scots And therefore Recommended and hereby Recommend the petitioners to the Lords of her Majesties Treasury to grant the petitioner and partners a sufficient discharge of the said tack and deliver up the same to them and to state the foresaid sum of four thousand nine hundred and twenty two pounds as a debt due to the petitioners by the publick.

Recommendation to the Treasury in favour of John Campbell of Knockrioch & partners

PETITION for M^r Charles Campbel read, And a siff of perfonal Execution granted to him in the terms of the deliverance of Parliament upon his said petition Which is as follows.

AT EDINBURGH the fourteenth and eighteenth days of September 1705 vij^a and five years Her Majesties high Commissioner and the Estates of Parliament having heard the petition of Captain Charles Campbell Humbly Shewing unto them That where the petitioner having last Session of Parliament represented that there was Six hundred pounds Sterling of arrears and others due to him by the publick conform to particular instructions given in thereof His Grace and the high Court of Parliament were pleased to sustain the justice of his claim and ordered him one hundred pound Sterling to account and there being five hundred pound Sterling still resting the want of which these several years bypast has run the petitioner in debt and put his affairs in disorder which may incapacitate him to appear in publick if not prevented by his Grace and their Lordships compassion and bounty And seeing the petitioner for the more easie accomodating his business is willing to accept at present what part for his present necessity their Lordships shall think fit And in case their Lordships bounty will extend to the whole he shall then discharge the publick Craving therefore his Grace and their Lordships to take the petitioners circumstances to consideration And for relief thereof to order him payment of such a sum as their goodness and wisdom should think fit and that out of some sure fund in being or to be imposed and untill the same be made effectual to siff all legal diligence against his person as the said petition bears And her Majesty's high Commissioner and the Estates of Parliament having on the said fourteenth day of September heard and considered the said petition read in their presence They Recommended and hereby Recommend the petitioner to the Lords Commissioners of her Majesties Treasury for payment of One hundred pounds Sterling in part of his hygone arrears out of what fund they shall think most effectual And ordained all parties concerned to see and answer that part of the petition craving a siff of legal diligence against the first Sederunt of Parliament the then next week And having again on the said eighteenth day of September again heard and considered that part of the said petition craving a siff of legal diligence And there being no answers made thereto by his Creditors They granted and hereby grant to the petitioner a siff of all legal diligence against his person for any debts due by him to his Creditors, ay and while the petitioner be repaid of the arrears due to him as an officer of the army.

ARTICLE of the report of the Commission relating to John Drummond and James Dunlop late General Receivers read, Petition for them also read, And they Recommended to the Lords of Treasury for the ends contained in the deliverance of Parliament upon their petition, as follows.

HER Majesties high Commissioner and the Estates of Parliament having heard the petition of John Drummond and James Dunlop late General Receivers Humbly Shewing unto them That where by the first report of the Commission of Parliament appointed for stating & examining of the publick accounts presented in the last Session of Parliament there was found very considerable sums due to the petitioners by the Government as appears by the observations on the first second and sixth accounts contained in the foresaid report whereupon the petitioners presented to the same Session of Parliament a petition craving payment of the balance due to them which was then read and remitted to the foresaid Commission to consider the petitioners case and determine therein as the Minuts the twenty third of August 1705 vij^a and four bear, In compliance with which remit the foresaid Commission upon the fifth of September the foresaid year 1705 vij^a and four did give power and commission to the petitioners to collect and inbring the articles of rests of Excise and Supply mentioned in the foresaid observations of the said Commission upon the second fourth and seventh accounts and also to uplift the fractions of cels therein specified With power to them to pursue those lyable in payment and to use all manner of diligence for the same they always bolding count to the Commission for their intromissions as their Act at Edinburgh the foresaid fifth day of September 1705 vij^a and four years bears. Upon which Act and Commission the petitioners made their report and account to the foresaid Commission of Parliament who in their second report now presented to the Parliament and in the fourteenth page thereof do declare the sums intromitted with by the petitioners and uplifted since the last Session of Parliament and stated in an account produced with the said report do extend to one thousand six hundred pounds Scots or thereby which they have allowed the petitioners to retain and fill find that there is a very considerable balance owing to them by the Government As also that many of these very sums of rests of Cels and Excise having been assigned to the petitioners by the Lords of Treasury for their payment They were recommended to them by the Parliament as the foresaid Minuts of the twenty third of August bear And now seeing that the foresaid sums due to the petitioners are clearly stated and in effect very considerable so that they are in hazard to be utterly ruined and undone and that it appears most reasonable that the recommendation and remit for-

Act and
Recommendation
in
favour of
Captain
Charles
Campbell

Recommendation
to the
Treasury
in favour of
John Drummond
& James Dunlop
late General
Receivers

merly granted by the Parliament should be prosecute according to the opinion and second report of the foresaid Commission exhibite to the Parliament as said is Craving therefore his Grace and the high and honourable Court of Parliament to consider the premises and to grant to the petitioners full power and Commission for to uplift from the Collectors and tacksmen of the foresaid refts of Excise and Cefs whatever may be resting in their hands and if need bees to use all diligence against them and their Cautioners whereunto they are lyable by Law and to apply what they shall recover for their own payment they being always lyable to make count and reckoning to the foresaid Commission of Parliament for their said intromissions & receipts as the said petition bears. And having also heard the report of the said Commission of Parliament appointed for stating and examining the publick Accounts relative thereto Bearing that by the Minuts of Parliament dated the twenty fifth of August 1705 vj^{te} and five the account of what is resting to the publick of the Cefs Excise hearth money pole motey and Tunnage since the year 1705 vj^{te} and ninety eight to the year 1705 vj^{te} and one had been read and the first three articles had been Remitted to the Commission to inquire if these who were Receivers at that time had received these ballances And that they could not find by any inquiry they had made that these who were receivers at that time had ever got up the refts of the Supply and Excise mentioned by them in their former report in those first three articles But they had given warrant to John Drummond and James Dunlop to uplift the same And accordingly John Drummond and James Dunlop had written to the several Shires and Burghs given up to them as debtors, from most of which they never received any answer And such as returned answer did represent that these who were Commissioners of Supply or Collectors at the time when the debt was due were either dead altered or bankrupt and that after three years the shires were not oblidged to produce discharges conform to Act of Parliament The Commission had been very tender in allowing the said John Drummond and James Dunlop to quarter upon the Shires and Burghs deficient that having been remitted principally to the Lords of the Treasury But they represented to His Grace and the Parliament that tho by Law Heretors in Shires and Burghs are not oblidged to produce discharges after three years nor can be quartered upon after that time, yet the Collecters who received payment from the Heretors are always lyable And the Commission believed that this is the case of many Shires and Burghs of the Kingdom Wherefore the honourable Estates of Parliament might be pleased to consider how these refts might be made effectual since according to the last report of the Commission these appear to be very considerable As for the sums intromitted

with by the said John Drummond and James Dunlop and uplifted since the last Session of Parliament they were in an account produced with the said report And the Commission had allowed them to retain the said sums extending to one thousand and six hundred pounds or thereby in their hands untill such time as a very considerable ballance owing them by the Government be paid; many of these very sums of refts of Cefs and Excise having been assigned to them by the Lords of Treasury for their payment, And they Recommended to the Commission by the Parliaments last Minuts of the twenty third of August as the said report of the Commission also fully bears And her Majesties said Commissioner and Estates of Parliament having considered the said petition with the report of the Commission abovementioned relative thereto And that there are considerable sums resting to the petitioner They Recommended and hereby Recommend them to the Lords of her Majesties Treasury to grant to the said petitioners power and Commission to prosecute the Collectors and Tacksmen of the foresaid refts of Cefs and Excise for whatever may be resting in their hands And if need beis to prosecute their Cautioners and to apply what they shall so recover for their payment of what is owing to them they always being lyable to count and reckon to the said Lords of Treasury for their intromissions Reserving to all concerned their lawful defences as accords.

ARTICLE of the Report of the Commission relating to Captain John Sleser read, Petition for the said Captain also read And he recommended to the Lords of Treasury in the terms of the deliverance of Parliament upon his petition and that part of the petition craving a sist of Personal Execution ordained to be seen and answered by his Creditors against the next Sederunt.

HER Majesties High Commissioner and the Estates of Parliament having heard the Petition of Captain John Sleser Humbly Shewing unto them That the Petitioners Representation last Session of Parliament having been remitted to the Commission for enquiring into the public accounts, the petitioners several pretensions have been stated and examined before the Committee of the said Commission And when the report thereof comes to be made to his Grace and the Parliament it will appear that there is due to the petitioner of personal clearance from anno 1705 vj^{te} and ninety six to anno 1705 vj^{te} the sum of Two hundred and sixty five pounds Sterling, Item of retention of cloathing due to him from July 1705 vj^{te} and ninety eight to December 1705 vj^{te} the sum of Three hundred and twenty six pound Sterling upon the faith of which the petitioner hath twice clothed the artillery Company Item there

Recommendation to the Treasury in favour of Captain John Sleser

is due to him a ballance of one hundred and sixty six pounds Sterling for fitting out the train of artillery. It will likeways be found that hy a mistake betwixt the Establishment and the petitioners Commission there hath been four shilling Sterling per diem stoppt off his current pay which stoppages extend to three hundred and thirty seven pounds Sterling. The Committee having likeways examined the progress made hy the petitioner in his *Scotia Illustrata* They find the same to be near finished and that he is six hundred and thirty pound Sterling out of pocket on this account having relyed on the faith of an act of Parliament which was past in his favors All which does appear more particularly by the Minnts of the foresaid Committee: In the mean time the petitioners circumstances are so hard that if not speedily relieved he must sink under them and be utterly ruined And Therefore Craving His Grace and the honourable Estates of Parliament to fall on some effectual method for relieving the petitioner from the foresaid publick engagement he lyes under And since the tannage which the petitioner had formerly some share in is exhausted or otherways appropriate that it might likeways please the honourable Estates of Parliament to appoint unto him out of the readiest of any other sure fund what the Commission of Parliament hath found due to him And in the mean time grant a silt of all execution against his person that he may be in condition to attend his charge and her Majesties service untill the foresaid fund be made effectual to him as the said petition on the end whereof is written a copy of the after mentioned report of the Commission and another copy of an attested double of the report of the Committee for trade, fully bears. And having also heard the Article of the report of the said Commission of Parliament appointed for examining and stating the publick accounts relating to Captain John Slezer petitioner, Bearing that by the Minnts of Parliament dated the twenty fifth of August 1703 vjth and four It being Remitted to the Commission to consider the Memorial given in hy M^r Slezer; As to him they Represented to the Parliament that there is due to him for his arrears for cloathing money and other engagements for the publick One thousand and ninety pounds Sterling and likeways that upon the faith of an act of Parliament he has been at no less charges than Six hundred and thirty pounds Sterling upon his book *Scotia Illustrata* as will appear more particularly by the Minnts of their Committee dated the day of wherefore he depended upon the justice and clemency of the Parliament to assist him as the great straits he is reduced to do require as the said report of the Commission also fully bears And Her Majesties High Commissioner having fully considered the said petition and being therewith well and ripely advised They Recommended and bere-

by Recommend to the Lords Commissioners of her Majesties Thesuary to cause pay the petitioner such a sum toward the satisfaction of his expences and arrears above mentioned and out of such funds of the publick money as they find just and ordained his Creditors to answer as to the silt of execution demanded against the next sitting of Parliament.

RATIFICATION in favors of Biset of Lefindrum Read and Approven in Parliament, and is as follows.

RATIFICATION in favors of Robert Biset of Lefindrum and Alexander Biset his son of the Barony of Lefindrum

OUR SOVERAIGN LADY with the special 46 advice and consent of the Estates of Parliament Ratifies Approves and perpetually Confirms a Charter under her Majesties great Seal proceeding on a signature of the date at Kensington the twenty fourth day of June 1703 vjth and ninety eight years Granted by the decessat King William with consent of his Commissioners of the Thesury and Exchequer for the time upon the resignation of Robert Biset of Lefindrum to and in favors of the said Robert in liferent and to Alexander Biset his eldest lawfull son and his other heirs male and of tailzie therein mentioned Which failzieing his heirs and assigneys whatsoever in fe heretahly and irredeemably under the provisions restrictions reservations and intinancies therein sp^{er} Of all and hail the Lands and others underwritten to wit All and hail the lands and davach of lands of Lefindrum containing the Town and Lands particularly aftermentioned vij. The Town and Lands called the Maines of Lefendrum with the mannor place houses biggings yards tofts crofts parts pendicles and pertinents of the same The Town and Lands called the Overtown of Lefendrum the loan descending to the water of Divves with the privilege of the said loan according to the possession of the Tenents said possessors of the said lands of Overtown And also all and hail the Lands called the Leys of Lefindrum the Town and Lands of Crieich The Town and Lands of Knights mill with the mill thereof mill lands afriected maultres sneken and knaveships of the same, together with all and sundry houses biggings yards tofts crofts parts pendicles annexis connexis and pertinents of the foresaid davach of the said lands of Lefendrum and particular Towns and Lands therein contained and above express lying within the Barony of Drumblat and Sheriffdom of Aberdeen of old bounded and formerly united in a tescandry in maner mentioned in the said charter And sicklike of all and hail the Town and Lands of the kirktown of Drumblat with the mill thereof mill lands afriected maultres and

knaveships of the same together with the houses higgings yards tofts crofts parts pendicles and pertinents thereof Together also with the privilege of peot moit and of casting and winning of peets and ferial within the bounds of the middle third part of the lands of Camalege and transporting the same And also all and hail the superiority and property of the two part of the lands of Bogie's hill with the mills mill lands and pertinents of the same And likewise of the two part of the lands of Stanyfield And third part of the lands of Wedderburn And third part of the lands of Thomestoun tenants tenandries and service of free tenants with the pertinents whereof the property formerly belonged to William Troup of Balnacraig and now pertains to the said Robert Bisset lying within the said Barony of Drumblait and sheriffdom of Aberdeen foresaid Of all which lands and others above-written the rights and securities granted to the said Robert Bisset and his forefairs and to their authors and predecessors are confirmed by the said Charter Which contains also a new gift or disposition of the said hail Lands and others above and therein mentioned with the privilege of keeping two yearly fairs at the said Kirkcoun of Drumblait one thereof to begin upon the second Tuesday of May called Saint Agnes fair and the other on the second Tuesday of October called Saint Michalls fair Ordaining each of the said fairs to continue three days With power to the said Robert and his forefairs to uplift the tolls and customes thereof And an Disjunction of all the said Lands and others foresaid from all other Baronies to which they in any part thereof were formerly united With an Union and Erection of the samen hail Lands Towns Mills and others above-written with the pertinents and the said two yearly fairs in an hail and free Barony to be called in all time coming, The Barony of Lefendrum Ordaining the manour place of Lefendrum to be the principal mesnage thereof And one Session to be taken thereat or at any other part of the said Lands to be sufficient for the hail To be Holden of his Majesty and his successors in manner mentioned in the said Charter Whereby the waired nonentry and relief of the said Lands and Marriage of the heir or heirs one or moe when the samen shall fall are Given and Disposed with all the profits of the said marriages to the heirs male assigneys and successors of the said Robert and Alexander Bissets succeeding to them in the Lands Barony and others foresaid by virtue of the tailzie and substitution express in the said Charter And it's ordained that whenever and as oft as the lands and others foresaid or any part of the same shall fall in ward and nonentry and that the relief and marriage of the heirs and successors shall fall in the hands of his Majesty or his successors that then and as oft the said heirs male successors and assigneys of the said Robert and Alexander Bissets and their

tenents for the time shall not only posses the same during the hail space of the ward and nonentry with the hail profits thereof and the hail benefite of the relief and marriage but also it shall be lawful to the heirs male and other successors and assigneys of the said Robert and Alexander Bissets to obtain themselves served retoured entered infest and seased at any time of their age even the in minority without any dispensation in the lands and others foresaid erected in manner abovementioned notwithstanding the same are holden ward, For payment yearly at two terms Whituesday and Martinmas by equal portions of the sum of One hundred and sixty pounds Scots money for the ward and nonentry or any of them when they shall happen And of the like sum for the relief with the sum of Three hundred and eighty pounds for the said marriage or marriages of the heir or heirs when the samen respective shall happen to fall Which several sums His Majesty with consent foresaid did by the said Charter Esteem reasonable for the values and profits of the said ward nonentry relief and marriage respective in manner fully exprest by the said charter Together with the precept of Session therein contained and instrument of Seadine following thereupon In all and sundry heads articles clauses provisions and conditions of the same And Her Majesty with consent of the Estates of Parliament Wills and Grants and for her and her Royal successors Statutes and Ordains That the foresaid Charter and Infestment to follow thereon shall be good valid and sufficient rights conform to the tenors of the same to the said Robert and Alexander Bissets and the heirs male and other heirs successors and assigneys mentioned in the foresaid Charter for possesing and enjoying the Towns Lands and others particularly above and therein mentioned erected as is above-written without stop or impediment in so far as concerns the interest of her Majesty or her successors and that the same shall never be quarrelled by her or them in time coming And also that this present general Ratification is and shall be as effectual and sufficient to the said Robert and Alexander Bissets and the heirs male and other heirs successors and assigneys mentioned in the said Charter as if the Session thereon were already taken and as if the samen Charter and Session were word by word insert herein With the not inserting whereof and with all other objections that may be proposed against the validity of this present Ratification or rights hereby ratified Her Majesty with consent foresaid hereby dispenses for ever.

THEN the Lord Chancellour by order of her Majesties high Commissioner Adjourned the Parliament till Friday next at ten a clock.

SEPTEMBER XXI, M,DCC,V.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Acts touch-
ed with the
Scepter]

THE following Acts viz. Act Discharging the importation of English Irish and foreign butter and cheese, Act for advancing the fishing trade in and about this Kingdom, Act appointing a Council of Trade, Act for a Treaty with England, Act for the Encouraging the Exportation of beef and pork, Act declaring Linen and Woollen manufactory free of duty at exportation, Act for the Supply, Act in favors of the Town of Glasgow, and Act in favors of Mistress Jean Ramsay, all touched with the Scepter by her Majesties high Commissioner in the usual manner. Of all which Acts the tenors follow.

ACT Discharging the Importation of English Irish and Foreign Butter and Cheese.

- 47 OUR SOVEREIGN LADY with advice and consent of the Estates of Parliament strictly Prohibits and Discharges the importation to this Kingdom of all English Irish and foreign butter or cheese and the using employing or consuming of any such butter or cheese to any purpose use or effect whatsoever within this Kingdom under the pain of five hundred merks money to be payed by the importer and fifty pounds by the user or employer attour the confiscation of all such butter or cheese wherever the same can be seized or the value if the contravention be proven tho the butter or cheese be not seized The third part of the said fine and prohibits goods for the use of the fiscal of court where the delinquency is cognosed and the other two parts thereof to the discoverer Declaring all Judges and Magistrates competent in actions to be founded upon this Law Without prejudice nevertheless to any person whatsoever of importing Irish butter in order to the exporting thereof out of this Kingdom within eight months after importing alienarly under the penalty and certification abovementioned provided against importing or using And for preventing the using or consuming of any such imported butter within this Kingdom It is hereby Statute and Ordained that all such butter as shall be imported in order to exportation be immediately upon the landing thereof reported by the Importer to the Customs house and secured by the Collector of her Majesties customs at the port of landing under lock and key and so kept untill the exportation thereof furth of this Kingdom And if any such butter or

any part thereof shall be transported from one port of this Kingdom to another In that case that the merchant owner shall give bond with sufficient Caution to the said Collector to return Certificats from the Customs House at the port of export that the said transported goods are so exported in the same condition and quantity in which they were imported under the penalty and certification abovementioned And that the verity of the said Certificats may be disproved by the oath of the owner or the respective Collectors certifieing such Collectors if they fail in the punctual observance of this Law they shall be lyable to the penalty of importing totes quotas attour the loss of their office upon their being convicted of such malversation And it is furder hereby Provided and Declared that the discoverer of such imported butter or cheese and Procurator fiscal foresaid shall be always bound and obliged to export the foresaid butter or cheese seized and declared to belong to them in manner foresaid in the same manner and under the same certification as butter imported in order to export in manner abovementioned And it is hereby Declared that it is and shall be lawfull and allowable to any of her Majesties Leidges to inquire into the observance of this Law and to pursue the delinquents accordingly.

ACT for advancing and establishing the Fishing Trade in and about this Kingdom.

- OUR SOVEREIGN LADY and the Estates of 48 Parliament taking to consideration the great and many advantages that may arise to this Nation by encouraging the Salmond White and Herring fishings they being not only a natural and certain fund to advance the trade and increase the wealth thereof but also a true and ready way to breed seamen and set many poor and idle people to work And albeit there be several good acts already made to encourage and carry on that trade yet they are either in dismetnade, defective, or do not answer the present circumstances, Therefore that so great and general a concern may take effect in time coming Her Majesty with advice and consent of the Estates of Parliament Authorizes and Impowers all her good subjects of this Kingdom to take buy and cure herring and white fish in all and sundry seas, channells, bays, firths, lochs, rivers, &c. of this her Majesties ancient Kingdom and Islands thereto belonging wheresoever herring or white fish are or may be taken And for their greater conveniency to have the free use of all ports, harbours, shoars, fore-lands and others for bringing in, pickeling, drying, unloading and loading the same upon payment of the ordinary dues where harbours are built, that is such as are paid for ships, boats, and other goods, and Discharges all other exactions as a nights fishing in the week commonly called Satur-

day's fishing, top money, stallage, and the like, And for the better carrying on and advancing the said trade Her Majesty with consent foresaid Ordains and Enacts that all the barrells made use of by the said fishers shall be of the largeness goodness and quality and marked as is prescribed by the fifth Act of the fourth Session of the first Parliament of William and Mary And that all the herring or white fish put into them shall be pined cured and packed from the bottom to the top with foreign salt allennery, And further it is Ordained in manner foresaid that no salmon herring or white fish be shipped or transported from this Kingdom to foreign countrys but such as are made by the Subjects of this Kingdom & marked with the seal of the maker and merchant exporter thereof to the effect it may be known who has made the same And the Collectors and other officers of the customes are hereby Comanded to take and seize all salmon herring or white fish that shall be shipped in their several precincts for exportation unless made and marked as aforesaid And to prevent the Counterfitting of the foresaid marks Her Majesty with consent foresaid does Allow any Company society or single person to use and appropriate to themselves any particular mark to be used by them upon salmon herring or white fish by and attour the common mark and lurn of the port from whence they are exported and to register their taking and using such a mark in the publick register at Edinburgh And her Majesty with advice and consent of the said Estates strictly Prohibites and Discharges all other companys societies or persons to assume or use the mark of any company society or person so registered Certifying such as do in the contrary they shall be lyable to the company society or person to whom the mark belongeth in the sum of five hundred merks toties quoties And it is hereby Declared that it shall be lawfull to the Sheriffs Bailies of Regalities and Magistrates of Burghs or any having Commission from them not only to visite on all occasions the curing and packing of herring or white fish in their respective bounds but also to pitch upon any barrell after it is made up and marked and cause break open the same and ruse the herrings if they think fit from the very bottom And in case they be not cured or packed as above ordained or that there be broken bruised spilt or not gutted herring or fish among them the said Sheriffs, Bailies Magistrates or others Commissioned by them after the same is clearly proven by experienced and famous witnesss are hereby ordained to assure the whole casks where the said insufficient herring or white fish shall be found And the persons to whom they belong shall pay for each luff one hundred merks Scots the half to be given to the discoverer and the rest to the poor of the paroch and proportionally for smaller quantities of such insufficient herring or white fish And the said insufficient herring or fish shall be dif-

charged to be exported at any time thereafter And her Majesty out of her Royal bounty hath Allowed and hereby Allows to the Exporter of each luff of white fish and herring taken any manner of way and exported out of this Kingdom a reward of ten pounds four shillings Scots money in the terms of the former Acts of Parliament And for each luff of herring taken in hulles and exported out of this Kingdom a reward of Eighteen pounds And for each luff of red herring exported as said is a reward of Twenty four pounds either to be paid to the Exporter his heirs exor or assigneys by the next Collector of her Majesties customes to the port from which the said herring or white fish are exported, or in the option of the merchant exporter that he have retention of the foresaid allowance or drawback in the first end of the customes and excise of the first foreign goods imported by him either in the ship that exported the herring or white fish or in any other ship the export being instructed in the terms of the twenty fourth Act of the Parliament 1st vic- and ninety eight Certifying all Contraveners that they shall be lyable to the penalties contained in that Act attour the loss of their offices and their being incapable to be employed in any office about the customes thereafter And further It is Statute and Ordained that the Execution provided by this Act for recovery of the drawback of herring shall be extended to the proprietars and exporters of salmon cured in manner abovementioned for the drawback appointed to be given on that account by the former Act made thereanent Moreover Her Majesty for further encouragement to any who shall undertake the improvement of the herring and white fishing hereby with advice and consent foresaid Statutes and Declares that all foreigners or stranger fishers who shall be employed by any of the foresaid particular persons or societies and reside in this Nation shall enjoy all the privileges of free born subjects during their said residence And also Statutes and Ordains that cordage, hemp, cork, pitch, tar, plank, board, knaple, skows, hoops, datch nets, and all other materials to be imported for the trade of fishing shall be free of customes or any other imposition whatsoever And that the herring or white fish taken cured and packed as aforesaid are and shall be free of any manner of duty or taxation to her Majesty on the exportation of the same And further Her Majesty with consent foresaid Ratifies and Approves all former Laws and Acts of Parliament made anent the slaying and destroying of red fish smolts and fry of salmon and hereby Requires and Commands the Judges therein mentioned to put these laws to due execution And for that effect to hold Courts twice a year at Pridch and Michaelmas yearly at the ordinary place of such Courts within the Jurisdiction And to fine the delinquents and exact the fines without abatement or punish the delinquents personally if insolvent Certifying such

Judges as shall fail to hold Courts and uplift the fines or punish delinquents as said is after their being required thereto personally under form of Instrument by any heretor or other person concerned they shall be liable in the sum of five hundred merks toties quoties to belong to the person who shall pursue the Judge so failing or refusing to do Justice in manner above expressed And it is hereby Declared that such proceedings as shall be commenced before the Lords of Session for that effect shall be discussed summarily without abiding the course of the roll Impowering the said Lords to modify the expence of plea by and attour the penalty And sicklike the officers of the Independent Company and other officers of her Majesties forces are hereby Required to apprehend the persons of delinquents that may be either found guilty or declared fugitive and that upon the warrant or orders of the Judges ordinary for their serving as recruits conform to the thirty third Act of the Sixth Session of King William's Parliament And also strictly Prohibites and Discharges all fishing of salmon from Saturday at twelve a clock at night to Sunday at twelve a clock at night And because all manner of salting of fish for Export with Scots salt is hereby discharged Therefore her Majesty with consent foresaid strictly Prohibites and Discharges the Importation of all English and Irish salt from and after the first day of October next to come under the penalty of One thousand merks Scots money to be exacted from and paid by the seller importer and buyer toties quoties and confiscation of the ship bark and boat wherein it is imported And in case of importing the same upon horses confiscation both of horses and salt And the Carrier to be fined in twenty pounds Scots and punished in his person by twenty days imprisonment And any person having Commission from the salt masters or any of them is Impowered to seize the said salt ships barks boats or horses and to pursue the Contraveners hereof before any Magistrat or Justice of Peace whatsoever who are hereby Impowered and Required to put the same to due execution Declaring that the one half of the said fines and seizures shall belong to the apprehenders and pursuers and the other half to the poor of the parish where the transgression is committed And Lastly her Majesty with advice and consent foresaid Ratifies & Approves all benefices privileges and immunities already granted by any Acts of Parliament in favors of the white herring and salmon fishing and all persons concerned therein.

ACT appointing a Council of Trade

- 49 OUR SOVEREIGN LADY considering that nothing can contribute more to the promoting and advancing of trade and the encouragement of all those who have erected or shall erect Manufacto-

ries within this Kingdom, than that there be a Council of Trade established Therefore Her Majesty with advice and consent of the Estates of Parliament Nominats Constitutes and Appoints the Marquess of Lothian the Earl of Mar the Earl of Buchan the Earl of Leven the Earl of Hyndford the Earl of Stair and the Earl of Hopetoun for the Nobility Sir Robert Dickson of Inveresk the Laird of Carnwath Sir John Swintoun the Laird of Jerviswood the Laird of Kilmarnock Sir Thomas Burnett of Leyes and James Moir of Stourwood for the Barons and Sir Patrick Johnston Hugh Montgomery Sir James Smollet Sir Alexander Ogilvie M^r John Clerk M^r Dougald Steuart and Sir Hugh Dalrymple for the Royal Burrows to be a Council of Trade and any seven of them to be a quorum With power to them or their quorum foresaid to inquire into and examine the present state and condition of the trade and commerce of this Nation how the same is managed and regulat and after the said inquiry and information is so taken to prepare such overtures and proposals as they shall judge most proper and convenient for the encouragement and advantage of Trade to be laid by them before the next Session of Parliament With power also to them or their said quorum to take particular information and tryal ament the condition of the Manufactories of this nation and to take such measures as that the prohibitory Laws for encouraging thereof and the Laws against exporting of money and all other Laws relating to trade commerce and manufactories and preventing abuses therein may be put to due execution for hereafter Providing always that it shall not be lesion to them or their said quorum to stop the import or export of any goods that are at present in use to be entered in the Customs house upon any pretence whatsoever, And for that effect full power and warrant is hereby granted to them or their said quorum to cognosse upon determine and pronounce sentence against all the said transgressors for transgressions to be committed after this act of the said prohibitory Laws made for the encouragement of our own manufactories and against all exporters of money conform to the Laws and acts of Parliament made or to be made thereanent or to grant warrant for prosecuting the said transgressors before the Judge competent as they shall think fit As also with power to them and their quorum foresaid to choose their members of Court, except the Clerk who is to be named by the Lord Register, and to hold Courts and to pass sentences against the Contraveners of the said Acts of Parliament and to cause put the said sentences to due execution and to punish the delinquents according to Law by fining confiscation or otherways And ordains letters of horning and other legal diligence to pass upon their decreets and sentences as upon decreets of the Lords of Privy Council Lords of Session or any other Judicatory And

with power to them to appoint a Collector for uplifting the fines and confiscat goods or prices and value thereof and other pains and penalties and to apply the same in the first place for defraying the charges and Expences of the said Council and paying the fees of their Clerk and other servants And Declaring hereby that this present Commission shall continue and endure till the next Session of Parliament inclusive and to be accountable to the Parliament for their actings and proceedings in the said matter And Her Majesty and Estates of Parliament do hereby strictly Require and Command all the Ministers and Officers of State Lords of Privy Council Treasury and Exchequer Lords of Session and other Judges and Ministers of the Law that from time to time they assist and concur with the said Council of Trade as occasion requires that every thing contained in this Commission may be duly execute and made effectual according to the true intent and meaning of this act And that no advocations or suspensions shall pafs of the proceses decreets and sentences of the said Council but by the Lords of Session in presence in time of Session and three Lords met together in time of vacancee And the first diet of the meeting of the said Council of Trade is hereby appointed to be at the laigh Council house of Edinburgh the first lawful day after this Session of Parliament by ten a clock in the forenoon With power to adjourn their meetings thereafter to such times and places as they shall think convenient.

ACT for a Treaty with England.

- 50 THE Estates of Parliament considering with what earnestness the Queens Majesty has Recommended to them the settling of the succession to the Imperial Crown of this her ancient Kingdom in the Protestant line failing heirs of her own body And also to enter into an Treaty with her Kingdom of England as the most effectual way for extinguishing the heats and differences that are unhappy raised betwixt the two Nations And in prosecution of her Majesties Royal and just purpose of having a Treaty set on foot betwixt her two independent Kingdoms of Scotland and England without which these things of great consequence betwixt them cannot be accomodat Therefore Her Majesty with advice and consent of the Estates of Parliament Doth Enact Statute and Ordain That such persons and quorum thereof as shall be nominated and appointed by her Majesty under the Great Seal of this Kingdom shall have full power and Commission Likens Her Majesty with advice and consent foresaid Doth hereby Give and Grant full Power Commission and authority to the said persons and their quorum to convene and meet at such time and times and in such place and places as her Majesty shall please to appoint to Treat and

Consult with such Commissioners as shall be authorized by authority of the Parliament of England of and concerning an Union of the Kingdoms of Scotland and England and of and concerning such other matters clauses and things as upon mature deliberation of the greatest part of the said Commissioners assembled as aforesaid and the Commissioners to be authorized by authority of the Parliament of England according to the tenor of their Commissions in that behalf shall think necessary and convenient for the honour of her Majesty the common good and welfare of both the said Realms for ever And the said Commissioners for both the said Kingdoms shall according to the tenor of their respective Commissions set down and reduce their proceedings in the said matter into three several Writings and Instruments each of them to be subscribed and sealed by the said Commissioners and their Quorum To the end that one of these Writings or Instruments may in all humility be presented to the Queens Majesty and another of the said Writings or Instruments to be offered to the Parliament of Scotland and the other of the said Writings or Instruments to be offered to the Parliament of England at their next Sessions to be held in each Kingdom respective after such Writings or Instruments shall be subscribed and sealed by the said Commissioners That thereupon such further proceedings may be had as by her Majesty and both the said Parliaments shall be thought fit and necessary for the well and common good of both the said Kingdoms To which Parliaments the intire consideration of the whole and the allowing or disallowing of the same or any part thereof as they shall think fit is wholly reserved And it is further provided that no matter or thing to be treated of proposed or agreed by the said Commissioners by virtue of this act shall be of any strength or effect whatsoever untill it be first confirmed and established by authority and an Act of the Parliament of Scotland Providing also that the said Commissioners shall not treat of or concerning any alteration of the Worship Discipline and Government of the Church of this Kingdom as now by Law established.

ACT for encouraging the Exportation of Beef and Pork

- OUR SOVEREIGN LADY and Estates of Parliament considering that the Exportation of Beef and Pork may be beneficial to this Nation and that the right packing and curing will very much contribute to the improvement thereof doth hereby Statute and Ordain that all Beef and Pork to be salted for exportation be packed in barrells of at least eight gallons measure and be made and packed with foreign salt And that the barrel contain no less as two hundred pounds weight of well pynd

beef or pork And that the said beef and pork be well salted and pynd at least eight days before it be put in the said barrell And that all the barrells be of equal goodness And that the pork may be the more sufficient It is hereby Statute and Ordained that no swine salted for exportation be under a year old, That no more heads of pork be put in one barrell but what belongs to the pork therein packed And that the barrells be made of good timber well tighted for which the Couper is to be answerable who is to put his name and mark upon them so as he may be discovered in case of any insufficiency in packing or salting And if it be found that the beef or pork was insufficient in the packing or curing then the Couper packer shall not only be liable in the damages but lose his freedom and be banished the Town where he resides And that the merchant exporter of such insufficient beef or pork be liable to the like penalties as are appointed by the Act of this Session anent the right curing and packing of herrings And for advancing and improving the Exportation of Beef and Pork Her Majesty and Estates of Parliament Do Authorize and Command the Collectors Surveyors Farmers and Managers of the Customs at the ports from whence the same is exported to allow the merchant exporter Twenty shilling Scots of reward for each exported barrell thereof for sale And ordains all Magistrates of Burghs from whence beef or pork is exported not only to take the Couper's oath to be faithfull but likeways to cause them find caution for their fidelity to the value in case they contravene.

ACT Declaring Linnen and Woollen Manufacture free of duty at Exportation.

- 52 OUR SOVEREIGN LADY with the advice and consent of the Estates of Parliament Rescinds and Annuls the nineteenth Act of the fifth Session of King William's Parliament imposing a duty on Scots Musline Camrick and Linnen and Statutes and Declares that in all time coming all Musline plain or stripe Camrick and all sorts of Linnen under whatsoever name or designation and all Woollen manufacture of any kind or wherein there is any wool or flax manufactured within this Kingdom shall be free of all manner of duty or custome at exportation Discharging hereby all Collectors or others concerned in the customs to Exact any duty therefore after the date hereof under the pain of five hundred merks toties quoties And the Estates of Parliament Declare that whatever loss her Majesties customs shall sustain by the discharge of the foresaid duty they will make up the same in the next Session of Parliament Likewise Her Majesty with advice and consent foresaid Rescinds and Annuls all other Laws and Acts of Parliament in so far as they are inconsistent with this Act.

ACT for a Supply of Seven Months Cess out of the Land Rent.

THE Estates of Parliament taking to their consideration the dangers that still threaten this Kingdom by reason of the continuance of the present war which visibly requires the keeping up of the standing forces and the supplies necessary for their maintenance and the repairing furnishing and maintaining the forts and garrisons and outricing and maintaining the frigots employed for defence of the coasts Do therefore humbly and cheerfully for themselves and in name and behalf of this Kingdom whom they represent Make offer to her Majesty of the sum of four hundred thirty two thousand eight hundred pounds Scots money extending to Six months Cess being seventy two thousand one hundred and thirty three pounds six shilling eight pennes monthly Which new Supply is to be raised and uplifted out of the Land rent of this Kingdom in the same manner and conform to the proportion of the shires and Burrows contained in the sixth Act of the Parliament 1703 viz- and ninety years Providing always that the proportion of Burrows be rated and paid as their tax roll now is or shall be settled by themselves And the said new Supply is to be paid at the terms following viz. The sum of one hundred and forty four thousand two hundred sixty six pounds thirteen shilling and four pennes as two months Cess to be paid at the term of Martinmas next, the like sum of one hundred and forty four thousand two hundred and sixty six pounds thirteen shilling and four pennes as other two months Cess at the term of Candlemas 1705 viz- and six and the like sum of one hundred and forty four thousand two hundred and sixty six pounds thirteen shilling and four pennes as other two months Cess at the term of Lammas 1705 viz- and six And her Majesty considering that this new supply is granted for such necessary uses Doth with advice and consent of the Estates of Parliament Declare that no person nor persons shall be exempted from payment of their proportion thereof for their lands upon any pretence whatsoever excepting mortified Lands and the Lands of Newmills belonging to the woollen manufactory there, for which mortified lands and lands of Newmills deduction is to be allowed in the quota's of the respective shires notwithstanding of any former Law or privilege in the contrary And Her Majesty with advice and consent foresaid Appoints the same persons who have been named in the second Session of this current Parliament and are still alive and have qualified themselves according to Law or shall qualify themselves betwixt and the first Tuesday of October next and such others as shall be contained in the lists to be given in this Session of Parliament being always qualified

as said is to be Commissioners for ordering and up-lifting the said supply With power to chose their own Clerk and to do every other thing concerning the said supply as is prescribed and appointed by the foresaid acts and other acts to which they relate holding the same as herein repeated And ordains Execution to pass for inbringing thereof as is provided by the said Acts in all points And ordains the first meeting of the said Commissioners of shires to be at the respective head burghs thereof the said first Tuesday of October next and Requires the Sheriffs and Stewarts or their deputies to intimat the same to the Commissioners of their Shires and Stewartries With power to the said Commissioners to appoint the subsequent diets of their meetings and their Conveeners from time to time As also to appoint Collectors with sufficient Caution as they shall think fit And commits to her Majesties Privy Council upon the death or not acceptance of the Commissioners of Supply appointed by this Act to nominat and appoint others in their places And her Majesty with advice and consent foresaid Declares all clauses contained in former Acts of Parliament and Conventions of Estates in relation to the inbringing of Cels and quartering and ancient riding money to stand in full force as to the supply now imposed as if they were herein expressed and were observed before the making of this Act And it is hereby Declared that no person whither Heretor or Collector lyable in payment of the said supply shall be holden to produce their receipts or discharges of the same after three years from their respective terms of payment unless diligence be done therefore by denunciation within the said three years In which case of diligence by denunciation a year farther is only added to the said three years and none shall be holden to produce their receipts or discharges thereafter And further the said Estates do make offer to her Majesty of the sum of seventy two thousand one hundred and thirty three pounds six shilling and eight pennies as another months supply for payment of Four thousand eight hundred pounds to M^r James Anderson Writer to her Majesties Signet and four thousand and eight hundred pounds to M^r James Hodges conform to a vote in this Session of Parliament And also for payment of Two thousand four hundred pounds to William Bayne brother to the decess^t James Bayne Wright in part of the sums due to the said James Bayne by the Government and the remainder of the said sum of seventy two thousand one hundred thirty three pounds six shilling and eight pennies for outrieking her Majesties ship the Royal William and keeping her out at sea Eight months and for maintaining two hirlines to be kept upon the west coast for preventing the importation of Irish victual and other prohibited goods from Ireland Which months supply shall be paid at the term of Martinmas 1st vj^{re} and six And her Majesty with advice and consent foresaid

Appoints the same to be proportioned and ingathered in like manner as the six months Cels is appointed and to be applied to the uses foresaid And Declares the above sums granted to M^r James Hodges and the said William Bayne shall be no ways affectable by their Creditors And because by the supply hereby granted the Land rent and Burghs of this Kingdom are only burdened And it being reasonable that personal Estates in money should bear some proportional burden Therefore her Majesty with advice and consent foresaid Statutes and Ordains that every debitor owing money within this Kingdom at six per Cent. of interest shall in the payment of his annualrents have retention in his own hands of a twelfth part of six per Cent. and this retention to be from the term of Martinmas next to come to the term of Martinmas 1st vj^{re} and six And it is Declared that it shall be usury for any Creditor to refuse to grant the said retention And it is further Statute and Ordained that no part of the said supply be applied to any other uses than these particularly above expressed upon any pretext whatsoever And particularly that the clearance and arrears due to the forces on the present establishment for the fourteen months from the first of August 1st vj^{re} and four to the first of October 1st vj^{re} and five be punctually paid to them during the currency of the said six months Cels.

ACT in favours of the Town of Glasgow for an Imposition of two pennies on the pint of ale and beer

OUR SOVEREIGN LADY the Queens Majesty and the Estates of Parliament taking into their consideration that notwithstanding of a former act of Parliament made and pass in favours of the Town of Glasgow upon the fifteenth of June 1st vj^{re} and ninety three for the better payment of their debts and burthens their Majesties King William and Queen Mary did thereby Grant and Dispose to the said Town of Glasgow and Community thereof the imposition of two pennies Scots upon the pint of all Ale and beer to be vended and sold within the said Town and liberties thereof Ordaining the same to be paid to the said Town and Magistrates and Council thereof during such space of years as should please their said Majesties to appoint not exceeding the number of thirteen years after the first of November the said year as the said act of Parliament of the date foresaid more fully bears And that in pursuance thereof the said King William by his letter directed to the Leeds of Privy Council upon the twenty ninth of August 1st vj^{re} and ninety three years was pleased to Declare that it was his royal will and pleasure that the foresaid imposition should continue and endure to the said Town the hall fore-

said space of thirteen years as if the samen had been therein absolutely set down; Yet nevertheless the said thirteen years whereof there remains only one year to run after the first of November next neither have been nor are like to be sufficient for payment of the said Touns debts and burdens and satisfying the end for which the gift thereof was granted which happened partly through the great quantity of the debt wherein the said Toun stood then engaged and partly through the payments wherewith the said gift was hurred as also by reason of many other incidents which both diminished the said fund and the Touns other publick good and augmented the Touns charges and expences so that considerable sums were to be borrowed yearly for defraying what the Common good of the Toun was deficient in And Her Majesty and the Estates of Parliament being still willing in respect of the loyalty and good affection of the said Burgh witnessed on all occasions that the foresaid Toun of Glasgow be relieved and discharged of it's debts for it's necessary support Therefore Her Majesty with advice and consent of the said Estates of Parliament doth hereby further Add Grant and Dispose to the said Toun of Glasgow and Community thereof And to the said Magistrates and Toun Council of the samen and their successors in office for their use and behoove the said imposition of two pennies Scots over and above the Queens annexed excise upon the pint of ale and beer to be either brown or inbrought and vended topped and sold within the said Toun and liberties and suburbs thereof excepting all ale and beer that shall be hrowen and vended in the gorbells or any other Lands within the Touns privileges that pays excise with the shire Inspicing and Ordaining the same to be paid to the said Toun and Magistrates and Council thereof by the Brewers Vintners Sellers or toppers of the said ale and beer during the space of Sixteen years beginning this new imposition from the 1st and expiration of the said former imposition that is from and after the first day of November 1st 1705 and six and so forth to continue during the whole years and time hereby added and to be paid uplifted and gathered weekly monthly quarterly or otherways as the foresaid Magistrates and Toun Council shall think fit to prescribe and order Providing always Likewise it is hereby specially Provided that betwixt and the first day of November next the Magistrates & Toun Council of the said Burgh of Glasgow shall be holden and obliged to make up a just and true list of the principal sums due by the said Toun of Glasgow preceeding the date hereof and of the bonds granted therefore and of the persons to whom the same is due and that they shall deliver one subscribed double of the said list to be recorded in the books of the merchants house of the said burgh and another subscribed double of the said list to be recorded in the books

of the Trades house in order to the said respective houses their taking tryal of the extort verity and justness of the said debts in such manner and by such persons as they shall appoint for that effect And that how soon any advantage shall arise to the said Burgh by the above imposition now granted in their favors that then and immediately after expiration of each year thereof at least betwixt and the first day of January after the said expiration the said Magistrates and Toun Council shall be holden and obliged to make payment and disburse the said Toun of the principal sums following out of the first end of the debts contained in the above lists viz. of the sum of Ten thousand merks yearly for the first five years of the said imposition And of the sum of Twelve thousand merks yearly for the next five years thereof And of the sum of Fourteen thousand merks yearly betwixt and the said first day of January after the expiration of each year during the remanent years of this grant and imposition And that the said Magistrates shall be holden and obliged to instruct the said payment and to retire and deliver bonds for the said respective sums to be yearly paid as aforesaid to the said two houses against the first Tuesday of January yearly after expiration of every years collection of the said two pennies that the said bonds may be cancelled and deleted out of the above respective lists of debts Beginning the first terms instruction of the said payment to the said houses on the first Tuesday of January 1st 1705 and eight for the year preceeding November 1st 1705 and seven and so forth to continue during the full space of the above act As also It is hereby Statute and Ordained that it shall not be lawfull for nor in the power of the Magistrates or Toun Council of Glasgow to contract any debts or to grant any bonds for afflicting the said Burgh without consent of the said two houses had and obtained thereto by their act to be recorded in their respective books and that only for the sums contained in the list of debts recorded in the Registers of both houses and that there shall be publick intimation given to the haill Merchants and trades of Glasgow whither members of the said respective houses or not to be present at the said Annual meeting upon the said first Tuesday of January yearly in order to their satisfaction assent the payment of the yearly sums above appointed And that it shall be leisum and lawfull to the said two houses or any person to be appointed by them or any other Burghs to pursue the Magistrates and Toun Council in the Case of their not observing of the above conditions who are hereby Declared lyable in repetition and payment of whatever part of the above respective sums appointed to be paid yearly as aforesaid shall be unpaid by them And Nominate and Appoint the Duke of Hamilton the Marquess of Montrose the Earl of Glasgow William Baillie of Lamington Hugh Montgomery of Bushie John Graham

of Dougaldstoun Colin Campbell of Woodside and John Walkinshaw of Burrowfield to be Overseers of the said new imposition and management thereof three of the said Overseers being always a quorum And it is hereby Declared that the said Magistrates and Town Council shall ferm and set in tack the said imposition by way of publick roup at sight of the above overseers or any three of them not exceeding the space of three years together As also it is hereby farther Declared that this Imposition is granted with the burden of the payment to M^r James Anderson Writer to her Majesties Signet of the sum of Three thousand six hundred pounds Scots money to be paid in the first year of the said imposition for enabling him to print and carry on an account of the ancient Charters and Seals of the Kingdom before King James the First according to the characters in the original Writs.

ACT in favours of Mistress Jean Ramsay.

- 55 OUR SOVEREIGN LADY with advice and consent of the Estates of Parliament considering the great and eminent services done by Lieutenant General George Ramsay to her Majesty and this Kingdom And that there were considerable sums of arrears due to him at his decease As also that he did engage his own credit and estate on the account of the cloathing of the Regiment of guards And that the not payment of the said arrears ingaged him in other debts for his own subsistence according to his rank and quality the annualrents of which debts with the annualrents of the debts contracted for the cloathing having run on and increasing dayly may in all probability exhaust his privat estate Therefore the Estates of Parliament do humbly make offer to Her Majesty of one months cess to be uplifted furth of the Land rent at the four terms respective aftermentioned by equal portions viz. At the term of Candlemas Ist vij^{rs} and seven and at Candlemas Ist vij^{rs} and eight and at Candlemas Ist vij^{rs} and nine and at the term of Candlemas Ist vij^{rs} and ten years in the same manner and conform to the same rules as are set down in the Act of Supply granted to her Majesty in this Session of Parliament And that towards the payment of the cloathing of the Regiment of guards preceeding the year Ist and vij^{rs} in the first place and the remainder thereof towards the payment of the other arrears of the said Lieutenant General George Ramsay And Her Majesty with advice and consent foresaid Ordains the said cess to be uplifted ingathered and appropriate to the said uses accordingly.

ACT Salvo Jure Cujuslibet read voted and approved and touched with the scepter by her Majesties High Commissioner, Of which act the tenor follows.

ACT Salvo Jure Cujuslibet.

OUR SOVEREIGN LADY taking to consideration that there are several Acts of Ratifications and others made and past in this Session of Parliament in favours of particular persons without calling or hearing of such as may be thereby concerned or prejudged Therefore Her Majesty with the advice and consent of the Estates of Parliament Statutes and Ordains that all such particular Acts and Acts of Ratifications past in manner foresaid shall not prejudice any third party of their lawful rights nor of their actions and defences competent thereupon before the making of the said particular Acts and Acts of Ratification And that the Lords of Session and all other Judges of this Kingdom shall be obliged to judge betwixt parties according to their several rights standing in their persons before the making of the said Acts All which are hereby expounded and declared to have been made Salvo Jure Cujuslibet.

THEREAFTER His Grace My Lord High Commissioner made a speech to the Parliament.

[Commissioner's Speech]

THE Queen's Majesty Declares this Parliament current and Adjourns the same to the twentieth day of December next, Ordaining all Members of Parliament, Noblemen, Commissioners from Shires and Burghs and all others having interest to attend at Edinburgh that day at ten a clock, And that there be no new Elections in Shires or Burghs except upon the death of any of the present Commissioners.

Act of Adjournment.

Apud Edinburgh,

III DIE OCTOBRIIS, A. D. MDCC, VI.

THE LAWS and ACTS of Parliament of our most High and Dread Sovereign ANNE by the Grace of God, Queen of SCOTLAND, ENGLAND, FRANCE and IRELAND, Defender of the Faith, Holden and begun at Edinburgh the third day of October One thousand seven hundred and six years By His Grace James Duke of Queensberry, Marquess of Dumfriesshire Earl of Drumlanrig and Sanguhar Viscount of Nith Torthorwald and Ross, Lord Douglas of Kinnmount Middlebie and Dornock &c. Lord Privy Seal of the Kingdom of Scotland, One of the Lords of her Majesties most honourable Privy Council Treasury and Exchequer, An Extraordinary Lord of Session and Knight of the most Noble Order of the Garter Her Majesties high Commissioner for holding the same By virtue of a Commission under the great Seal of this Kingdom.

WITH the special advice and consent of the Estates of Parliament underwritten.

THE EARL OF SEAFIELD LORD-HIGH CHANCELOUR

The Marquess of Montrose Lord President of the Secret Council

DUKES of

Hamilton
Argyll
Atholl

MARQUESESSES of

Twissdale
Lothian
Annandale

EARLS of

Misr Lord Secretary
London Lord Secretary
Crauford
Erroll
Marischall
Sutherland
Rothes
Mortoun
Buchan
Glencairn

Eglintoun
Caithness
Wigtoun
Strathanore
Abercorn
Roxburgh
Haddington
Galloway
Lauderdale
Wemyss
Dalhousie
Findlater
Leven
Selkirk
Northesk
Kincardin
Belcarras
Feefar
Kilmarnock
Kintoir
Dunmore
Marchmont
Hyndford
Cromarty
Stair
Roseberry
Glasgow Thes' dep.
Bute
Hopetoun
Delorain
Hay

VISCOUNTS of

Stromont
Kilsyth
Duplin
Garnock

LORDS

Forbes
Saltoun
Gray
Semple
Elphinstoun
Oliphant
Ross
Torphichen
Balmerinoch
Blantyre
Cranston
Fraser
Bargany
Bunf
Elphinstoun
Belhaven
Duffus
Bollo
Colvill
Bellenden
Kinnaird

LESSER OFFICERS OF STATE

Lochs Register
Advocat
Justice Clerk

COMMISSIONERS FROM THE BARONS
OF THE SEVERAL SHIRES

Edinburgh

Robert Dundas of Arnistoun
Sir Robert Dickson of Inveresk
George Lockhart of Carnwath
Sir James Foulis of Colinton

Haddington

Sir John Lauder of Fountainhall
Andrew Fletcher of Saltoun
William Nisbet of Dirletoun
John Cockburn yo' of Ormiston

Berwick

Sir Robert Sinclair of Longformacus
Sir John Swintoun of that Ilk
Sir Patrick Home of Rentoun
Sir Alexander Campbell of Cesnock

Roxburgh

Sir William Ker of Greenhead
Sir Gilbert Elliot of Minto
Archibald Douglass of Cavers
William Bennet of Grahbet

Selkirk

M' John Murray of Bowhill
M' John Pringle of Hayning

Peebles

William Morison of Prestongrange
Alexander Horsburgh of that Ilk

Lanerk

William Baillie of Lamington
George Baillie of Jerviswood
John Sinclair yo' of Stevenstoun
James Hamilton of Aikenhead

Dumfries

Sir John Johnston of Westerhall
William Douglass of Dornock
John Sharp of Hoddam
M' Alexander Ferguson of Isle

Wigtoun

M' William Stewart of Castlestuart
M' John Stewart of Sorbie

Ayr

M' Francis Montgomerie of Giffin
M' William Dalrymple of Glenmure
Sir Hugh Cathcart of Castletoun
John Birsbane yo' of Bishoptoun

Dumbartane

M' W^m Cochrane of Kilmaronock
Sir Humphrey Colquhoun of Luss

Bute

M' Robert Stewart of Tillicultry
John Stewart of Kinquimlick

Renfrew

Sir John Houstoun of that Ilk
Sir Robert Pollock of that Ilk

Stirling

John Graham of Killlearn
James Graham of Buchlivie
Robert Rollo of Powhouse

Linlithgow

Thomas Sharp of Houstoun
M' John Montgomery of Wrae

Perth

John Haldan of Gleneagles
Sir Patrick Murray of Ochertyre
Mungo Graham of Gorthie
John Murray of Strouan

Kincairdin

Sir Thomas Burnet of Leyes
Sir David Ramsay of Balmain

Aberdeen

Alexander Gordon of Pitbarg
John Udney of that Ilk
William Seton younger of Pitmeaden
James Moir of Stonywood

Inverness

Alexander Grant yo' of that Ilk

Nairn

Hugh Rollo of Kilarvock
John Forbes of Culloden

Cromarty

Sir Kenneth Mackenzie
M' James Mackleod of Cadboll

Argyll

M' John Campbell of Mammore
Sir James Campbell of Auchinbreck
James Campbell yo' of Arkinglads

Fyfe

Sir William Anstruther of that Ilk
David Bethun of Balfour
Major Henry Balfour of Dunboug
M' Thomas Hope of Rankeillor

Forfar

M' Patrick Lyon of Auchterhouse
M' James Carnegie of Phinhaven
James Halyhurton of Pitcair
David Graham yo' of Fintrie

Banff

James Ogilvie yo' of Boynd
Alexander Abercrombie of Glascho

Stewartry of Kirkcudbright

William Maxwell of Cardineff
Alexander Mackie of Polgoun

Sutherland

Caithness

James Sinclair of Stemster
M' James Dunbar yo' of Hemprigs

Elgin

Sir Henry Innes yo' of that Ilk

Stewartry of Orkney

Alexander Douglass of Egilshay

Clackmannan	M ^r Alex ^r Abercrombie of Tullibody
Roß	
	M ^r George Mackenzie of Inchculter
Kinross	
	John Bruce of Kinross

COMMISSIONERS FOR THE ROYAL BURGHES

Edinburgh	{ Sir Patrick Johnston Robert Inglis
Perth	Alexander Robertson
Dundee	John Scrimgeour
Aberdeen	John Allardice
Stirling	Lieutenant Colonel John Erskine
Lindithgow	Walter Stewart
Saint Andrews	Alexander Watson
Glasgow	Hugh Montgomery
Alr	John Muir
Haddingtoun	Alexander Edgar
Dysart	John Black
Kirkcaldie	James Oswald
Montrose	James Scott
Coupar	Patrick Bruce
Anstruther Easter	Sir John Anstruther
Dumfries	Robert Johnston
Inverness	Alexander Daff
Bruntisland	Sir John Erskine
Inverkeithing	James Spittle
Kinghorn	M ^r Patrick Moncrief
Brichen	Francis Melison
Irving	George Monro
Jedburgh	Walter Scott
Kirkcudbright	Sir Andrew Home
Wigtoun	William Coltrane
Dumfermling	Sir Peter Halket
Pittenweem	George Smith
Selkirk	Robert Scott
Dunbartan	Sir James Smollet
Renfrew	Colin Campbell
Dunbar	Robert Kellie
Laerik	M ^r William Carmichael
Aberbrothock	John Hutchison
Elgin	M ^r William Sutherland
Peebles	Archibald Shiels
Craill	
Tyne	Captain Daniel Mackleod
Culroß	Sir David Dalrymple
Bamf	Sir Alexander Ogilvie
Whitchern	M ^r John Clerk
Forfar	M ^r John Lyon
Rothsay	M ^r Dougald Stewart
Nairn	John Rose
Forres	George Broddie
Rutherglen	George Spens
Northberwick	Sir Hugh Dalrymple
Anstruther Wester	Sir Robert Anstruther

Cullen	M ^r Patrick Ogilvie
Lauder	Sir David Cunningham
Kintoir	George Allardice
Annan	M ^r William Johnston
Lochmehben	M ^r John Carruthers
Sanguhar	William Alves
New-Galloway	George Home
Kilrenny	M ^r James Bethun
Fortrose	M ^r Roderick Mackenzie
Dingwall	John Bayne
Dornock	John Urquhart
Queensferry	Sir James Stewart
Inverary	Daniel Campbell
Inverury	Sir Robert Forbes
Weick	M ^r Robert Fraser
Kirkwall	M ^r Robert Douglass
Inverberry	M ^r Alexander Maitland
Stranraer	M ^r George Dalrymple
Campbeltown	M ^r Charles Campbell

PRAYERS said.

HER Majesties Commission to his Grace James Duke of Queensberry for representing Her Royal person in this Session of Parliament read by the Lord Clerk Register, and ordered to be recorded, Whereof the tenor followeth.

ANNA dei gratia Magnæ Britanniæ Franciæ et Hiberniæ Regina fidei, defensor Omnibus probris hominibus ad quos presentes littere nostræ pervenerint Salutem Quandoquidem Nos ob insignes et magni momenti rationes quartam Sessionem currentis nostri Parlamenti antiqui Regni nostri Scotiæ apud Edinburgum vigesimo nono die mensis Augusti datam presentiam immediate sequentis convenire et sedere ordinavimus Et eorum nostrarum necessitatibus nos alio vocantibus dicti Parlamenti conventui interesse nequimus Ideoq. Commissionem nostram cuidam personæ eminentissimi ordinis ac fide eximia et præclaris animi dotibus imbuta sacrarum nostrarum personarum representandi et regulam nostram auctoritatem in eodem gerendi concedere decrevimus, Et satis competentem habentes fidem intaminatam insignes facultates et experientiam fidelissimi et dilectissimi nostri Consanguinei et Conciliarii Jacobi Ducis de Queensberry nostri Secreti Sigilli Custodis et unius Commissionariarum nostri Thesaurarii in dicto Regno per illius fidelem functionem variorum munerum supremorum illi commissionum speciatim vero tanquam Commissionarii nostram sacram personam per prius representantis Unde usquequam sit instructus pro eodem summo munere exercendo ac pils et Regiis nostris propositis prosequendis tam in promovendo commodo et interesse dicti nostri antiqui regni et in ecclesia et in republica quam ministerio nostro Noveritis Igitur Nos Dedisse et Concessisse perq. presentes hæc littere Damus et Concedimus pro-

Commission
to James
Duke of
Queensberry
for representing Her
Majesty in
this Session
of Parlia-
ment

dicto fidelissimo et dilectissimo nostro Consanguineo et Conciliario Jacobo Duci de Queensberry plenam potestatem et Commissionem sacram nostram personam representandi et regalem nostram auctoritatem in sequenti quarta sessione predicti currentis nostri Parlamenti dicti Regni gerendi Et in re quavis alia ubique, de Ecclesie comodo firmando pace et politica dicti Regni nostra propaganda et servitio nostro promovendo tractandum fuerit in universis ejusdem administrationibus tanquam supremo nostro Commissionario Dando et Concedendo dicto Jacobo Duci de Queensberry plenam potestatem et auctoritatem nostram omnia et singula ad manus et imperium summi Commissionarii spectantia faciendi et peragendi tam plene adeoque libere quod omnes effectus et condiciones quam quilibet alius ejusdem summi numeris et characteris regnantibus quibuscumque nostrorum serenissimorum decessorum unquam fecerat seu facere potuerat Quoqueidem omnia et singula in hac dicta Commissione prosequenda ab ipso facienda Nos firma et rata habemus et habituri sumus Omnibus et singulis Insuper Status nostri officialibus iis, qui nobis ab intimis Conciliis Judicibus et officariis nostrarum copiarum ceteris, quibuscumque, subditis dicti Regni nostri stricte Mandamus et Imperamus ut prefatum Jacobum Ducem de Queensberry tanquam supremum nostrum Commissionarium sacram nostram personam representantem et regalem nostram auctoritatem gerentem agnoscat ipsaque reverentiam et obsequium præbeant ad effectum et secundum normam in hac nostra Commissione præscriptam Quoqueidem hæc Commissio a die et data presentium et durante antedicta quarta Sessione Parlamenti nostri in vigore durabit et usque dum nobis placebit eandem revocare Et Declaramus bene presentem nostram Commissionem nullo modo præjudicare cuiusvis alio diplomati seu Commissioni dicti Jacobi Ducis de Queensberry in quovis alio munere sibi a Nobis commisso sed eadem durante continuatione et post expirationem presentis Commissionis in vigore durare durante nostro beneplacito modo in iisdem diversis diplomatibus et Commissionibus specificato In cuius rei Testimonium presentibus magnum sigillum nostrum appendi mandavimus Apud Aulam nostram de Windsor Cælle trigesimo primo die mensis Julii Anno Domini millesimo septingentesimo sexto et anno Regni nostri quinto. Per signaturam manu S. D. N. Regine superscriptam Written to the Great Seal and registrat the day of September 1st vjth and six years. Sealed at Edinburgh

ROLLS called.

THE Earl of Mortoun Protested against the calling of any Earl before him.

THE Earl of Findlater Protested against the calling the Earl of Airlie before him.

THE Earl of Mortoun Protested in name of the Duke of Douglas that the calling of any others in the rolls of Parliament before him may not prejudice him of the first vote in Parliament.

THE Earl of Leven Protested against the calling the Earl of Callender before him.

THE Lord Ross Protested against the calling in the Rolls Sir Alexander Bruce as Earl of Kincardine in respect of a Petition in the Clerks hands for Lady Mary Bruce and her husband claiming right to that rank and dignity.

HER Majesties Gift and Commission in favours of James Marquess of Montrose to be President of Her most honourable Privy Council read and ordered to be recorded, whereof the tenor follows.

ANNA Dei gratia Magnæ Britannie Franciæ et Hiberniæ Regina fidei, defensor Omnibus probis hominibus ad quos presentes littere nostre pervenerint Salutem Quamdoqueidem nobis abunde satisfactum sit de facultatibus fidelitate aliis, preclaris animi dotibus fidelissimis et dilectissimis nostri Consanguinei et Conciliarii Jacobi Marchionis de Montrose quibus pro officio præsidis secreti nostri Concilii antiqui Regni nostri Scotiæ fungendo usquequaque, sit instructus Noveritis Igitur Nos nominatim fœdissime constituisse et ordinasse sicuti nos tenore presentium nominamus facimus constituimus et ordinamus eundem Jacobum Marchionem de Montrose Præsidentem secreti nostri Concilii predicti Regni durante nostro beneplacito solummodo cum plenaria potestate illi dicto officio et munere fruendi gaudendi utendi et exercendi cum universis honoribus dignitatibus privilegiis immunitatibus et casualitatibus quibuscumque eo spectantibus atque itidem tenore presentium prefatum Jacobum Marchionem de Montrose tanquam præsidem nostri Concilii antedicti locum et precedentem proximam Thesaurario nostro soli et principali dicti Regni et immediate post locum illum præcedentem quem Thesaurarius principalis pro tempore perperius retinebat seu retinere debuit omnibus locis et temporibus durante spatio antedicti habere ordinamus In cuius rei testimonium presentibus magnum sigillum nostrum appendi mandavimus Apud Aulam nostram de Kensington vigesimo octavo die mensis Februarii Anno Domini millesimo septingentesimo sexto Et anno Regni nostri quarto. Per signaturam manu S. D. N. Regine superscriptam. Written to the great Seal and registrat the nineteenth day of March 1st vjth and six years. Sealed at Edinburgh

HER Majesties Gift and Commission in favours of John Earl of Mar to be one of the Principal Secre-

Commission and Gift of the Office of the President of the Privy Council to the Marquess of Montrose

Protestations
for prece-
ding

aries of State for this Kingdom read and ordered to be recorded Whereof the tenor follows.

Consent and Gift of the office of One of the Principal Secretaries of State to the Earl of Mar

ANNA Dei gratia Magnæ Britannie Francie et Hiberniæ Regina fideiq; defensor Omnibus probis hominibus ad quos presentes literæ nostræ pervenerint Salutem Quandoquidem Nos considerantes munus et officium unius ex principalibus status secretariis pro antiquo Regno nostro Scotiæ vacare per promotionem fidelissimæ et dilectissimæ nostri Consanguinei et Conciliarii Gulielmi Marchionis de Arundale ad officium præsidii secreti nostri Concilii ejusdem Regni Et nihil magis in ministerii nostri et regnorum nostrorum commodum conducere posse quam ut probate integritatis et fidelitatis viri principales corone nostræ ministri speciatim vero status nostri secretarii constituantur quibus speciale habere potestatem quidem tam quoad auctoritatem nostram quam subditorum nostrorum commodum Nosq; etiam abunde satisfacti de fidelitate integritate aliq; perpulchris facultatibus fidelissimæ et dilectissimæ nostri Consanguinei et Conciliarii Joannis Comitæ de Mar quibus ad munus et officium unius ex principalibus status nostri Secretariis pro dicto Regno obeundum usqueq; sit instructus Ob prædictas itaq; et multas alias magni momenti rationes et consideraciones noveritis nos nominasse fecisse constituisse et ordinasse sicuti nos tenore presentium nominamus facimus constituimus et ordinamus eundem Joannem Comitem de Mar unum ex duobus status nostri secretariis nobis pro dicto Regno duram nostræ beneplacito solummodo et donec presentes a nobis scripto revocetur, coprincipalem et conjunctum cum fidelissimo et dilectissimo nostro Consanguineo et Conciliario Hugone Comite de Loudoun altero pro dicto Regno status secretario Damus periter et Concedimus sicuti Nos tenore presentium Damus et Concedimus duram spatio antedicto ipsi dicti Joanni Comiti de Mar, locum munus et officium unius ex duobus principalibus conjunctis status nostri secretariis antedictis Cum jura et equali dimidio omnium honorariorum proficuum emolumentorum casualitatum libertatum dignitatum & immunitatum quo ad dictum munus locum et officium propriis pertinebant seu pertinere poterant Una cum annua pensione mille librarum monetæ Sterlineis secundum donationem ejusd; per Nos ipsi concessam datam cum presentibus Cum plena potestate illi utendi exercendi et fruendi dicti munere loco et officio Et specialiter scribendi subscribendi et nobis offerendi omnes donationes cautiones et signaturas quascunq; Regali nostre manu munitas et interponendi et recipiendi iustum et equale dimidium omnium honorariorum pensionum et casualitatum eo spectati atq; etiam equalem habendi potestatem et privilegium cum dicto Hugone Comite de Loudoun altero nostro status secretario pro dicto regno recipiendi interponendi et conservandi omnia signata

dicti Regni et applicandi equale dimidium beneficiorum et emolumentorum inde provenientium in privatos suos usus et commodum Ac etiam potestatem deputatos et custodes dicti nostrorum signetorum constituendi et admittendi et adscribendi omnes Clericos et signeto nostro Scribas cum omnibus Clericis Vicecomitatuum et Clericis ad pacem in dicto Regno et eo nomine tribuendi ipsis Commissiones quibus muniti fungi possint et frui illis muneribus ad vitam Idq; quoties contigerit dicti munia quocunq; casu esse vacua et recipiendi compositionem et commodorum dimidium ex admisione dicti Clericorum proveniendi ac ea ad privatos accommodandi usus In cuius rei testimonium presentibus magnam sigillum nostrum appendi mandavimus Apud aulam nostram de Windsor eadē vigesimo nono die mensis Septembris anno Domini millesimo septingentesimo quinto et anno Regni nostri quarto. Per signaturem manu S. D. N. Regine superscriptam. Written to the great Seal and registred the fourth day of October 1706 vjth and five years Sic subscribitur Charles Kerr. Sealed at Edinburgh the fourth day of October one thousand seven hundred and five years. Sic subscribitur Alex^r Ogilvie.

THE Earl of Abercorn swore the oath of allegiance subscribed the same with the assurance and took the oath of Parliament.

Some members advised

PATENT Creating Lord Henry Scott Earl of De Loune read and ordered to be recorded whereupon he swore the oath of allegiance subscribed the same with the assurance and took the oath of Parliament; the tenor of which Patent followeth.

ANNA dei gratia Magnæ Britannie Francie et Hiberniæ Regina fideiq; defensor Omnibus probis hominibus ad quos presentes literæ nostræ pervenerint Salutem Quandoquidem Nos Regio nostro animo perpendentes præclara et fidelia admodum servitia per fidelissimum et dilectissimum nostrum Dominum Henricum Scot filium confis et prædictæ nostræ Consanguineæ Annæ Ducissæ de Buccleugh præfita atq; zelum ejus et affectum erga nostram personam et Regimen per eum omnibus occasionibus expreßum. Ob hæc igitur et perplurimas alias magni momenti causas et consideraciones quendam Regii nostri favoris insignem et dubilem characterem in eundem Dominum Henricum Scot ejusq; heredes submentionatos conferre benigne statuisimus Quo vero ille illiq; majoris momenti officia ex omni occasione nobis nostrisq; successoribus præstare in futurum magis animentur et excitentur Noveritis Igitur Nos Fecisse Constituisse et Creasse Sicuti tenore presentium Facimus Conferimus Constituimus et Creamus dicti Dominum Henricum Scot Comitem Vicecomitem

The Earl of De Loune's Patent

et liberum Parliamento Domnum in antiquo regno nostro Scotiæ Comitem de De Lorraine Vicecomitem de Hermitage et Dominum Goldilands omni tempore futuro appellandum et designandum Dando Concedendo et conferendo in præfata Dominum Henricum Scot et heredes mascululos de suo corpore legitime procedend titulum bonorem ordinem gradum et dignitatem Comitis Vicecomitis et liberi parlamenti Domini ut prædictur cum plena potestate commiſſione et autoritate illi ejusq. prædict eodem possidendi et gaudendi Cum omnibus et singulis prærogativis præeminentiis præcedentiis et privilegiis eo attineat quibuscum tenore præsentium eundem Dominum Henricum Scot ejusq. prædict speciatim vero cum libero suffragio parlamenti Investimus et uobilitamus Tenendum prædict titulum bonorem ordinem gradum et dignitatem Comitis Vicecomitis et liberi parlamenti Domini cum omnibus prærogativis præcedentiis et privilegiis eo spectat per dictum Dominum Henricum Scot ejusq. prædict de nobis nostrisq. Regis successores in omnibus Parliamentis ordinum conventibus conciliis generalibus aliisq. publicis et privatis congressibus in dicto Regno tam plenarie adeoque libere in quovis respectu ac quivis alius Comes Vicecomes ac liber parlamenti Dominus similis titulo honore et dignitate cum omnibus privilegiis aliisq. eo spectat perprius gavisus est seu quovis tempore præterito presenti vel futuro potiri poterit Leoni porro amorum Regi ejusq. fratribus facilibus Imperamus ut præfato Domino Henrico Scot nunc Comiti de De Lorraine talia prioribus insigniis ejus gentilitiis additamenta qualia hac occasione convenientia et apta videbuntur dent et præferant Declarando et ordinando hæc nostras patentes literas magno nostro sigillo munitas adeo validas et efficaces fore dicto Domino Henrico Scot ejusq. antedict pro possidendo prædict titulo honore et dignitate ac si ille ejusq. prædict omnibus ritibus et solennitatibus similibus occasionibus perprius usitat investit et inaugurat essent Quocirca Dispensavimus perq. presentes in perpetuum Dispensamus In cujus rei Testimonium præsentibus magnum sigillum nostrum appendi præcepimus Apud Aulam nostram castri de Windsor Vigesimo nono die mensis Martii anno Domini millesimo septingentesimo sexto, et anno regni nostri quinto. Per signaturam manu S. D. N. Regine superscriptam. Written to the great Seal and registrat.

Sealed at Edinburgh

THE Viscount of Kilsyth swore the oath of allegiance subscribed the same with the assurance and took the oath of Parliament.

MOVED That the Lord Banff who was sometime Papist being now Protestant and willing to signe the formula subjoynd to the act of Parliament in November 1st vjth for preventing the growth

of Popery may be admitted and accordingly he having taken and signed the formula he thereafter swore the oath of allegiance subscribed the same with the assurance and took the oath of Parliament.

SIR Alexander Campbell of Cefnock Commissioner for the shire of Berwick in place of Sir John Home of Blackadder deceased and Sir Archbald Hope of Rankellor Commissioner for the shire of Fyfe in place of Robert Douglass of Strathendric deceased both swore the oath of allegiance subscribed the same with the assurance and took the oath of Parliament.

M^r Patrick Moncrief of Reddie Commissioner for the Burgh of Kinghorn in place of M^r James Melvill deceased swore the oath of allegiance subscribed the same with the assurance and took the oath of Parliament.

PETITION Lady Mary Bruce and William Cochran younger of Ochiltree her husband for his interest against admitting of Sir Alexander Bruce to sit in Parliament, in the rank and dignity of Earl of Kincardin read, Sir Alex^r Bruce in answer to the said Petition Craved that the Patent in favours of Earl Edward Bruce of Kincardin might be also read Which being accordingly read after some debate upon the case it was put to the vote Hear the parties further upon the matter, or Admit Sir Alexander, and it carried Hear, and the next Sederunt appointed for a hearing.

[Lady Mary Bruce ag^t Sir Alex^r Bruce]

HER Majesties Letter to the Parliament presented by her Majesties high Commissioner was read first by the Lord Clerk Register and thereafter read again by one of the ordinary Clerks, Of which letter the tenor follows.

Sic superscribitur ANNE R.

My Lords and Gentlemen

SINCE your last meeting We did nominate Commissioners to treat of an Union betwixt our two Kingdoms of Scotland and England, and by their great care and diligence a Treaty is happily concluded and hid before us.

Her Majesties Letter to the Parliament

WE have called you together as soon as Our affairs could permit, that the Treaty may be under your consideration, in pursuance of the act made in the last Session of our Parliament there, and we hope the terms will be acceptable to you.

THE Union has been long desired by both Nations and We shall esteem it as the greatest glory of Our Reign to have it now perfected, being fully persuaded that it must prove the greatest happiness of our People.

AN entire and perfect Union will be the solid foundation of lasting Peace It will secure your Religion Liberty and property, remove the animosities amongst yourselves, and the jealousies and differences betwixt Our two Kingdoms; It must increase your Strength Riches and Trade, and by this Union the whole Island being joyned in affection, and free from all apprehension of different Interests, will be enabled to resist all it's Enemies Support the Protestant Interest every where and maintain the Liberties of Europe.

WE do upon this occasion renew the assurances We have formerly given you of our Resolution to maintain the government of the Church as by Law established in Scotland, and the Acts of both Parliaments upon which this Treaty proceeded having reserved their respective Governments of the Church in each Kingdom; The Commissioners have left that matter entire, And you have now an opportunity for doing what may be necessary for security of your present Church government after the Union within the Limits of Scotland.

THE support of our Government and your own safety do's require, That you do make necessary provision for maintaining the Forces Ships & Garrisons untill the Parliament of Great Britain shall provide for these ends in the United Kingdom.

WE have made choice of Our Right Trusty and Right entirely beloved Cousin and Counsellor James Duke of Queensberry to be Our Commissioner and Represent our Royal person, being well satisfied with his fitness for that trust from the experience We have of his capacity, zeal and fidelity to our service and the good of his Country, which as it has determined Us in the choice We doubt not but will make him acceptable to you.

WE have fully instructed him in all things We think may fall under your consideration, and seems to be necessary at present, Therefore We desire that you may give entire Trust and Credit to him.

My Lords and Gentlemen

IT cannot but be an Encouragement to you to finish the Union at this time that God Almighty has blessed Our Arms and those of our Allies with so great success, which gives us the nearer prospect of a happy Peace, and with it you will have the full possession of all the advantages of this Union, and you have no reason to doubt, but the Parliament of England will do what is necessary on their part, after the readiness they have shown to remove what might obstruct the entering on the Treaty, We most earnestly recommend to you calmness and unanimity in this great & weighty affair, that the Union may be brought to a happy conclusion, being the only effectual way to secure your pre-

sent and future happiness and to disappoint the designs of our and your Enemies, who will doubtless on this occasion, use their utmost endeavours to prevent, or delay this Union, which must so much contribute to Our glory and the happiness of our People, and so we bid you heartily farewell Given at our Court at Windsor Castle the 31st day of July and of Our Reign the fifth year.

By her Majestys Command

Seu subscribitur MAR.

The foresaid letter is directed thus To the Noblemen, and to the Barons Commissioners for Shires, and to the Commissioners for Burroughs assembled in Parliament in our ancient Kingdom of Scotland.

HER Majesties high Commissioner made his speech to the Parliament As also My Lord Chancellor made his speech. And her Majesty's letter and the said speeches were ordered to be printed.

[Queen's Letter & Commissioners & Chancellors Speeches to be printed]

[Articles of Union]

ARTICLES of Union agreed on by the Commissioners nominat on behalf of the Kingdom of Scotland and the Commissioners nominat on behalf of the Kingdom of England presented and read, and ordered to be printed and copies to be delivered to the members of Parliament.

THEREAFTER ordered that the Minuts of the proceedings of the Commissioners of both Nations for the treaty of Union be likewise printed.

[Minutes of the Commissioners for the Union to be printed]

THEN my Lord Chmcellour by order of her Majesties high Commissioner Adjourned the Parliament till Thursday next the tenth instant at ten of the clock in the forenoon.

OCTOBER X, M,DCC,VII.

PRAYERS said Rolls called.

THE Earl of Sutherland Protested against the calling any Earl before him in the Rolls of Parliament.

The Earl of Sutherland's Protestation for precedence.

ALEXANDER Abercrombie of Glasloch Commissioner for the Shire of Banff in place of Alexander Duff of Braco decess'd swore the oath of allegiance subscribed the same with the assurance and took the oath of Parliament.

Glasloch admitted

MINUTS of the last Sederunt read.

ACT for settling the orders of the Parliament house read, and copies thereof ordained to be affixt on the doors and other places according to custom.

[Orders of the House]

Earl of
Kincardin
admitted

THE case Lady Mary Bruce and her husband for his interest against Sir Alexander Bruce of Brocmhall called, and their procurators being heard, and the Parlia^r having considered the debate It was put to the vote Admit Sir Alexander Bruce or No and it carried Admit Reserving to Lady Mary Bruce and her husband for his interest their right and declarator before the Lords of Session as accords, And he did take his place as Earl of Kincardin accordingly and swore the oath of allegiance subscribed the same with the assurance and took the oath of Parliament.

THEN the Lord Chancellour by order of her Majesties high Commissioner Adjourned the Parliament till Saturday next at ten of the clock.

OCTOBER XII, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

Lord
Oliphant
admitted

THE Lord Oliphant swore the oath of allegiance subscribed the same with the assurance and took the oath of Parliament.

[Articles of
Union]

MOVED that the Articles of Union agreed on by the Commissioners nominated on the Kingdoms of Scotland and England be again read And also moved that the Minuts of proceedings of the said Commissioners be likewise read And after some reasoning it was agreed That the said Articles of Union should be read, And ordered that all records relating to former treaties betwixt the two Kingdoms be laid on the table and in the intervals of Parliament they be to be seen in the Leigh Parliament house where some of my Lord Registrars servants are to attend.

AND the articles of Union being accordingly again read It was agreed that the Parliament should proceed to the consideration of the said articles of Union the next Sederunt.

THEN the Lord Chancellour by order of her Majesties high Commissioner Adjourned the Parliament till Tuesday next at ten of the clock.

OCTOBER XV, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

WARRANT granted to the Barons and Freeholders of the Shire of Fife to meet on Tuesday

Warrant for
electing a
Consent.
after for
the shire
of Fife

the twenty ninth instant to elect a Commissioner in place of Sir Archbold Hope of Rankellor deceased.

MOVED that according to the last Minuts the Parliament should now proceed to the consideration of the articles of Union. [Articles of Union]

MOVED that the members of Parliament may yet be allowed eight days further to consider more deliberately the Articles and Minuts, And after some reasoning It was put to the vote Proceed presently to the consideration of the articles of Union or continue the consideration thereof till the first Sederunt next week, and it carried Proceed.

WHEREUPON the first article of Union was read As also the Minuts of the proceedings of the Commissioners for the Treaty relative thereto and her Majesties Commission to the Commissioners for the Treaty on behalf of this Kingdom were likewise read And after some reasoning and discoursing thereupon, the further consideration thereof was delayed till the next Sederunt of Parliament.

THEN the Lord Chancellour by order of her Majesties high Commissioner Adjourned the Parliament till Thursday next at ten of the clock.

OCTOBER XVII, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

ADDRESS of the Commission for the late General Assembly of the Church of this Kingdom for establishing and confirming the true Protestant Religion and Government of the Church as by law established therein read And thereupon the Parliament Declared that before concluding the Union they would take the said Address to their consideration and would do every thing necessary for securing the true Protestant Religion and Church Government presently established by law in this Kingdom. [Address of the General Assembly]

DISPENSATION granted to inferior Courts to sit notwithstanding of the sitting of the Parliament. Dispensation for the sitting of inferior Courts

THE Parliament proceeded to the further consideration of the articles of Union and the second article thereof was read as also the Minuts of the Treaty relative thereto and the Act of the Parliament of England in the first year of the reign of their late Majesties King William and Queen Mary entitled An Act Declaring the rights and liber- [Articles of Union]

ties of the subject and settling the succession of the Crown, were likewise read, And were thereafter reasoned and discoursed upon.

THE third article read

AND thereafter the fourth, fifth, sixth, seventh, and eight articles were all severally read with the minutes relative thereto and were all reasoned and discoursed upon.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Saturday next at ten of the clock.

OCTOBER XIX, M,DCC,VI.

PRAYERS said Rolls called.

Hemprius admitted.

M^r James Dunbar younger of Hemprius Commissioner elected for the Shire of Caithness in place of Sir George Sinclair of Clyth deceased, took the oath of allegiance subscribed the same with the assurance and took the oath of Parliament.

[Members excused]

M^r John Stewart younger of Blackhall excused by his Grace her Majesties high Commissioner in respect of his indisposition As also the Earl of Lauderdale excused for this days absence.

MINUTS of the last Sederunt read.

[Articles of Union]

THE Parliament proceeded to the further consideration of the articles of Union And the ninth, tenth, eleventh twelfth thirteenth and fourteenth articles were all severally read with the Minutes of Treaty relating thereto and were all discoursed on.

THE fifteenth article of Union was likewise twice read and discoursed and reasoned on As also the minutes relative thereto And after some reasoning thereon there arose a debate about the calculation of the Equivalent of Three hundred and ninety eight thousand and eighty five pounds ten shillings therein mentioned, which was adjourned till the next Sederunt of Parliament.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Tuesday next at ten of the clock.

OCTOBER XXII, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THE debate anent the calculation of the Equivalent of three hundred and ninety eight thousand eighty five pounds ten shillings mentioned in the fifteenth article of Union resumed, and after some time spent thereupon It was agreed to nominate a Committee of three persons of each state to proceed and examine the calculation of the said three hundred and ninety eight thousand and eighty five pounds ten shillings and to report to the Parliament, and the next Sederunt of Parliament appointed for nominating the said Committee.

[Articles of Union]

THEREAFTER several paragraphs of the said fifteenth article were again read and further reasoned and discoursed on.

THE sixteenth and seventeenth articles were also read and the minutes relative thereto and were reasoned upon.

THE eighteenth article and the minutes relative thereto were likewise read and after some discourse and reasoning thereon, the further consideration of the said article was delayed till next Sederunt of Parliament.

THEN the Lord Chancellor by order of her M^{ty} high Commissioner Adjourned the Parliament till to morrow at ten of the clock.

OCTOBER XXIII, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

WARRANT granted, upon a petition, to Sir Patrick and James Ogilvies elder and younger of Boynd to cite their Creditors in order to their obtaining protection.

[Ogilvies of Boynd]

THE Parliament conform to the Minutes of the last Sederunt proceeded to elect the Committee for examination of the calculation of the Equivalent of Three hundred ninety eight thousand eighty five pounds ten shillings And the three Estates having separated to their usual places returned & reported their respective elections and the list of the Committee is as follows. Of the Nobility The Marquess of Montrose Lord President of the Privy Council the Duke of Argyll

Committee for examining the calculation of the Equivalent

and the Marquess of Tweeddale, Of the Commissioners for Shires Sir Alexander Campbell of Cessnock George Baillie of Jerviswood, and John Haldan of Glenesgles, Of the Commissioners for Burghs Robert Inglis Lieutenant Colonel John Erskine and Hugh Montgomery, And the Committee was appointed to meet in the Inner-Session-house the first intervall day of Parliament at ten of the clock in the forenoon.

THEREAFTER the eighteenth article of Union was again read, And upon reasoning thereon, It was moved that the English laws concerning regulation of trade customs and such excises to which this Kingdom by virtue of the treaty is to be lyable be printed for information; Moved likewise That it be remitted to a Committee to consider the several branches of our trade as to export and import with the English Laws and books of rates in relation thereto with the customs and excises thereof for the satisfaction of the members of Parliament thereanent, And to cause print such of the acts of the English Parliament concerning the same as they find expedient or to report to the Parliament, And after some debate on these motions the further consideration thereof was delayed till the next Sederunt of Parliament.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Friday next at ten of the clock.

OCTOBER XXV, M.DCC.VI.

PRAYERS said. Rolls called.

MINUTS of the last Sederunt read.

THE Lord high Chancellor Represented to the Parliament ' That he was directed by the Lords ' of her Majesties Privy Council to acquaint the ' Parliament That upon occasion of a rabble and ' tumult that happened in Edinburgh upon Wednesday's night last by which several members of ' Parliament were threatened and insulted, the ' Lords of Privy Council had for security of the ' members of Parliament and peace of the Town ' brought in a part of the foot guards to the Town ' of Edinburgh and had issued forth a Proclamation against such tumultuary meetings in the ' terms of several acts of Parliament.'

WHEREUPON and after some reasoning a proposition was made in this terms That the Estates of Parliament being sensible of the care and concern of the Lords of Privy Council to suppress the late tumult and mob and to secure the quiet and safety of the Parliament that therefore they should return to their Lordships the thanks of the

Parliament and should recommend to my Lord high Commissioner and the Privy Council to continue their care for the safety and security of the Parliament and the peace and quiet of the Town; Which being read, After some discourse thereupon It was moved That the Proclamation of Privy Council should be read, and the same being accordingly read the Earl of Erroll Lord high Constable gave in a Protestation in the following terms, That he for himself and in name of such as should adhere to his Protestation Protested that the continuing of standing forces within the Town of Edinburgh and keeping guard with them in the Parliament clois and other places within the Town the time of Parliament, as at present is done, is contrare to the right of his office as high Constable by which he has the only privilege of Guarding the Parliament without doors as the Earl Marischall has within doors, and is an encroachment on the rights and privileges of Parliament and on the particular rights and privileges of the Town of Edinburgh And if any vote shall pass contrare to his said right or the rights of the Earl Marischall or rights and privileges of Parliament or the Town of Edinburgh, that it shall not in any time hereafter prejudice the same or be any ways drawn in consequence, And he desired the said Protestation to be insert in the Minutes and recorded in the books of Parliament, Which Protestation being read The said Earl of Erroll did take instruments thereupon. And the Duke of Hamilton the Duke of Atholl the Marquess of Annandale the Earl Marischall the Earl of Wigton the Earl of Strathmore the Earl of Selkirk the Earl of Kincardin the Viscount of Stormont the Viscount of Kilsyth the Lord Sempill the Lord Oiliphant the Lord Balmerinoch the Lord Blantyre the Lord Bargany the Lord Belhaven the Lord Colvill and the Lord Kinnaird George Lockhart of Carnwath Sir James Foulis of Colington Andrew Fletcher of Saltoun John Birsbane younger of Bishopstoun William Cochran of Kilmarnock John Stewart of Kinwhinlick John Grahame of Kilsour James Graham of Buchliver Robert Rollo of Powhouse Sir Patrick Murray of Ochertyre John Murray of Stroumen Sir Thomas Burnet of Leyes Alexander Gordon of Pittburg James Muir of Stonywood M^r Patrick Lyon of Auchterhouse David Graham of Fintrie James Ogilvie younger of Boyd Alexander Mackenzie of Palgoun M^r James Dunbar younger of Hemprigs George Mackenzie of Incheulter Alexander Robertson Alexander Edgar Alexander Duff Francis Mollison Robert Kellie M^r William Sutherland Archibald Shiells M^r John Lyon M^r John Carruthers M^r James Bethun George Home John Bayne and M^r Robert Fraser Adhered thereto. And after some further debate upon the said proposition a vote was stated Approve thereof or not But it being Objected that the same consisted of two

Protestation
the Earl of
Erroll

[Message
from the
Privy Council
respecting
the late
tumult]

[Proceedings
thereon]

distinct articles the one Approving what was done and the other Recommending to the Privy Council to continue their care, which ought to be separately considered and voted. The vote was thereupon stated, Whether the said proposition should be voted jointly or separately.

BUT before voting, upon a motion made by the Commissioners for the Town of Edinburgh, it was agreed to that it should be but prejudice of the said Town of Edinburgh's rights and privileges by their charters. Then the vote was put Jointly or Separately and it carried Jointly. Thereafter the vote was put Approve of the proposition or Not and it carried Approve.

THEN the Lord Chancellor by order of her Majesty's high Commissioner Adjourned the Parliament till Monday next at ten of the clock.

OCTOBER XXVIII, M,DCC,VI.

PRAYERS said Rolls called.

PATENT cresting Lord Archibald Campbell Earl of Ilay, read and ordered to be recorded, Whereupon he took the oath of allegiance subscribed the same with the assurance, and took the oath of Parliament and the tenor of his Patent is as follows.

ANNA Dei gratia Magnæ Britannie Franciæ et Hiberniæ Regina fidei, defensor, Omnibus probis bonislibis ad quos presentes literæ nostræ pervenerint Salutem Quandoquidem Nos regio nostro animo perpendentes Nos nostrosq, Regis antecessores perplurima fidelis servitii a nobili et antiqua familia de Argyll acceptis toties agnata in diplomatis aliisq, magni momenti commissiõibus et muneribus plurimis hac præclara familia ortis concessis, et quæ non minus sibi ipsis bonorum et patriæ commodum tribuendo quam nobis nostrisq, Regis antecessoribus approbantibus gesta fuere, benigne statuimus non solum servitiorum quæ hæcenus egregie præstituræ memoriam retinere sed etiam eos ulterius excitare et amicare hæc facta prosecui et repetere quæ nobis nunc placet remunerare durabilem et insignem regni nostri favoris characterem conferendo in fidelissimum nostrum conciliarium Dominum Archibaldum Campbell fratrem germanum Joannis Ducis de Argyll ejusq, heredes postea expressos qui muneribus sibi hæcenus commissis fideliter et diligenter functus est Noveritis igitur Nos tanquam solus auctor et auctorigo honoris Fecisse Constituisse et Creasse acuti Nos per hæc nostras patentes literas Facimus Constituimus et Creamus dictum Dominum Archibaldum Campbell Comitem Vicecomitem et liberum Parliamenti Dominum intitalandum et

designandum Comitẽ et Vicecomitem de Ilay et Dominum Oransay Dunoon et Arrore omni tempore futuro Dando Concedendo et conferendo dicto Domino Archibaldo Campbell et heredibus masculis ex suo corpore procreandis titulum honorem ordinem gradum et dignitatem Comitæ Vicecomitis et liberi Parliamenti Domini ut dictum est cum plenaria admodum potestate et auctoritate illi ejusq, antedictis eundem cum omnibus et singulis prærogativis præcedentis præminentis et privilegiis eo spectantibus possidere et frui Quibuscum Nos eundem Dominum Archibaldum Campbell ejusq, antedictos Nobilitamus et Investimus Speciatim vero cum libero suffragio in Parlamento Tenend dictum titulum honorem ordinem dignitatem et gradum Comitæ Vicecomitis et liberi Parliamenti Domini cum omnibus prærogativis præminentis et privilegiis eo spectantibus per eundem Dominum Archibaldum Campbell ejusq, antedictos de nobis nostrisq, Regis antecessoribus in omnibus Parliamentis ordinum conventibus generalibus conciliis aliisq, congressibus quibuscumq, publicis seu privatis in dicto Regno nostro tam plenarie adeoq, libere in omnibus respectibus quam quivis alius Comes Vicecomes et liber Parliamenti Dominus simili titulo honore et dignitate cum universalis privilegiis aliisq, eo spectantibus usus et gavisus est seu quovis tempore præterito presenti vel futuro uti et gaudere poterit Leoni porro armorum Regi ejusq, fratribus facialibus Imperamus ut præfato Domino Archibaldo Campbell nunc Comitæ de Ilay talia prioribus insignis ejus gentilitis additamenta qualia hac occasione expediens et conveniens videbitur dent et præscribant Et declaramus et ordinamus hæc nostras patentes literas magno nostro sigillo munitas adeo validas et effiçaces fore dicto Domino Archibaldo Campbell ejusq, antedictis pro possidendo prædicto titulo honore et dignitate ac si cum omnibus ritibus et solennitatibus similibus occasionebus propriis usitatis ille ejusq, [predict.] investiti et inaugurati essent Quocirca dispensavimus perq, presentes in perpetuum dispensamus In ejus rei testimonium presentibus magnam sigillum nostrum appendi mandavimus Apud aulam nostram de Kensington decimo nono die mensis Octobris anno domini millesimo septingentesimo sexto et auro regni nostri quinta. Per signaturam manu S. D. N. Regine superscrip. Written to the great Seal and regnt the twenty eight day of October 1706 Sic subscribitur Charles Kerr. Sealed at Edinburgh the twenty eight day of October one, thousand seven hundred and six years Sic subscribitur Archibald Ogilvy.

THE Lord Duffus took the oath of allegiance subscribed the same with the assurance and took the oath of Parliament.

MINUTS of the last Sederunt read.

The Lord Duffus admitted.

The Earl of Ilay's Patent

[Articles of Union]
THEREAFTER the Parliament proceeded to the consideration of the articles of Union, and the eighteenth article was again read and further discoursed on.

THEREAFTER the nineteenth, twentieth and twenty first articles were read and the minutes relative thereto and the further consideration of these articles delayed till next Sederunt of Parliament.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten of the clock.

OCTOBER XXX, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Articles of Union]
THE nineteenth article of Union was again read, and also the twentieth and twenty first articles and were severally reasoned on.

THEREAFTER the twenty second and twenty third articles were likewise read, and the minutes relative thereto And after some reasoning thereupon the further consideration of these articles was delayed till the next Sederunt of Parliament.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten of the clock.

OCTOBER XXX, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Articles of Union]
THE twenty second and twenty third articles of Union were again read and further discoursed on.

THEREAFTER the twenty fourth and twenty fifth articles of Union and the minutes relative thereto were also read and severally reasoned on.

[Act adjourning the Session]
ACT Adjourning the Session till the first of December next read, and a first reading ordered to be marked thereon.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Friday next at ten of the clock.

NOVEMBER I, M,DCC,VI.

PRAYERS said Rolls called.

M^r Thomas Hope of Rankellor Commissioner elected for the shire of Fyfe in place of Sir Archibald Hope of Rankellor deceased took the oath of allegiance subscribed the same with the assurance and took the oath of Parliament.

Rankellor admitted.

MINUTS of the last Sederunt read.

ACT for adjourning the Session till the first of December next read for the second time and voted and approved.

[Adjourning the Session]

MOVED that the Parliament now proceed to the further and more particular consideration of the articles of Union in order to approve them or not, and to begin with and read the first article.

[Articles of Union]

MOVED also that the further consideration of the articles of Union be yet delayed for some considerable time that the sentiments of the Parliament of England thereunto be known and the Members of Parliament may consult these whom they represent And after some debate on these motions the following petitions and addresses were presented viz. One by some of the Barons freeholders and others subscribers of the same within the shire of Midlothian, Another by some of the Barons freeholders and others subscribers of the same within the shire of Lanlithgow, And three by some of the Barons and freeholders of Perthshire subscribing the same All against Allowing of an incorporating Union with England, And all read and discoursed on And thereafter the debate for delay on account of consulting with those whom the members represent and of knowing the sentiments of the Nation and the procedure of the Parliament of England was let fall And agreed that the first article of Union should be read but that it should be intire next Sederunt of Parliament to debate whether or not the first article should be concluded by approving thereof or not Or if the Parliament may not before concluding thereof begin with and conclude any other of the articles, And accordingly the first article was read.

Addresses against the Union.

THEREAFTER the Act adjourning the Session till the first of December next was touched with the scepter by her Majesties high Commissioner in the usual manner, Of which Act the tenor follows.

ACT Adjourning the Session till the first day of December next

OUR SOVEREIGN LADY with advice and consent of the Estates of Parliament Adjourns the

Sesson to the first day of December next And Declares all actions depending before the Lords of Session to be continued to the said day And Her Majesty with advice and consent foresaid Dispenses in the mean time with the sitting of the Court of Judiciary and all inferior Courts as if the Parliament were not sitting And further Declares That the time and space betwixt the date hereof and the said first day of December next shall not be reckoned in any annual prescriptions And Ordains these presents to be published at the merest cross of Edinburgh and to be forthwith printed that all the Lords may be certified thereof.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten of the clock.

NOVEMBER II, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Order of
procedure]

THE first article of Union was again read, And thereupon a motion was offered in this terms That it be agreed to in the first place to proceed to take the first article of Union to consideration with this provision that if the other articles of Union be not adjusted by the Parliament then the agreeing to and approving of the first shall be of no effect, and that immediately after the said first article the Parliament will proceed to an act for security of the doctrine discipline worship and government of the Church as now by law established within this Kingdom and after some debate thereon there was a state of a vote offered Approve of the motion Yea or No.

WHEREUPON there was a resolve offered in this terms That before this house proceed to vote any of the articles of the Treaty they will hear what security the Commission of this Church has to offer for the Church government and that before any incorporating Union be voted, And after some further debate upon the said motion and resolve, a second state of a vote was offered that the Church government be taken into consideration before the articles of Treaty, Yea or No. And after some debate which of the two should be the state of the vote it was put to the vote Whither the First or Second should be the state of the vote, and it carried the First, Thereafter it was put to the vote Approve the motion or Not and it carried Approve.

WHEREUPON the first article of Union was again read And after some reasoning thereon it being objected That an incorporating Union of the

two Kingdoms was contrary to and inconsistent with the Claim of Right; The Claim of Right and the third act of the first Parliament of her Majesty Queen Anne intituled Act for approving the turning the Meeting of the Estates into a Parliament And the Letter of the Meeting of Estates to King William the twenty fourth of April 1st vj. and eighty nine were all read.

AND an Address by the Barons Freeholders Heritors and other Gentlemen in the shire of Forfar subscribers of the same against allowing of an incorporating Union with England being given in was also read.

Address
against the
Union

AND after long reasoning and debate on the said first Article of Union and objection It was of consent agreed that the same should be delayed till the next Sederunt of Parliament.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Munday next at ten of the clock.

NOVEMBER IV, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THEN the following Addressees were presented viz. Address of Barons freeholders and others within the shire of Stirling subscribers of the same, Address of the Barons freeholders and others within the shire of Dumbarton subscribers of the same, Address of the Magistrate Town Council Deacons of crafts and Burgethes within the Burgh of Linlithgow subscribers of the same Address of the Heritors and other Inhabitants of the Town and Paroch of Dunkeld alias Caledonia subscribers of the same And an address of the Town and Paroch of Dysart subscribers of the same All against an incorporating Union with England, and were read.

Addressees
against the
Union

THEREAFTER the first article of Union was again read, As also the motion mentioned in the last minute relating thereto viz. That it be agreed to in the first place to proceed to take the first article of Union to consideration with this provision that if the other articles of Union be not adjusted by the Parliament then the agreeing to and approving of the first shall be of no effect, And that immediately after the said first article the Parliament will proceed to an act for security of the Doctrine Discipline Worship and Government of the Church as now by law established within this Kingdom.

[1st Article
of Union]

AND after some further debate upon the said article a Resolve was offered in this terms viz. ' Whereas ' it evidently appears since the printing publishing

[Resolve
offered]

'and considering of the articles of treaty now before this house this Nation seems generally averse to this incorporating Union in the terms now before Us as subversive of the Sovereignty fundamental Constitution and Claim of Right of this Kingdom and as threatening ruin to this church as by law established.

'AND since it is plain That if an Union were agreed to in these terms by this Parliament and accepted of by the Parliament of England, it would in no sort answer the peaceable and friendly ends proposed by an Union but would on the contrary create such dismal distractions and animosities amongst ourselves and such jealousies and mistakes betwixt us and our Neighbours as would involve these Nations into fatal breaches and confusions.

'THEREFORE Resolved That We are willing to enter into such an Union with our Neighbours of England as shall unite us intirely and after the most strict manner in all their and our interests of Succession, Wars, Alliances and Trade, Reserving to us the sovereignty and independency of our Crown and Monarchie, and immunities of the Kingdom and the constitution and frame of the Government both of Church and State as they stand now established by our fundamental Constitution by our Claim of Right and by our laws following thereupon. Or,

'RESOLVED That We will proceed to Settle the same Succession with England upon such conditions and regulations of government within ourselves as shall effectually secure the Sovereignty and Independency of this Crown and Kingdom and the indissoluble society of the same with the fundamental rights and constitution of the government both of Church and State as the same stands established by the Claim of Right and other Laws and Statutes of this Kingdom.'

WHICH being read and after debate thereon the vote was stated Approve of the first article of Union in the terms of the motion Yea or No.

Protestation
the Duke of
Atholl

BUT before voting the Duke of Atholl gave in the following Protest viz. That he for himself and all others who shall adhere Protested That an incorporating Union of the Crown and Kingdom of Scotland with the Crown and Kingdom of England and that both Nations should be represented by one and the same Parliament as contained in the articles of the treaty of Union is contrary to the honour interest fundamental Laws and constitution of this Kingdom, the Birthright of the Peers, the rights and privileges of the Barons and Burrows, and is contrary to the Claim of Right

property and liberty of the subjects, and third act of her Majesties Parliament 1st vijth and three by which it is declared high treason in any of the subjects of this Kingdom to quarrell or endeavour by writing malicious and advised speaking or other open act or deed to alter or innovat the Claim of Right or any article thereof and Reserving liberty to him and his adherents to renew their Protestation against further proceedings in the said matter and to adjoin their reasons for the same and desired this his Protestation be marked in the records of Parliament, Which being read the said Duke of Atholl took instruments thereon And the Duke of Hamilton the Marquess of Annandale the Earl of Erroll the Earl Marischall the Earl of Wigtoun the Earl of Strathmore the Earl of Selkirk the Earl of Kincardin the Viscount of Stormont the Viscount of Kilsyth the Lord Sempill the Lord Oliphant the Lord Balmerinoch the Lord Bannatyne the Lord Bargany the Lord Belhaven the Lord Colvill the Lord Kinnsaird, George Lockhart of Carnwath Sir James Foulis of Collingtoun Andrew Fletcher of Saltoun Sir Robert Sinclair of Longformacus Sir Patrick Home of Rentoun John Sinclair younger of Stevenson John Sharp of Hoddam M^r Alexander Ferguson of Isle John Birkenhead of Bishopstoun M^r William Cochrane of Kilmaronock Sir Humphrey Colquhoun of Luf John Graham of Killearn James Graham of Buchlieve Thomas Sharp of Houstoun Sir Patrick Murray of Ochertyre John Murray of Strowan James Moir of Stonywood David Bethun of Balfour M^r Thomas Hope of Rankeillor M^r Patrick Lyon of Auchterhouse M^r James Carnegie of Pinhaven David Graham younger of Fintrie James Ogilvie younger of Boynd M^r George McKenzie of Inchcutter, Alexander Robertson Walter Stewart Alexander Watson Alexander Edgar John Black James Oswald Robert Johnston Alexander Duff Francis Molison Walter Scott George Smith Robert Scott Robert Kellie John Hutchison M^r William Sutherland Archibald Shiells M^r John Lyon George Spens M^r William Johnston M^r John Carruthers George Home John Bain and M^r Robert Fraser Adhered thereto.

THEN the vote was put Approve of the said first article of Union in the terms of the motion Yea or Not and carried Approve.

MOVED that the List of the hail Members of Parliament as they voted pro or con be printed [List to be printed]
Which was agreed to, and they are as follows.

APPROVERS of the first Article of Union in the terms of the Motion.

Of the Nobility.

The Lord Chancelour

The Marq^{ue} Montrose Pr. Secr. Coun :

4 K

The Duke of Argyll
The Marquess of Tweeddale
The Marquess of Lothian

Earls of Mar Secretary

Loudoun Secretary

Crauford

Sutherland

Roths

Mortoun

Eglintoun

Roxburgh

Haddington

Galloway

Wemyss

Dalhousie

Leven

Northesk

Belouras

Forfar

Kilmarnock

Kintoir

Danmoir

Marchmont

Hyndford

Cromarty

Stair

Roseberry

Glasgow Thel' depl

Hopetoun

Delorain

Illy

Viscounts Duplin

Garnock

Lords Forbes

Elphinston

Rofs

Torphichen

Fraser

Banff

Elisbank

Duffus

Rofs

Lords Register

Justice Clerk.

Of the Barons.

Sir Robert Dickson of Inneresk

William Nibbet of Dirletoun

John Cockburn younger of Ormiston

Sir John Swintoun of that ilk

Sir Alexander Campbell of Cestnock

Sir William Ker of Greenhead

Archibald Douglass of Carers

William Bennet of Grahbet

M^r John Murray of Bowhill

M^r John Fringle of Haining

William Morison of Prestoungrange

George Baillie of Jerviswood

Sir John Johnston of Westerhall

William Douglass of Dornock

M^r William Steuart of Castlestuart

M^r John Steuart of Sorbie

M^r Francis Montgomery of Giffen

M^r William Dalrymple of Glenmuir

M^r Robert Steuart of Tillicultry

Sir Robert Pollock of that ilk

M^r John Montgomery of Wrae

John Haldan of Glensagles

Mungo Graham of Gorthie

Sir Thomas Burnet of Leyes

William Seton younger of Pitmedden

Alexander Grant younger of that ilk

Sir Kenneth Mackenzie

M^r Anens Mackleod of Cadboill

M^r John Campbell of Mammore

Sir James Campbell of Auchinbreck

James Campbell younger of Ardkinghais

Sir William Anstruther of Cardinefs

James Halyhurion of Pitcur

Alexander Abercrombie of Glasloch

William Maxwell of Cardinefs

M^r James Dunbar you^r of Hemprigs

John Bruce of Kinrofs

Of the Burrows

Sir Patrick Johnston

John Scrimmoor

Lieutenant Collonell John Erskine

John Muir

James Scot

Patrick Bruce

Sir John Erskine

James Spittle

M^r Patrick Moncrief

George Monro

Sir Andrew Home

William Coltrane

Sir Peter Halket

Sir James Smollet

M^r William Carmichael

Captain Daniel Mackleod

Sir David Dalrymple

Sir Alexander Ogilvie

M^r John Clerk

John Row

Sir Hugh Dalrymple

M^r Patrick Ogilvie

George Allardis

William Alves

M^r Roderick Mackenzie

John Urquhart

Sir James Stewart

Daniel Campbell

Sir Robert Forbes

M^r Robert Douglass

M^r Alexander Maitland

M^r George Dalrymple

M^r Charles Campbell

THE Voters against Approving the first Article of Union in the terms of the Motion.

Of the Nobility

Dukes of Hamilton
Atholl
Marquess of Annandale

Earls of Erroll

Marischall
Buchan
Glencairn
Wigtoun
Strathmore
Selkirk

Kincairdin

Viscounts of Stormont

Kilsyth

Lord Sempill

Oblivant
Balmerinock
Blantyre
Bargany
Belhaven
Colvill
Kinnaird

Of the Barons

George Lockhart of Carnwath
Sir James Foulis of Colington
Andrew Fletcher of Saltoun
Sir Robert Sinclair of Longformacus
Sir Patrick Home of Rentoun
Sir Gilbert Elliot of Minto
William Baillie of Lamington
John Sinclair younger of Stevenson
John Sharp of Hoddam
M^r Alexander Ferguson of Isle
John Birsbane younger of Bishoptoun
M^r William Cochran of Kilmaronock
Sir Humphray Colquhoun of Luff
Sir John Houston of that ilk
John Graham of Killearn
James Graham of Buchlivie
Thomas Sharp of Houston
Sir Patrick Murray of Ochertyre
John Murray of Strowan
Sir David Ramsay of Balmain
Alexander Gordon of Pittburg
James Moir of Stonywood
John Forbes of Culloden
David Bethun of Balfour
M^r Thomas Hope of Rankellor
M^r Patrick Lyon of Auchterhouse
M^r James Carnegie of Finhaven
David Graham younger of Fintrie
James Ogilvie younger of Boyd
Alexander Mackenzie of Palgown
Sir Henry Innes younger of that ilk

Alexander Douglass of Egibshaw
M^r George Mackenzie of Inchculter

Of the Burrows

Robert Inglis
Alexander Robertson
Walter Stourst
Alexander Watson
Hugh Montgomery
Alexander Edgar
John Black
James Oswald
Robert Johnston
Alexander Duff
Francis Molison
Walter Scot
George Smith
Robert Scot
Robert Kellie
John Hutchison
M^r William Sutherland
Archibald Schiells
M^r John Lyon
M^r Dougald Stewart
George Broddie
George Spens
Sir David Cunningham
M^r William Johnston
M^r John Carruthers
George Home
M^r James Bethun
John Bayne
M^r Robert Fraser

THEREAFTER an overture for an Act for Security of the true Protestant Religion and Government of the Church as by law established within this Kingdom was read and ordered to be printed.

[Act for Security of the Protestant Religion read.]

THEN the Lord Chancellour by order of her Majesties high Commissioner Adjourned the Parliament till Wednesday next at ten of the clock.

NOVEMBER VI, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THE Lord Chancellour moved That albeit he had no opportunity to vote for approving the first article of Union yet he desired his name to be recorded and to be printed with those that voted Approve and the same was agreed to, and his name is accordingly recorded as above.

[L. Chancellour]

ADDRESS of the Commissioners to the General Convention of the Royal Burrows subscribed by

Addition against the Union

the Prases of the Convention against concluding such an incorporating Union as is contained in the articles proposed given in and read.

THEN the following Addressees were given in viz. Addres by the Barons Freeholders and others within the shire of Fyfe subscribing the same Addres by the Barons freeholders and others within the shire of Renfrew subscribing the same And an Addres by the Magistrats of the Burgh of Falkland Councillors and inhabitants therein and of heretors within the paroch thereof subscribing the same all against allowing of an incorporating Union, in the terms contained in the articles with England and were all read.

AND an Addres by heretors elders and masters of families within the paroch of Hamilton subscribers of the same that no union be hastily entered into with England also given in and read.

Malters of ships Mariners and other Inhabitants in the Town of Boroustounes subscribing the same All against allowing of an incorporating Union with England upon the terms contained in the articles.

AS also an Addres of the inhabitants of the paroch of Blantyre subscribers of the same And an Addres of heretors and commoners of the paroch of Avenale subscribing the same that no union be hastily entered into with England were likewise given in and read.

THEREAFTER an act for securing of the true Protestant religion and Government of the Church as by Law established within this Kingdom was again read. [Act for Security of the Protestant Religion]

MOVED that the consideration of the said act may be delayed till next Sederunt.

MOVED also that the Parliament proceed to the consideration of the Act for a Supply. [Act for a Supply]

AND after some reasoning on these motions It was agreed to lay aside the act for security of the Protestant Religion and Church government for this Sederunt and to proceed to the Act for a Supply. And accordingly the Act for a Supply was again read.

AND it was agreed that a Supply of eight months Cels should be granted to her Majesty for the ends and uses mentioned in the Act extending to five hundred seventy seven thousand sixty six pounds thirteen shillings and four pennes and that it should be payable at the terms following viz. One months supply upon the tenth of December for Martinmas next, One month and a half months supply at Candlemas I^{to} vij^s and seven, One month and a half at Whitsunday One month and a half at Lammas One month and a half at Martinmas the said year and One months supply at Candlemas I^{to} vij^s and eight.

MOVED that in place of the retention of a twelvth part of annualrents allowed by the above act for a supply there be an allowance granted for retention of a sixth part of annualrents And after some reasoning thereupon It was put to the vote Approve of the article concerning the retention or Amend, and it carried Approve.

AND after some amendments the Act was voted and Approven.

THEN the Lord Chancellour by order of her Majesties high Commissioner Adjourned the Parliament till the morrow at ten of the clock.

[Act for Security of the Protestant Religion]

ACT for security of the true Protestant Religion and Government of the Church as by Law established within this Kingdom again read and a first reading ordered to be marked thereon.

[Account of the Funds &c.]

ACCOUNT Charge and Discharge of the funds for the troops garrisons and frigots given in and ordered to ly upon the table.

[Supply]

ACT for a Supply to be granted to her Majesty for maintaining of the standing forces forts garrisons and frigots presented and read and a first reading ordered to be marked thereon.

THEN the Lord Chancellour by order of her Majesties high Commissioner Adjourned the Parliament till Friday next at ten of the clock.

NOVEMBER VIII, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Representation of the Commission of the General Assembly]

REPRESENTATION and Petition of the Commission of the General Assembly of this Church Representing several difficulties in relation to some of the articles of Union and craving suitable remedies read.

[Addreses against the Union]

THEN the following Addressees were given in and read viz. Addres of the Inhabitants of the Paroch of Tulliallan subscribing the same, Addres of the Magistrats Town Council Merchants Deacons of crafts and other tradesmen and inhabitants within the Burgh of Dumfermling subscribers of the same And an Addres by the Heretors Merchants

NOVEMBER IX, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read

THE Act for a Supply was touched with the scepter by her Majesties high Commissioner in the usual manner, Of which act the tenor follows.

ACT for a Supply of Eight Months Cess out of the Laud Rent.

- 2 THE Estates of Parliament taking into their consideration the danger that still threatens this Kingdom by reason of the continuance of the present war which manifestly requires the keeping up of the standing forces and of the supply necessary for their maintenance and for the repairing furnishing and maintaining the forts and garrisons and outcrieking and maintaining the frigots employed for defence of the coasts for conveying ships as well upon our own coast as to foreign ports and for maintaining two Berrlines to be kept on the West coast for preventing the importation of Irish victual and other prohibited goods from Ireland Do Therefore humbly and cheerfully for themselves and in name and behalf of this Kingdom whom they represent make offer to her Majesty of the sum of Five hundred seventy seven thousand and sixty six pounds thirteen shillings four pennes Scots money extending to Eight months Cess being Seventy two thousand one hundred thirty three pounds six shillings eight pennes money foresaid monthly Which new Supply is to be raised and uplifted out of the land rent of this Kingdom in the same manner and conform to the proportion of the Shires and Burrows contained in the sixth act of the Parliament one thousand six hundred and ninety years Providing always that the proportion of Burrows be rated and paid as their taxt roll now is or shall be settled by themselves And the said new Supply is to be paid at the terms following viz. The sum of seventy two thousand one hundred and thirty three pounds six shilling eight pennes Scots for the term of Martinmas next payable betwixt and the tenth of December thereafter as one months cess The sum of One hundred eight thousand and two hundred pounds as a month and a half's cess at the term of Candlemas Ist vijr and seven years The like sum of One hundred eight thousand and two hundred pounds as an other month and an half's cess at the term of Whitsunday thereafter The like sum of One hundred eight thousand and two hundred pounds as an other month and an half's cess at the term of Lammas thereafter The like sum of one hundred and eight thousand and two hundred

pounds as an other month and an half's cess at the term of Martinmas thereafter Ist vijr and seven years And the sum of Seventy two thousand one hundred and thirty three pounds six shillings eight pennes as one months cess at the term of Candlemas Ist vijr and eight years. And Her Majesty Considering That this new Supply is granted for such necessary uses Doth with advice and consent of the Estates of Parliament Declare that no person or persons shall be Exempted from payment of their proportion thereof for their lands upon any pretended whatsoever Excepting mortified lands and the lands of Newmills belonging to the woollen manufactory thage, (for which mortified lands and lands of Newmills deduction is to be allowed in the quotas of their respective shires) notwithstanding of any former law or privilege in the contrary And Her Majesty with advice and consent foresaid Appoints the same persons who have been named in the Second Session of this current Parliament or subsequent Sessions and are still alive and have qualified themselves according to law or shall qualify themselves betwixt and the last Thursday of January Ist vijr and seven and such others as shall be contained in the Lists to be given in this Session of Parliament being always qualified as said is to be Commissioners for ordering and uplifting the said Supply With power to choose their own Clerk and to do every other thing concerning the said Supply as is prescribed & appointed by the foresaid acts and other acts to which they relate holding the same as herein repeated And Ordains Execution to pels for labring thereof as is provided by the said acts in all points And ordains the first meeting of the said Commissioners of shires to be at the respective head Burghs thereof the said last Thursday of January Ist vijr and seven And Requires the Sheriff's Stewarts or their deputies to instint the same to the Commissioners of their Shires and Stewartries With power to the said Commissioners to appoint the subsequent diets of their meetings and their conveners from time to time As also to appoint Collectors with sufficient Caution as they shall think fit Declaring nevertheless that in the mean time the present Collectors and Clerks of Supply shall be and are hereby continued for collecting the first months new supply And Commits to her Majesties Privy Council upon the death or not acceptance of the Commissioners of Supply appointed by this Act to nominate and appoint others in their places And Her Majesty with advice and consent foresaid Declares all clauses contained in former Acts of Parliament and Conventions of Estates in relation to the inhering of cess and quartering and ascent riding money to stand in full force as to the Supply now imposed as if they were herein exprest and were observed before the making of this act And it is hereby Declared That no persons whither heretor or Collector lyable in payment of the said supply

shall be holden to produce their receipts or discharges of the same after three years from the respective terms of payment unless diligence be done therefore by denunciation within the said three years In which case of diligence by denunciation a year farther is only added to the said three years and none shall be holden to produce their receipts or discharges thereafter And because by the Supply hereby granted the land rents and Burghs of this Kingdom are only hardened and it being reasonable that personal Estates in money should bear some proportionall burden Therefore Her Majesty with advice and consent foresaid Statutes and Ordains That every debtor owing money within this Kingdom at six per Cent. of interest shall in the payment of his Annuals have retention in his own hands of a twelvth part of six per Cent. And this retention to be from the term of Martinmas next to come to the term of Martinmas Ist vijth and seven And It is Declared That it shall be usury for any Creditor to refuse to grant the said retention And it is further Statute and Ordained That no part of the said supply he applied to any other uses than these particularly above expressed upon any pretext whatsoever And particularly That a months cess of the above Right months cess be applied for outtrekking and maintaining of the frigots and Belines above mentioned And that the clearance and arrears due to the forces on the present Establishment for the twelve months from the first of October Ist vijth and five to the first of October Ist vijth and six be punctually paid to them within the currency of the said Eight months cess.

FOLLOWS the Commissioners of Supply given in by the Noblemen and Commissioners for the several shires as was ordered in Parliament.

For the shire of Edinburgh

The Lord and Master of Balmerinoch Sir Robert Forbes of Auchinchove M^r Patrick Falconer of Monkton John Strachan of Craigerook M^r Thomas Rig of Mertoun Sir William Sharp of Stonyhill Captain Francis Charters of Cranstoun Thomas Marjoribanks of that ilk.

For the shire of Haddington

M^r John Baird younger of Newthyt Colonel Sharp of Blans Sandilands younger portions of East Barns Hepburn of Stretton Halliburton of Eglscurie Anderson of Whiteburgh George Logan of Burncastle.

For the shire of Lanerik

The Laird of Keir the Laird of Pensaitland Captain Gavin Hamilton of Raploch Robert Ballie

of Carnhuas Michael Leckie of Greenside James Corbet of Kennair John Maxwell of Williamwood Sir John Inglis of Cramond John Inglis of Longhyres John Forbes of Polshill the Laird of Craignethen younger Thomas Crauford of Bradenhill Sir William Gordon of Hallenrig the Laird of Kirktonholme elder the Laird of Kirktonholme younger Coline Bell of Hamilton's ferm James Maxwell of Brouneshill M^r John Birnie younger of Brooshill William Wilson of Cleugh John Nimmo of Eastforth William Brown younger of Cultermaines John Hutchison of Hardlaw George Muirhead younger of Perslands Somervell of Woolfoords William Stirling of Woodside Sir James Carmichael of Bonytown James Hamilton of Gilterscleugh Andrew Brown of Dolphington younger William Ballie of Littlegill David Cranford of Knockashnock younger John Rentoun of Moftonstie Alexander Clerk of Glendork.

For the shire of Dumfries

The Earl of Carnwath.

For the shire of Wigton

Andrew Agnew younger of Lochmaw Thomas Hay younger of Park Patrick Mackdowall of Culgoat George Dunbar younger of Modrum Robert Agnew younger of Shuehan Patrick Mackdowall younger of Criehan M^r James Gordon brother to the Viscount of Kennair Hugh Campbell of Aries John Kilpatrick Chamberlane to M^r Basil Hamilton Alexander Stuart younger of Toonsarghie John Martin of Aries.

For the shire of Air

Robert Moor of Blairstoun, John Cunningham of Enterkine.

For the shire of Dumbertoun

The Laids of Ferns elder and younger John Semple of Dalnock and John Stirling of Law Robert Buntin of Mildevan James Douglass of Mains Robert Hamilton younger of Barn John Forbes of Killemont James Graham Chamberlane to the Marquess of Montrose James Campbell of Staneflet factor to the Duke of Argyll Humphray Noble of Kipperminchoch James Buchanan of Middlecatter Thomas Buchanan younger of Ardoch.

For the shire of Bute

James Graham Chamberlane to the Marquess of Montrose.

For the shire of Renfrew

John Earl of Darnonald John Wallace of Elderslie Hugh Montgomery of Busbie James Graham Chamberlane to the Marquess of Montrose.

For the shire of Perth

M^r John Mackenzie of Delvin.

For the shire of Stirling

James Grahame Chamberlaine to the Marquess of Montrose James Watson of Cornouton.

For the shire of Linlithgow

Sir David Cunningham of Milleraig Andrew Paterson of Kirkcoun.

For the shire of Inverness

M^r John Mackenzie Clerk of the Session.

For the shire of Nairn

John Rose of Broadlie the Laird of Kilravock younger.

For the shire of Argyll

The Laird of Mackchonzachie the Laird of Mackfingon Mackdenn of Tarbet M^r Coline Campbell of Ardmade Archibald Campbell of Orinig Niel Mackinnell of Ardmanish Campbell of Ulva elder Dugald Clerk of Brecklecan.

For the shire of Fyfe

Alexander Moncrief of Moray Sir Thomas Hope of Craighall Sir William Hope of Balcomie Sir Peter Halket of Pittfirth Thomas Pringle of Hill David Burgh of Phinmount Lausden of Drums James Cheap now of Robie Roger Aitoun of Inchdairnie younger James White of Conline the Laird of Auchtermairnie younger James Taylor of Pitcarlie [Thomas Hope] Baiswell of Belmont Balfour of Liddernie.

For the shire of Banff

The Lord Banff John Mark provost of Banff.

For the Stewartry of Kirkcudbright

Major John Stewart of Stewartfield.

For the shire of Sutherland

My Lord Strathnaver My Lord Duffus Sir William Gordon of Dalfovie and Sir James Gray.

For the shire of Caithness

The Earl of Caithness M^r James Dunbar younger of Hemprigs Captain Robert Sutherland of Tachinga William Sutherland of Geos Robert Henderson of Achaleader.

For the shire of Elgine

The Earl of Murray the Lord Duffus the Laird of Grangehill Sir Robert Gordon of Gordonstoun his factor during his minority Archibald Dunbar of Thundertoun John Innes younger of Blackhills William Dunbar of Westermoy.

For the Stewartry of Orkney and Zetland

Archibald Nisbet of Carfin James Fen of Clestrum Andrew Young Commissar of Orkney Robert Sinclair younger of Quendale John Scot of Scotchall

Ninian Niven of Scowburgh Thomas Giffart of Busta Patrick Mowat younger of Hamnavo.

For the shire of Clackmannan

The Lord Grange.

For the shire of Roß

Sir Kenneth Mackenzie son to the Earl of Cromerty Sir James Mackenzie of Farness Hugh Roß younger of Kilravock Malcolm Roß of Pitcolnie John Mackenzie of Avochie David Mackcolloch of Glasfalloch Alexander Roß of Little Tarrell elder William Robertson younger of Kindease Ronald Bayne of Knockhaine Alexander Sutherland of Inchfaie Hector Monro of Dean Hugh Roß younger of Little Tarrell Thomas Gair of Nigg John Mackcolloch of Pitnilese tutor of Pitnure Sir William Gordon of Dalfoley.

THEN a proposal was given in for appointing some of the members of Parliament to view and consider what advance M^r James Anderson has made in the work recommended to him by the Parliament and what appeared fit to be further done in that affair Whereupon the Parliament Remitted to the Earl of Glasgow the Lord Balmerinoch Sir John Lauder of Fountainhall Andrew Fletcher of Saltoun Sir Patrick Johnston and Sir David Dalrymple or any three of them to consider what is above proposed.

[M^r James Anderson]

THEREAFTER the following Addresses were given in and read viz. Address by the Provost Bailies Town Council and Burghesses of the Burgh of Forfar, subscribing the same, Address of the heritors and commons in the parish of Cambusnethen subscribing the same, Address of the heritors elders and heads of families of the paroch of Cambuslang subscribers of the same Address of the heritors, session, and Inhabitants of the paroch of Kilbride subscribing the same Address of the heritors elders and masters of families in the paroch of Bothwell subscribers of the same and an Address by the heritors and Commons in the paroch of Old Munkland fubscribing the same, All against entering into an Union with England in the terms of the articles.

[Address against the Union]

THEN a proposal given in That the one months cess given for the three frigots and two birdings will not outreck and maintain them considering their bad condition by stormy weather and considering the establishment And that therefore an half months cess be further granted for their outreck and maintenance, Which being read the same was ordered to ly upon the table.

[The frigots & birdings]

PETITION for the Laird of Grant elder craving a remit to the Lords of Session in place of the

[Laird of Grant]

Commission for valuation of tithes for determining an action to be raised by him in relation to the tithes of Plascardin read, And the petition ordered to be seen and answered by any party concerned against the last Sederunt of Parliament next week.

[Act for security of Religion]

THEREAFTER the Act for security of the true Protestant Religion and Government of the church as by law established within this Kingdom was again read And upon reading the first clause thereof It was moved that there should be a particular enumeration made of all the acts in favor of the Kirk, and after some reasoning thereon, the vote was stated Approve the clause as it stands or Amend and Enumerate the acts, And it carried Approve.

THEN the second clause of the said act was read and agreed to.

AND upon reading the third clause It was moved that an additional clause be added for securing the continuance of the Universities and Colleges of this Kingdom And thereupon an amendment being made in their terms That the Universities and Colleges of this Kingdom viz. of Saint Andrews Glasgow Aberdeen and Edinburgh as now established by Law shall continue within this Kingdom for ever, After some debate thereupon the vote was put Approve of the clause as amended or not and it carried Approve.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Tuesday next at ten of the clock.

NOVEMBER XII, M.DCC.VI.

PRAYERS said Rolls called.

MINUTES of the last Sederunt read.

[Addresses against the Union]

THEN the following Addresses were given in and read viz. Address of the Magistrate Town Council Merchants Deacons of Crafts and other Inhabitants within the Burgh of Crail subscribing the same, Address of Heritors and Commoners in the parish of East Monkland subscribing the same Address of Heritors and Commoners in the parish of Shots subscribing the same Address of Heritors and Commoners in the parish of Dalserf subscribing the same, Address of Heritors and Commoners in the parish of Stenhouse subscribers of the same Address of a body of people in the south and western shires subscribed by Mr John Hepburn and other seven persons And an Address of the Magistrate Town Council and others Inhabitants of the Burgh of Kirkcaldright subscribers of the

same All against allowing an Union with England in the terms of the articles.

THEREAFTER the Parliament proceeded to the further consideration of the Act for security of the true Protestant Religion and Government of the Church of Scotland as by law established And the fourth clause thereof again read Whereupon it was moved that a clause should be added in their terms ' And that they shall be capable of any ' office civil or military and to receive any grant ' gift or right and to have command or place of ' trust from and under the Sovereign within any ' part of Great Britain' And after debate thereupon It was put to the vote Add the above clause or Not, and it carried Not, and the clause as it stood in the draught of the act agreed to.

[Act for security of Religion]

THEN the fifth clause of the act was also read and agreed to with some amendments.

AND the next clause being again read and amended was likewise agreed to.

WHEREUPON the whole act was again read As also the last Representation & Petition of the Commission of the General Assembly of this Church and a vote was thereupon stated Approve the act or Not,

BUT before voting the Lord Belhaven Gave in a Protestation in their terms ' That he Did Protest ' in his own name and in name of all those who ' shall adhere to him That this act is no valid ' security to the Church of Scotland as it is now ' established by law in case of an incorporating ' Union and that the Church of Scotland can have ' no real and solid security by any manner of ' Union by which the Claim of Right is unhinged ' our Parliament incorporated and our distinct Sovereignty and Independency intirely abolished,' Which being read, he took instruments thereupon And the Duke of Hamilton the Duke of Atholl the Marquess of Annandale the Earl of Erroll the Earl Marischall the Earl of Wigton the Earl of Selkirk the Earl of Kincardin the Viscounts of Stormont and Kilsyth the Lords Oliphant Blantyre Colvil and Kinnaird, Andrew Fletcher of Saltoun John Bishane younger of Bilsington Mr William Cochran of Kilmarnock Sir Humphrey Colquhoun of Laus Robert Rollo of Powhouse John Murray of Strouan Francis Melison Mr John Carruthers and George Home Adhered thereto.

Protestation the Lord Belhaven and others

MOVED That all the members should be marked as they shall Approve the act or not And also as they shall Adhere to the Protestation And that the list of the members as they shall vote pro or con, shall be printed, And agreed to.

THEN the vote was put Approve the Act or Not and it carried Aye, And the List of the members as they voted pro and con, is as follows.

APPROVERS.

Nobility

The Lord Chancellor
Marquess of Montrose Pr. Sec. C.
Duke of Argyll
Marquess of Tweeddale
Earls of Marr Secretary

Loudoun Secretary

Sutherland

Roths

Mortoun

Buchan

Glencairn

Abercorn

Roxburgh

Haddington

Wemyss

Dalhousie

Findlater

Leven

Northesk

Belmaris

Forfar

Kilmarnock

Kintore

Marchmont

Hyndfoord

Cromarty

Stair

Roseberry

Glasgow Thel' Dep'

Hopetoun

Delorain &

Hay

Viscount of Garmock

Lords Forbes

Rofs

Torphichen

Fraser

Bandf

Lord Register

Lord Justice Clerk

Barons

Robert Dundas of Arncliffe

Sir Robert Dickson of Inveresk

William Nisbet of Dirletoun

John Cockburn younger of Ormiston

Sir John Swintoun of that ilk

Sir Alexander Campbell of Cosmo

Sir William Ker of Greenhead

Sir Gilbert Elliot of Minto

Archibald Douglass of Cavers

William Bennet of Grubbet

M^r John Murray of Bowhill

William Morison of Prestoungrange

Alexander Horseburgh of that ilk

George Baillie of Jerviswood

John Sinclair younger of Stevenson

Sir John Johnston of Westerhall

William Douglass of Dornock

M^r William Stewart of Castlestuart

M^r John Stewart of Sorbie

M^r Francis Montgomery of Giffen

M^r William Dalrymple of Glenmuir

M^r Robert Stewart of Tillicultry

Sir Robert Pollock of that ilk

Thomas Sharp of Houston

M^r John Montgomery of Wrae

John Haldane of Glenesgles

Mungo Graham of Gorthie

Sir Thomas Burnet of Leys

William Seton younger of Pitmedden

Alexander Grant younger of that ilk

John Forbes of Culloden

M^r John Campbell of Mammere

Sir James Campbell of Auchinbreck

James Campbell younger of Ardkinglass

Sir William Anstruther of that ilk

Alexander Abercrombie of Glisoch

William Maxwell of Cardine

Alexander Mackenzie of Falgown

M^r James Dunbar younger of Hempton

Alexander Douglass of Eglishay

M^r Alexander Abercrombie of Tullibody

Burgehes

Sir Patrick Johnston

John Serinsour

John Allendes

Lieutenant Colonel John Erskin

John Muir

Sir John Anstruther

Sir John Erskine

James Spittle

M^r Patrick Moncreif

Walter Scot

Sir Andrew Home

William Coltrane

Sir James Smollet

M^r William Carmichael

Captain Daniel Mackleod

Sir David Dalrymple

Sir Alexander Ogilvie

M^r John Clerk

George Broddie

Sir Hugh Dalrymple

M^r Patrick Ogilvie

George Allard

William Alves

John Urquhart

Sir James Stewart

Daniel Campbell

Sir Robert Forbes

M^r Robert Douglass

M^r Alexander Maitland
M^r George Dalrymple
M^r Charles Campbell

THESE who in the foregoing vote, voted No.
are as follows.

Nobility

Dukes of Hamilton &
Atholl
Marquess of Annandale
Earls of Erroll
Marischall
Wigtoun
Strathmore
Selkirk
Kincardine
Viscounts of Stormont
Kilbryth
Lords Saltoun
Oliphant
Balmerinloch
Blantyre
Beilhaven
Colvill
Kinnaird

Barons

Sir John Lauder of Fountainhall
Andrew Fletcher of Saltoun
Sir Patrick Home of Rentoun
M^r Alexander Fergusone of Isle
John Birsane younger of Bishoptoun
M^r William Cochran of Kilmarnock
Sir Humphray Colquhoun of Laus
Robert Hollo of Powhouse
John Murray of Strowan
David Bethun of Balfour
M^r Thomas Hope of Rankellie
M^r Patrick Lyon of Auchterhouse
M^r James Carnegie of Pinhaven
James Ogilvie younger of Boynd
M^r George Mackenzie of Inchculter

Burgesses

Francis Melison
Robert Kellie
M^r John Lyon
M^r John Carruthers
George Home

THEN the Lord Chancellor by order of her
Majesties high Commissioner Adjourned the
Parliament till Thursday next at ten of the
clock.

NOVEMBER XIV, M^oDCCLVI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THE Lord Chancellor moved That albeit he had
no opportunity to vote for approving the Act for
security of the true Protestant Religion and govern-
ment of the Church of Scotland as now by Law
established yet he desired his name to be recorded
as an approver and to be printed amongst these
who voted Approve And the same was agreed to.

[Chancellor]

THEN the following Addresses were given in and
read viz. Address of Parochiners of Covington
Carstairs and Symontoun subscribing the same,
Address of the parochiners of Lihbertoun Quoth-
quan and Dunsire subscribers of the same Address
of the Magistrats Gentlemen Heretors Burgesses
and Inhabitants within the Burgh and paroch of
Rutherglen subscribing the same Address of the
parochiners of Carnwath subscribers of the same
and an Address of Barons Heretors and freeholders
within the Sheriffdom of Lanerk subscribers of the
same All against allowing an Union with England
in the terms of the Articles.

[Addresses
against the
Union]

ACT in favors of the Incorporations of Edinburgh
for a Maiden hospital read And a first reading or-
dered to be marked thereon.

[Maiden
Hospital of
Edinburgh]

THEREAFTER the second article of Union
again read, Whereupon a motion was made in their
terms 'That before any vote upon the second ar-
' ticle of Union It be insert in the Minuts as a pre-
' liminary That the agreeing to the second article
' of the Treaty in relation to the Succession to the
' Crown of Great Britain shall not be hindring or
' have any effect unless terms and conditions of an
' Union of the two Kingdoms be finally adjusted
' and concluded and an act past thereupon in this
' Parliament and that the said terms and condi-
' tions be also agreed to and ratified by an Act of
' the Parliament of England.'

[2^d article
of Union]

AS also a Resolve was given in in their terms viz.
' Resolved that this House will proceed to the
' consideration of the articles in the Treaty which
' relate to trade and taxes before any of the other
' articles.'

WHICH being read after some debate there-
upon the vote was stated Proceed to the con-
sideration of the second article of the Union in the
terms of the above motion or Proceed to the con-

sideration of the fourth and other articles of the Treaty which relate to trade and taxes.

AND before voting it was agreed that the members should be marked as they vote and that the list of their names should be printed accordingly.

THEN the vote was put Proceed to the second article of Union in the terms of the preliminary motion or Proceed to the fourth and other articles, And it carried Proceed to the second article of Union And the list of the members as they voted pro or con, is as follows.

NAMES of those who voted Proceed to the second article in the terms above mentioned.

Nobility

The Lord Chancellor

Marq: Montrose Pr: Secr. C.

Duke of Argyll

Marq: of Tweeddale

Lothian

Earls of Marr Secret:

Loudoun Secret:

Crauford

Sutherland

Roths

Mortoun

Glencairn

Eglintoun

Abercorn

Roxburgh

Hadlington

Wemyss

Dalhousie

Findlater

Leven

Northesk

Belcarvas

Forfar

Kilmarnock

Kintoir

Marchmont

Hyndford

Cromarty

Stair

Roseberry

Glasgow Thet' Dep'

Hopetoun

Delorain

Ilay

Lords Forbes

Elphinston

Rofs

Torphichen

Fraser

Banff

Elthbank

Duffus

Lord Register

Lord Justice Clerk

Barons

Robert Dundas of Arncliffe

Sir Robert Dickson of Inveresk

William Nisbet of Dirletoun

John Cockburn younger of Ormiston

Sir John Swintoun of that Ilk

Sir Alexander Campbell of Cethock

Sir William Ker of Greenhead

Sir Gilbert Elliot of Minto

Archibald Douglass of Cavers

William Bennet of Grubbet

M^r John Murray of Bowhill

M^r John Pringle of Hayning

William Morison of Prefloungrange

Alexander Hosiaburgh of that Ilk

George Baillie of Jerviswood

Sir John Johnston of Westerhall

William Douglass of Dornock

M^r William Steuart of Castlestuart

M^r John Steuart of Sorbie

M^r Francis Montgomery of Giffen

M^r William Dalrymple of Glenmuir

M^r Robert Steuart of Tillieultrie

Sir Robert Pollock of that Ilk

John Haldan of Gleneagles

Mungo Graham of Gorthie

Sir Thomas Burnet of Leys

William Seton younger of Pittmedden

Alexander Grant younger of that Ilk

Sir Kenneth Mackenzie

Sir James Campbell of Auchinbreck

James Campbell younger of Ardkinglass

Sir William Anstruther of that Ilk

James Halyhurton of Pitour

Alexander Abercrombie of Glasfich

William Maxwell of Cardineit

M^r Alexander Abercrombie of Tullibody

John Bruce of Kinross

Burgesses

Sir Patrick Johnston

John Scrimmour

Lieutenant Colonell John Erskine

John Muir

James Scott

Patrick Bruce

Sir John Erskine

M^r Patrick Moncrief

Walter Scott

S^r Andrew Home

William Coltrane

Sir Peter Halket

Sir James Smollet

M^r William Carmichael

Captain Daniel Mackleod

Sir David Dalrymple

Sir Alexander Ogilvie

M^r John Clerk
 Sir Hugh Dalrymple
 M^r Patrick Ogilvie
 George Allardice
 William Alves
 M^r James Bethun
 M^r Roderick Mackenzie
 Sir James Stewart
 Daniel Campbell
 Sir Robert Forbes
 M^r Robert Douglass
 M^r Alexander Maitland
 M^r George Dalrymple
 M^r Charles Campbell

NAMES of those who voted Proceed to the
 consideration of the fourth and other articles
 of the Treaty which relate to trade and taxes.

Nobility

Dukes of Hamilton
 Atholl
 Marquess of Annandale
 Earls of Erroll
 Marischall
 Buchan
 Wigtoun
 Strathmore
 Galloway
 Lauderdale
 Selkirk
 Viscounts of Stormont
 Kilryth
 Lords Saltoun
 Sempill
 Ogilby
 Balmorinoch
 Blantyre
 Burgany
 Bellhaven
 Colville
 Kinnaird

Barons

George Lockhart of Carnwath
 Sir James Foulis of Colington
 Sir John Leader of Fountainhall
 Andrew Fletcher of Saltoun
 Sir Patrick Home of Rentoun
 William Baillie of Lamingtoun
 John Sinclair younger of Stevenston
 John Sharp of Hoddam
 M^r Alexander Ferguson of Isle
 John Birkenhead younger of Bishoptoun
 M^r William Cochrane of Kilmarnock
 Sir Humphrey Colquhoun of Luff
 Sir John Houston of that ilk
 John Graham of Kilsyth
 Robert Rollo of Powhouse

Thomas Sharp of Houstoun
 John Murray of Strouan
 Sir David Ramsay of Balmain
 Alexander Gordon of Pittburg
 James Moir of Stonywood
 John Forbes of Culloeden
 Major Henry Balfour of Dunboug
 M^r Thomas Hope of Rankellor
 M^r Patrick Lyon of Auchterhouse
 M^r James Carnegie of Phinhaven
 David Grahame younger of Fintrie
 James Ogilvie younger of Boin
 Alexander Mackenzie of Falgown
 James Sinclair of Stemster
 M^r James Dunbar younger of Hemprigs
 Sir Henry Innes of that ilk
 M^r George Mackenzie of Inchculter

Burgesses

Robert Inglis
 Alexander Robertson
 John Allardice
 Walter Stewart
 Hugh Montgomery
 Alexander Edgar
 John Black
 James Oswald
 Sir John Anstruther
 Robert Johnston
 Alexander Duff
 Francis Melison
 George Smyth
 Robert Scott
 Colin Campbell
 Robert Kellie
 John Hutchison
 M^r William Sutherland
 Archibald Sheils
 M^r John Lyon
 M^r Dougald Stewart
 George Broddie
 George Spens
 Sir Robert Anstruther
 M^r William Johnston
 M^r John Carruthers
 George Home
 John Bayne
 John Urquhart
 M^r Robert Fraser

THEN the Lord Chancellor by order of his
 Grace her Majesties high Commissioner Ad-
 journed the Parliament till the morrow at ten
 of the clock.

NOVEMBER XV, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Soderant read.

REPRESENTATION and petition of the Commission of the General Assembly of this Church representing the increase of popery profanity and other irregularities and craving the same may be restrained and that the succession to the Crown may be established in the Protestant line, read, and Remitted to the Committee for Examining the calculation of the Equivalent to consider of proper methods for suppressing popery profanity and other irregularities and for execution of the Laws already made and to consider what laws may be further necessary for the effectual suppressing thereof and (preventing) the same.

THEN the following Addresses were given in and read viz. Address of Merchants and Trades of the City of Glasgow subscribers of the same Address of fewers masters of families and other Inhabitants of Gorbals and muir thereof fubscribing the same, Address of the parochiniers of Biggar subscribers of the same And two severall Addresses of Barons heritors and fregholders of the shire of Lanerk subscribing the same All against allowing an incorporating Union with England in the terms of the articles.

THEREAFTER the second article of Union was again read with the preliminary motion mentioned in the former days minuts.

WHEREUPON it was moved That the Parliament do proceed to settle the succession upon limitations and regulations in the terms of the resolve given in and narrowed in the minuts of the fourth of November instant and not in the terms of the second article of Union.

MOVED also to Address her Majesty and to lay before her the condition of the Nation and the great aversion in many persons to an incorporating Union with England and to acquaint her Majesty of the inclinations and willingness to settle the succession in the Protestant Line upon Limitations and in order thereto that some rectis be granted.

AND after debate upon these several motions a vote was proposed Approve of the second article of Union in the terms of the preliminary motion inserted in the former days minuts or Not.

AND after some further debate there was a second state of a vote offered in this terms Address or Not.

AND after some reasoning which of the two should be the state of the vote It was put to the vote Whither first or second and it carried first:

BUT it being moved that some further reasoning should be allowed before the vote were stated for Approving the second article of Union After some debate thereupon It was agreed that the English Acts of Parliament mentioned in the second article of Union be read and that immediately thereafter without further debate a vote should be stated Proceed to call the vote for approving the second article of Union or Delay And if it carried Proceed that the vote immediately thereafter without any intervening debate be put, Approve of the second article of Union in the terms of the preliminary motion mentioned in the last days Minuts or Not.

AND accordingly the Acts of the English Parliament mentioned in the second article of Union were read.

THEREAFTER the vote was put Proceed to call the vote for approving the said second article of Union or Delay and it carried Proceed.

THEN the vote was put Approve the second article of Union in the terms of the preliminary motion inserted in the last days minuts Yea or Not.

BUT before voting the Earl Marischal gave in the following Protest whereby ' He did Protest for ' himself and all these who shall adhere to this protestation That no person can be designed a Successor to the Crown of this Realm after the decease of her Majesty, whom God long preserve, ' and fully being heirs of her body who is successor ' to the Crown of England unless that in this present Session of Parliament or any other Session ' of this or any ensuing Parliament during her ' Majesties Reign there be such Conditions of ' Government settled and enacted as may secure ' the Honour and Sovereignty of this Crown & ' Kingdom the freedom frequency and power of ' Parliament the Religion liberty and trade of the ' Nation from English or any foreign influence,' Which being read he took instruments thereupon And the Dukes of Hamilton & Atholl the Earls of Erroll Wigton and Strathmore the Viscounts of Stourmont and Kilsyth the Lords Saltoun Semple Oliphant Balmerinoch Bantyre Bargany Colville and Kinnsaird George Lockhart of Carnwath Andrew Fletcher of Saltoun M^r Alexander Ferguson of Isle John Birse young M^r of Bishops-toun M^r William Cochran of Kilmaronock John Graham of Kilmear James Graham of Buchlvie Robert Rollo of Powhouse John Murray of Strowan James Moir of Stonywood M^r Thomas Hope of Bankeillor M^r Patrick Lyon of Auchterhouse M^r James Carnegie of Pilmhaven David

Protestation
the Earl
Marischal
and others

Graham younger of Fintrie James Ogilvie younger of Boynd James Sinclair of Stenpiter M^r George Mackenzie of Inchculter Alexander Edgar James Oswald Alexander Duff Francis Molison George Smyth Robert Soot Robert Kellie John Hutchison Archibald Sheilla M^r John Lyon M^r John Carruthers George Home John Bayne and M^r Robert Fraser adhered thereto.

[List of
Voters to be
printed]

AND it was agreed That the Members be marked as they shall adhere to the protest And also as they shall vote Approve or Not, And that the list of the members names as they shall vote pro or con be printed.

[2^d Article
approved]

THEN the vote was put Approve or Not and it carried Approve.

AND the Lord Chancellor was allowed to have his name Printed and Recorded as an approver, As also to be recorded and printed amongst those who voted Proceed to the second article the last Sederunt And so the List of the members as they voted Approve of the second article in the terms of the preliminary motion is as follows.

APPROVERS of the second Article in the terms of the preliminary motion.

Nobility

The Lord Chancellor allowed to be recorded as above

Marq; Montrose Pr. Secr. C.

Duke of Argyll

Marq; of Tweeddale

Lothian

Annandale

Earls of Marr Secretar:

Loudoun Secretar:

Crauford

Sutherland

Roths

Mortoun

Buchan

Glencairn

Eglington

Abercorn

Roxburgh

Haddington

Wemyss

Dalhousie

Findlater

Leven

Northesk

Belcaras

Forfar

Kilmarnock

Kintoir

Marchmont

Hyndford

Cromarty

Stair

Roseberry

Glasgow Thes' Dep'

Hopetoun

Delorain

Illy

Vicount of Garioch

Lord Forbes

Elphinston

Rofs

Torphichen

Fenar

Banff

Kilbank

Duffus

Lord Register

Lord Justice Clerk

Barons

Robert Dundas of Arncliffe

Sir Robert Dickson of Inveresk

William Nisbet of Dirletoun

John Cockburn younger of Ormiston

Sir John Swintoun of that ilk

Sir Alexander Campbell of Celbeck

Sir William Kor of Greensend

Sir Gilbert Elliot of Minto

Archibald Douglass of Cavers

William Bennet of Grubbet

M^r John Murray of Bowhill

William Morison of Prefoutanrange

George Baillie of Jerviswood

Sir John Johnston of Wetherhall

William Douglass of Dornock

M^r William Stewart of Cullinstewart

M^r John Stewart of Sorbie

M^r Francis Montgomery of Giffin

M^r William Dalrymple of Glenmuir

M^r Robert Stewart of Tillcultrie

Sir Robert Pollock of that ilk

John Haldan of Glenesgles

Mungo Grahame of Gorthie

Sir Thomas Burnett of Leyes

William Seton younger of Pittmedden

Alexander Grant younger of that ilk

Sir Kenneth Mackenzie

Sir James Campbell of Auchinbreck

James Campbell younger of Ariskinglass

Sir William Anstruther of that ilk

William Maxwell of Cardinet

Alexander Douglass of Eglishay

John Bruce of Kinross

Burgesses

Sir Patrick Johnston

John Scrimour

Lieu' Colonel John Erskine

Hugh Montgomery

John Muir
James Scot
Patrick Bruce
Sir John Ankruther
Sir John Erskine
James Spittle
M^r Patrick Moncrief
George Munro
Walter Scot
Sir Andrew Home
William Coltrane
S^r Peter Halket
Sir James Scmollet
M^r William Carmichael
Captain Daniel Mackleod
Sir David Dalrymple
S^r Alexander Ogilvie
M^r John Clerk
John Roß
Sir Hugh Dalrymple
M^r Patrick Ogilvie
George Allardes
William Alves
M^r James Bethun
John Urquhart
Sir James Stuart
Daniel Campbell
S^r Robert Forbes
M^r Robert Douglass
M^r Alexander Maitland
M^r George Dalrymple
M^r Charles Campbell

THE Voters against Approving the Second
Article in the terms of the said Motion.

Nobility

Dukes of Hamilton
Athol

Earls of Erroll
Marischall
Wigton
Strathmore
Galloway

Viscounts of Stormont
Kilsyth

Lords Saltoun
Sempill
Oliphant
Balmerinoch
Blantyre
Bargany
Belhaven
Colvill
Kinnaird

Barons

George Lockhart of Carnwath
Andrew Fletcher of Saltoun

Alexander Horseburgh of that ilk
M^r Alexander Ferguson of Isle
John Birsbane younger of Bishoptoun
M^r William Cochem of Kilmaronock
Sir Humphrey Colquhoun of Luff
Sir John Houston of that ilk
John Grahame of Killearn
James Grahame of Buchlvie
Robert Rollo of Powhouse
John Murray of Strowan
Alexander Gordon of Pitlurg
James Moir of Stonywood
David Bethun of Halfour
M^r Thomas Hope of Rankeillor
M^r Patrick Lyon of Auchterhouse
M^r James Carnegie of Phinhaven
David Grahame younger of Fintrie
James Ogilvie younger of Boynd
James Sinclair of Stempfer
Sir Henry Innes younger of that ilk
M^r George Mackenzie of Inchculter

Burgesses

Alexander Edgur
John Black
James Oswald
Alexander Duff
Francis Molison
George Smyth
Robert Scot
Robert Kellie
John Hutchison
Archibald Sheils
M^r John Lyon
M^r Dougald Stuart
M^r John Carruthers
George Home
John Bayne
M^r Robert Fraser.

THEN the Lord Chancellor by order of her
Majesties high Commissioner Adjourned the
Parliament till Munday next at ten a clock.

NOVEMBER XVIII, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederant read.

THEN the following Addresses were given in and
read viz. Address of Barons freeholders and others
within the Steuartry of Kirkcudbright subscribing
the same Address of heretors and Housholders of
the paroch of Crauford subscribers of the same,
Address of heretors and Housholders of the paroch
of Crauford-John subscribing the same Address of
the Magistrate Deans of Guild Thro, Guild Council
Deacons of trades members of the Town Council of

[Address
against the
Union]

the Burgh of Couper in Fyfe and others Gildry trades and Burghes of the said Burgh subscribers of the same Address of the Presbiterie of Lanerk subscribing the same and an Address of Heretors Elders and Masters of families in the Town and out paroch of Lanerk subscribers of the same All against an Union with England in the terms of the articles.

[⁹⁴ Article
of Union.—
Proceedings
thereon.]

THEREAFTER the third article of Union was again read.

WHEREUPON it was moved that the agreeing to the third article of the treaty in relation to the Parliament of Great Britain shall not be binding or have any effect unless terms and conditions of an Union of the two Kingdoms and particularly the Constitution of the said Parliament be finally adjusted and concluded and an Act pass thereupon in this Parliament and that the said terms and conditions be also agreed to and ratified by an Act of the Parliament of England the Constitution of the said Parliament of Great Britain being left intire untill the Parliament come upon the twenty second article.

MOVED also to proceed to the consideration of the fourth and other articles of Union before the third, and

AFTER some reasoning thereupon it was put to the vote Proceed to the consideration of the third article in the terms of the above motion relating thereto or Proceed to the fourth article And it carried Proceed to the third.

AND accordingly the Parliament proceeded to the consideration of the third article and after long debate thereupon a vote was stated Approve of the third Article in the terms of the above motion, relating thereto Yes, or No.

BUT before voting the Marquess of Annandale gave in a protest upon the foot of his former Resolve presented to this house and contained in the Minut of the fourth of November instant And craved that the narrative thereof might be prefixed thereto And which narrative and Protest is as follows viz.

Protestation
the Marquess
of Annandale
and others

‘ WHEREAS it evidently appears since the printing publishing and considering of the Articles of ‘ treaty now before this house this Nation seems ‘ generally averse to this Incorporating Union in ‘ the terms now before Us as subversive of the ‘ Sovereignty fundamental constitution and Claim ‘ of Right of this Kingdom and as threatening ruin ‘ to this Church as by Law established And since ‘ it is plain That if an Union were agreed to in ‘ these terms by this Parliament and accepted of ‘ by the Parliament of England it would in no sort ‘ answer the peaceable and friendly ends proposed

‘ by an Union but would on the contrary creat ‘ such dismall distractions and animosities amongst ‘ our selves and such jealousies and mistakes be- ‘ twixt Us and our neighbours as would involve ‘ these Nations into fatal breaches and confusions ‘ Therefore I do Protest for my self and in name ‘ of all these who shall adhere to this my protesta- ‘ tion That an incorporating Union of the Crown ‘ and Kingdom of Scotland with the Crown & ‘ Kingdom of England and that both Nations shall ‘ be represented by one and the same Parliament as ‘ contained in the articles of the treaty of Union ‘ is contrare to the honour interest fundamental ‘ Laws and constitution of this Kingdom, is a ‘ giving up the Sovereignty, the Birthright of the ‘ Peers the rights and privileges of the Barons and ‘ Burrows, and is contrare to the Claim of Right ‘ property and liberty of the Subjects and third ‘ Act of her Majesties Parliament 1st vijth and ‘ three By which it is declared high treason in any ‘ of the Subjects of this Kingdom to quarrell or ‘ endeavour by writing malicious and advised ‘ speaking or other open act or deed to alter or ‘ innovat the Claim of Right or any article thereof ‘ As also that the Subjects of this Kingdom by ‘ surrendering their Parliaments and Sovereignty ‘ are deprived of all security both with respect to ‘ such rights as are by the intended treaty stipu- ‘ lated and agreed and with respect to such other ‘ rights both Ecclesiastick and Civil as are by the ‘ same treaty pretended to be reserved to them ‘ And therefore I do Protest That this shall not ‘ prejudice the being of future Scots Parliaments ‘ and Conventions within the Kingdom of Scot- ‘ land at no time coming.’

AFTER reading whereof he took instruments thereupon And it was agreed that at calling the rolls the Adherers to the protest shall be so marked. And also that the baill members be marked as they shall vote Approve or Not And that a list of their names as they shall vote pro or con shall be printed, And the Lord Chancellor was allowed to have his name printed and recorded as an approver.

[List of
Voters to be
printed]

THEN the vote was put Approve of the third article in the terms of the motion relating thereto or Not And it carried Approve And the Dukes of Hamilton and Atholl the Earls of Errol Marischall Strathmore and Selkirk the Viscounts of Stormont and Kilsyth, the Lords Sempill Saltoun Oliphant Balmerinoch Bantyre Bargany Belhaven Colville and Kinnaird, George Lockhart of Carnwath Sir James Foulis of Collingclous Sir John Lauder of Fountainhall Andrew Fletcher of Saltoun Sir Robert Sinclair of Longformacus M^r Alexander Ferguson of Isle John Birsbane younger of Bishopstoun M^r William Cochran of Kilmaronock James Graham of Buchlivie Robert Rollo of Powhouse John Murray of Strowan James Moir of Stony-

[⁹⁵ Article
approved]

wood John Forbes of Culloden David Bethun of Balfour Major Henry Balfour of Dnnbong M^r Thomas Hope of Rankeillor M^r Patrick Lyon of Auchterhouse M^r James Carnegie of Phinhaven David Graham younger of Fintrie James Ogilvie younger of Boyd Alexander Mackenzie of Palgown M^r George Mackenzie of Inchculter Alexander Robertson Walter Stewart Alexander Watson Alexander Edgar James Oswald Francis Mollison Robert Scott Robert Kellie John Hutchison Archibald Sheills M^r John Lyon M^r John Caruthers George Home John Bayne and M^r Robert Fraser Adhered to the protest given in by the Marquess of Annandale, And the list of the members as they voted Approve of the third article in the terms of the motion, or Not, follows.

APPROVERS of the third Article of Union in the terms of the motion relating thereto.

Nobility

The Lord Chancellor allowed as said is to be recorded as an Approver

Marquess of Montrose Pres: Secr. C.

Duke of Argyll

Marquesses of Tweeddale

Lothian

Earls of Marr Secretary

Sutherland

Roths

Morton

Glencairn

Abercrombie

Roxburgh

Haddington

Wemyss

Dalmeath

Findlater

Leven

Northesk

Beaumont

Forfar

Kilmarnock

Kintore

Dunmoir

Marchmont

Hyndford

Cromarty

Stair

Roseberry

Glasgow Treasurer Dep.

Delorain

Day

Viscount of Garnock

Lord Forbes

Elphinstone

Ross

Torphichen

Cranston

Fraser

Banff

Ellbank

Duffus

Rollo

Lord Register

Justice Clerk

Barons

Sir Robert Dickson of Inneresk

William Nisbet of Dirleton

John Cockburn younger of Ormiston

Sir John Swinton of that Ilk

Sir Alexander Campbell of Cessnock

Sir William Kerr of Greenhead

Archibald Douglas of Cavers

William Beane of Grubbet

M^r John Murray of Bowhill

M^r John Pringle of Hayning

William Morrison of Prestoungrange

George Bailie of Jerviswood

Sir John Johnston of Wetherhall

William Douglas of Dornock

M^r William Stewart of Callisteourt

M^r John Stewart of Sorbie

M^r Francis Montgomery of Giffin

M^r William Dalrymple of Glenmuir

M^r Robert Stewart of Tillicultry

Sir Robert Pollock of that Ilk

M^r John Montgomery of Leyes

John Haldane of Glencaigles

Mungo Graham of Gorthie

Sir Thomas Burnett of Leyes

William Seton younger of Pitmedden

Alexander Grant younger of that Ilk

Hugh Ross of Kilravock

Sir Kenneth Mackenzie

M^r John Campbell of Mammore

Sir James Campbell of Auchinbreck

James Campbell younger of Ardkinglass

Sir William Anstruther of that Ilk

James Halyburton of Pitcur

Alexander Abercrombie of Glasoch

Alexander Douglas of Egilsay

John Bruce of Kinross

Burgesses

Sir Patrick Johnston

John Scrimmour

Lieutenant Colonel John Erskine

John Muir

James Scott

Patrick Bruce

Sir John Anstruther

Sir John Erskine

James Spittle

M^r Patrick Moncrief

Sir Andrew Home

Sir Peter Halket

Sir James Smollet

M^r William Carmichael
 Captain Daniel Mackleod
 Sir David Dalrymple
 Sir Alexander Ogilvie
 M^r John Clerk
 John Rofs
 Sir Hugh Dalrymple
 M^r Patrick Ogilvie
 George Allardes
 William Alves
 M^r James Bethun
 M^r Roderick Mackenzie
 John Urquhart
 Sir James Stewart
 Daniel Campbell
 Sir Robert Forbes
 M^r Robert Douglass
 M^r Alexander Maitland
 M^r George Dalrymple
 M^r Charles Campbell

M^r Alexander Ferguson of Isle
 Sir Hugh Cathcart of Carleton
 John Birbanc younger of Bithoptoun
 M^r William Cochran of Kilmarnock
 Sir John Houstoun of that Ilk
 James Grahame of Buchlie
 Robert Rello of Powhouse
 John Murray of Strouan
 James Meir of Stonywood
 John Forbes of Calloden
 David Bethun of Balfour
 Major Henry Balfour of Dunboug
 M^r Thomas Hope of Bankeiller
 M^r Patrick Lyon of Auchterhouse
 M^r James Carnegie of Plinhaven
 David Grahame younger of Fintrie
 James Ogilvie younger of Boyd
 William Maxwell of Cardine
 Alexander Mackenzie of Palgowa
 James Sinclair of Stempeter
 Sir Henry Innes younger of that Ilk
 M^r George Mackenzie of Inchculter

THE Voters against Approving the third
 Article in the terms of the sd motion.

Nobility

Dukes of Hamilton
 Atholl
 Marquess of Annandale
 Earls of Kerroll
 Marischall
 Buchan
 Eglintoun
 Wigton
 Strathmore
 Galloway
 Selkirk
 Viscount of Stormont
 Kilayth
 Lords Saltoun
 Semple
 Oliphant
 Balmerinock
 Binstyre
 Bargeny
 Belhaven
 Colvill
 Kinnaird.

Barons

George Lockhart of Carnwath
 Sir James Foulis of Collingtoun
 Sir John Lauder of Fountainhall
 Andrew Fletcher of Saltoun
 Sir Robert Sinclair of Longformacus
 Sir Patrick Home of Rentoun
 Sir Gilbert Elliot of Minto
 William Baillie of Loxington
 John Sinclair younger of Stevenstoun
 John Sharp of Hoddam

Burgesses

Robert Inglis
 Alexander Robertson
 John Allardes
 Walter Stewart
 Alexander Watson
 Hugh Montgomery
 Alexander Edgar
 James Oswald
 Robert Johnstoun
 Alexander Duff
 Francis Molison
 Walter Scot
 William Coltrane
 George Smyth
 Robert Scot
 Robert Kellie
 John Hutchison
 M^r William Sutherland
 Archibald Sheils
 M^r John Lyon
 M^r Dougald Stewart
 George Broddie
 George Spens
 Sir Robert Anstruther
 M^r William Johnstoun
 M^r John Carruthers
 George Home
 John Bayne
 M^r Robert Fraser

THEN the Lord Chancellor by order of Her
 Majesties high Commissioner Adjourned the
 Parliament till to morrow at ten of the clock.

NOVEMBER XIX, M^oCC,VI.

PRAYERS said. Bells called.

MINUTES of the last Sederunt read.

ACT in favours of the Incorporations of Edinburgh for a Maiden Hospital read for a second time and voted and approved.

[Maiden
Hospital
of Edinburgh]

THE Lord Chancellor acquainted the Parliament That last night His Grace her Majesties high Commissioner in his return to the Palace was insulted by a number of people of the meaner sort with stones which was an high affront both to her Majesties high Commissioner and to the Parliament and therefore moved That the Parliament may give the necessary orders not only to find out such as have been guilty as actors or abettors therein but to prevent the like in time coming. And after some reasoning on the said representation and motion;

[Representations as to
a Tumult in
Edinburgh, &
proceedings
thereon]

IT was agreed to Remit to the Committee nominat for Examining the calculation of the equivalent to inquire into the matter of this insult and to endeavour to find out the actors and abettors if any be with power to the said Committee to promise Indemnities and rewards for discoverers and to seize and imprison any person whom they shall have ground to suspect to be guilty as actors or abettors and to call for the Magistrats and neighbours in Edinburgh for information and to report to the Parliament what information said discovery they shall make of the said insult or of any other as also to report their opinion what measures may be proper for preventing the like in time coming and the Committee appointed to meet the first intervall day of Parliament at nine of the clock.

THE Parliament did likewise Recommend to the Lord High Constable to prosecute furthwith these persons who were imprisoned on account of a former tumult And Ordeined the Magistrats of Edinburgh to furnish what prolation they can to the fiscal of the Comfahles court against such as were so imprisoned.

[Address
against the
Union]

ADDRESS of the Baillies Councilors and Citizens of Saint Andrews subscribing the same against an Union with England in the terms of the articles given in and read.

PETITION for the Laird of Grant elder Craving a Remit to the Lords of Session in place of the Commission for valuation of teinds for determining

an action to be raised by him in relation to the teinds of Pluscardin again read and no answers being given in thereto as also the Ministers and Heretors of Elgine being publickly called The Parliament Remitted the determination of the above action to the Commission for plantation of Kirks and valuation of teinds in case any such Commission shall be named and fulfilling the said nomination to the Lords of Session.

AT EDINBURGH the nineteenth day of November one thousand seven hundred and six years Her Majesties high Commissioner and the Estates of Parliament having heard the petition of Ludovick Grant of that ilk Humbly Shewing unto them That the petitioners lands of Pluscardin which before the Reformation did belong to the Abbey of Elgine and Cisterien order were fiewed out with the parsonage teinds included and never separated from the stock And thus the right both of stock and teind have come by progress to the petitioner so as his teinds ought not to be burdened with augmentation of stipends as long as there is sufficiency of other teinds within the parish for that purpose Notwithstanding whereof the Ministers of Elgine having pursued for a modification and locality before the Commission of the Plantation appointed by the Parliament in the late King William's Reign they in the hurry of the end of a Session while the petitioner was out of Town did obtain a Locality periculo petentis by which the petitioner is extremely lesed being not only wholly free in law but likewise overburdened even according to a proportionall And the Commission having some notice thereof were so just as expressly to Declare before extract That the same should be without prejudice to the Heretors overburdened to obtain relief from others conform to their respective rights providing that this should not stop the Ministers payment till a new decret resettling the Locality should be delivered by the Complainers to the Ministers Hereupon the Petitioner is under great hardship for however the said Commission might have continued yet de facto they have not sitten since the calling of this present Parliament and thereby the petitioner is precluded of his redress either as to bygonies or in time coming nor can the Lords of Session suspend in respect of the quality of the decret nor can they rectifie the same without a special remit. And this being a special case founded in jure and even upon the conception of the decret of locality itself which is proper before the Session if his Grace and their Lordships did not take some generall course Craving therefore his Grace and the honourable Estates to remit to the Lords of Session the giving redress to the petitioner the same way as he might have had before a Commission both as to bygonies and in time coming upon his raising process before the Session against those interested for that effect,

Remit in
favours of
the Laird
of Grant

as the said petition bears. Upon hearing whereof on the ninth day of November instant Her Majesties high Commissioner and the Estates of Parliament had ordained the same to be seen and answered by any party concerned the last Sederunt of Parliament of the week then next following with certification &c. And her Majesties said Commissioner having this day fully considered the said petition and being well and ripely advised therewith and the above Ministers and heretors being publickly called in presence and an answer given The said High Commissioner and Estates foresaid Remitted and hereby Remit to the Commission for plantation of kirks and valuation of teinds if any such shall be appointed before intending the process And if no Commission be so named to the Lords of Session to give due redress to the petitioner and administer justice to him in the matter represented upon legal citation at his instance against all parties having interest for that effect.

NOVEMBER XXI, 1706, VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

ADDRESS of Heretors, Burgeses, Minister, and other Inhabitants of the Town of Paisley subscribers of the same, against an Union with England in the terms of the Articles, given in and read.

[Address against the Union]

THE fourth article of Union again read.

[4th Article of Union approved]

WHEREUPON it was moved to take the several branches of trade to be commanick into consideration That it may thereby appear how far the communication of trade shall be advantageous And after reasoning thereupon

THE vote was stated Approve of the fourth article Reserving the consideration of the several branches of trade till the Parliament come to the subsequent articles, Yea or Not.

AND it was agreed that the members shall be marked as they shall vote Approve or Not And that the list of their names as they shall vote pro or con be recorded and printed.

[List of Voters to be printed]

THEN the vote was put Approve or Not and it carried Approve And the list of the members as they voted pro or con is as follows.

APPROVERS of the fourth Article of Union Reserving the consideration of the several Branches of trade till the Parliament come to the subsequent Articles.

Nobility

Marquess of Montrose Pres. Secr. C.
Duke of Argyle

Marquesses of Tweeddale
Lothian

Earls of Marr Secretary
Loudon Secretary
Sutherland

Roths
Mortoun
Buchan
Glencairn
Abercorn
Roxburgh
Haddington
Galloway
Wemyss
Dalhousie
Findlater

[Sir Pat. Home ag^t the Earl of Home]

PETITION Sir Patrick Home of Rentoun against the Earl of Home Craving a Remit to the Lords of Session for determining a reduction upon a protest for remede of law at his instance of a decret obtained against him by the Earl of Home read, and the Earl of Home ordained to see and answer the same.

[4th Article of Union read]

THEREAFTER it was moved that the Parliament proceed to the fourth article of the Union.

MOVED also that before proceeding to the consideration of the fourth article a clause be added to the third article in this terms, And that the said Parliament of Great Britain shall meet and sit once in three years at least in that part of Great Britain now called Scotland,

AND after some debate thereupon the consideration of the said additional clause delayed till the Parliament come to the twenty second article.

THEN the fourth article of the Union was read, and after some discourse thereupon the further consideration thereof was delayed till the next Sederunt of Parliament and the consideration thereof delayed to be then resumed previous to all other business.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Thursday next at ten of the clock.

Leven
 Northesk
 Belcarras
 Farfar
 Kilmarnock
 Kintoir
 Dunmore
 Marchmont
 Hyndford
 Cromarty
 Stair
 Roscherry
 Glasgow Thesaurer depute
 Hopeton
 Delorain
 Day
 Viscount of Garmock
 Lords Forbes
 Elphinston
 Roß
 Torphichen
 Cranstoun
 Fraser
 Banff
 Ellbank
 Rollo
 Lords Register
 Justices Clerk

Barons

Sir Robert Dundas of Arncliffe
 Sir Robert Dickson of Isserack
 George Lockhart of Carnwath
 Sir John Lauder of Fountainhall
 William Nisbet of Dirletoun
 John Cockburn younger of Ormiston
 Sir John Swinton of that Ilk
 Sir Alexander Campbell of Cessnock
 Sir William Ker of Greenhead
 Sir Gilbert Elliot of Minto
 Archibald Douglass of Cavers
 William Bennet of Grubbet
 M^r John Murray of Bowhill
 M^r John Pringle of Hayning
 William Morison of Prestoungrange
 Alexander Horseburgh of that Ilk
 William Baillie of Lamington
 George Baillie of Jerviswood
 William Douglass of Dornock
 M^r William Stewart of Castlestewart
 M^r John Stewart of Soehie
 M^r Francis Montgomery of Gliffin
 M^r William Dalrymple of Glenmuir
 John Birsebene younger of Bithopton
 M^r Robert Stewart of Tillculbry
 Sir John Houston of that Ilk
 Sir Robert Pollock of that Ilk
 Thomas Sharp of Houston
 M^r John Montgomery of Wrae
 John Haldan of Gleneagles

Mungo Grahame of Gorthie
 Sir Thomas Burnett of Leyer
 Sir David Ramsay of Balmain
 Alexander Gordon of Pitlurg
 William Seton younger of Pitmedden
 James Meir of Stonywood
 Alexander Grant younger of that Ilk
 Hugh Roß of Kilravock
 John Forbes of Cullodden
 Sir Kenneth Mackenzie
 M^r James Mackdod of Cadboill
 M^r John Campbell of Mammore
 Sir James Campbell of Auchinbreck
 James Campbell younger of Ardkinglass
 Sir William Anstruther of that Ilk
 Major Henry Balfour of Dunboug
 James Halyhutton of Pitcurre
 David Grahame of Fintrie
 Alexander Abercrombie of Glascock
 William Maxwell of Cardineß
 Sir Henry Innes of that Ilk
 James Sinclair of Stenpfler
 Alexander Douglass of Eglishay
 M^r Alexander Abercrombie of Tullibody
 John Bruce of Kinross

Burrows

Sir Patrick Johnston
 Robert Inglis
 Alexander Robertson
 John Scrimmour
 John Allardyce
 Lieutenant Colonel John Erskine
 Walter Stewart
 Alexander Watson
 Hugh Montgomery
 John Muir
 James Scott
 Patrick Bruce
 Sir John Anstruther
 Robert Johnston
 Alexander Duff
 Sir John Erskine
 James Spittle
 M^r Patrick Moncrief
 George Monro
 Walter Scott
 Sir Andrew Home
 William Coltrane
 Sir Peter Halket
 Sir James Smollet
 Coline Campbell
 M^r William Carmichael
 M^r William Sutherland
 Archibald Shiells
 Captain Daniel Mackleod
 Sir David Dalrymple
 Sir Alexander Ogilvie
 M^r John Clerk
 M^r Douglass Stewart

John Robt
George Brooklie
George Spens
Sir Hugh Dalrymple
Sir Robert Anstruther
M^r Patrick Ogilvie
M^r William Johnston
George Allardyce
William Alves
George Home
M^r James Bethan
M^r Roderick Mackenzie
John Urquhart
Sir James Stewart
Daniel Campbell
Sir Robert Forbes
M^r Robert Douglas
M^r Alexander Maitland
M^r George Dalrymple
M^r Charles Campbell

THE Voters against Approving the fourth Article of Union in the terms abovementioned.

Nobility

Earls of Erroll

Marischall
Wigtoun
Strathmore
Selkirk

Viscount of Stormont

Lords Sempie
Oliphant
Blantyre
Burgany

Barons

Sir James Foulis of Colington
Andrew Fletcher of Saltoun
Sir Hugh Cathcart of Carleton
M^r William Cochran of Kilmaronock
John Murray of Strowan
David Bethan of Balfour
M^r Patrick Lyon of Auchterhouse
James Ogilvie younger of Boyd

Of the Burghesies

Francis Mollson

[5th Article
of Union in—
Proceedings
thereon]

THEREAFTER the fifth article of Union was read Whereupon a proposal was given in for explaining and enlarging the same in thir terms 'That all ships or vessels belonging to her Majesties subjects of Scotland at the time of ratifying the treaty of Union of the two Kingdoms in the Parliament of Scotland the foreigne built shall be deemed and pass as Ships of the build of Great Britain, the owner, or where there are more owners, one or more of the owners within twelve

months after the Union making oath that at the time of ratifying the treaty of Union in the Parliament of Scotland the same did in truth or in part belong to him and them or to some other subject or subjects in Scotland to be particularly named with the place of their respective abodes and that the same doth then at the time of the said deposition wholly belong to him or them and that no foreigner directly nor indirectly hath any share part or interest therein' Which being read it was moved that six months more time be added to the time allowed by the proposal for purchasing ships or vessels.

AND after some reasoning thereupon the further consideration thereof was delayed till next Sederunt of Parliament, to be then resumed previous to all other business.

THEN the Lord Chancelour by order of her Majesties high Commissioner Adjourned the Parliament till Saturday next at ten of the clock.

NOVEMBER XXIII, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THEN the following Addreeses were given in and read viz. Addres of the Heretors and several other persons in the Barony paroch of Glasgow subscribers of the same Addres of Heretors Magistrates Town Council and other inhabitants within the Town and paroch of Culrois in Perthshire and Heretors Elders and other Inhabitants within the parochines of Saline Carnock and Torie in Fyfe-shire subscribing the same, Addres of the Provost Bailles, Town Council and other Inhabitants of the Burgh of Stirling subscribing the same, Addres of the Barons, freeholders and others within the Steuarity of Annandale subscribing the same and Addres of the Magistrates Town Council Guild-brethren Deacons of Crafts and other Burgeses tradesmen and Inhabitants within the Burgh of Inverkeithing subscribers of the same, All against an Union with England in the terms of the Articles.

[Addrees
against the
Union]

THEREAFTER the fifth article of Union again read with the proposal for amending explaining and enlarging the same insert in the former days minits, and altered thus viz. 'That all ships or vessels belonging to her Majesties subjects of Scotland at the time of ratifying the treaty of Union of the two Kingdoms in the Parliament of Scotland the foreigne built shall be deemed and pass as ships of the build of Great Britain, the owners or where there are more owners, one

[5th Article
of Union in
Proceedings
thereon]

'or moe of the owners within twelve months after
'the first day of May next making oath that at the
'time of ratifying the Union in the Parliament of
'Scotland the same did in full or in part belong to
'him or them or to some other subject or subjects
'of Scotland to be particularly named, with the
'place of their respective abodes and that the same
'doth then at the time of the said deposition
'wholly belong to him or them and that no for-
'eigner directly or indirectly hath any share part
'or interest therein'.

AND after some reasoning thereon there was a
second proposal given in for amending the article
in these terms, 'That all ships and vessels belonging
'to her Majesties subjects of Scotland at the time
'of ratifying the treaty of Union of the two King-
'doms in the Parliaments of both Kingdoms &c'.

AND after some debate the vote was stated Ap-
prove of the first paragraph of the fifth Article
with the first amendment or Second and it carried
Approve with the first amendment.

THEREAFTER the rest of the said fifth article
of Union was read, And a proposal given in for
adding a clause in these terms 'That for the space
'of seven years from and after the concluding the
'treaty of Union in both Kingdoms It is expressly
'agreed that none of the seamen or mariners
'aboard any of the ships belonging to that part
'of United Britain now called Scotland shall either
'at home or abroad be pressed from aboard their
'said ships to serve in any of her Majesties ships of
'warr or frigatts, and in case after the said seven
'years it shall happen that there be a levy of sea-
'men in United Britain for serving in the British
'fleet, that the said part of United Britain now
'called Scotland shall only be burdened with such
'a proportion as our taxes bear in proportion to
'that part of United Britain now called England
'but prejudice to the officers of her Majesties ships
'or fleet to inpage as many volunteer Seamen in
'their service as they can agree with in this part
'of United Britain, and this article to be unalter-
'able in any subsequent British Parliament'.

WHICH being read, after some reasoning there-
upon It was put to the vote Add the second clause
or Not and it carried Not.

THEREAFTER the rest of the fifth Article
being again read, the vote was put Approve there-
of or Not, and it carried Approve.

THEN the Lord Chancellor by order of her
Majesties high Commissioner Adjourned the
Parliament till Tuesday next at ten of the clock.

NOVEMBER XXVI, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THEN the following Addreeses were given in and
read viz. Address of the Barons freeholders and
others within the Sheridom of Roxburgh sub-
scribers of the same, Address of the Magistrates
Toun Councill and others Inhabitants of the Burgh
of Annand subscribing the same Address of the
Magistrates Toun Council and others Inhabitants
of the Burgh of Lochmaben subscribers of the
same and an Address of the paroch of Lasswade
subscribers of the same All against an Union with
England in the terms of the Articles.

[Addrees
against the
Union]

THEREAFTER an overture for an act for en-
couraging the exportation of victual read and
ordered to be printed.

[Exporting
of victual
&c.]

AS also another Overture for an act for encourag-
ing the export of victual fishes beef and pork was
given in and ordered to be printed.

THEREAFTER a petition and draught of an
act in favours of the burgh of Dundee for an im-
position of two pennies Scots upon the pint of all
ale and beer brown and vended within the bounds
and for the ends therein mentioned both read and
a first reading ordered to be marked on the act.

[Burgh of
Dundee]

AS also a petition of the Magistrates Toun Council
and Community of the Burgh of Aberdeen and
a draught of an act in their favours for continu-
ing an imposition on wine and ale &c. granted to them
by a former act, And a first reading ordered to be
marked on the act.

[Burgh of
Aberdeen]

AS also the following draughts of Acts were given
in and read viz. Act in favours of the Burgh of
Kirkcaldie, Act in favours of the Toun of Borrow-
towne, Act in favours of the Burgh of Dyert,
Act in favours of the Burgh of Burntisland, Act in
favours of the Burgh of Saint Andrews Act in
favours of the Burgh of Kinghorn and Act in favours
of the Burgh of Elgin All for an imposition of
two pennies Scots upon the pint of all ale and beer
to be brown and vended within the respective
bounds and for the ends therein mentioned, and
a first reading ordered to be marked on each of the
said acts.

[Acts in
favours of
the Burghs
of Kirkcaldie
&c. read]

PETITION for the Lord Duffas craving a com-
petent time to enter heir cum beneficio inventarii
to his father read, and a vote being stated Grant

the desire of the petition or Not it carried Grant, And the petitioner was allowed to enter heir at any time within six months from this date conform to an Interloquitor on the petition as follows.

Act in favor
of the Lord
Duffus

HER Majesties high Commissioner and the Estates of Parliament having heard the petition of Kenneth Lord Duffus Humbly Shewing unto them That where by the twenty fourth Act of the fifth Session of King William's Parliament It is Statute and Ordained that all apparent heirs shall have free liberty and access to enter heir to their predecessors cum beneficio Inventarii Providing the apparent heir give up inventories within the year and day prescribed by Law for apparent heirs to deliberate, Which benefite of entering by inventory the petitioner had embraced but that he was necessarily hindered being out of Europe upon the Queen's service and that his father the late Lord Duffus is not above fifteen months dead It is not above seven months since the petitioner could know of his death, The petitioner does still incline to make use of the benefite of this law Yet seeing there may afterwards some scruple arise because year and day is elapsed he is forced to give his Grace and the honourable Estates of Parliament the trouble of the said petition That they may please to prorogat the year and day prescribed in the act and allow the petitioner to enter cum beneficio in terms of the same which he humbly expects His Grace and the honourable Estates of Parliament would grant Considering primo That the petitioner was necessarily absent in the West Indies in her Majesties service Secundo That the late Lord Duffus died in September 16th vijth and five And that it is not above seven months since the petitioner could have known of his death which is the only time that prescription should begin against the petitioner Tertio The Parliament was pleased to grant the Earl of Buchan the like privilege the his Lordships case was not quite so favourable And Lastly That no person whatsoever can pretend any prejudice or harm by the petitioner's entering heir in manner foresaid Seeing by the form prescribed in that act all fraud is sufficiently cautioned against And Therefore Craving His Grace and the honourable Estates of Parliament to allow the petitioner to enter cum beneficio Inventarii in the terms of the foresaid Act of Parliament as the said petition bears And Her Majesties high Commissioner and the said Estates of Parliament having fully considered the said petition and being therewith well and ripely advised They allowed and hereby allow the petitioner to enter heir cum beneficio inventarii any time within the space of Six months from the date present Declaring the same as effectual to all legal intents as if he entered within the year and day of his fathers decease, And Ordained and hereby Ordain this case to be a particular exception in the

petitioner's favor from the Act Salvo Jure to be past in this Session of Parliament.

PETITION for the Chanceller, Rector, Principal; Professors and Masters of the Kings College of Aberdeen Craving a provision for a Professor of Mathematicks in the said College read, As also an overture for an act in their favors for a fourth part of a months cels to be a fund for a salary to the said Professor also read, and the overture ordered to be printed.

[Kings
College of
Aberdeen]

PETITION for George Lockhart of Carnwath for altering a high way in order to his inclosing of ground for a convenient park read, and the desire thereof Granted and the petitioner allowed to alter the said high way conform to the deliverance on the petition, Which is as follows.

HER Majesties high Commissioner and the Estates of Parliament having heard the petition of George Lockhart of Carnwath Humbly Shewing unto them That whereas the petitioner designing to inclose a large piece of ground at Anston in the parish of Dumoyre in the upper ward of Clidesdale will be mightily obstructed in his said designe by a high way which passes through the same and since the said high way is only a privat road being a nearer cut towards Lanerk than the principal high way and that by throwing the said high way about the said designed inclosure it will not be above half a mile farther than at present and the new proposed road to be made at the sheriffs sight by the petitioner as good as at present and that no detriment can arise to any person since the whole ground does belong to the petitioner except a small piece which belongs to one of his Vassalls whose damages thereby the petitioner is willing at the sheriffs sight to repair The petitioner did Therefore earnestly beg and entreat That his Grace and honourable Estates would be pleased to allow and order the said alteration of the said high way, upon the petitioner's, at the sight of the sheriff, making as good and sufficient a road as at present and repairing all damages that may arise to any other person by the said high way's passing through and prejudicing their grounds, as has lately been allowed to the Earl of Melville, the Lord Roß, and Sir David Cunningham as the said petition bears. And Her Majesties high Commissioner and the said Estates of Parliament having fully considered the said petition and being well and ripely advised therewith They Granted and hereby Grant the desire thereof And Allowed and hereby Allow the petitioner to alter the way abovementioned He always making the same as good and sufficient a road as the present way is And repairing all parties damages through whose grounds the said

Act in favor
of George
Lockhart of
Carnwath.

way shall go and that at the sight of the sheriff of the Shire.

[9th Article
of Union 1706
Proceedings
thereon]

THEN the sixth Article of the Union was read, and after some reasoning thereon there was a proposal given in for adding the following clause to the end of the sixth Article viz. 'Except in so far as shall be rectified by this Parliament upon the consideration of the subsequent articles.'

WHICH being read and discoursed upon There was another proposal given in for enlarging and explaining the said sixth article in these terms viz. 'And seeing by the Laws of England now standing there are rewards granted upon the exportation of certain kinds of grain wherein oats is not specified That from and after the Union when oats shall be at fifteen shillings per quarter or under there shall be paid two shillings and six pence for every quarter of oatmeal exported in the terms of the laws whereby rewards are granted for exportation of other grains And in respect there is a duty upon oats imported into England but no duty upon oatmeal the importing of which is a prejudice and discouragement to tillage Therefore That from and after the Union the quarter of oatmeal be Deemed equal to three quarters of oats and pay duty accordingly when imported to Scotland from any place whatever beyond the Sea.'

WHICH being likewise read after some further reasoning It was moved that the observations, in relation to the balance of the trade of this Nation, made by the Council of trade should be laid before the Parliament.

AND after debate thereupon the further consideration of the said Sixth article and motions was delayed till the next Sederunt of Parliament to be then resumed previous to all other business, and ordered that the observations made by the Council of trade be then laid before the Parliament.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten of the clock.

NOVEMBER XXVII, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

ADDRESS of the Barons, freholders and others within the shire of Midlothian subscribing the same against an Union with England in the terms of the articles given in and read.

[Addres
Signed the
Union]

THE sixth article of Union again read and a proposal given in for adding the word 'Drawbacks' to both clauses of the said article, Which was agreed to.

[9th Article
of Union 1706
Proceedings
thereon]

AND the said Article as so amended was again read As also the proposal mentioned in the Minutes of the last Sederunt in relation to oats and oatmeal with the addition of a further clause in these terms 'And that the Bear of Scotland have the like rewards and drawbacks as barley.'

AND it was likewise moved That another clause should be added thereto 'Allowing the like premium or drawback on the exportation of oatmeal as is allowed on the exportation of rye in England' And after debate thereupon it was agreed that the sixth article with the proposals for amendments should be remitted to a Committee.

THEREAFTER there was a clause offered to be added to the said sixth article in these terms viz. 'But Scotland for the space of years after the first day of May next shall be free from and no ways subject to the prohibition and restrictions made against exporting of wool, skins with wool upon them and woollen yarn which by the oaths of the seller and buyer shall be made appear to be the proper growth and product of Scotland and spun within the same which shall no ways be comprehended under any of the laws already made in England or to be made during the space foresaid.'

AS also a clause in these terms viz. 'Excepting and reserving the duties upon export and import of such particular Commodities from which any persons the Subjects of either Kingdom are specially liberated and exempted by their private rights which after the Union are to remain safe and intire to them in all respects.'

AND sicklike another clause in these terms 'That after the Union all sorts of Scots Linnen or any kind of Cloath made of flax or hemp be exported out of the united Kingdom free of all Customs or other impositions whatsoever.'

AND another in these terms 'That before the Union we may now have such a Drawback adjusted as may enable us to export Beef and Pork and Butter to the West-Indies and other foreign parts which will be a considerable branch of our Trade after the Union.'

AND likewise another clause in these terms 'That from and after the Union all duties or Beauty-

* The Record ends here abruptly; & the subsequent Proceedings of this last of the Parliaments of Scotland have been taken from the Original Warrants. See Preface to this Volume.

tolls or other exactions upon black Cattel or any other product of Scotland when carried into England or product of England when carried into Scotland payable either to the publick or private persons shall in all time coming be void and null.

AND another Clause in these terms 'That from and after the Union The Kingdom of Scotland shall have Liberty for ever to manufacture Plaiding Fingrams Galloway-whites Sarges Stockings and all sort of Linnen as they have been in use to do conforme to the regulations contained in their own Laws and to export the same to England or Dominions and Plantations thereto belonging or to any other place beyond Seas free of any duty or imposition whatsoever to be laid thereon But in case any of the Subjects of that part of united Britain now called Scotland shall export any other sort of Woollen-Manufacture than what is above-mentioned they are to be liable to the regulations and taxes of England imposed before the Union or to be imposed by the British Parliament after the Union'.

AND it was agreed That all the Clauses above insert should be likewise remitted to a Committee.

WHEREUPON it was moved that the Sixth Article and proposals and additional clauses relating thereto should be remitted to the Committee for examining the calculation of the equivalent which was agreed to.

THEREAFTER it was also moved that a farther number of the members of each State should be added to the said Committee, And thereupon a Vote was put Add or Not and it carried Add.

THEN it was moved that two of each State be the number to be added and Likewise moved that the number of four of each state be added, And after some reasoning It was put to the Vote Two or Four and it carried Two And the next Sederunt of Parliament appointed for choising the additional members.

[7th Article
of Union
read.]

THEN the Seventh Article of Union was read And the reasoning thereupon delayed till the next Sederunt of Parliament to be then proceeded upon previous to all other business after choicing of the additional members for the Committee.

THEN the Lord Chancellour by order of Her Majestic's High Commissioner adjourn'd the Parliament till the morrow at ten of the clock.

NOVEMBER XXVIII, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THEN the following Addreeses were given in and read viz. Addrees of Heretors & others Inhabitants of the paroch of S^t Ninians subscribers of the same and Addrees of the Magistrate Town Council Burgesies & other Inhabitants of the Burgh of Dunbar subscribing the same both against an Union with England in the terms of the articles.

[Addreeses
against the
Union]

THEREAFTER the Parliament (conform to the Minuta of the last Sederunt) proceeded to elect the additional Members to the Committee to whom the sixth article and chaides and proposalls relative thereto are remitted, And the three Estates having separated to their usual places They returned and reported their respective elections of the said additional Members as follows viz. Of the Nobility The Earles of Haddingtoun and Cromerty, Of the Commissioners for shynres S^t Gilbert Elliot of Minto and S^t Thomas Burnet of Leyes, Of the Commis-sioners for Burghs S^t John Areskine and S^t Peter Halkett and the Committee was appointed to meet in the Inner session house to morrow at nyne of the clock in the forenoon.

[Members
added to
Committee
on 6th Ar-
ticle]

THEN the seventh article of Union was again read, And after some reasoning a proposall was made for an explanation & addition whereby the Nation would be secured against paying more excise for the two penny ale than they now doe in these terms 'That the thirty four gallons English 'Barrell of Bear or Ale amounting to twelve gal- 'lons Scots present measure fold in Scotland by 'the Brewar at nine shillings sex pence Sterline ex- 'cluding all duties, and retailed including duties 'and the Retailers profite at two pence the Scots 'pynt or eight part of the Scots gallon be not after 'the Union lyable on account of the present ex- 'cises upon excisable liquors in England, to any 'higher imposition than two shillings Sterling upon 'the foresaid thirty four gallons English barrell 'being twelve gallons the present Scots measure.'

[7th Article
of Union;—
Proceedings
thereon.]

AND another clause being likewise offered in these terms 'And it is hereby specially provided 'that the two penny ale and bear of Scotland shall 'be only charged with the same excise as the small 'bear of England.'

AFTER some debate the vote was stated Approve of the seventh article as to the excise of ale and bear with the explanation as contained in the first

or second clauses above insert And therupon the said clauses being read

IT was agreed that the members shall be marked as they vote and that a list of their names as they vote First or Second shall be printed.

WHEREUPON the vote was put Approve of the seventh article as to the excise of ale & bear with the explanation as contained in the said First or Second clauses And it carried First. And the List of the Members as they voted pro or con is as follows.

FIRST.

Of the Nobility.

Marq: Montrose P. S. C.

Duke Argyll

Marq: Tweeddale

Lothian

Earles Mar Sec:

Lowdoun Sec:

Sutherland

Roths

Mortoun

Glenairn

Abercorn

Roxburgh

Haddingtoun

Lawdendale

Dalhouffie

Findlater

Northek

Belcarras

Forfar

Kindoir

Dunmore

Marchmont

Hynndford

Cromarty

Stair

Roffberry

Glasgow The' Dep'

Hopetoun

Delorain

Islay

Lords Forbes

Elphinstoun

Roß

Torphichen

Cranstoun

Banff

Ellibank

Duffus

Rollo

Lo, Register

Lo, Justice Clk.

Of the Barrons.

Ro' Dundas of Arncliffe

S' Ro' Dickson of Inveresk

W^m Nisbet of Dirletoun

Jo^s Cockburn younger of Ormiston

S' John Swintoun of that Ilk

S' Alex^r Campbell of Cernock

S' W^m Kerr of Greenhead

S' Gilbert Elliot of Minto

Ar^d Dowglafs of Cavers

W^m Bennet of Grubbet

M^r John Murray of Bowhill

M^r John Pringle of Hayning

W^m Marfion of Prestongrange

Alex^r Horfeburgh of that Ilk

George Baylie of Jerviswood

S' John Johnstoun of Westerhall

W^m Dowglafs of Dornock

M^r W^m Stewart of Castlestewart

M^r John Stewart of Sorbie

M^r Francis Montgomery of Giffan

M^r W^m Dalrymple of Glenmuir

M^r Ro^s Stewart of Tillenclirie

S' Robert Pollock of that Ilk

M^r John Montgomerie of Wrae

John Halden of Glenagies

Mongo Graham of Gorthie

S' Thomas Burnet of Leyes

W^m Seton younger of Pitmedden

Alex^r Grant younger of that Ilk

Hugh Roß of Kilravock

S' Kenneth M^rKenzie

M^r John Campbell of Mammore

S' James Campbell of Auchinbreck

James Campbell younger of Ardkinglafs

S' W^m Anfruther of that Ilk

James Halyburton of Pitcur

Alex^r Abercrombie of Glasloch

W^m Maxwell of Cardinefs

M^r James Dunbar younger of Hemprigs

Alex^r Dowglafs of Egghaw

John Bruce of Kinroß

Of the Burrows.

S' Patrick Johnstoun

John Scrimfour

John Allardyce

Lieu^t Co^s Jo^s Arefkine

John Mure

James Scott

S' John Arefkine

James Spötle

M^r Pat. Moncreiff

S' Andrew Home

S' Peter Halkett

S' James Smollett

M^r W^m Carmichael

M^r W^m Sutherland

Captain Daniell M^rLeod

S^r David Dalrymple
 S^r Alex^r Ogilvie
 M^r John Clerk
 John Ross
 S^r Hugh Dalrymple
 M^r Pat. Ogilvie
 W^m Alvis
 M^r James Bethune
 M^r Rorie M^rKenzie
 John Urquhart
 S^r James Stewart
 Daniell Campbell
 S^r Robert Forbes
 M^r Robert Dowglafs
 M^r Alex^r Maitland
 M^r George Dalrymple
 M^r Charles Campbell

SECOND.

Of the Nobility.

Dukes Hamilton
 Atholl
 Marq^{ts} Annandale
 Earles Erroll
 Mariball
 Buchan
 Eglington
 Wigton
 Strathmore
 Galloway
 Selkirk
 Visc^{ts} Stormont
 Kilsyth
 Lords Saltoun
 Sempill
 Oliphant
 Balmerino
 Blantyre
 Bargany
 Bellhaven
 Colvill
 Kinnsaird

Of the Barons.

George Lockhart of Camwath
 S^r James Fowles of Colington
 S^r John Lawder of Fountainshall
 Andrew Fletcher of Saltoun
 S^r Robert Sinclair of Longformacus
 S^r Patrick Home of Rentoun
 W^m Baylie of Lamington
 John Sinclair younger of Stevenstone
 John Sharp of Hoddam
 M^r Alex^r Ferguson of Isle
 S^r Hugh Cathcart of Carleton
 John Brisbane younger of Bishoptoun
 M^r W^m Cochran of Kilmarnock
 John Graham of Killbain
 James Graham of Bucklyvie

Thomas Sharp of Howthorn
 S^r Patrick Murray of Auchtertyre
 John Murray of Strouan
 S^r David Ramsay of Balmain
 Alex^r Gordon of Pitlurg
 John Udney of that Ilk
 James More of Stonywood
 John Forbes of Coloden
 David Bethune of Balfour
 Major Henry Balfour of Dunboog
 M^r Thomas Hope of Rankeillor
 M^r Pat. Lyon of Ochterhouse
 David Graham younger of Fintrie
 James Ogilvie younger of Boynd
 Alex^r M^rKye of Palgown

Of the Burrows.

Robert Inglis
 Alex^r Robertson
 Walter Stewart
 Alex^r Watson
 Hugh Montgomerie
 Alex^r Edgar
 John Black
 James Oswald
 S^r Jo^h Anstruther
 Robert Johnston
 Alexander Duff
 Francis Mollison
 George Monro
 Walter Scott
 William Coltran
 Robert Kellie
 M^r John Lyon
 M^r Dowgall Stewart
 George Brodie
 George Spens
 S^r David Cunningham
 M^r W^m Johnston
 M^r John Carruthers
 George Hoone
 John Bayne
 M^r Robert Frazer

THEN the Lord Chancellor by order of Her
 Majesties High Commissioner Adjourned the
 Parliament till to morrow at ten of the clock.

NOVEMBER XXIX, MDCCVI.

PRAYERS said. Rolls called.

MINUTS of the last Sederunt read.

REPORT of the members to whom the advance
 made by M^r James Anderson in the work recom-
 mended to him by the Parliament presented and
 ordered to ly on the table to be seen.

[M^r James
 Anderson's
 Work]

[Order as to
the Article
of Union]

MOVED that the observations made by the Council of Trade in relation to the export and import of this Nation & ballance of our trade be laid before the Committee to whom the Sixth article of Union is remitted And the same was accordingly ordered As also the Clerks of the said Council of Trade were ordered to transmit to the said Committee all observations papers and records relating thereto.

[Unlawful
Carriage
with
Proceedings
relative
thereto]

THEN the Lord Chancellor acquainted the Parliament That the Secrete Council at their last meeting had under their consideration severall accounts of irregular & tumultuary meetings by some people of the common & meanest degree in armes and of abuses committed by them at Glasgow Stewartie of Kirkcudbright and Dumfries and severall places of Lanerk shire and that there were papers dropt inviting people to take up armes & to provide ammunition & provisions in order to their marching to disturb the Parliament All which be was directed by the Right Honourable the Lords of her Majesties Secrete Council to lay before the Parliament to the effect proper methods might be resolved upon for preventing the evil consequences of such practices And thereafter presented a Letter from the Magistrats of Dumfries to her Majesties Advocate bearing an account of the abuses and tumultuary meeting in that place with a Declaration emitted by those who met which was affixt on the mercat crofs of Dumfries and both were read.

WHEREUPON a draught of a Proclamation to be emitted by the Parliament against all tumultuary and irregular meetings and convocation of the Leidges was presented and read And after some discourse thereupon It being objected that it did not appeare that there was a particular information of any tumultuary meetings or irregular convocations in any other part of the shire of Lanerk than at Glasgow.

HER Majesties High Commissioner was thereupon pleased to notify to the Parliament That be had information not only from Glasgow and Dumfries but also from severall places in Lanerk shire of tumultuary & irregular meetings of men under armes and of their giving out and publishing their designe of marching to disturb the Parliament.

THERAFTER the draught of the Proclamation was again read and after reasoning thereupon and some amendments a vote was flated Approve of the Proclamation or Not.

AND before voting It was agreed that the members shall be marked as they vote and that the

list of their names as they vote pro or con shall be printed and Recorded and the Lord Chancellor allowed to have his name printed and recorded as ane approver And the Proclamation as amended being again read over

THE vote was put Approve or Not and it carried Approve. And the List of the members as they voted pro or con is as follows.

[Proclamation
voted]
[List of
Voters]

APPROVERS

Of the Nobility

The Lo. Chancellor allowed to be printed by speciall order of Parliament

Marq; Montrose P. S. C.

Duke Argyle

Marq; Tweeddale

Lothian

Amundale

Earles Marr Sec;

Lowdown Sec;

Crawford

Sutherland

Roths

Mortoun

Buchan

Eglintoun

Abercorn

Roxburgh

Haddingtoun

Galloway

Findlater

Northek

Belcarra

Forfar

Kintair

Dunmore

Marchmount

Hyndford

Cromarty

Stair

Roseberry

Glasgow The deyt

Hopetoun

Delorain

Illy

Visc; Garnock

Lords Forbes

Elphinstoun

Rofs

Torphichen

Balmorino

Cranstoun

Præfer

Banff

Eljibank

Bellhaven

Duffus

Rollo

Lo, Register
Lo, Justice Clk.

M^r Alexander Abercrombie of Tillibody
John Bruce of Kinross

Of the Barrens

Ro' Dundas of Arncliffe
S^r Ro' Dickson of Innercraik
George Lockhart of Carnwath
S^r John Lawder of Fountainhall
W^m Nisbet of Diketoun
John Cockburn younger of Ormiston
S^r Robert Sinclair of Longformacus
S^r John Swintoun of that ilk
S^r Patrick Home of Rentoun
S^r Alex^r Campbell of Cefanock
S^r W^m Kerr of Greenhead
S^r Gilbert Elliot of Minto
Ar^d Dowglas of Cavers
W^m Bennet of Grubbet
M^r John Murray of Bowhill
M^r John Pringle of Haining
W^m Morison of Prestongrange
Alex^r Horsburgh of that ilk
George Baylie of Jerviswood
S^r John Johnston of Westerhall
W^m Dowglas of Doonock
M^r W^m Stewart of Castlethwart
M^r John Stewart of Sorbie
M^r Francis Montgomerie of Giffan
M^r W^m Dalrymple of Glenmuir
S^r Hugh Cathcart of Carleton
S^r John Houston of that ilk
S^r Robert Pollock of that ilk
Thomas Sharp of Houston
M^r John Montgomerie of Wrae
John Halden of Glasgiew
S^r Pat. Murray of Auchtertyre
Mungo Graham of Gorthie
S^r Thomas Burnet of Leyes
S^r David Ramsay of Balmain
Alex^r Gordon of Pitlurg
John Udney of that ilk
W^m Seton younger of Pitmedden
Alex^r Grant younger of that ilk
Hugh Ross of Kilsavock
John Forbes of Coloden
M^r Eneas McLeod of Cadboll
M^r John Campbell of Mammoe
S^r James Campbell of Auchinbreck
James Campbell younger of Ardkinglass
S^r W^m Anstruther of that ilk
David Bethun of Balfour
Major Henry Balfour of Dunboog
M^r Thomas Hope of Rankellor
James Halyhurton of Pitcur
W^m Maxwell of Cardross
James Sinclair of Stempster
M^r James Dunbar younger of Hempriggs
S^r Hary Innes younger of that ilk
Alex^r Dowglas of Eglishaw

Of the Burrows

S^r Patrick Johnston
Robert Ingla
John Scrimbour
John Allardyce
Lieut^t Collonell John Arefine
Alex^r Waton
Hugh Montgomerie
John Mure
James Scott
Patrick Bruce
S^r John Anstruther
Alex^r Duff
S^r John Arefine
James Spitle
M^r Pat. Moncreiff
George Monro
George Spens
S^r Hugh Dalrymple
M^r Patrick Ogilvie
W^m Alvis
M^r James Bethun
M^r Roric McKenzie
John Urquhart
S^r James Stewart
Daniel Campbell
S^r Robert Forbes
M^r Robert Frazer
M^r Robert Dowglas
M^r Alex^r Maitland
M^r George Dalrymple
M^r Charles Campbell
S^r Andrew Home
W^m Coltran
S^r Peter Halket
S^r James Smollet
S^r Alex^r Ogilvie
M^r John Clerk
M^r Dowgall Stewart
John Ross
George Brodie

NOES

Of the Nobility

Earl Selkirk
Visc^o Stormont
Lord Oliphant

Of the Barrens

Alex^r McKye of Palgown

PROCLAMATION against Unlawful Conventions

ANNE by the Grace of God Queen of Great Britain France and Ireland defender of the faith to our Lyon King at Arms and his brethren heraulds pursuivants, maffers, and messengers at Arms Our Sheriffs in that part conjunctly and severally specially constitute Greeting Forasmuch as albeit the raising of tumults and making convocation within Burgh and the riotous and disorderly assembling and continuing in arms, thereby insulting the Magiftrats and hindering them in the execution of their office and hindering of the common Law be contrary to sundry Laws and Acts of Parliament as well as destructive of the ends of Government and particularly to Parliament 13th Chap: 78th, James 2^d, James 4th, Parliament 5th Chap: 34th, James 6th, Parliament 18th Chap: 17th, As also the rising in arms, convecting our Leidges in the open fields and marching in formed bodies arm'd through the Country and entering into our Royal Burghs bouden in fear of weir And entering into bands leagues and associations for prosecuting illegal and unwarrantable ends be by several Laws and Acts of Parliament declared to be open and manifest treason And the committers abettors and assistants in such crimes and practices ought to be prosecuted and may be punished as Traitors to her Majesty and her Government And particularly by Parl: 2^d James 1st Chap: 37th James 2^d Parl: 6th Chap: 14th James 6th Parl: 12th Chap: 144th Charles 2^d Parl: 1st Session 1st Chap: 4th, Yet nevertheless We and our Estates of Parliament are certainly informed that in several corners of the Realm and particularly in our Burgh of Glasgow and other places within the shieriffdom of Lanerk and in our Burgh of Dumfries and other places adjacent, people have presumed in manifest contempt of the foresaid Laws to assemble themselves in open defiance of our Government and with manifest design to overturn the same by insulting the Magiftrats attacking and assaulting the houses of our peaceable Subjects continuing openly in arms and marching in formed bodies through the Country and into our Burghs, and insensibly burning in the face of the sun and pretence of the Magiftrats the Articles of Treaty betwixt our two Kingdoms entered into by the authority of Parliament and even after the said articles had been presented to Us and were under the consideration of Us and our Estates presently sitting in Parliament and these progress made thereupon And such crimes and insolencies being no wayes to be tolerated in any well governed Nation, but on the contrary ought to be condignly punished conform to the Laws abovementioned and other Acts of Parliament made thereasent, especially if persisted and

continued in after our displeasure therewith shall be made known Therefore We with advice and consent of the Estates of Parliament promply Require and Command all and every person who have assembled themselves in manner abovementioned to lay down their said arms and disperse themselves and peaceable and quietly to retire and betake themselves to their several habitations and imployments And We with advice foresaid Prohibit and Discharge any Assembling or Convecting in arms in manner foresaid under the pains contained in the Acts of Parliament abovementioned Certifying all that shall be guilty Actors Abettors or assistants in convecting or assembling in arms or these who shall convocat and commit these practices abovementioned shall be treated and pursued as open Traitors and the pains of treason execute upon them accordingly And in case any of our people shall dare to be so presumptuous after publication of the premises to assemble or continue in Arms, We hereby Require and Command the sheriffs of our several Shires Stewarts of our Stewartries Bailiffs of Regalitys and Barons Magiftrats of Burghs and other officers of our Law, officers of our forces and troops under their command to pass upon, disperse and subdue the said Conventions by open force and all manner of violence as enemies and open rebels to us and our Government, And in case any slaughter blood bruises or mutilation shall happen to be done and committed by our said sheriffs & officers of our forces and other Magiftrats foresaid or persons under their Command We with advice foresaid Do hereby fully Remit pardon and indemnify the same and Discharge the prosecution thereof civilly or criminally in all time coming Our Will is heretore and We charge you, That ye pass to the mercat Cross of Edinburgh, and mercat Crosses of Dumfries Lanerk and Glasgow and other places needfull, and there make publication hereof by open proclamation of the premises that none pretend ignorance And ordain these presents to be printed and our Solicitors to send Copies hereof to the Magiftrats of the respective Burghs abovementioned for that effect.

THERAFTER the draught of ane Act suspending the effect of that Clause in the Act of Security for arming and exercising the sensible men past in the second Session of this current Parliament and that during this current Session of Parliament allearly read and a first reading ordered to be marked thereon.

[Act against traitors &c.]

THEN the Lord Chancelour by order of her Majesties High Commiffioner Adjourned the Parliament till the morrow at ten of the Clock.

NOVEMBER XXX, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Addresses
against the
Union]

ADDRESS of the Magistrats and Town Council of the burgh of Air for such Rectifications of the articles of Union and such easing of duties and publick taxes as are most agreeable to the circumstances of this Nation given in and read.

ADDRESS of Heretors & others Inhabitants of the Town & paroch of Burntisland subscribers of the same against an Union with England in the terms of the articles given in and read.

[Act against
musters &c.]

THERAFTER the Act suspending the effect of a Clause as to arming and exercising the Country in the Act of Security past in the second Session of this current Parliament again read And after some reasoning thereupon and some amendments the act as amended was again read.

THEN the vote was put Approve of the act or Not And it carried Approve, and was touched with the Scepter by Her Majesties high Commissioner in the usual manner under the title of Act against all Musters and Rendezvous during the present Session of Parliament.

ACT against all Musters & Rendezvous during the present Session of Parliament without Her Majesties special command

- 3 OUR SOVERAIGN LADY considering that by the 3^d Act of the 2^d Session of this Parliament intituled Act for Security of the Kingdom It is Statut & Enacted That the whole Protestant heritors & all the Burghs within the same shall forthwith provide themselves with fire armes for all the fencible men who are Protestants within their respective bounds, and the said heritors & burghs are thereby Impowred & Ordained to discipline & exercise their fencible men once in the month at least And also Considering that the disorderly & seditious meetings & tumults in some places in the country doe make it necessary at this occasion to suspend the effect of the foresaid clause during this Session of Parliament alleuarily Therefore Her Majestie with advice & consent of the Estates of Parliament doth hereby suspend the effect of the foresaid clause & that during this Session of Parliament alleuarily And furder Her Majestie with advice & consent foresaid discharges & strictly prohibits the subjects of this Kingdom to meet & assemble together in arms after the publication

hereof upon any pretence whatsoever during the space foresaid without her Majesties special command or express licence had or obtain'd thereto And Requires & Commands all the subjects of this Kingdom to retire to their own habitations & lawfull employments Certifying such as shall doe in the contrary that they shall be lyable to the pains of high Treason conform to the Laws & Acts of Parliament made against unlawfull convocations & risings in armes.

AND the said Act and the Proclamation mentioned in the Minuts of the last Sederunt were ordered to be forthwith published and printed.

THERAFTER the Seventh article of Union was again read And after Reasoning upon that part thereof not feverly approved, It was put to the vote Approve of the rest of the said Seventh article or Not and it carried Approve.

[7th Article
of Union
read]

A PRINT was then given in intituled An account of the burning of the articles of Union at Dumfries Bearing the declaration read and affixed at the Mercat Crofs thereof by the tumult assembled on that occasion And it being moved That inquiry shall be made who has been the printer & ingiver of the said scurrilous paper and that the print be burnt by the hand of the hangman.

[Order for
burning a
scurrilous
Print]

IT was remitted to the Committee to whom the sixth article of Union is Remitted to Call for the Magistrats of Edinburgh, and to take tryall and make inquiry ament the printer and ingiver of the said paper.

ORDORED also that the said scurrilous print be burn'd by the hand of the common hangman at the Mercat Crofs of Edinburgh upon Monday next betwixt eleven and twelve of the clock And the Magistrats of Edinburgh appointed to see the orders punctually executed.

THEN the Eight article of Union was Read, and Remitted to the Committee to whom the sixth article is remitted.

[8th Article
of Union
read]

ACT for adjourning the Session till the first day of January next read, And a clause was offered to be subjoyned thereto in these terms " And further Her Majestie with advice and consent foresaid Statuts & Ordains that the Session which is appointed to rise the last day of February next be continow'd to fit for administration of Justice to the Lieges from the said day to the last day of March 1st vijth & seven years inclusive."

[Act for
Adjourning
the Session]

WHICH being read the consideration of the said clause delayed till the Act be again read, And a first reading was ordered to be marked on the Act.

THERAFTER it was Intimat to all such members as gave in any overtures or clausis (relating to the sixth article of Union) to attend the Committee next Sederunt

THEN the Lord Chancellor by order of Her Majesties high Commissioner Adjourned the Parliament till Tuesday next at ten of the clock.

DECEMBER III, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Addresses against the Union]

THEN the following Addressees were given in and read viz. Address of the Merchants Deacons Trades and other inhabitants of the burgh of Ayr subscribers of the same Address of Barrens freeholders heretores and others of the four parochies of Glenkens in the shire of Galloway subscribers of the same and Address of the Magistrates Town Council burghesses and inhabitants of the burgh of New Galloway subscribers of the same all against an Union with England in the termes of the articles.

[Act Adjourning the Session]

THERAFTER the act adjourning the Session till the first of January next was again read, as also the Clause continuing the sitting thereof from the last of February to the last day of March next inclusive insert in the minutes of the last Sederunt And after debate it was put to the vote Add the Clause or Not and it carried Add.

AND the Clause being added the vote was put Approve the act or Not and it carried Approve.

[Earl of Aberdeen absent]

THE Earle of Aberdeen his absence excused by his Grace her Majesties High Commissioner in respect of his indisposition.

[Act in favour of the Burgh of Dundee]

AGREED that the Act in favours of the burgh of Dundee for an imposition of two pennies upon the pynt of ale and beir to be browen and vended within the bounds and for the uses therein mentioned be taken under consideration the first of all other privat businesis.

[Order as to 9th & 10th Articles of Union]

ORDERED that the Council of Trade do meet and give in their observations as to export and import and ballance of Trade to the Committee to whom the Sixth and Eight articles are remitted and that betwixt and the next Sederunt of the said Committee.

[9th Article of Union & Proceedings thereon]

THEN the ninth article of Union was read and after reasoning thereon It was moved that six

moneths cess shall be the quota of the tax to be imposed on Scotland in place of eight moneths agreed to by the said article. And after debate thereupon

A VOTE was stated Approve of the ninth article or Not.

AND thereupon a second state of a vote was offered viz. Whether six moneths cess or eight moneths cess should be the quota of the tax to be charged on Scotland.

THEN the vote was put Which of the two should be the state of the vote First or Second and it carried First.

WHEREUPON it was put to the vote Approve of the said ninth article or Not And it carried Approve. [9th Article approved]

THERAFTER the tenth eleventh twelfth and thirteenth articles of Union were all severally read And were separately voted and approved. [10th 11th 12th & 13th Articles approved]

THE fourteenth article of Union read And the consideration thereof delayed till next Sederunt to be then proceeded upon previous to all other business. [14th Article of Union read]

ACT adjourning the Session to the first day of January next and continuing the sitting thereof from the last of February to the last day of March next inclusive Touched with the scepter by her Majesties high Commissioner in the usual manner.

ACT adjourning the Session to the first day of January next and continuing the sitting thereof from the last of February to the last day of March next inclusive

OUR SOVERAIGNE LADY with advyse & 4 consent of the Estates of Parliament Adjourns the Session to the first day of January next and declares all actions depending before the Lords of Session to be continued to the said day And Her Majestie with consent foresaid dispenses in the mean tyme with the sitting of the Court of Judicary & all Inferior Courts as if the Parliament were not sitting And further Declares that the tyme & space betwixt the date hereof & the said first day of January next shall not be reckoned in any annual prescriptions And further Her Majestie with advyse & consent foresaid Statutes & Ordaines that the Session which is appointed to ryfe the last day of February next be continued to sit for administration of justice to the Leidges from the said day to the last day of March 1st vjth & seven years inclusive And ordaines these presents to be

published at the marcat croffe of Edinburgh & to be forthwith printed that the Leidges may be certified thereof.

THE Committee appointed to meet to morrow at nyne of the Clock in the ufual place.

THEN the Lord Chancellor by order of her Majesties High Commissioner Adjourned the Parliament till Thursday next at ten of the Clock.

DECEMBER V, M,DCC,VI.

PRAVERS said Rolls called.

MINUTS of the last Sederunt read.

[M^r James Anderson's Work]

AGREED that the Report anent the advance made by M^r James Anderson in the work Recommended to him by the Parliament be taken under consideration when the Parliament shall proceed upon privat Acts.

THE Parliament was then acquainted That the Report of the Committee anent the Calculation of the equivalent Remitted to them was ready and in the Clerks hands and that all perfones concerned may see the same and grounds whereupon it proceeds, before the report be brought in to the Parliament.

[14th Article of Union — Proceedings thereon]

THERAFTER the fourteenth article of Union was again read, And an amendment and addition thereto was offered in these terms " And that the part of the united Kingdome now called Scotland shall not in all tyme coming be charged with any malt tax or any other cuttomes, excises taxes or any other burdens or duties than those consented to in this treaty."

AND after some reasoning upon the first part of the said clause in relation to the malt tax, It was proposed that the amendment should be in these terms " With this farder provifion That any malt to be made & consumed within that part of the united Kingdome now called Scotland shall not be charged with any Impofition on malt during this prefent war."

AND after some farder debate The vote was flated Whether the exemption from any Impofition on malt shall be temporary or perpetuall.

THEN the vote was put Whither the exemption shall be Temporary or Perpetuall And it carried Temporary.

THERAFTER It was proposed that the exemption shall be during this prefent war.

IT was alfo proposed that the exemption shall be for a longer tyme.

AND after debate thereon The vote was flated Whether the exemption from any Impofition on malt shall be during this prefent war or for a longer tyme And it carried during this prefent war.

THEN the article as amended was again read and the farder consideration thereof delayed till the next Sederunt of Parliament to be then proceeded upon previous to all other buifines.

THEN the Lord Chancellor by order of Her Majesties High Commissioner adjourned the Parliament till to morrow at ten of the clock.

DECEMBER VI, M,DCC,VI.

PRAVERS said Rolls called.

MINUTS of the last Sederunt read.

THE fourteenth article of Union as amended again read As alfo the clause offered to be added to the said article inferit in the Minuts of the last Sederunt, as to the exemption from any other Cuttomes Excises taxes or any other burdens or duties than those consented to in this Treaty And after debate

[14th Article of Union — Proceedings thereon]

THERE were two flates of a vote proposed The first in these terms Approve of the article as amended or Not And the second in these terms Approve or Amend.

AND before voting It was agreed that the members shall be marked as they shall vote in both votes And that the list of their names shall be recorded and printed accordingly.

THEN it was put to the vote Which of the two shall be the flate of the vote First or Second And it carried First. And the List of the Members as they voted First or Second is as follows.

[List of Voters]

FIRST.

Of the Nobility.

M: Montrose P. S. C.

D: Argyle

M: Tweeddale

Lothian

E: Marr Sec:

Lowdown Sec:

Crawford

Sutherland

Roths

Mortoun

Glencairn
 Abercorn
 Roxburgb
 Haddingtoun
 Dalhousie
 Findlater
 Belcarrais
 Forfar
 Kintoir
 Dunmore
 Marchmont
 Hyndfoord
 Cromarty
 Stair
 Roseberry
 Glasgow
 Hopetoun
 Delorain
 Illy
 Lo: Forbes
 Elphinstoun
 Roß
 Torphichen
 Frazer
 Banff
 Elphinstoun
 Duffus
 Roß
 Lo: Register
 Lo: Justice Clerk

Of the Barons.

S^r Robert Dickson of Inverack
 W^m Nisbet of Dirlotoun
 Jo^h Cockburn younger of Ormiston
 S^r John Swintoun of that ilk
 S^r Alex^r Campbell of Cethack
 S^r W^m Kerr of Greenhead
 Ar^d Dowglaf of Cavers
 W^m Bennet of Grubbet
 M^r John Murray of Bowhill
 W^m Morison of Prestongrange
 Alex^r Horikburgh of that ilk
 George Baylie of Jerviswood
 S^r John Johnston of Westerhall
 W^m Dowglaf of Dornock
 M^r W^m Stewart of Castle Stewart
 M^r John Stewart of Sorbie
 M^r Francis Montgomerie of Giffan
 M^r W^m Dalrymple of Glenmaur
 M^r Robert Stewart of Tillicultrie
 S^r Robert Pollock of that ilk
 M^r Jo^h Montgomerie of Wrae
 John Halden of Glenagies
 Mongo Graham of Gorthie
 W^m Seton of Pitmedden
 Alex^r Grant younger of that ilk
 Hugh Roß of Kilravock
 S^r Kenneth M^rKenzie
 M^r Elias M^rLeod of Cadboll

M^r John Campbell of Mammoe
 S^r James Campbell of Auchinbreck
 James Campbell younger of Ardkingliff
 S^r W^m Anfruther of that ilk
 James Halyhurton of Pitcair
 Alex^r Abercrombie of Glasfich
 Alex^r Dowglaf of Eglishaw
 John Bruce of Kinroß

Of the Burrows.

S^r Patrick Johnston
 John Scrimmour
 Lieut ^{Col^l} Jo^h Areskine
 John Muir
 S^r John Anfruther
 S^r John Areskine
 James Spittle
 M^r Patrick Moncreiff
 S^r Andrew Home
 S^r Peter Halket
 S^r James Smollet
 M^r William Carmichael
 M^r W^m Sutherland
 Cap^t Daniel M^rLeod
 S^r David Dalrymple
 S^r Alex^r Ogilvie
 M^r John Clerk
 John Roß
 S^r Hugh Dalrymple
 M^r Patrick Ogilvie
 George Allardye
 W^m Alvis
 M^r James Bethun
 M^r Rorie M^rKenzie
 S^r James Stewart
 Daniell Campbell
 S^r Robert Forbes
 M^r Robert Dowglaf
 M^r Alex^r Maitland
 M^r George Dalrymple
 M^r Charles Campbell

SECOND.

Of the Nobility.

D: Hamilton
 Athole
 M: Annandale
 E: Erroll
 Marfhill
 Buchan
 Eglington
 Wigtoun
 Strathmore
 Galloway
 Selkirk
 Vis: Stormonth
 Killyth
 Lo: Saltoun
 Sempill

Balmerino
Blantyre
Crautoun
Bargany
Bellhaven
Colvill
Kinnaird

Of the Barrons.

Robert Dundas of Arncliffe
George Lockhart of Carawath
S^r James Foulis of Collington
S^r John Lawder of Fountainhall
Andrew Fletcher of Saltoun
S^r Robert Sinclair of Longformacus
S^r Patrick Home of Rentoun
S^r Gilbert Elliot of Minto
W^m Baylie of Lamingtoun
Jo^s Sinclair younger of Stevenston
John Sharp of Hoddam
M^r Alex^r Ferguson of Isle
S^r Hugh Cathcart of Carleton
Jo^s Britkane younger of Bithoptoun
M^r W^m Cochran of Kilmaronock
S^r Humphrey Colquhoun of Luff
S^r John Houstoun of that Ilk
John Graham of Kilbairn
Thomas Sharp of Houstoun
S^r Pat. Murray of Auchtertyre
John Murray of Strowan
S^r Thomas Burnet of Leyes
S^r David Ramsay of Balmain
Alex^r Gordon of Pitlurg
John Udney of that Ilk
James More of Stonywood
John Forbes of Collioden
David Bethun of Balfour
Major Henry Balfour of Dunboog
M^r Thomas Hope of Rankellor
M^r Patrick Lyon of Auchterhouse
M^r James Carnegie of Plainhaven
David Graham younger of Fintrie
James Ogilvie younger of Boyne
W^m Maxwell of Cardineis
James Sinclair of Stempiler
M^r James Dunbar younger of Hempriggs
M^r Alex^r Abercrombie of Tillibody
M^r George M^rKenzie of Inchcoultter

Of the Burrows.

Robert Inglis
Alex^r Robertson
John Allardyce
Walter Stewart
Alex^r Watton
Hugh Montgomerie
Alex^r Edgar
John Black
James Oswald
James Scott

Alex^r Duff
Francis Moffine
George Monro
Walter Scott
W^m Coltrane
Robert Scott
Robert Kellie
Archibald Shields
M^r John Lyon
M^r Dowgall Stewart
George Brodie
George Spens
M^r W^m Johnstoun
M^r John Carruthers
George Home
John Bayne
John Urquhart
M^r Robert Frazer

THERAFTER the vote was put Approve of the
article as amended or Not And it carried Approve,
And the List of the Members as they voted Ap-
prove or Not is as follows.

[4th Article
approved]

[List of
Voters]

APPROVERS.

Of the Nobility.

M: Montrose P. S. C.
D: Argyll
M: Tuedale
Lothian
E: Marr Sec:
Lowdown Sec:
Crawford
Sutherland
Rothes
Morton
Glencairn
Roxburgh
Abercorn
Haddingtoun
Dalbousie
Findlater
Bellescurra
Forfar
Kintore
Dunmore
Marchmont
Hyndford
Cromarty
Stair
Roseberry
Glasgow
Hopetoun
Delorain
Isle
L: Forbes
Elphinstoun
Ross
Torphichen

Praser
Bamff
Elbank
Duffus
Rollo
Lo: Register
Lo: Justice Clerk

Of the Barrons.

S^r Robert Dickson of Inverask
William Nisbet of Dirlotoun
John Cockburn younger of Ormiston
S^r John Swintoun of that Ilk
S^r Alex^r Campbell of Cethock
S^r William Ker of Greenhead
Archibald Douglas of Cavers
William Bennet of Grubbet
M^r John Murray of Bowhill
William Morison of Prestoungrange
Alex^r Horneburgh of that Ilk
George Baillie of Jerviswood
Sir John Johnstoun of Westerhall
William Dowglash of Dornock
M^r W^m Stewart of Castlestewart
M^r John Stewart of Sorbie
M^r Francis Montgomerie of Giffen
M^r William Dalrymple of Glenmuir
M^r Robert Stewart of Tillicentrie
S^r Robert Pollock of that Ilk
M^r John Montgomerie of Wrae
John Halden of Glenagles
Mungo Graeme of Gorthie
William Souton younger of Pittmeden
Alex^r Grant younger of that Ilk
Hugh Ross of Killravock
S^r Kenneth M^rKenzie
M^r James M^rLeod of Catholl
M^r John Campbell of Mammere
S^r James Campbell of Auchinbreck
S^r William Anstruther of that Ilk
James Campbell younger of Ardinkin
James Helyhurton of Pitcur
Alex^r Abercrombie of Glasoch
Alex^r Dowglash of Englethaw
John Bruce of Kinross

Of the Burrows.

John Scrymgeour
Lieu^t Col^l John Erkin
John Muir
S^r John Anstruther
S^r John Erskine
James Spittle
M^r Pat. Moncreiff
S^r Andrew Home
S^r Pat. Halket
S^r James Smellie
M^r W^m Carmichael
M^r W^m Sutherland
S^r David Dalrymple

S^r Alex^r Ogilvie
M^r John Clark
John Ross
Sir Hugh Dalrymple
M^r Pat. Ogilvie
George Allerdice
William Alves
M^r James Beston
M^r Rurie M^rKenzie
S^r James Stewart
Daniell Campbell
S^r Robert Forbes
M^r Robert Douglass
M^r Alex^r Maitland
M^r George Dalrymple
M^r Charles Campbell

NOES.

Of the Nobility.

D: Hamilton
Atholl
M: Annandale
E: Erroll
Marifall
Bachan
Wigtoun
Strathmore
Galloway
Selkirk
V: Stormont
Killyth
L: Salton
Sempie
Balmerino
Bastyre
Burgany
Bellhaven
Colvill
Kinnaird

Of the Barrons.

George Lockhart of Carnwath
S^r James Foulis of Collingtoun
Andrew Fletcher of Salton
S^r Robert Sinclair of Longformacus
S^r Pat. Hume of Reston
William Baillie of Lamington
M^r Alex^r Ferguson of Isle
John Brisbane younger of Bishopstoun
M^r W^m Cochran of Killmaronock
S^r Humphrey Colquhoun of Luff
S^r John Houston of that Ilk
S^r Pat. Murray of Auchtertyre
John Murray of Strowan
Alex^r Gordon of Pitlurg
John Udney of that Ilk
James Moir of Stainewood
John Forbes of Colledien
David Beston of Balfour

Major Henry Balfour of Dunbogg
 M^r Thomas Hope of Rankellor
 M^r Pat. Lyon of Auchterboulie
 M^r James Carnegie of Phinhaven
 David Graham of Fintrac younger
 James Ogilvie younger of Boyn
 M^r Alex^r Abercrombie of Tilliebody
 M^r George M^rKenzie of Incheoulter

Of the Burrows.

Alex^r Robertson
 Walter Stewart
 Alex^r Watson
 Alex^r Edgur
 John Black
 James Oswald
 Alex^r Duff
 Francis Mollieson
 Robert Scot
 Robert Kellie
 Archibald Scheill
 M^r John Lyon
 M^r Dougall Stewart
 George Brodie
 George Spence
 M^r W^m Johnston
 M^r John Carruthers
 George Hume
 John Hayne
 M^r Robert Frazer

THEN the Lord Chancellor by order of Her
 Majesties High Commissioner Adjourned the
 Parliament till to morrow at ten of the clock.

DECEMBER VII, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[18th Article
 of Union—
 proceedings
 thereon]

THE fifteenth article of Union read And there-
 after the first clause or paragraph thereof again
 read As also the Report brought in from the
 Committee for examining the Calculation of the
 equivalent being as follows The Committee of Par-
 liament to whom the considering of the calculation
 of the equivalent was remitted having considered
 the Report made to them by Doctor James Gre-
 gory Professor of Mathematicks in the Colledge
 of Ed^{mb} and the Report made by Doctor Thomas
 Boswar Professor of the Mathematicks in the Col-
 ledge of Aberdeen of their severall and respective
 examinations of the Calcul & grounds thereof
 wherupon the Commissioners in treating the
 article for establishing the equivalent did proceed
 And also having considered the report of the Sub
 Committee thereunto They find that the compu-

tation of the equivalent mentioned in the article is
 just and that the calcul is exact & well founded in
 the terms & in manner express in the said article.

WHEREUPON it was proposed to delay the con-
 sideration of the said fifteenth article untill Reports
 be, brought in in relation to the sixth and eight
 articles, from the Committee to whom the said
 articles are remitted.

AND after debate thereon It was agreed that the
 proceeding on the fifteenth article shall not be un-
 derstood to be any determination of the Sixth or
 Eight articles that stand committed But that the
 reasoning and voting on the Sixth & Eight ar-
 ticles shall be entire.

THEN a state of a vote was offered in these terms
 Approve of the first paragraph of the fifteenth ar-
 ticle or Not.

BUT it being moved That the Parliament first
 Consider whether we shall be concerned in the
 payment of the English debts a second state was
 thereupon offered Whether we shall engage in the
 payment of the debts of England Yea or Not.

AND after some reasoning thereon It was put to
 the vote Which of the two should be the state of
 the vote First or Second.

BUT before voting It was agreed that the
 members votes shall be marked and that a list
 of their names as they shall vote shall be printed
 and recorded.

AND the Lord Bellhaven gave in a protest as fol-
 lows I do protest in my own name and in the
 name of all those who do adhere to this my protest
 That the voting and agreeing to the first clause
 of the fifteenth article of the Treaty of Union
 doeth no ways infer any manner of consent or
 agreement that Scotland should be lyable to the
 English debt in general But that it may be law-
 full to object against any branch of the said debt
 not already determined And he took instruments
 thereon And his Grace the Duke of Hamilton
 the Earle of Selkirk the Lord Saltoun Andrew
 Fletcher of Saltoun Sir Humphrey Colquhoun of
 Luff David Bethen of Balfour Major Henry Bal-
 four of Dunbolg M^r Thomas Hope of Rankellor
 Alexander Watfion & M^r Robert Frazer adhered
 thereto.

THEN the vote was put First or Second and it
 carried First. And the List of the Members as
 they voted First or Second is as follows.

[List of
 Voters]

FIRST.

Of the Nobility.

M: Montrose P. S. C.
 D: Argyle
 M: Tweedale
 Lothian
 E: Marr Sec:
 Loudoun
 Crawford
 Sutherland
 Rothes
 Mortoun
 Buchan
 Glencairn
 Abercorn
 Roxburgh
 Haddington
 Dalboultrie
 Findlater
 Northesk
 Belcurras
 Forfar
 Kintoir
 Marchmont
 Cromerty
 Stair
 Roliberry
 Glasgow Treasurer deput
 Hopetoun
 Delorain
 Isla
 Lo: Forbes
 Elphinstoun
 Roß
 Torphichen
 Cranston
 Fraser.
 Bamff
 Elibank
 Duffus
 Rollo
 Lo: Register
 Lo: Justice Clerk

Of the Barrons.

Robert Dundas of Arncliffe
 S: Robert Dickson of Inverack
 William Nisbet of Dirletoun
 John Cockburn of Ormeistoun
 S: John Swintoun of that ilk
 S: Alexander Campbell of Cessnock
 S: W: Kerr of Greenhead
 S: Gilbert Elliot of Minto
 At: Douglas of Cavers
 W: Bennet of Grubbet
 M: John Murray of Bowhill
 M: John Pringle of Haining
 W: Morifone of Prestoungrange

George Baillie of Jerviswood
 S: John Johnston of Westerhall
 W: Dowglas of Dornock
 M: John Stewart of Castletewart
 M: John Stewart of Sorbie
 M: Francis Montgomerie of Giffen
 M: W: Dalrymple of Glenmaire
 M: Robert Stewart of Tilliecutrie
 S: Robert Pollock of that ilk
 Thomas Sharp of Houtoun
 M: John Montgomerie of Wrae
 John Hadden of Glenegies
 Mungo Grahame of Goethie
 S: Thomas Burnet of Leyes
 S: David Ramsay of Balmain
 W: Seton younger of Pitmedden
 Alex: Grant younger of that ilk
 Hugh Ross of Kilravock
 S: Kenneth M'Kenzie
 M: Aeneas M'Leod of Cadboll
 M: John Campbell of Manmoir
 S: James Campbell of Auchinbreck
 James Campbell younger of Ankinglass
 S: W: Anstruther of that ilk
 James Halyburton of Pitcair
 Alex: Abercrombie of Glasloch
 W: Maxwell of Cardineß
 S: Henry Innes younger of that ilk
 Alex: Dowglas of Eglishaw
 John Bruce of Kinross

Of the Barrows.

Sir Pat. Johnston
 Robert Inglis
 John Scrymgeour
 Lieu' Col: John Erskine
 John Muir
 James Scott
 Sir John Anstruther
 Sir John Erskine
 James Spittle
 M: Pat. Moncreiff
 George Monro
 Sir Andrew Home
 W: Coltran
 S: Peter Halket
 Sir James Smollet
 Colen Campbell
 M: W: Carmichael
 M: W: Sutherland
 Capt. Daniel M'Leod
 Sir David Dalrymple
 Sir Alex: Ogilvie
 M: John Clark
 George Brodie
 S: Hugh Dalrymple
 M: Pat. Ogilvie
 George Allardyce
 William Alves
 M: James Bethun

M^r Rorie M^rKenzie
 John Urquhart
 Sir James Stewart
 Daniell Campbell
 Sir Robert Forbes
 M^r Robert Dowglass
 M^r Alex^r Maitland
 M^r George Dalrymple
 M^r Charles Campbell

Robert Scott
 Robert Kellie
 M^r John Lyon
 M^r W^m Johnston
 M^r Joⁿ Carruthers
 George Hume
 John Bayne

THERAFTER it was put to the vote Approve the first Clause or paragraph of the fifteenth article or Not And it carried Approve. And the List of the Members as they voted Approve or Not is as follows.

[1st Clause of
 15th Article
 approved]
 [List of
 Voters]

SECOND.

Of the Nobility.

D: Hamilton
 Atholl
 M: Annandale
 E: Erroll
 Marishall
 Wigton
 Strathmore
 Selkirk
 Vis: Stormont
 Kilseyth
 Lo: Saltoun
 Sempill
 Oliphant
 Balmerino
 Blantyre
 Bargany
 Belhaven
 Colvill
 Kinnaird

Of the Barons.

George Lockhart of Carnwath
 S^r James Foulis of Collingtoun
 Andrew Fletcher of Saltoun
 S^r Pat. Hume of Rentoun
 M^r Alex^r Ferguson of Isle
 M^r W^m Cochran of Kilmaronock
 S^r Humphrey Colquhoun of Luff
 John Grahame of Kilbairn
 S^r Pat. Murray of Auchtertyre
 John Murray of Strouan
 Alex^r Gordon of Pittburg
 James More of Stonywood
 David Bethun of Balfour
 M^r Thomas Hope of Rankellor
 M^r Pat. Lyon of Auchterhouse
 M^r James Carnegie of Phinhaven
 David Grahame younger of Fintrie
 James Ogilvie younger of Boyn
 M^r George M^rKenzie of Incheoulter

Of the Burrows.

Alex^r Robertson
 Walter Stewart
 Alex^r Edgar
 Alex^r Duff
 Francis Molison

APPROVERS

Of the Nobility.

M: Montrose P. S. C.
 D: Hamilton
 Argyll
 M: Tweeddale
 Lothian
 Earles Marr Sec:
 Lowdown Sec:
 Crawford
 Sutherland
 Rothes
 Mortoun
 Buchan
 Glencairn
 Abercorn
 Roxburgh
 Haddingtoun
 Dalhousie
 Findlater
 Selkirk
 Northesk
 Belcarra
 Forfar
 Kintoir
 Marchmont
 Cromarty
 Stair
 Rossberry
 Glasgow The' Dep'
 Hopetoun
 Delorain
 Hay
 Lords Forbes
 Elphinstoun
 Rois
 Torphichen
 Cramtoun
 Fraser
 Banff
 Ellibank
 Bellhaven
 Duffus
 Rollo
 Lo: Register
 Lo: Justice Clerk

Of the Barrons.

Robert Dundas of Arneftoun
 S^r Ro^d Dickson of Inverak
 George Lockhart of Carnwath
 W^m Nisbet of Dirleton
 Jo^s Cockburn younger of Ormiston
 S^r John Swintoun of that Ilk
 S^r Alex^r Campbell of Cethock
 S^r W^m Kerr of Greenhead
 S^r Gilbert Elliot of Minto
 Archibald Dowglafs of Cavers
 W^m Bennet of Grubbet
 M^r John Murray of Bowhil
 M^r John Pringle of Haining
 W^m Morison of Prestongrange
 George Baylie of Jerviswood
 S^r John Johnston of Westerhall
 W^m Dowglafs of Dornock
 John Sharp of Hoddam
 M^r William Stewart of Castlestewart
 M^r Jo^s Stewart of Sorbie
 M^r Francis Montgomerie of Giffan
 M^r W^m Dalrymple of Glenmuir
 M^r Robert Stewart of Tillescultrie
 S^r Robert Pollock of that Ilk
 Thomas Sharp of Houtoun
 M^r John Montgomerie of Wrae
 John Halden of Glenagles
 Mongo Graham of Goethie
 S^r Thomas Burnet of Leyes
 S^r David Ramsay of Balmain
 Alex^r Gordon of Pitlurg
 John Udney of that Ilk
 William Seton younger of Pitmedden
 Alex^r Grant of that Ilk
 Hugh Roß of Kilravock
 John Forbes of Culloden
 S^r Kenneth M^rKenzie
 M^r Aneß M^rLeod of Cadboll
 M^r John Campbell of Mammere
 S^r James Campbell of Auchinskreck
 James Campbell younger of Ardkinglafs
 S^r W^m Anstruther of that Ilk
 David Bethun of Balfour
 Major Henry Balfour of Dunboog
 M^r Thomas Hope of Rankellor
 James Halyburton of Piterr
 Alex^r Abercrombie of Glasloch
 W^m Maxwell of Cardineth
 S^r Henry James younger of that Ilk
 Alex^r Dowglafs of Eglishaw
 M^r Alex^r Abercrombie of Tullibody
 John Bruce of Kinroß

Of the Burrows

S^r Pat. Johnston
 Robert Inglis
 John Scrimmour
 John Allardyce

Lieut^{ant} Col^{el} Jo^s Areskine
 Alex^r Watson
 Hugh Montgomerie
 John Muir
 James Scott
 S^r John Anstruther
 Robert Johnston
 S^r John Areskine
 James Spittle
 M^r Pat. Moncreiff
 George Monro
 S^r Andrew Home
 W^m Coltrane
 S^r Peter Halket
 S^r James Smollet
 M^r W^m Carmichael
 M^r W^m Sutherland
 Capt. Daniell M^rLeod
 S^r Hugh Dalrymple
 S^r Alexander Ogilvie
 M^r John Clerk
 M^r Dowgall Stewart
 George Brodie
 George Spens
 S^r Hugh Dalrymple
 M^r Patrick Ogilvie
 George Allardyce
 M^r W^m Johnston
 W^m Alvis
 M^r James Bethun
 M^r Roderick M^rKenzie
 John Urquhart
 S^r James Stewart
 Daniell Campbell
 S^r Robert Forbes
 M^r Robert Fraser
 M^r Robert Dowglafs
 M^r Alex^r Maitland
 M^r George Dalrymple
 M^r Charles Campbell

NOES

Of the Nobility

D: Atholl
 E: Erroll
 Marishall
 Wigton
 Vis: Stormont
 Lo: Saltoun
 Cliphant
 Bursay
 Colvill
 Kinnaird

Of the Barrons

S^r James Fowles of Collingtown
 Andrew Fletcher of Saltoun
 M^r W^m Cochran of Kilmaronock
 S^r Humphrey Colquhoun of Luss

John Murray of Strowan
M^r Pat. Lyon of Ochterhouse
M^r James Carnegie of Phinhaven
David Graham younger of Fintrie
James Ogilvie younger of Boynd

Of the Burrows

Alexander Robertson
Alexander Edgar
Francis Moliffon
Robert Scott
Robert Kelle
Archibald Sheills
M^r John Lyon
M^r John Carruthers

HER Majesties High Commissioner and the Estates of Parliament did Recommend the persons employed in the calculation of the equivalent by the Committee to whom the examining thereof was Remitted to the Lords of her Majesties Treasury for a gratification for their pains.

THEN the Lord Chancellor by order of her Majesties High Commissioner adjourned the Parliament till Tuesday next at ten of the clock.

DECEMBER X, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Address
against the
Union]

ADDRESS of Heretors and Commons of the Town and paroch of Dowglass subscribing the same And Address of parochiners of Carmichael and Pettineau subscribers of the same both against an Union with England in the terms of the articles were given in and read.

[6th Article
of Union —
Proceedings
thereon]

THE sixth article of Union again read, as also a report of the Committee to whom the same was remitted in the terms following viz. "The Committee of Parliament appointed for considering the sixth article of the Treaty of Union and proposals made in Parliament relative thereto having considered the clause underwritten assent the premiums and rewards for exporting of victual, are of opinion That the clause aftermentioned be added to the articles of Union whereof the tenor follows viz. And seeing by the laws of England notwithstanding there are rewards granted upon the exportation of certain kinds of grain wherein oats grinded or ungrinded are not specified that from and after the Union when oats shall be at Fifteen shillings Sterling per quarter or under there shall be paid two shillings & six pence Sterling for every quarter

of the oat meal exported in the terms of the Law whereby and so long as rewards are granted for exportation of other grains And that the Bear of Scotland have the same rewards as Barley."

AND upon a motion That the premium to be allowed should be higher After a long debate thereon It was put to the vote Approve of the report or Alter And it carried Approve.

THEN the Lord Chancellor by order of Her Majesties high Commissioner Adjourned the Parliament till to morrow at ten of the clock.

DECEMBER XI, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THEN the following Addreeses were given in and read viz. Address of the Presbitry of Dunblain subscribers of the same, Address of the Presbitry of Hamilton subscribing the same Address of the Inhabitants of the parochines of Caputh, Lethendy, Alyth & Kinloch in Perthshire subscribers of the same, Address of the Inhabitants of the parochines of Erroll, Kilpindie, Kinnaird, Inchture, Longforgan, S^r Madois & Kinfauns in Perthshire subscribing the same, Address of Heretors the minister elders, & heads of families in the paroch of Logie subscribers of the same, And Address of the parochines of Airth Larbert Dunipace & Denny, subscribing the same all against an Union with England in the terms of the articles.

[Address
against the
Union]

THERAFTER a proposall given in for a further Addition to the sixth article in these terms viz. "And that there be likewise a premium allowed for the exportation of oats proportionallie with the meal compting three bolls of oats to one quarter of meal, so that the premium may be ten shillings Scots for every boll of oats exported."

[6th Article
of Union —
Proceedings
thereon]

WHICH being read after debate thereon It was put to the vote Allow a premium on the exportation of oats or Not And it carried Not.

THEN a second report of the Committee to whom the sixth article is remitted was brought in and read in these terms "The Committee of Parliament appointed for considering the sixth article of the Treaty of Union, and proposals made in Parliament relative thereto, having considered the clause underwritten are of opinion That it should be added to the Articles of Union as follows And in respect the Importation of victual into Scotland from any part beyond sea would prove a discouragement to Tillage Therefore that the prohibition

as now in force by the law of Scotland against Importation of victuall from Ireland or any other place beyond sea into Scotland, doe after the Union remain in the same force as now it is."

AND after some reasoning It was proposed to add to the above report the subsequent clause viz. "Until more proper & effectual wayes be provided by the Parliament of Great Britain for discouraging the Importation of the said victuall from beyond sea."

AND after some further reasoning the said second report was agreed to And it was put to the vote Add the above clause to the said report or Not and it carried Add.

THERAFTER an overture for an Act for additional premiums on exportation of victuall to commence the First of February & to end the last of Aprile both next to come inclusive given in and read And agreed that the same be taken into consideration immediately after the reports relating to the sixth article of Union.

THEN a third report brought in from the said Committee was read in these terms "The Committee of Parliament appointed for considering the sixth article of the Treaty of Union and proposalls made in Parliament relative thereto having considered the clause mentioned in the twenty seventh dayes minutes anent the making & exporting of Flaidding, Fingrams, Galloway-whites, Sarges, Stockings, and all sorts of Linnen to England dominions & plantations thereof or any part beyond sea free of any duty or imposition And having considered the English acts of Parliament relative therunto particularly the thirty second Act primo Gulielmi et Marie and the 20 Act Gul: undecimo et duodecimo in regard there appears to be no restraint at present regulating the way and manner of making English woollen cloaths & others to be exported, And that all the woollen manufactures are declared to be free of duty & imposition whatsoever at exporting And that by the said sixth article of the Treaty of Union all parts of the united Kingdome are to have the same allowances & encouragements wherefore the Committee are of opinion that the adding the forsaide clause to the Articles of Treaty is unnecessary."

AND after debate the vote was put Approve of the said third report or Not And it carried Approve.

THERAFTER a fourth report was brought in from the said Committee and read in these terms viz. "The Committee to whom the consideration of the sixth article of the Union and proposalls made in Parliament relative thereto are remitted, having Considered that clause mentioned in the twenty seventh dayes minutes That after the Union all

sorts of Scots Linnen or any kind of cloath made of Flax or Hemp be exported out of the united Kingdome free of all Customes or Impositions whatsoever After full reasoning on the said clause the Committee are of opinion That the adding of the said clause to the articles of the Treaty of Union is unnecessary the English duty on linnen being only six pence Sterling on the forty English cins."

AND after debate thereon a vote was stated Approve of the said fourth report of the Committee or Alter And it carried Approve.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten of the clock.

DECEMBER XII, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

ORDERED that a Scurrilous print Entituled Queries to the Presbyterian Noblemen, Barroes, Burgesies, Ministers & Commoners in Scotland who are for the scheme of an Incorporating Union with England according to the Articles agreed upon by the Commissioners of both Nations be burned by the hand of the common hangman at the meirat Croo of Edinburgh to morrow betuixt eleven and twelve of the clock And the Magistrates of Edinburgh appointed to see the same punctually done.

[Order for burning a scurrilous print.]

AND Remitted to the Committee of Parliament to whom the sixth & eight articles of Union are remitted to make Enquiry anent the printer author and ingiver of the said scurrilous paper.

A FIFTH report was then brought in from the Committee to whom the sixth article of Union is remitted and read in these terms, "The Committee of Parliament appointed for considering the sixth Article of Union, and proposalls made in Parliament relative thereto, having Considered the clause underwritten, are of opinion that it should be added to the articles of Union as follows Excepting and reserving the duties upon Export and Import of such particular Commodities from which any persons the subjects of either Kingdome are specially liberated and exempted by their privat rights which after the Union are to remain life & entire to them in all respects as before the same."

[6th Article of Union proposed thereon.]

AND after some reasoning It was put to the vote Approve of the said fifth report or Not And it carried Approve.

A SIXTH report brought in from the said Committee was read in these terms "The Committee are all of opinion That there be a clause added to the Articles of Union in these terms viz. That from and after the Union no Scots Cattell carried into England shall be lyable to any other duties either on the publick or privat accounts than these duties to which the Cattell of England are or shall be lyable within the said Kingdome."

AND a vote was stated Approve of the said sixth report or Not, and it carried Approve.

A SEVENTH report was brought in from the said Committee and was read in these terms "The Committee having considered the clause mentioned in the twenty seventh dayes Minutes which was desired to be added to the Articles of Union viz. That Scotland shall be free from and noe wayes subject to the prohibitions against exporting of wool sheep and lamb skins with wool upon them and woollen yarn for the space therein mentioned After full reasoning thereant the Committee are of opinion that the foresaid clause ought not to be added to the Articles of the Treaty But that the exporting of wool sheep & lamb skins with wool upon them and woollen yarn ought to be under the same prohibitions as in England."

AND after reasoning a state of a vote was offered Approve of the said seventh report of the Committee as to all except most lamb-skins, and remitt to the said Committee to receive overtures for encouragement of Woolmasters and Woollen Manufactures Yea or Not

AFTER some reasoning It was proposed that a premium be given upon exportation of coarse Cloath made of tarred wool for encouragement of the Woolmasters And thereafter a resolve offered in these terms "Resolved that there shall be an encouragement provided to the Heretors of Wool Countries in case the report of the Committee ament the exportation of wool &c. be approved."

AND after some reasoning a proposall was given in for adding a clause in these terms, "And for Remeeding the los Woolmasters may suffer & for encouraging the manufacturing of tarred wool within the Kingdome and to prevent effectually the exporting thereof It is provided & declared that for the space of seven years after the Union when the tarred wool within the shires of Roxburgh Selkirk & Tweeddale is at four pounds Scots or under for the stone weight fifteen shillings Scots shall be paid of premium for every stone weight of tarred wool to every Woolmaster who within a moneth after the said tarred wool is clipped or shorn off the sheep shall by his own oath or the oaths of two habile witnesses before any Judge

ordinar make appear that the number of stotes of tarred wool specified in the said oaths were really & truly clipped and shorn from sheep in Scotland properly belonging to the persons mentioned in the said oaths And which premium shall be payed by the next Collector of Cess Excheir or Customes upon delivering to them the foresaid Depositions signed by the deponents & Judge foresaid with a receipt of the money and the said Collectors and each of them shall be personally lyable for the said premium upon Instruments taken against them in case of refusall and the foresaid depositions and receipt shall be allowed to the said Collectors as an exoneration in their accounts pro tanto."

AND after some funder debate It being moved that the said seventh report be remitted back to the Committee with the severall proposalls made thereant

A SECOND state was offered for a vote in these terms Approve of the said seventh report of the Committee, or Remit the same and proposalls thereant back to the Committee.

AFTER debate which of the two should be the state of the vote Whether first or second It was put to the vote First or Second And it carried First.

THEREAFTER the vote was put Approve of the seventh report of the Committee as to all except most lamb skins And remit to the said Committee to receive overtures for encouragement of the Woolmasters and Woollen Manufacture or Not And it carried Approve in the terms of the state.

PETITION of John Hendrie Huguetan and his factor Craving to be naturalized, And also Craving a protection read and the consideration thereof delayed till the first Sederant of Parliament on private business, to be then taken into consideration next after the Act in favours of the burgh of Dundee.

(John Hendrie Huguetan)

THE Committee appointed to meet in the usual place to morrow at nine of the clock.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Monday next at ten of the clock.

DECEMBER XVI, MDCCLVI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

ADDRESS of Barrons Freeholders and others within the shyre of Berwick subscribers of the same against an Union with England in the terms of the Articles given in and read.

A SCURRILOUS print asserting the dependencie of the Crown and Kingdome of Scotland upon the Crown and Kingdome of England brought in and severall paragraphs thereof being read

ORDERED that the said scurrilous print be burn'd by the hand of the common hangman at the mercat Croft of Edinburgh to morrow betwixt eleven and twelve of the clock And the Magistrats of Edinburgh appointed to see the same punctually done.

AN eight Report from the Committee to whom the sixth article of Union is remitted brought in and read in these terms viz. "The Committee of Parliament to whom the sixth article of the Treaty was remitted having considered the remit to them with the books of rates both for Scotland and England and the severall Acts of Parliament relating thereto the schemes or abstracts from the Custome house books given in to them from the Council of Trade and the Report thereant of their sub-committee who on a report from them had compared the customes and duties on export & import setled in England with these setled in Scotland, and had calculated the duties payable in Scotland upon Tarr, Tobacco, Iron, Dales, single and double Trees, Lint, and Linfeed, and compared the same with the duties payable upon the same goods in England at a medium of the three years whereof they had the said abstracts from the Custome house books They find that as to the Customes and duties on export and import in generall the Customes in Scotland belong to the Crown and are perpetuall whereas those in England terminat at a certain number of years viz. about two fifteen parts thereof at 8th March 1709 years nine fifteen parts thereof at first August 1710 about three fifteen parts thereof continue only during her Majesties life and about one fifteen part thereof for ninety five years And that the duties upon exportation which were granted 12th Car: 2. Cap: 4. are esse have never been augmented save upon a very few particulars, and terminat the first of August 1710 That their goods which Contribute to Luxury and these that are manufactured or can be had within the Island are those that pay high duties when Imported but that

the whole or most of the customes & duties payed at Importation are drawn back upon exportation if exported within a certain tyme except a moiety of old fabdily which is very small and which is Imposed by the forsaide Act 12th Car: 2. Cap: 4. and terminat the first of August 1710. That the duties upon the before mentioned goods at the above medium payable in Scotland by the nearest calculation can be made amounts to 253184 l. 15s. 7d. and now payable in England to 413559 l. 8s. 4d. and payable in England after 1710 to 129640 l. 9s. 8d. Scots and the duties upon our Linnen cloth and Cattell imported into England by the above medium amounts to 272629 l. 3s. 10d. money forsaide So that it is the opinion of the Committee the duties after 1710 will be much easier than now they are: and even as they stand now payable in England considering the duties that are upon Scots goods imported into England and taken off by the Treaty the Customes of Scotland taken together even before the first of August 1710 will be easier than now they are."

AND after some reasoning thereon A state of a vote was offered Approve of the sixth article of Union as explained & enlarged or Not.

BUT it being moved that the vote could not be setled in these terms in respect what concerned the Affrican Company fell under the said sixth article which was to be considered.

WHEREUPON it was agreed that what concerns the Affrican Company shall be intire and be taken into consideration under the fifteenth article and that the approving of the sixth article shall not be prejudiciall thereto.

AND the above state for a vote being again proposed After some debate it was moved That the said article should be furdur amended And thereupon a second state of a vote was offered in these terms Approve or Amend.

WHEREUPON the said sixth article with the severall additions enlargements and explanations aforementioned contained in severall former minuts viz. the word 'drawbacks' to be insert in both clauses of the said Article Item "And seeing by the laws of England notwithstanding there are rewards granted upon exportation of certain kinds of Grain wherein oats grinded or ungrinded are not specified That from & after the Union when oats shall be at fifteen shillings Sterling per quarter or under there shall be paid two shillings & six pence Sterling for every quarter of the oat meal exported in the terms of the Law whereby and so long as rewards are granted for exportation of other grains and that the Bear of Scotland have the same rewards as Barley."

Item " And in respect the Importation of victuall into Scotland from any part beyond sea would prove a discouragement to Tillage Therefore that the prohibitions as now in force by the Law of Scotland against importation of victuall from Ireland or any other place beyond sea into Scotland Doe after the Union remain in the same force as now it is untill more proper and effectually wayes be provided by the Parliament of Great Britain for discouraging the Importation of the said victuall from beyond sea" Item " Excepting and reserving the duties upon export and import of such particular Commodities from which any persones the subjects of either Kingdome are specially liberated and exempted by their private rights which after the Union are to remain safe and intire to them in all respects as before the same" Item " That from and after the Union no Scots Cattle carried into England shall be lyable to any other duties either on the publick or private accompts than these duties to which the Cattell of England are or shall be lyable within the said Kingdome" being all read over It was put to the vote Whither the First or Second should be the state of the vote And it carried First.

THEN the vote was put Approve of the said sixth article as enlarged & explained or Not And it carried Approve.

[Act anent
premiums on
exportation
of victuall]

DRAUGHT of an Act for additionall premiums on exportation of victuall to commence the first of February and to end the last of Aprile both next to come again read and a first reading ordered to be marked thereon.

[8th Article
of Union
read]

THE eight article of Union read and the first clause or paragraph thereof was also again read.

WHEREUPON a report brought in from the Committee to whom the said eight article is remitted was read in these terms " The Committee to whom the eight article of Union anent duties upon salt was remitted are of opinion that after the first clause of the said article an explanation in the terms following will be necessary.

But in regard the duties of great quantities of foreign salt imported may be very heave upon the merchants importers That therefore all foreign salt Imported shall be Cellar'd & Lock'd up under the custody of the merchant importer and officers employed for levying the duties upon salt and that the merchant may have what quantities thereof his occasion may require not under a weigh or forty Bushells at a tyme Giveing security for the duty of what quantity he receives payable in six moneths."

AND after some reasoning thereon the further consideration of the said eight article and report was delayed till the next Sederunt of Parliament.

THEN the Lord Chancellor by order of her Majesties high Commissioner adjourned the Parliament till to morrow at ten of the clock.

DECEMBER XVII, M,DCC,VI.

PRAYERS said Rolls called.

MINUTES of the last Sederunt read.

THE Earle of Caithnes took the oath of alleadgeance subscribed the same with the assurance and took the oath of Parliament.

THE first clause or paragraph of the eight article of Union again read with the Report of the Committee in relation thereto for explanation of the same insert in the former dayes Minnts.

[8th Article
of Union
Proceedings
thereon]

AND after reasoning thereupon The vote was stated Approve of the said first paragraph with the report of the Committee for explanation of the same Yea or Not.

AND before voting the said paragraph & report of the Committee for explanation of the same were again read.

THEN the vote was put Approve or Not And it carried Approve.

THEN that clause of the said eight article of Union anent the salting of flesh for exportation, or victualing of ships read, as also a Report of the Committee relative thereto for altering the same which after some reasoning was amended and again read in these terms " And for establishing an equality in Trade that all Selves exported from Scotland to England, and put on board in Scotland to be exported to parts beyond the seas and provisions for ships in Scotland and for foreign voyages may be salted with Scots salt paying the same duty for what salt is so employed as the like quantity of such salt payes in England, and under the same penalties forfeitures & provisions for preventing of frauds mentioned in the English lawes."

AND after further reasoning thereon, It was put to the vote Approve of the report as amended or Not And it carried Approve.

THEN the following clause of the said eight article of Union in relation to the continuing in force the Laws and Acts of Parliament in Scotland for pining curing & packing of Herrings Whyte

fish and Salmon for exportation with foreign salt only and for preventing of frauds in curing and packing of fish was read As also a report brought in from the Committee for adding a clause thereto in these terms " But in respect it appears from the books of the Royal Fisherie Company confirmed by practise that the quantity of $102\frac{1}{4}$ of pounds weight Averdupois of foreign salt which payes eight shillings & four pence of duty is necessary for the right curing & packing a barrell of White Herrings Therfor there shall be allowed & paid during the present allowances for other fishes for every barrell of White Herrings which shall be exported ten shillings Sterling."

THERAFTER a petition of the salt owners, fishers of Herrings & whyte fish and others who make use of Scots salt was given in craving that such amendments might be made to the said eight article of Union as would put them in an equall footing with their neighbours in England with regard to their salt, and also the freedom of making salt upon salt.

WHICH being read after some debate thereon and upon the above last insert report of the Committee the further consideration thereof was delayed till the next Sederunt of Parliament.

THEN the Lord Chancellor by order of Her Majesties High Commissioner Adjourned the Parliament till the morrow at ten of the clock.

DECEMBER XVIII, M,DCC,VI.

PRAYERS said. Rolls called.

MINUTS of the last Sederunt read.

ADDRESS of the Town and parochine of Lawder & Chinghill kirk subscribing the same And Address of Heritors liferenters elders parochiners and remanent indwellers in the paroch of Calder subscribers of the same both against an Union with England in the terms of the articles given in and read.

THERAFTER another Report brought in from the Committee to whom the eight article of Union is remitted was read in these terms " That White Herrings Red Herrings, Salmon, dry or barrellled Codd, and all fishes cured or packed in order to exportation might to be cured and packed with foreign salt alternarily and that it does requize four bolls of foreign salt to cure and pack a laft of whyte herring."

AND after much debate thereupon a motion was made for amending that clause of the said eight article of Union mentioned in the former dayes

minuts in relation to the continuing in force the Laws and Acts of Parliament in Scotland for pining curing and packing of Herrings White fish and Salmon for exportation with foreign salt only by adding these words, " Without any mixture of British or Irish salt."

AND the addition being accordingly made the clause as so amended was read over.

AND after some further debate the vote was put Approve the said clause as amended Yea or Not And it carried Approve.

THERAFTER it was proposed that the Parliament shall proceed to consider the drawbacks.

AND it was also proposed that the Parliament should proceed to consider how far allowance should be given for Importation of foreign salt in order to the making salt upon salt The further consideration of which motions was delayed till the next Sederunt of Parliament.

THEN the Lord Chancelour by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten of the clock.

DECEMBER XIX, M,DCC,VI.

PRAYERS said. Rolls called.

THE Earle of Caithnes protested against calling the Earle of Glencairn in the Rolls of Parliament before him.

MINUTS of the last Sederunt read.

ADDITIONAL list of Commissioners of Supply for the shyre of Caithnes given in & read and ordered to be added to the Commissioners formerly named for that shyre And all members allowed to bring in lists of Commissioners of Supply to be added to these already named at any time during this Session of Parliament.

[Commissioners of Supply]

THERAFTER the last Clause of the Eight article of Union in relation to the allowing of premiums and drawbacks was read As also a Report brought in from the Committee to whom the said eight article was remitted insert in the Minuts of the xviiith instant number 39 in these terms " But in respect it appears from the books of the Royall Fisherie Company confirmed by practise That the quantity $102\frac{1}{4}$ of pound weight Averdupois of foreign salt which payes eight shillings & four pence of duty is necessary for the right curing and packing a barrell of white herrings Therfore there shall be allowed and payed during the present allowances for other fishes, for every barrell of whyte

[8th Article of Union & Proceedings thereon]

[Addresses against the Union]

[8th Article of Union & Proceedings thereon]

herrings which shall be exported Ten shillings Sterling."

AND another Report brought in from the said Committee was also read in these termes "That sixteen shillings and eight pence upon every barrell of Salmon six shillings and eight pence upon every barrell of Red Herrings that two pounds ten shillings upon every hundred Cod fish Ling or Hack of twenty four inches and upwards from the bone in the fin to the third joynt of the tale One pound fifteen shilling Sterling for every such fish of the length of eighteen inches & upwards and under twenty four inches and one moyety of the forsaide allowance for every such fish dried commonly called Haverdenes of the like dimensions (being the drawbacks allowed by the English laws upon the exportation of those fishes) are sufficient encouragements."

AND after reasoning on the above severall reports it being moved a higher drawback should be allowed upon the exportation of white herring

AFTER some further debate thereon the said last clause of the Eight article of Union was agreed to with this addition "That there shall be allowed and payed to the subjects inhabitants of Great Britain during the present allowances for other fishes for every barrell of whyte herrings which shall be exported from Scotland Ten shillings and fyve pence Sterling."

THERAFTER another Report brought in from the said Committee was likewise read in these termes "That there ought to be no drawback upon the exportation of salted beef & pork" And after debate thereupon The further consideration thereof was delayed till the next Sederunt of Parliament.

THEN the Lord Chancellour by order of her Majesties high Commissioner Adjourned the Parliament till the morrow at ten of the clock.

DECEMBER XX, M.DCC.VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THEN the debate mentioned in the Minuts of the last Sederunt in relation to the allowing of drawbacks upon the exportation of Beef and Pork was resumed, And after some further debate thereupon The vote was stated Approve of the Report of the Committee or Alter.

AND before voting it was agreed That the members votes shall be marked And that the list

of their names as they shall vote shall be printed and recorded.

THEN the vote was put Approve or Alter And it carried Alter. And the List of the members names as they voted Approve or Alter is as followes.

APPROVERS

Of the Nobility.

M: Montrose P. S. C.

D: Argyle

M: Tweedale

Lothian

E: Marr Sec:

Loudoun Sec:

Crawford

Sutherland

Roths

Mortoun

Buchan

Glencairn

Abercorn

Roxburgh

Haddington

Lawderdale

Findlater

Belcaras

Forfar

Kintoir

Dunmore

Marchmont

Cromarty

Stair

Roseberry

Glasgow The^d dep'

Hopetoun

Delorain

Illy

Lo: Forbes

Elphinstoun

Rofs

Cranstoun

Bandf

Elisbank

Duffus

Rollo

Lo: Register

Lo: Justice Clerk

Of the Barrons.

Robert Dundas of Arneistoun

S^r Robert Dickson of Inverask

W^m Nibbet of Dirlitoun

Jo^s Cockburn younger of Ormiston

S^r Jo^s Swintoun of that Ilk

S^r Alex^r Campbell of Cessnock

S^r W^m Ker of Greenhead

Archibald Dowglafs of Cavers

[Drawbacks
on export of
Beef & Pork]

W^m Bennet of Grubhet
 M^r John Murray of Bowhill
 M^r John Pringle of Haining
 W^m Morison of Prestongrange
 Alex^r Hoorburgh of that Ilk
 George Baylie of Jerviswood
 S^r John Johnston of Westerhall
 W^m Dowglas of Dornock
 M^r W^m Stewart of Castlestewart
 M^r Francis Montgomerie of Giffan
 M^r Robert Stewart of Tillicultrie
 S^r Robert Pollock of that Ilk
 John Halden of Glenagies
 Mingo Graham of Gorthie
 M^r John Campbell of Mammere
 S^r James Campbell of Auchinbreck
 S^r W^m Anstruther of that Ilk
 James Halyburton of Fiteur
 Alex^r Abercrombie of Glasloch
 Alexander Dowglas of Eglislaw
 John Bruce of Kinrofs

Of the Barrows

Lieu^t Col^l Jo^h Areskin.
 John Mure
 S^r John Areskine
 M^r Pat. Moncreiff
 S^r Andrew Home
 S^r Peter Halket
 S^r James Smollett
 M^r W^m Carmichael
 M^r W^m Sutherland
 S^r David Dalrymple
 S^r Alex^r Ogilvie
 M^r John Clark
 John Roife
 S^r Hugh Dalrymple
 M^r Pat. Ogilvie
 George Allardyce
 W^m Alvis
 M^r James Bethun
 Daniel Campbell
 S^r Ro^l Forbes
 M^r Robert Dowglas
 M^r Alex^r Maitland
 M^r George Dalrymple
 M^r Charles Campbell

ALTERERS

Of the Nobility

D : Hamilton
 Atholl
 M : Annandale
 E : Erroll
 Eglington
 Caithnes
 Wigtoun
 Galloway
 Selkirk

V : Stormont
 Kilsyth
 Garnock
 Lo : Saltoun
 Sempill
 Bargany
 Beilhaven
 Colvill
 Kincaird

Of the Barrows

George Lockhart of Carnwath
 S^r James Fowles of Collington
 S^r John Lawder of Fountainhall
 Andrew Fletcher of Saltoun
 S^r Ro^l Sinclair of Longfarmaeus
 S^r Pat. Home of Bentsoun
 S^r Gilbert Elliot of Minto
 W^m Baylie of Lamingtoun
 Jo^h Sinclair younger of Stevinson
 John Sharp of Hoddam
 M^r Alex^r Ferguson of Isle
 M^r John Stewart of Sorbie
 S^r Hugh Cathcart of Carleton
 Jo^h Birsham younger of Bishoptoun
 M^r W^m Cochrane of Kilmaronock
 S^r Humphray Colquhoun of Luff
 S^r John Housloun of that Ilk
 James Graham of Buchlyvie
 Robert Rollo of Powhouse
 Thomas Sharp of Housloun
 S^r Pat. Murray of Auchtertyre
 John Murray of Strowan
 S^r Thomas Burnet of Leyes
 S^r David Ramsay of Belmain
 Alexander Gordon of Pithurg
 John Udney of that Ilk
 W^m Seton younger of Pitmedden
 James More of Stonywood
 John Forbes of Colinton
 M^r Enear M^rLeod of Cadboll
 Major Henry Balfour of Dunboog
 M^r Thomas Hope of Rankellor
 M^r Patrick Lyon of Auchterhouse
 M^r James Carnegie of Phinhaven
 James Ogilvie younger of Boyne
 William Maxwell of Cardineis
 Alex^r M^rkye of Pulgown
 James Sinclair of Stempfer
 S^r Henry Innes younger of that Ilk
 M^r Alex^r Abercrombie of Tillibody
 M^r George M^rKenzie of Inchcouler

Of the Burrows

S^r Pat. Johnston
 Robert Inglis
 Alexander Robertson
 John Allardyce
 Walter Stewart
 Alexander Watson

Hugh Montgomerie
 Alex' Edgar
 James Scott
 S^r Jo^s Anstruther
 Robert Johnston
 Alex^r Duff
 James Spittle
 Francis Molison
 Walter Scott
 William Coltnas
 George Smith
 Robert Scott
 Robert Kellie
 Archibald Schellie
 Capt. Dan, M^rLeod
 M^r Jo^s Lyon
 M^r Dowgill Stewart
 George Brodie
 George Spens
 S^r David Cunningham
 M^r W^m Johnston
 M^r John Carruthers
 George Home
 M^r Rorie M^rKenzie
 John Bayne
 John Urquhart
 S^r James Stewart
 M^r Robert Forbes

[Drawbacks
 on export of
 Beef & Pork]

THERAFTER moved that the Parliament now proceed to the consideration of what Drawbacks shall be allowed upon the exportation of Beef and Pork.

MOVED also that the consideration thereof be delayed till the next Sederunt of Parliament And after some reasoning

AGREED that the consideration of what drawbacks shall be allowed upon exportation of Beef and Pork be delayed till next Sederunt of Parliament.

THEN the Lord Chancellor by order of Her Majesties High Commissioner Adjourned the Parliament till Monday next at ten of the clock.

DECEMBER XXIII, M,DCC,VI.

PRAYERS said Rolls called.

MINUTES of the last Sederunt read.

[Drawbacks
 on export of
 Beef & Pork]

THEN the Parliament proceeded to the consideration of what drawbacks shall be allowed upon the exportation of Beef and Pork.

AND after some debate thereon a clause was offered in relation thereto in these terms " And that there shall be allowed four shillings seven pence half

penny Sterling for every Barrell of Beef or Pork salted with foreign salt and exported for sale alterable by the Parliament of Great Britain" And after further reasoning

AGREED That the Drawback shall be five shillings Sterling for every Barrell of Beef or Pork And the clause was accordingly so amended and read.

THEREAFTER it was proposed that the said Drawback shall not be alterable by the Parliament of Great Britain during the continuance of the duty upon Salt in England.

AND after some debate There were two states of a vote offered The first in these terms Approve of the above clause viz. "And that there shall be allowed five shillings Sterling for every Barrell of Beef or Pork salted with foreign salt and exported for sale alterable by the Parliament of Great Britain" Yea or Not, And the second state in these terms " Continue the premium of five shillings upon the Barrell of Beef and Pork till the same be altered by the Parliament of Great Britain or during the Imposition upon salt."

AND after some reasoning which of the two should be the state of the vote First or Second It was put to the vote First or Second.

AND before voting It was agreed that the members votes shall be marked and that the List of their Names as they shall vote shall be printed and recorded.

THEN the vote was put First or Second And it carried First. And the List of the Members names as they voted first or second is as follows.

FIRST

Of the Nobility

M: Montrose P. S. C.
 D: Argyle
 M: Tweedale
 Lothian
 E: Marr Sec:
 Lowdown Sec:
 Crawford
 Snutherland
 Rothes
 Mortoun
 Buchan
 Glencairn
 Eglinton
 Abercorn
 Roxburgh
 Haddington
 Lawderdale
 Dalhousie

Findlater
Northek
Belcarras
Forfar
Kilmarnock
Kintoir
Dunmole
Marchmount

Cromarty
Stair
Roseberry
Glasgow The' dep'
Hopetoun
Delorain
Illy

Lo: Forbes
Elphinstoun
Ross
Torphichen
Frazer
Banff
Elphinstoun
Duffus
Rollo

Lo: Register

Lo: Justice Clk.

Of the Barons

Ro' Dundas of Arncliffe
S' Ro' Dickson of Inveresk
W^m Nesbit of Dirlston
Jo' Cockburn younger of Ormiston
S' John Swinton of that Ilk
S' Alex' Campbell of Cefnock
S' W^m Kerr of Greenhead
S' Gilbert Elliot of Minto
Archibald Dowglas of Cavers
W^m Bennet of Grubhet
M^r John Murray of Bowhill
M^r John Pringle of Haining
W^m Morison of Prestougrange
Alex' Horseburgh of that Ilk
George Baylie of Jerviswood
W^m Dowglas of Dornock
M^r W^m Stewart of Castle Stewart
M^r John Stewart of Sorbie
M^r Francis Montgomerie of Giffan
M^r William Dalrymple of Glenmuir
M^r Robert Stewart of Tillkeultrie
S' Robert Pollock of that Ilk
Thomas Sharp of Houstoun
M^r John Montgomerie of Wrae
John Halden of Glensigie
Mungo Graham of Garthie
S' Thomas Burnett of Leyes
W^m Seton younger of Pitmedden
Hugh Ross of Kilravock
M^r Aeneas M^r Leod of Culbott
M^r John Campbell of Mammoe
S' James Campbell of Auchinbreck

S' W^m Aufruther of that Ilk
James Halyburton of Pitcair
Alex' Abercrombie of Glasnoch
W^m Maxwell of Cardross
Alex' Dowglas of Eglishaw
John Bruce of Kinross

Of the Burrows

John Scrimsour
Lica' Co^l Jo' Areskine
John Mure
S' John Anstruther
S' John Areskine
M^r Patrick Moncreiff
S' Andrew Home
S' Peter Halket
S' James Smollet
M^r W^m Carmichael
Capt. Daniel M^r Leod
S' David Dalrymple
S' Alex' Ogilvie
M^r John Clerk
John Ross
S' Hugh Dalrymple
M^r Pat. Ogilvie
George Allardyce
W^m Alvis
M^r James Bethun
M^r Rorie McKennie
John Urquhart
S' James Stewart
Daniell Campbell
S' Robert Forbes
M^r Robert Dowglas
M^r Alex' Maitland
M^r George Dalrymple
M^r Charles Campbell

SECOND

Of the Nobility

D: Hamilton
Atholl
M: Annandale
E: Erroll
Marischall
Caithnes
Wigtoun
Galloway
Selkirk
V: Stormont
Killyth
Garnock
Lo: Saltoun
Oliphant
Balmerino
Blantyre
Bargany
Beilhaven

Colvill
Kinnaird

Of the Barrons

George Lockhart of Carnwath
S^r James Fowles of Colington
S^r John Lawder of Fountainhall
Andrew Fletcher of Saltoun
S^r Ro^d Sinclair of Longfarmscuch
S^r Pat. Home of Rentoun
W^m Bayliff of Lamingtoun
John Sinclair younger of Stevinckoe
John Sharp of Hoddam
M^r Alex^r Fergusson of Isle
S^r Hugh Cathcart of Carletoun
John Brubane younger of Bilsbottoun
M^r W^m Cochrane of Kilmaronock
S^r John Houston of that Ilk
James Graham of Buchlyvie
Robert Rollo of Powhouse
S^r Patrick Murray of Auchtertyre
John Murray of Strowan
S^r David Ramsay of Balmain
Alex^r Gordon of Pitlurg
John Udney of that Ilk
James More of Stonywood
John Forbes of Colledon
David Bethan of Balfour
Major Henry Balfour of Dunboog
M^r Thomas Hope of Rankelilor
M^r Patrick Lyon of Ochterhouse
M^r James Carnegie of Phinhaven
David Graham younger of Fintrie
James Ogilvie younger of Boynd
Alex^r M^r Kye of Palgown
James Sinclair of Stempfer
S^r Henry Innes younger of that Ilk
M^r Alex^r Abercrombie of Tillibody
M^r George M^r Kenzie of Inchooulter

Of the Burrows

Robert Inglis
Alex^r Robertson
John Allardyce
Walter Stewart
Alex^r Watson
Hugh Montgomerie
John Black
James Oswald
James Scott
Patrick Bruce
Robert Johnston
Alex^r Duff
Francis Molison
Walter Scott
William Coltran
George Smith
Robert Scot
Robert Kellie
Archbald Scheilds

M^r John Lyon
M^r Dowgald Stewart
George Brodie
George Spens
S^r David Cunningham
M^r John Carruthers
George Home
M^r Ro^d Fraser

THERAFTER it was put to the vote Approve of the clause or Not And it carried Approve, And the List of the Members names, as they voted Approve or Not is as follows.

APPROVERS

Of the Nobility

M: Montrose P. S. C.
D: Argyle
M: Tweedale
Lothian
E: Marr Sec:
Lowdown Sec:
Crawford
Sutherland
Roths
Mortoun
Buchan
Glencairn
Eglington
Abercorn
Roxburgh
Haddingtoun
Lawdordale
Dalhousie
Findlater
Northesk
Belcarras
Forfar
Kilmaronock
Kintoir
Dunmore
Marchmont
Cromarty
Stair
Roseberry
Glasgow The' Dep'
Hopetoun
Delorain
Illy
Lo: Forber
Elphinstoun
Rofs
Torphichen
Fraser
Banff
Elisbank
Duffus
Rollo
Lo: Register
Lo: Justice Clk.

Of the Barrons

Ro' Dundas of Arncliffe
 S' Ro' Dickson of Louerick
 W^m Nisbet of Dirletoun
 Jo^s Cockburn younger of Ormiston
 S' John Swintoun of that ilk
 S' Alex^r Campbell of Cefnock
 S' W^m Kerr of Greenhead
 S' Gilbert Elliot of Minto
 Archibald Dowglais of Cavers
 W^m Bennet of Grubbet
 M^r John Murray of Bowhill
 M^r John Pringle of Haining
 W^m Macdon of Prestongrange
 Alexander Horsburgh of that ilk
 George Baylie of Jerviswood
 W^m Douglass of Darnock
 M^r W^m Stewart of Castlestewart
 M^r John Stewart of Sorbie
 M^r Francis Montgomerie of Giffan
 M^r W^m Dalrymple of Glenmaur
 M^r Ro' Stewart of Tillicultrie
 S' Robert Pollock of that ilk
 Thomas Sharp of Houston
 M^r John Montgomerie of Wrae
 John Halden of Glenagies
 Mongo Graham of Gortie
 S' Thomas Burnet of Loxes
 W^m Seton younger of Pitmedden
 Hugh Roß of Kilravock
 M^r Aeneas McLeod of Cadboll
 M^r John Campbell of Mammore
 S' James Campbell of Auchinhreck
 S' W^m Anstruther of that ilk
 James Halyharton of Pitcur
 Alex^r Abercrombie of Glasloch
 William Maxwell of Cardinefs
 Alexander Douglas of Eglishaw
 John Bruce of Kinross

Of the Burrows

Robert Inglis
 Alex^r Robertson
 John Scrimour
 Lieut Col^l Jo^s Arefkine
 Walter Stewart
 Hugh Montgomerie
 John Mure
 S' John Anstruther
 Robert Johnston
 S' John Arefkine
 M^r Pat. Moncreiff
 S' Andrew Home
 W^m Coltrane
 S' Peter Halket
 S' James Smollet
 M^r W^m Carmichael
 Capt. Dan. McLeod
 S' David Dalrymple

Sir Alex^r Ogilvie
 M^r John Clerk
 John Roß
 S' Hugh Dalrymple
 M^r Pat. Ogilvie
 George Allardyce
 William Alvis
 M^r Rorie McKenzie
 John Urquhart
 S' James Steuart
 S' Robert Forbes
 M^r Ro' Dowglais
 M^r Alex^r Maitland
 M^r George Dalrymple
 M^r Charles Campbell

NOES

Of the Nobility

D : Hamilton
 Atholl
 M : Annandale
 E : Erroll
 Mariball
 Caithnes
 Wigton
 Galloway
 Selkirk
 V : Stormont
 Kilsyth
 Lo : Oliphant
 Balserino
 Blantyre
 Bargany
 Bellhaven
 Colvill
 Kinnaird

Of the Barrons

George Lockhart of Carnwath
 S' James Fowles of Collingtown
 Andrew Fletcher of Saltoun
 M^r Alex^r Fergusone of Iale
 John Brisbane younger of Bishopston
 M^r W^m Cochrane of Kilmarnock
 S' Jo^s Houston of that ilk
 James Graham of Buckleyvie
 Robert Rollo of Powhouse
 John Murray of Strowan
 James More of Stonywood
 M^r Thomas Hope of Rankellor
 M^r Pat. Lyon of Ochterhouse
 M^r James Carnegie of Phinshaven
 David Graham younger of Fintrie
 James Ogilvie younger of Boyd

Of the Burrows

Francis Molison
 Robert Kellie

M^r John Lyon
M^r John Carruthers
George Home

[8th Article
of Union]

THERAFTER these clauses of the eight article of Union in relation to Scots salt were read and the first clause or paragraph thereof again read And after some reasoning thereon It was moved that the exemption from the duty of Scots salt provided by the said clause to be for seven years shall be perpetual And after some further debate the consideration thereof was delayed till next Sederunt of Parliament to be then resumed previous to all other business.

THEN the Lord Chancellor by order of Her Majesties High Commissioner Adjourned the Parliament till to morrow at ten of the clock.

DECEMBER XXIV, M^oDCCLVI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Address
against the
Union]

ADDRESS of Gentlemen & heretors of the parishes of Mayboll, Kirkniehell, Girvan, Kirkcwald and Barr, and of the Magistrates and Town Council of Mayboll and others Inhabitants of the said parishes within the jurisdiction of Carrick subscribers of the same against an Union with England in the terms of the articles given in and read.

[Commissions
of Supply]

ADDITIONAL Lists of Commissioners of Supply for the shires of Linlithgow, Dunbarton, Argyle and Elgin given in and read and ordered to be added to the Commissioners formerly named for the said respective shires.

[8th Article
of Union &
Proceedings
thereon]

THERAFTER these clauses of the eight article of Union in relation to Scots salt were again read.

AND after some reasoning thereon a clause was given in to be added thereto in these terms " And with proportionall Drawbacks & Allowances as in England with this exception That Scotland after the said seven years shall remain exempted from the duty of two shillings & four pence a bushell on Home salt imposed by an act made in England in the 9th & 10th of King William the third of England And if the Parliament of Great Britain shall at or before the expiring of the said seven years substitute any other fund in place of the said two shillings & four pence of excise on the Bushell of Home salt Scotland shall after the said seven years bear a proportion of the said fund and have an equivalent in the terms of the Treaty."

AND after further reasoning on the said clause another clause was given in in these terms " But Scotland shall in all tyme after the Union be exempted from paying of all duty or tax on salt made in Scotland in so far alternarily as the said salt shall be made use of within that part of Great Britain now called Scotland But all salt made in Scotland from and after the Union that shall be exported to that part of Great Britain now called England or to any other Nation in specie or that shall be employed in salting of fish or fish to be exported or for victualling of ships to goe to England or any other Nation shall be lyable to the same duties as shall be then payable for salt made in England to be levied and secured in the same manner and with the like Drawbacks & Allowances as in England And that after the Union no salt whatsoever be brought from Scotland to England by land in any manner under the penalty of"

AND after further debate on the said two clauses The vote was stated Approve of the said First clause or Second.

BUT before voting It was agreed that the members votes shall be marked and that the list of their names as they shall vote be printed and recorded, And the Duke of Atholl gave in the following protest " Whereas salt is the most usefull and necessary ingredient in all sorts of victuals any duties or excises on the same may prove a most grievous and insupportable burthen especially on the Commons I Doe therefore protest for my self and in name of all who shall adhere That the people of this Kingdom now called Scotland shall be free for ever of any duties and excises on the salt made within this Kingdom."

WHICH being read he took instruments thereupon.

THEN the vote was put Approve of the First clause or the Second and it carried First. And the List of the Members names as they voted First or Second is as follows.

FIRST

Of the Nobility

M: Montrose P. S. C.
D: Argyle
M: Tweedale
Lothian
E: Mar Sec:
London Sec:
Crauford
Sutherland
Rothes
Morton
Buchan

Glencairn
 Abercorn
 Roxburgh
 Haddington
 Lauderdale
 Dalhousie
 Findlater
 Leven
 Northesk
 Belcarra
 Forfar
 Kilmarnock
 Kintore
 Dummore
 Marchmont
 Cromartie
 Stair
 Roxburgh
 Glasgow The Dep^t
 Hopetoun
 Delamain
 Ilay
 V : Duplin
 Lo : Forbes
 Elphinstoun
 Roß
 Torphichen
 Frazer
 Banf
 Ellbank
 Duffus
 Rollo
 Lo : Register
 Lo : Justice Clerk

Of the Barrons

Sir Robert Dickson of Innerark
 William Nisbet of Dirletoun
 John Cockburn younger of Ormiston
 Sir John Swinton of that Ilk
 Sir Alex^r Campbell of Cefnock
 Sir W^m Ker of Greenhead
 Archibald Douglas of Cavers
 W^m Bennet of Grubet
 M^r John Murray of Bowhill
 M^r John Pringle of Haining
 W^m Morison of Prestongrange
 Alex^r Horburgh of that Ilk
 Geo : Baillie of Jarviswood
 Sir John Johnston of Westerhall
 W^m Douglas of Dornock
 M^r W^m Stewart of Castleewart
 M^r John Stewart of Sorlie
 M^r Francis Montgomerie of Gliffen
 M^r W^m Dalrymple of Glenmair
 M^r Robert Stewart of Tillieultrie
 Sir Robert Pollock of that Ilk
 M^r John Montgomerie of Wrae
 John Hadden of Glenmagies
 Mungo Graham of Gorthie

Sir Thomas Burnet of Leys
 W^m Seton younger of Pitmedden
 Hugh Roß of Kilravock
 Sir Kenneth M^rKenzie
 M^r Aeneas M^rLeod of Cadbole
 M^r John Campbell of Mammere
 Sir James Campbell of Auchinbreck
 James Campbell younger of Ardkinglas
 Sir W^m Anstruther of that Ilk
 James Halyhurton of Pitcur
 Alex^r Abercrombie of Glischoch
 M^r James Dunbar younger of Hemprigs
 Alex^r Douglas of Eglishaw
 John Bruce of Kinroß

Of the Burrows

Sir Pat. Johnston
 John Scrimseour
 Lieut^{Col} Jo^r Areskine
 John Muir
 James Scott
 S^r Jo^r Areskine
 James Spittle
 M^r Pat. Moncreif
 Sir Andrew Home
 Sir Peter Halket
 Sir James Smollet
 M^r W^m Carmichael
 M^r W^m Sutherland
 Sir David Dalrymple
 Sir Alex^r Ogilvie
 M^r John Clerk
 John Roß
 Sir Hugh Dalrymple
 M^r Pat. Ogilvie
 George Allardyce
 W^m Alves
 M^r James Bethun
 John Urquhart
 Dan : Campbell
 Sir Rob^t Forbes
 M^r Rob^t Douglas
 M^r Alex^r Maitland
 M^r Geo : Dalrymple
 M^r Cha : Campbell

SECOND

Of the Nobility

D : Hamilton
 Athole
 M : Annandale
 E : Erroll
 Marcell
 Eglington
 Cathnes
 Wigton
 Gallonray
 Selkirk
 V : Stormont

Killyth
Lo : Saltoun
Oliphant
Balmerino
Blantyre
Barganle
Beilhaven
Colvill
Kinnsaird

Of the Barons

George Lockhart of Carnwath
Sir John Lauder of Fountainhall
And : Fletcher of Saltoun
Sir Robt Sinclair of Longformacus
Sir Pat. Home of Renton
Sir Gilbert Elliot of Minto
W^m Baillie of Lamingtoun
John Sinclair younger of Stevenson
John Sharp of Hoddam
M^r Alex^r Ferguson of Isle
Sir Hugh Cathcart of Carleton
John Brisbane younger of Blisboughtoun
M^r W^m Cochran of Kilmarnock
Sir John Houston of that ilk
John Graham of Kilbride
James Graham of Buchlyvie
Robt Rollo of Powhouse
Tho : Sharp of Houston
Sir Pat. Murray of Auchtertyre
John Murray of Strouan
Sir David Ramsay of Balmain
Alex^r Gordon of Pitlurg
John Udney of that ilk
John Forbes of Colleden
Dav : Bethun of Balfour
Major Henry Balfour of Dumboig
M^r Thomas Hope of Bankeilor
M^r Pat. Lyon of Auchterhouse
M^r James Carnegie of Phinhaven
Dav : Graham younger of Fintrie
James Ogilvie younger of Boyne
W^m Maxwell of Cardines
Alexander M^rKye of Palgoun
James Sinclair of Stempthir
Sir Henry Innes younger of that ilk
M^r Alex^r Abercrombie of Tullibody
M^r Geo. Mackenzie of Inchculter

Of the Burrows

Robert Inglis
Alex^r Robertson
John Allardyce
Walter Stewart
Alex^r Watton
Hugh Montgomerie
Alex^r Edger
John Black
James Oswald
Robert Johnston

Alex^r Duff
Francis Moliffe
Walter Scott
W^m Colbran
Geo. Smyth
Robt Scott
Ro. Kellie
Arch. Sheills
Capt. Dan : M^rLeod
M^r John Lyon
M^r Dougald Stewart
Geo : Brodie
Geo : Spence
Sir Dav : Cunningham
M^r W^m Johnston
M^r John Caruthers
Geo : Home
M^r Rorie M^rKenzie
M^r Robt Frazer

AND at calling the rolls the Duke of Hamilton the Marques of Annandale the Earle of Erroll the Earle Marischall the Earle of Caithnes the Earle of Wigton the Earle of Galloway the Earle of Selkirk the Viscount of Stormont the Viscount of Killyth the Lords Saltoun Oliphant Balmerino Blantyre Barganle Beilhaven Colvill & Kinnsaird George Lockhart of Carnwath Andrew Fletcher of Saltoun S^r Robt Sinclair of Longformacus John Sinclair younger of Stevinon M^r Alex^r Ferguson of Isle John Brisbane younger of Blisboughtoun M^r W^m Cochran of Kilmarnock James Graham of Buchlyvie Robert Rollo of Powhouse S^r Pat. Murray of Auchtertyre John Murray of Strouan M^r Thomas Hope of Rankellor M^r Patrick Lyon of Auchterhouse M^r James Carnegie of Phinhaven David Graham younger of Fintrie James Ogilvie younger of Boyne Alex^r M^rKye of Palgoun M^r George M^rKenzie of Inchculter Alex^r Robertson Alex^r Watton Alex^r Edgar John Black Francis Moliffe Robt Scott Robt Kellie Archibald Sheills M^r John Lyon S^r David Cunningham George Home and M^r Robert Frazer adhered to the Duke of Atholls protest.

THERAFTER it was moved to read over the said eight article of Union with the severall additions & alterations, in order to the approving thereof.

BUT it being moved that the said article with the additions & alterations should be first transcribed The same was delayed till the next Sederunt of Parliament.

THEN the Lord Chancellor by order of her Majesties high Commissioners Adjourned the Parliament till Thursday next at ten of the clock.

DECEMBER XXVI, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

ADDRESS of parochiners of Clackmannan subscribers of the same against an Union with England, in the terms of the articles given in and read.

[Address against the Union]

THEREAFTER the eight article of Union with the severall alterations additions and enlargements was twice read over.

[8th Article of Union approved]

AND the vote being stated Approve of the said eight article as amended or Not It carried Approve.

[15th Article of Union, Proceedings thereon]

THEN the second clause of the fifteenth article of Union beginning with these words " And in regard that after the Union Scotland" was read and after some reasoning thereon It was agreed to.

THE third clause of the said fifteenth article beginning with these words " And for the further and more effectually answering" was also read and agreed to.

THE fourth clause beginning with these words " And that upon the said account there shall be answered to Scotland" was likewise read and agreed to.

THE fifth clause of the said fifteenth article beginning with these words " And whereas from the expiration of seven years" was also read and ordered to be delete being determined by the eight article.

THE sixth clause beginning " And generally that an equivalent shall be answered to Scotland" was read And the words (or Salt) appointed to be delete And after some reasoning on the said clause after deleting these words The vote was put Approve of the said clause or Not And it carried Approve.

THEN the seventh clause of the said fifteenth article beginning thus " And as for the ntes to which the said sum of Three hundred ninety eight thousand" was read As also the representation of the Council Generall of the Company of Scotland trading to Africa and the Indies And the consideration of both delayed till next Sederunt of Parliament.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten of the clock.

DECEMBER XXVII, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THE Lord Chancellor acquainted the Parliament That notwithstanding the severall Addresses brought in and presented to the Parliament against an Incorporating Union with England in the terms of the articles have been under due consideration during the whole procedure upon the articles of Union yet there is now Information that Letters are sent through severall corners of the Kingdome Desiring the subscribers of these Addresses to come in and assemble at Edinburgh upon pretence of waiting the effect of the said Addresses and of knowing what Return the Parliament will give them All which he was directed by his Grace her Majesties High Commissioner to lay before the Parliament to the effect proper measures may be resolved upon for preventing any evil consequences from these practices.

[Proceedings as to unwarrantable & illegal meetings]

AND after some discourse thereupon A proclamation was brought in and read against all such meetings & gatherings of the subjects as unwarrantable and contrair to Law And after further discourse as to the ground of the Information

HER Majesties High Commissioner was pleased to signify to the Parliament That he had Information from severall corners of the Kingdome of the great pains and methods which had been used to procure Subscriptions to Addresses and to call in to Edinburgh the subscribers against a precise day to back these Addresses.

AND after debate upon the draught of the Proclamation The vote was stated Approve of the Proclamation or Not.

BUT before voting It was agreed to mark the members votes and that the list of their names as they shall vote be printed and recorded.

AND George Lockhart of Carnwath gave in the following protestation viz. " I George Lockhart of Carnwath protest for my self and all others who shall adhere to this my protestation That this proclamation now offered to be emitted Discharging Barrons Freeholders and Heretors within this Kingdome to come to Edinburgh in tyme of sitting of Parliament shall anyways prejudice the rights and priviledges of the Barrons Freeholders & Heretors of this Kingdome competent to them by the Lawes of this Nation."

WHICH being read He took instruments thereupon And the adherers were allowed to be marked at calling the Rolls.

THEN the vote was put Approve the Proclamation or Not And it carried Approve. And the List of the Members names as they voted Approve or Not ordered to be printed is as follows.

APPROVERS

Of the Nobility

M: Montrose P. S. C.
 D: Argyll
 M: Tweeddale
 Lothian
 E: Marr Sec:
 Lowdon Sec:
 Cranford
 Sutherland
 Roths
 Mortoun
 Glencalm
 Eglintoun
 Abercorn
 Roxburgh
 Haddingtoun
 Galloway
 Dalhousie
 Findlater
 Leven
 Northesk
 Balcarns
 Forfar
 Kilmarnock
 Kinloch
 Dunmoir
 Marchmont
 Cromarty
 Stair
 Rosebery
 Glasgow Thes' Deput
 Hopetoun
 Delorain
 Hay
 Lo: Forbes
 Elphinstoun
 Ross
 Torphichen
 Fraser
 Banff
 Duffus
 Lo: Register
 Lo: Justice Clerk

Of the Barrons

Ro' Dundas of Arncliffe
 Sir Ro' Dickson of Inveresk
 W^m Nisbet of Dirletoun

John Cockburn younger of Ormiston
 Sir John Swintoun of that ilk
 Sir Alex^r Campbell of Cefnock
 Sir W^m Kerr of Greenhead
 Sir Gilbert Elliot of Minto
 Archibald Douglass of Cavers
 W^m Bennet of Grabbet
 M^r John Murray of Bowhill
 M^r John Pringle of Haining
 W^m Morison of Prestongrange
 S^r John Johnston of Wetherhall
 W^m Douglass of Dornock
 M^r W^m Stewart of Castlestewart
 M^r John Stewart of Sorbie
 M^r Francis Montgomery of Giffen
 M^r W^m Dalrymple of Glenmuir
 M^r Ro' Stewart of Tillicoultry
 Sir Ro' Pollock of that ilk
 Tho. Sharp of Houston
 M^r John Montgomery of Wrae
 John Hadden of Glencalgies
 Mungo Graham of Gorthie
 S^r Thomas Burnet of Leyes
 W^m Seton younger of Pitmedden
 Hugh Ross of Kilsnock
 M^r John Campbell of Memmore
 S^r James Campbell of Auchinbreck
 James Campbell younger of Ardkinglass
 Sir W^m Andrauther of that ilk
 James Halliburton of Pitcur
 Alexander Abercromby of Glasnoch
 W^m Maxwell of Cardinacea
 Alex^r Douglass of Eglishaw
 John Bruce of Kinross.

Of the Burrows

Sir Pat. Johnston
 John Scrimmour
 Lieu' Col^l John Erskin
 John Mare
 James Scott
 Sir John Andrauther
 Sir John Erskin
 James Spittle
 M^r Pat. Moncreif
 Sir Andrew Home
 Sir Peter Halket
 Sir James Smollet
 M^r W^m Carmichael
 M^r W^m Sutherland
 Capt. Daniel M^rLeod
 Sir David Dalrymple
 Sir Alex^r Ogilvy
 M^r John Clerk
 John Ross
 Sir Hugh Dalrymple
 M^r Pat. Ogilvie
 Geo. Allardice
 William Alves
 M^r James Bethun

M^r Roderick M^rKenzie
 John Urquhart
 Sir James Stewart
 Daniel Campbell
 Sir Ro^d Forbes
 M^r Ro^d Douglass
 M^r Alex^r Maitland
 M^r George Dalrymple
 M^r Charles Campbell

NOES

Of the Nobility

D: Hamilton
 Athole
 M: Annandale
 E: Erroll
 Marshall
 Wigtoun
 Selkirk
 V: Stormount
 Kilsyth
 Lo: Saltoun
 Oliphant
 Balmirenoch
 Blantyre
 Burgany
 Belhaven
 Colvill
 Kinnaird

Of the Barons

George Lockhart of Carnwath
 Sir James Foulis of Collingtoun
 Sir John Lauder of Fountainhall
 Andrew Fletcher of Saltoun
 Sir Robert Sinclair of Longformacus
 Sir Patrick Home of Rentoun
 W^m Bailie of Lamingtoun
 John Sinclair younger of Stevanston
 M^r Alex^r Ferguson of Isle
 John Brithan younger of Bithoptoun
 M^r W^m Cochran of Kilmarnock
 Sir John Houston of that Ilk
 James Graham of Buchlyvie
 Ro^d Rollo of Powhouse
 Sir Patrick Murray of Auchtertyre
 John Murray of Strouan
 Alex^r Gordon of Pitlurg
 John Forbes of Colloiden
 David Bethun of Balfour
 Major Henry Balfour of Dunboig
 M^r Thomas Hope of Rankellor
 M^r Patrick Lyon of Auchterhouse
 M^r James Carnegie of Phinhaven
 David Graham younger of Fintrie
 James Ogilvy younger of Boynd
 Alex^r M^rKye of Palgown
 James Sinclair of Stempfer

S^r Henry Innes younger of that Ilk
 M^r George Mackenzie of Inchcoultar

Of the Burrows

Alex^r Robertson
 Walter Stewart
 Alex^r Watton
 James Oswald
 Alex^r Duff
 Francis Molison
 George Smith
 Robert Scott
 Robert Kellie
 Archibald Sheills
 M^r John Lyon
 Sir Robert Anstruther
 Sir David Cunningham
 M^r John Carruthers
 George Home
 John Balne

AND the Duke of Hamilton the Duke of Atholl the Earle of Erroll the E. Marischall the E. of Wigtoun the E. of Selkirk the Viscounts of Stormonth & Killyth the Lords Oliphant Balmerino Blantyre Burgany Bellhaven Colvill & Kinnaird S^r James Fowles of Collingtoun S^r Jo^s Lawder of Fountainhall Andrew Fletcher of Saltoun S^r Pat. Home of Rentoun John Brisbane younger of Bithoptoun M^r W^m Cochran of Kilmarnock James Graham of Buchlyvie Robert Rollo of Powhouse S^r Patrick Murray of Auchtertyre John Murray of Strouan Alex^r Gordon of Pitlurg John Forbes of Colloiden David Bethun of Balfour Major Henry Balfour of Dunboig M^r Thomas Hope of Rankellor M^r Pat. Lyon of Auchterhouse M^r James Carnegie of Phinhaven David Graham younger of Fintrie James Ogilvie younger of Boynd Alex^r M^rKye of Palgown James Sinclair of Stempfer M^r George M^rKenzie of Inchcoultar Alex^r Watton Francis Molison M^r John Lyon S^r Ro^d Anstruther M^r John Carruthers George Home and Jo^s Bayne adhered to the protestation given in by George Lockhart of Carnwath.

A PROCLAMATION discharging Unwarrantable and Seditious Convocations and Meetings

ANNE by the Grace of God Queen of Great Britain France & Ireland defender of the faith To our Lyon King at arms and his bretheren Heralds Pursuivants Masters and Messengers at arms our Sheriffs in that part conjunctly and severally specially constitute Greeting Whereas several Addresses have been laid before our Parliament against an incorporating Union with England in the terms of the Articles of Treaty, and that our Estates of Parliament have had them under con-

sideration, And all the good subjects of our ancient Kingdom ought to rest assured and contented That we and our Estates of Parliament have and will proceed in that matter with all due regard and tenderness to the honour and interest of this our ancient Kingdom, both as to their civil and religious concerns; Yet We are informed that nevertheless several heretores and others who subscribed Addresses to our Parliament of this our ancient Kingdom against an incorporating Union with England in the terms of the said articles of Treaty are coming to Edinburgh in considerable numbers and tumultuous manner from several corners of this Kingdom, upon pretence to see what effect their Addresses have had and what return the Parliament will give them. And We are also informed that severals take upon them by letters and verbal messages to invite and convocate heretores and others to come to Edinburgh upon the foresaid pretence, And We being sensible that such practices are unwarrantable & seditious and may be of dangerous consequence if tolerated at this juncture Therefore We with advice of the Estates of Parliament Do strictly Prohibit and Discharge all such unwarrantable and seditious convocating of our Leidges or inviting and the requiring them to meet and convene at any particular place upon any certain day or dayes in the seditious and disorderly manner above mentioned And prohibits all such meetings and gathering of our subjects as unwarrantable and contrary to Law As also We Prohibit and Discharge all our subjects to take upon them to invite or convene our Leidges to meet together in any Assemblies not established by law under the pains of illegal convocations and sedition conform to the Laws and Acts of Parliament made thereunto And We with advice foresaid Recommend it to the Lords of our Privy Council to inquire after and cause prosecute such as shall be guilty of the unwarrantable and seditious practices aforesaid and to take what other effectual courses they shall judge proper for preventing and suppressing thereof Our Will is Herefore That incontinent this our letters seen ye pass to the mercat cross of Edinburgh and other mercat crosses of the head burghs within this our ancient Kingdom And there make publick intimation of this our pleasure that so none may pretend ignorance And ordain these presents to be printed.

THEN the Lord Chancellor by order of Her Majesties high Commissioner Adjourned the Parliament till Monday next at ten of the clock.

DECEMBER XXX, M,DCC,VI.

PRAYERS said Rolls called.

MINUTS of the last Sedernst read.

THERAFTER the first part of the seventh and last clause of the fifteenth article of Union beginning thus " And as for the uses to which the said sum of three hundred ninety eight thousand eighty five lib." &c. was again read And after reasoning the representation of the Councill Generall of the Company of Scotland trading to Africa and the Indies was also again read And after further reasoning thereupon and upon the application of the equivalent, A proposill was given in for altering and amending the said first part of the above seventh and last clause of the said fifteenth article in these terms viz.

[15th Article of Union as Proceedings thereon]

" IT is agreed That in the first place, out of the foresaid sum what consideration shall be found necessary to be had for any losses which private persons may sustain by reducing the Coin of Scotland, to the standard & value of the Coin of England, may be made good: In the next place That the Capitall Stock or Fund of the African & Indian Company of Scotland advanced together with the interest for the said Capitall Stock after the Rate of 5 lib. per Cent. per annum from the respective tymes of the payment thereof shall be paid. Upon payment of which Capitall Stock & Interest it is agreed the said Company be dissolved & cease, And also that from the tymes of passing the Act of Parliament in England for raising the said sum of 398085 lib: 10 sh: the said Company shall neither Trade nor grant Licence to trade Providing that if the said Stock and interest shall not be paid in twelve months after the commencement of the Union that then the said Company may from thence forward Trade or give Licence to trade untill the said hault Capitall Stock and Interest shall be paid. And as to the overplus of the said sum of 398085 lib: 10 sh: after payment of what consideration shall be had for losses in repaying the coin and paying the said Capitall Stock & Interest, And also the hault Increase of the said Revenues of Customes duties and excises above the present value which shall arise in Scotland during the said term of Seven years, Together with the equivalent which shall become due upon the Improvement thereof in Scotland after the said term And also as to all other Sums which according to the agreements aforesaid may become payable to Scotland by way of equivalent for what that Kingdome shall hereafter become lyable towards payment of the debt of England, It is agreed That the same be applied in manner following viz. That all the publick debts of the Kingdome of Scotland as shall be

adjusted by this present Parliament shall be paid, And that 2000 lib: Sterling per annum for the space of Seven years shall be applied towards encouraging and promoting the manufacture of coarse wool within these shires which produce the wool, And that the first 2000 lib: Sterling be paid at Martinmas next And so yearly at Martinmas during the space forehid. And afterwards the same shall be wholly applied towards the encouraging & promoting the fisheries and such other manufactures in Scotland as may most conduce to the generall good of the United Kingdome."

WHICH being read and after reasoning thereon It was moved That the Company of Scotland Trading to Africa and the Indies be heard by their Lawyers upon the rights and priviledges of the said Company before any further procedure And after debate

THE said hall seventh and last clause of the said fifteenth article of Union from these Words " And as for the uses to which the said sum of 398085 lib." &c. to the end with the above alteration and amendment was read over.

AND therupon there were two states of a vote offered The first in these terms Approve of the fifteenth article of Union as altered and amended Yea or Not. And the second in these terms, Whether this house will dissolve the Indian & African Company without the consent of the proprietors and hearing the Company's Lawyers upon the rights and priviledges of the said Company Yea or Not. And after some reasoning which shall be the state of the vote First or Second It was agreed before voting that the members votes be marked and that the List of their Names as they vote be printed & recorded.

THEN the vote was put First or Second, And it carried First. And the List of the Members as they voted First or Second is as follows.

FIRST.

Of the Nobility

M: Montrose P. S. C.
D: Argyle
M: Tweedale
Lothian
E: Marr Sec:
Lowdown Sec:
Sutherland
Roths
Mortoun
Glencairn
Abercorn
Roxburgh
Haddington
Lawderdale

Delhouse
Findlater
Leven
Belcaras
Forfar
Kilmarnock
Kintoir
Dunmore
Marchmont
Cromarty
Stair
Rossberry
Glasgow The' dep'
Hopetoun
Delorain
Illy

Vis: Dupplin
Lo: Forbes
Elphinstoun
Ross
Torphichen
Frazer
Banff
Ellisbank
Duffus

Lo: Register
Lo: Justice Clk.

Of the Barrons

Ro' Dundas of Arncliffe
S' Ro' Dickson of Inverack
W' Nisbet of Dirletoun
Jo' Cockburn younger of Ormeskoun
S' Jo' Swintoun of that Ilk
S' Alex' Campbell of Cefnock
S' W' Kerr of Greenhead
S' Gilbert Elliot of Minto
Archibald Dowglas of Cavers
W' Bennet of Grubbet
M' John Murray of Bowhill
M' John Pringle of Haining
W' Morrison of Prestongrange
S' John Johnstoun of Westerhall
W' Dowglas of Dornock
M' W' Stewart of Castleewart
M' Francis Montgomery of Giffm
M' W' Dalrymple of Glenmuir
M' Robert Stewart of Tillscoultrie
S' John Houston of that Ilk
S' Robert Pollock of that Ilk
M' John Montgomerie of Wrae
John Halden of Glenagies
Mingo Graham of Gorthie
S' Thomas Burnett of Leyes
W' Seton younger of Pitmedden
S' Kenneth M'Kenzie
M' John Campbell of Mammore
S' James Campbell of Auchinbreck
James Campbell younger of Ardkinglass
S' W' Anstruther of that Ilk

s B

[List of
Votes]

Major Henry Balfour of Dunhoeg
 James Halyburton of Pitcarr
 Alex^r Abercrombie of Glasboch
 W^m Maxwell of Cardinefs
 M^r James Dunbar younger of Hempeigs
 S^r Henry Innes younger of that ilk
 Alex^r Dowglafs of Eglishaw
 John Bruce of Kinross

Of the Burrows

S^r Pat. Johnston
 John Scrimfleur
 Lieut^t Col^l Jo^h Arefkine
 John Mure
 James Scott
 Ro^l Johnston
 S^r Jo^h Arefkine
 M^r Pat. Moncreiff
 George Monro
 S^r Andrew Home
 W^m Caltrase
 S^r Peter Halket
 S^r James Smollet
 M^r W^m Carmichael
 Capt. Daniel M^r Lead
 S^r David Dalrymple
 S^r Alex^r Ogilvie
 M^r John Clerk
 John Robe
 S^r Hugh Dalrymple
 M^r Pat. Ogilvie
 George Alardye
 W^m Alvis
 M^r James Bethan
 John Urquhart
 Daniell Campbell
 S^r Robert Forbes
 M^r Ro^l Dowglafs
 M^r Alex^r Maitland
 M^r George Dalrymple
 M^r Charles Campbell

SECOND.

Of the Nobility

D : Hamilton
 Atholl
 M : Annandale
 E : Erroll
 Buchan
 Eglington
 Caithnes
 Wigton
 Galloway
 Selkirk
 V : Stormont
 Kilfyth
 Lo : Saltoun
 Oliphant
 Balmerino
 Blantyre

Bargany
 Bellhaven
 Colvill

Of the Barons

George Lockhart of Carnwath
 S^r James Fowls of Colington
 S^r John Lawder of Fountainhall
 Andrew Fletcher of Saltoun
 S^r Robert Sinclair of Longformacus
 S^r Patrick Home of Rentoun
 W^m Baylis of Lamington
 Jo^h Sinclair younger of Stevenson
 M^r Alex^r Ferguson of Isle
 S^r Hugh Cathcart of Carleton
 John Brisbane younger of Biddoptoun
 M^r W^m Cochran of Kilmaronock
 John Graham of Killairn
 James Graham of Buchlyvie
 Robert Rollo of Powhouse
 Thomas Sharp of Houftoun
 S^r Pat. Murray of Anclertyre
 John Murray of Strowan
 Alex^r Gordon of Pitlurg
 John Forbes of Colloiden
 David Bethan of Balfour
 M^r Thomas Hope of Rankellor
 M^r James Carnegie of Plinhaven
 David Graham younger of Fintrie
 James Ogilvie younger of Boynd
 James Sinclair of Stempster
 M^r Alex^r Abercrombie of Tillibody

Of the Burrows

Robert Inglis
 Alex^r Robertson
 John Allardye
 Walter Stewart
 Hugh Montgomery
 Alex^r Edgar
 James Oswald
 S^r John Anstruther
 Alex^r Duff
 Francis Molisone
 Walter Scott
 George Smith
 Robert Scott
 Robert Kellie
 Archibald Scheills
 M^r John Lyon
 M^r Dowgall Stewart
 George Brodie
 George Spens
 S^r Ro^l Anstruther
 S^r David Camingham
 M^r W^m Johnston
 M^r John Carruthers
 George Home
 John Bayne
 M^r Robert Fraser

[*Article
approved*]
[*List of
Voters*]

THERAFTER it was put to the vote Approve of the said fifteenth article as altered & amended, or Not, And it carried Approve. And the List of the Members names as they voted Approve or Not is as follows.

APPROVERS

Of the Nobility

M: Montrose P. S. C.

D: Argyle

M: Tweedale

Lothian

E: Marr Sec:

Lowdown Sec:

Sutherland

Roths

Mortoun

Glenasir

Abertorn

Roxburgh

Haddingtoun

Lawderdale

Dalhousie

Findlater

Leven

Belcarras

Forfar

Kilmarnock

Kintoir

Dunmore

Marchmount

Crosmarty

Stair

Rossberry

Glasgow The' dep'

Hopetoun

Delorain

Illy

Vis: Dupline

Lo: Forbes

Elphinstoun

Rofs

Torphichen

Fraser

Banff

Elthank

Duffus

Lo: Register

Lo: Justice Clerk

Of the Barrons

Robert Dundas of Arnesloun

S' Robert Dickson of Inveresk

W^m Nisbet of DirletounJ^s Cockburn younger of Ormiston

S' John Swintoun of that Ilk

S' Alex^r Campbell of CessnockS' W^m Kerr of Greenhead

S' Gilbert Elliot of Minto

Archibald Douglass of Cavers

W^m Bennet of GrabbetM^r John Murray of BowhillM^r John Pringle of HainingW^m Morison of Prestongrange

S' John Johnstoun of Westerhall

W^m Dowglass of DornockM^r W^m Stewart of CastlestewartM^r Francis Montgomerie of GiffanM^r W^m Dalrymple of GlenmuirM^r Ro^d Stewart of Tilliecultrie

S' John Houston of that Ilk

S' Robert Pollock of that Ilk

M^r John Montgomerie of Wrae

John Halden of Glenagies

Mingo Graham of Gorthie

S' Thomas Barnet of Leyes

W^m Seton younger of PitmeddenS' Kenneth M^rKenzieM^r John Campbell of Mammore

S' James Campbell of Auchinbreck

Ja. Campbell younger of Ardkinglask

S' W^m Anstruther of that Ilk

Major Henry Balfour of Dumboog

James Halyhurton of Pitcair

Alex^r Abercrombie of GlaslochW^m Maxwell of CardinefsM^r James Dunbarr younger of Hemprigs

S' Henry Jones younger of that Ilk

Alexander Dowglass of Egilshaw

John Bruce of Kinross

Of the Burrows

S' Pat. Johnston

John Scrimmour

Lica^r Co^s Jo^s Areskine

Hugh Montgomerie

John Mure

James Scott

Robert Johnston

S' John Areskine

M^r Pat. Moncreiff

George Monro

S' Andrew Home

W^m Coltrane

S' Peter Halket

S' James Smollet

M^r W^m CarmichaelM^r W^m SutherlandCap^t Daniel M^rLeod

S' David Dalrymple

S' Alex^r OgilvieM^r John Clerk

John Rolfe

S' Hugh Dalrymple

M^r Pat. Ogilvie

George Allardyce

W^m AlvisJo^s Urquhart

Daniel Campbell

S^r Robert Forbes
 M^r Robert Dowglaß
 M^r Alex^r Maitland
 M^r George Dalrymple
 M^r Charles Campbell

NOES

Of the Nobility

D: Hamilton
 Atholl
 M: Annandale
 E: Erroll
 Buchan
 Caithnes
 Wigtoun
 Galloway
 Selkirk
 V: Stormont
 Kilfyth
 Lo: Saltoun
 Oliphant
 Balmerino
 Blantyre
 Bannany
 Bellhaven
 Colvill

Of the Barons

George Lockhart of Carnwath
 S^r James Foulis of Collington
 S^r Jo^r Lawder of Fountainhall
 Andrew Fletcher of Saltoun
 S^r Robert Sinclair of Longformacus
 S^r Patrick Home of Rentoun
 W^m Baylie of Lamingtoun
 Jo^r Sinclair younger of Strivins
 M^r Alex^r Ferguson of Isle
 S^r Hugh Cathcart of Carleton
 Jo^r Brisbane younger of Bishoptoun
 M^r W^m Cochran of Kilmarnock
 John Graham of Kilbairn
 James Grahame of Buchlyvie
 Robert Rollo of Powhouse
 Thomas Sharp of Housoun
 John Murray of Strouan
 M^r Thomas Hope of Rankellor
 M^r James Carnegie of Phinhaven
 David Graham younger of Fintrie
 James Ogilvie younger of Boyd
 James Sinclair of Stempfer
 M^r Alex^r Abercrombie of Tillibody

Of the Burrows

Walter Stewart
 Alex^r Edgar
 Francis Molison
 George Smith
 M^r John Lyon

M^r Dowgall Stewart
 George Brodie
 George Spens
 S^r David Cunningham
 M^r John Carruthers
 George Home
 John Bayne
 M^r Ro^r Frazer

THEN the overture given in, in these terms "That it be remitted to the Committee to consider what consideration shall be had of the losses of the Coin, As also what the Capitall Stock and Interest of the African Company may amount to, and how &c to whom the same shall be paid, and likeways to adjust the List of the publick debts and to prepare Overtures on these severall heads and to report to the Parliament with power to them to call for papers and perfones" And accordingly it was remitted to the Committee to whom the sixth and eighth articles were remitted.

THEN the Lord Chancellor hy order of Her Majesties High Commissioner Adjourned the Parliament till to morrow at ten of the clock.

DECEMBER XXXI, M.DCC.VI.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

SATURDAY next appointed for private busines.

THERAFTER the sixteenth article of Union was read twice over, And the following words were added thereto " And that the present offices of the Mint be continued subject to such alterations" &c. And the article as amended being again read over, after reasoning thereon a Memoriall was given in in relation to the losses by the Coin, and remitted to the Committee to whom the sixth and eighth articles were remitted.

[16th Article approved]

THEN the vote was put Approve of the sixteenth Article or Not and it carried Approve.

MOVED That a Proclamation be issued furth lowering the value of the current Coin of this Kingdome to the true standard And remitted to the above Committee to be proceeded on by them prior to all other busines.

THE seventeenth Article of Union was then read, And after some reasoning thereon It was put to the vote Approve of the seventeenth Article or Not and it carried Approve.

[17th Article approved]

[18th Article
of Union —
Proceedings
thereon]

THEREAFTER the eighteenth Article of Union was read And after reasoning thereon An overture was given in for adding a clause in these terms, " That all Scotsmen be excused from the English Sacramental Test not only in Scotland but in all places of the united Kingdome and dominions thereunto belonging And that they be declared capable of offices throughout the whole, without being obliged to take the said test."

AND after debate It being moved that it was not now intire to add the said clause in relation to the Sacramental Test, in respect of the vote of Parliament of the 12th of Nov^r last against adding the lyke clause After some further discourse thereon

IT was agreed, that the same should be put to the vote, And that the Members votes be marked and the list of their names as they shall vote be printed & recorded,

THEN the vote was put Whither it was intire to add the clause or Not, And it carried Not. And the List of the Members names as they voted Intire or Not is as follows.

[List of
Voters]

NOES

Of the Nobility

M: Montrose P. S. C.

D: Argyle

M: Tweeddale

Lothian

E: Mure Sec:

Lowdown Sec:

Sutherland

Roths

Mortoun

Glencairn

Abercorn

Roxburgh

Haddingtoun

Lawderdale

Dalhousie

Findlater

Leven

Belcarras

Forfar

Kilmarnock

Kintoir

Marchmont

Stair

Roseberry

Glasgow The Dep^r

Hopetoun

Delorain

Ray

V: Dunblane

Lo: Forbes

Elphinstoun

Ross

Torphichen

Fraser

Bain^r

Ellbank

Duffus

Lo: Register

Lo: Justice Clerk

Of the Barrons

Robert Dundas of Ardstoun

S^r Ro^d Dickson of InverackW^m Nisbet of Dirletoun

John Cockburn younger of Ormestoun

S^r John Swintoun of that IlkS^r Alex^r Campbell of CefnockS^r W^m Kerr of GreenheadS^r Gilbert Elliot of Minto

Archibald Dowgliss of Cavers

W^m Bennet of GrahbetM^r John Murray of BowhillM^r John Pringle of HainingW^m Morison of PrestongrangeS^r John Johnston of WesterhallW^m Dowgliss of DornockM^r W^m Stewart of CastleewartM^r John Stewart of SorbieM^r Francis Montgomerie of GiffanM^r W^m Dalrymple of GlenmuirM^r Robert Stewart of TillicoultryS^r Robert Pollock of that IlkM^r John Montgomerie of Wrae

John Halden of Glenagies

Mungo Grahame of Gorthie

S^r Thomas Barnet of LeyesW^m Seton younger of Pitmedden

Hugh Ross of Kilnvoak

S^r Kenneth M^rKenzieM^r James M^rLeod of CadbollM^r John Campbell of MammoreS^r James Campbell of Auchintreack

James Campbell younger of Ardkinglass

S^r W^m Anstruther of that Ilk

James Halyburton of Pittcurr

Alex^r Abercrombie of GlaschoAlex^r Dowgliss of Englislaw

John Bruce of Kinross

Of the Burrows

John Scrimour

Lieu^t Col^l Jo^h AreskineS^r John AnstrutherS^r John Areskine

James Spittle

S^r Andrew HomeS^r Peter HalketS^r James SmolletM^r W^m CarmichaelM^r W^m SutherlandCap^t Dan: M^rLeod

S C

S^r Alex^r Ogilvie
 M^r John Clerk
 John Roß
 S^r Hugh Dalrymple
 M^r Pat. Ogilvie
 George Allardyce
 W^m Alvis
 M^r James Bethun
 M^r Rorie M^cKenzie
 John Urquhart
 Daniell Campbell
 S^r Ro^t Forbes
 M^r Ro^t Douglass
 M^r Alex^r Maitland
 M^r George Dalrymple
 M^r Charles Campbell

INTIRE

Of the Nobility

D : Hamilton
 Atholl
 M : Annandale
 E : Crawford
 Erroll
 Buchan
 Eglington
 Caithnes
 Wigton
 Galloway
 Selkirk
 V : Stormont
 Kilfyth
 Lo : Saltoun
 Scunhill
 Blantyre
 Bargany
 Beilhaven
 Kinnaird

Of the Barons

George Lockhart of Carnwath
 S^r James Fowles of Collingtown
 S^r John Lawder of Fountainhall
 Andrew Fletcher of Saltoun
 S^r Robert Sinclair of Longformacus
 S^r Pat. Home of Rentoun
 W^m Baylie of Lamington
 John Sinclair younger of Stevinfane
 John Sharp of Hoddam
 M^r Alex^r Ferguson of Isle
 S^r Hugh Cathcart of Carleton
 John Brisbane younger of Bishoptoun
 M^r W^m Cochrane of Kilmarenoch
 S^r Humphray Colquhoun of Luff
 S^r John Houston of that ilk
 Robert Rollo of Powboub
 Thomas Sharp of Houston
 S^r Pat. Murray, of Auchtertyre
 John Murray of Strouan

John Forbes of Coloden
 David Bethun of Balfour
 Major Henry Balfour of Dunboeg
 M^r Thomas Hope of Rankellor
 M^r James Carnage of Phinhaven
 David Graham younger of Fintrie
 James Ogilvie younger of Boynd
 W^m Maxwell of Cardinefs
 James Sinclair of Stampfer
 M^r Alex^r Abercrombie of Tillibody

Of the Burrows.

S^r Pat. Johnston
 Alex^r Robertson
 John Allardyce
 Walter Stewart
 Alex^r Edgar
 James Oswald
 Alex^r Duff
 Francis Moliffen
 Walter Scott
 William Cultran
 George Smith
 Robert Scott
 Robert Kellie
 Archibald Scheilds
 M^r John Lyon
 M^r Dowgall Stewart
 George Brodie
 George Spens
 S^r Ro^t Anfruther
 S^r Dav. Cunningham
 M^r W^m Johnston
 M^r John Carruthers
 George Home
 John Bayne
 S^r James Stewart
 M^r Ro^t Frazer

THEREAFTER the vote was put Approve the eighteenth Article or Not And it carried Approve. And the List of the Members as they voted Approve or Not is as follows.

[18th Article approved]
 [List of Voters]

APPROVERS

Of the Nobility.

M : Montrose P. S. C.
 D : Argyll
 M : Tweeddale
 Lothian
 E : Marr Sec :
 Loudoun Sec :
 Sutherland
 Rothes
 Mertoun
 Glencairn
 Abercrom
 Roxburgh
 Haddington

Lauderdale

Dalhousie

Findlater

Leven

Belcarras

Forfar

Kilmarnock

Kintoir

Marchmont

Stair

Roseberry

Glasgow The' Dep'

Hopetoun

Delorain

Illy

V : Duplin

L : Forbes

Elphinstoun

Ross

Torphichen

Fraser

Banff

Elliebank

Duffus

Lo : Register

Lo : Justice Clerk

Of the Barons.

Ro : Dundas of Arncliffe

S' Ro' Dickson of Invermark

W^m Nisbet of Dirlotoun

Jo' Cockburn younger of Ormiston

S' John Swinton of that Ilk

S' Alex' Campbell of Cefinock

S' W^m Kerr of Greenhead

Arch. Douglas of Cavers

W^m Bennet of GrubbetM^r John Murray of BowhillM^r John Pringle of HainingW^m Morison of Prestoungrange

Sir John Johnston of Westerhall

W^m Douglas of DornockM^r W^m Stewart of CastleferriartM^r John Stewart of SorbieM^r Francis Montgomery of GiffenM^r W^m Dalrymple of GlenmoleM^r Ro' Stewart of Tillicoultry

Sir Ro' Pollock of that Ilk

M^r John Montgomery of Wrae

John Hadden of Glenengles

Mungo Graham of Goethie

Sir Thomas Burnet of Leyros

W^m Seton younger of Pitmedden

Hugh Ross of Kilravock

Sir Kenneth M'Kenzie

M^r Aeneas M'Leod of CadbollM^r Jo' Campbell of Mammore

S' James Campbell of Auchinbreck

James Campbell younger of Ardkinglads

Sir W^m Anstruther of that Ilk

James Haliburton of Pitcur

Alex' Abercromby of Glasloch

M^r James Dumbay younger of Hemprigs

Alex' Douglas of Englishw

John Bruce of Kinross

Of the Burrows

John Scrimgeour

Lieu' Co^t John Erskin

Sir John Anstruther

Sir John Erskine

James Spittle

S' Andrew Home

Sir Peter Halket

Robert Scott

Sir James Smollet

M^r W^m CarmichaelM^r W^m SutherlandCap^t Daniel M'Leod

Sir Alex' Ogilvy

M^r John Clerk

John Ross

Sir Hugh Dalrymple

M^r Pat. Ogilvy

Geo. Allardyce

W^m AlvesM^r Ro'ie M'Kenzie

John Urquhart

Daniel Campbell

Sir Ro' Forbes

M^r Ro' DouglasM^r Alex' MaitlandM^r George DalrympleM^r Chas. Campbell

NOES

Of the Nobility.

D : Hamilton

Athole

M : Anstrandale

E : Erroll

Buchan

Caithness

Wigtoun

Galloway

Selkirk

V : Stormont

Kilsyth

Lo : Saltoun

Sempill

Oliphant

Balmerino

Blantyre

Bargany

Bellhaven

Kinnaird

Of the Barons.

Geo. Lockhart of Cornwath

Sir James Fowles of Colington

Sir John Lauder of Fountainhall
 And Fletcher of Saltoun
 Sir Ro. Sinclair of Longformacus
 Sir Pat. Home of Rentoun
 Sir Gilbert Elliot of Minto
 W^m Bailly of Lamingtoun
 John Sinclair younger of Stevenfane
 M^r Alex^r Ferguson of Isle
 John Brilbene younger of Bishopstoun
 M^r W^m Cochran of Kilmarnock
 Sir Humphrey Colquhoun of Luff
 Robert Rollo of Powhouse
 Tho. Sharp of Houston
 M^r James Carnegie of Phinhaven
 David Graham younger of Fintrie
 James Ogilvy younger of Boyne
 James Sinclair of Stempfer

Of the Burrows.

W^m. Stewart
 Alex^r Edgar
 Alex^r Daif
 Fran. Mollison
 W^m. Scott
 Ro. Kellie
 Arch. Sheills
 M^r John Lyon
 Geo. Spence
 Sir David Cunningham
 M^r John Carruthers
 Geo. Home
 John Baine
 M^r Ro. Frazer

[Act Ad-
 journ-
 ing the
 Session
 read]

ACT for adjourning the Session to the first day of February next to come given in and read And a first reading ordered to be marked thereon.

[19th Article
 of Union
 read]

THEN the nineteenth Article of Union was read & delayed till next Sederunt of Parliament and to be then taken under consideration.

THE Committee appointed to meet to morrow at nyne of the clock.

THEN the Lord Chancellor by order of Her Majesties High Commissioner Adjourned the Parliament till Thursday next at ten of the clock.

JANUARY 22, M,DCC,VII.

PRAYERS said Rolls called.

MINUTES of the last Sederunt read.

[Adjourn-
 ing the
 Session]

ACT adjourning the Session to the first day of February next to come read a second tyme And after reasoning It was proposed that the Adjourn-

ment should be to the fourth of February And likewise proposed that the Adjournment should only be to the twenty first of January instant And after further reasoning the vote was put Approve of the Act Adjourn- ing the Session to the twenty first of January or fourth of February And it carried Approve of the Act adjourn- ing the Session to the fourth of February next to come.

THEREAFTER the Act was touched with the royall scepter by her Majesties High Commissioner in the usuall manner.

ACT Adjourn- ing the Session to the fourth day of February next to come

OUR SOVERAIGNE LADY with advyse & consent of the Estates of Parliament Adjourns the Session to the fourt day of February next and Declares all actions depending before the Lords of Session to be continued to the said day And Her Majestie with consent foresaid Dispenses in the mean tyme with the sitting of the Court of Justiciarie & all Inferior Courts as if the Parliament were not sitting And furder Declares that the tyme & space betuixt the said befor & the said fourt day of February next shall not be reckoned in any Annuall Prefcriptions And Ordains these presents to be published at the mercat crose of Edinburgh and to be forthwith printed that the Ledges may be certified thereof.

THEN the nyneteenth Article of Union was again read and after some reasoning on the first clause of the said article in relation to the Court of Session or Colledge of Justice a motion was made for adding a clause in these termes " And that hereafter none shall be named by the Queen or her Successors to be Ordinary Lords of Session but such who have served in the Colledge of Justice as Advocats or Principall Clerks of Session for the space of fyve years."

[20th Article
 of Union
 read
 Proceeds
 theron]

AND after some reasoning It was also moved that " Writers to the Signet should be added to the Advocats and Clerks."

AND after further reasoning The vote was stated Approve of the first clause or paragraph of the nyneteenth article with the above additionall clause or without it.

BUT before voting it was agreed That in exlt the vote should carry Approve of the said first paragraph of the nyneteenth article with the additional clause It shall be intire to debate whether Writers to the Signet are to be added or not.

AND thereupon the said first paragraph and additional clause being read over The vote was put Approve of the said first paragraph with or without the addition And it carried With the addition.

AND after debate Whether Writers to the Signet shall be added or Not It was put to the vote Add Writers to the Signet or Not And it carried Add.

WHEREUPON it was moved that such of the Writers to the Signet as have served fyve years in that station shall be understood qualified as well as Advocats & Clerks And after debate thereon It was moved that the further debate be adjourned till the next Sederunt of Parliament And also moved to proceed now to the determination of the tyme for their qualification.

AND after renosing The vote was put Proceed or Delay And it carried Delay.

THEN the Lord Chanceller by order of her Majesties High Commissioner Adjourned the Parliament till to morrow at ten of the clock.

JANUARY III, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read

THEN the Parliament resumed the consideration of the debate anent the qualification of Writers to the Signet before they can be named Ordinary Lords of Session. And after some further debate as to the tyme they are to serve as Writers before they can be capable to be named Lords there were two states of a vote offered The first in these terms Whither they shall serve Twenty years or None, And the second in these terms Whither they are to serve Eight or Ten years And after some reasoning which of the two should be the state of the vote First or Second.

THE Earle of Abercorn gave in a Protest against the first state of the vote in these terms "I protest against the stating the first vote because which way soever it may be carried, it is in my humble opinion elsids one of the two votes past yesterday relating to the additional clause For if it should be carried That a Writer to the Signet may be admitted to be an ordinary Lord of the Session without limiting a reasonable tyme for qualifying himself by experience as to the practical part of the Law then that seems to be inconsistent with the vote requiring Advocats undergoing a five years probation at the bar, On the other hand if the vote should be carried for a Writers being twenty years in that station before being capable to be named by the Sovereign to be an ordinary

Lord of the Session that seems to be tantamount to an absolute exclusion of Writers from the said office" And thereupon he took instruments

THEN the vote was put First or Second And it carried Second.

THEREAFTER the vote was put Eight or Ten years And it carried Ten years.

THEN a motion was made for an additional clause in relation to the qualification of Writers in these terms "With this provision That no Writer to the Signet be capable to be admitted a Lord of the Session unless he undergoe a private and publick tryall on the Civil Law before the Faculty of Advocats and be found by them qualified for the above said office two years before they shall be named to be a Lord of the Session" And after reasoning thereon the vote was stated Add the clause or Not.

BUT before voting It was moved that the qualifications made or to be made for capacitating persons to be named Ordinary Lords of Session shall be alterable by the Parliament of Great Britain And after debate It was put to the vote Alterable or Not And it carried Alterable.

THEN the vote was put Add the clause in relation to the qualification of Writers or Not, And it carried Add.

THEREAFTER the second clause of the nineteenth article of Union in relation to the Courts of Judiciary was read and agreed to.

AND the third clause in relation to the Admiralty was also read and agreed to.

THEREAFTER the other clauses of the said nineteenth article in relation to the Court of Exchequer & other Courts and also the remainder of the article was read and agreed to.

THEN the vote was put Approve of the nineteenth article as amended or Not And it carried Approve.

[19th Article approved]

THEN the Lord Chancellor by order of Her Majesties High Commissioner Adjourned the Parliament till to morrow at ten of the clock.

JANUARY IV, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

ACT in favours of the burgh of Dundee for an Imposition of two pennies upon the pynt of ale

[Burgh of Dundee]

s D

[19th Article of Union — Proceeding thereon]

and beer to be brewed and vended within the bounds & for the uses thereinmentioned read a second tyme And after reasoning thereon a clause was offered to be added thereto Impowering overseers & managers of the said Imposition and with power to determine how it shall be uplifted. Whither out of the Malt or out of the Liquor, And a Petition given in for the Brewers of Dundee against the said Act was read, And another clause was offered to be added to the said Act in favours of M^r James Anderson in these terms "With this provision as it is hereby expressly provided and declared that the said Imposition is & shall be burdened with the sum of Twelve hundred pounds yearly for the space of fix years to be paid to M^r James Anderson Writer to the Signet or his assignees as a part of the expenses of the work recommended to him by the Parliament And that at two terms in the year Martinmas and Whitunday beginning the first terms payment at Martinmas 1st vijs^r & seven years And ordains the Magistrates of the said Burgh to make payment of the same accordingly" Which being read it was agreed to add the said clause, And after further reasoning on the said Act several other amendments were made thereupon. And after debate on the above Petition for the Brewers and clause in relation to the management It was put to the vote Approve of the Act as amended or Add the clause and it carried Approve.

THEN the Lord Chancellor by order of Her Majesties high Commissioner acquainted the Parliament That in this Session of Parliament other two dayes shall be appointed for private busines.

[Dissolution of Orkney & Zetland from the Crown]

DRAUGHT of an Act for dissolution of the Lands of Orkney and Zetland from the Crown in favours of the Earle of Mortoun read, And agreed that the few duty payable therefor shall be fix thousand pounds and that the Queens haiks be reserved, and a first reading ordered to be marked thereon, and agreed that the said Act shall be first proceeded upon the first Sederunt for private busines preferable to all others.

[John Henry Haguetan & others]

PETITION John Henry Haguetan craving to be naturalized and also craving a Protection again read And thereafter an Act for his naturalization was also read And siclike an Act for the naturalization of Colonnell Seipio Hill Lieu^t Col^l Henrie Verriere of Her Majesties Regiment of foot guards Lieu^t Col^l John Cadour Capt. in Major Generall Maitlands Regiment Capt. Theodore Dury Her Majesties Chieff Engineer Capt. Daniell Charlott Brigadier in Her Majesties Troop of guards Capt. John Burjoud in Colonnell Grants Regiment Capt. James Cavalier Lieu^t in Her Majesties Troop of Horse Grenadeers Ensign Peter Charantoun in

My Lord Strathavers Regiment Peter Cregutt formerly Lieu^t in S^r W^m Dowglais Regiment Jeremiah Bofugne Adjutant to Major Generall Maitlands Regiment M^r James Le-blanc and Daniell Lafigette merchants Joshua Legoux servitor to the Earle of Roxburgh Francis Gohren late servitor to the Earle of Crawford Peter Bishop alias La-Marr servitor to the Earle of Strathmore M^r John Godfrey preacher of the Gospell & Major Bellhazer Guydett Capt. of Dragoons in the Marquis of Lothians Regiment was read and a first reading ordered to be marked upon the said Acts.

AND after debate upon the above petition as to the protection It was moved That a deliverance be granted thereon in the following terms viz. That for the better enabling the petitioner to reestablish his affairs and satisfie his just debts protection be granted for the space of seven years to the petitioners person and also that protection for the space forsaid be granted to the petitioners goods & estate heretable and moveable against diligence at the instance of Creditors for such debts as have been contracted before Aprile 1st vijs^r & five years Excepting such debts as have been contracted to any of the subjects of Her Majesties Dominions or such debts as have been originally contracted to the subjects of Her Majesties Allies or which shall be made appear by the Creditors before the Judge Ordinary to have been transferred to them bona fide and for adequest onerous causes before the Twelfth of December last Providing always the petitioner reside within this Kingdome during the tyme of the said protections.

AND after further debate It was put to the vote Grant protection to the petitioner in the above terms or Delay till the Act for his Naturalization get a second reading And it carried Grant protection in the above terms.

[Protection in favours of John Henry Haguetan]

AGREED that the Act in favours of the Burgh of Aberdeen for an Imposition in the terms therein mentioned be under consideration the first Sederunt for privat busines next to the Act in favours of the Earle of Mortoun.

[Burgh of Aberdeen]

THEN it was Intimat that there being an action upon the protest for Remed of Law S^r Thomas Dalziel of Blinnis against the Lady Caldwell & her husband the procurators for the Lady Caldwell and her husband be ready to answer against the next Sederunt for private busines and S^r David Dalrymple authorized to plead for the pursuer.

[Sir Thomas Dalziel ag^t Lady Caldwell]

[Heritors of
Canongate]

PETITION for the Heritors and Tradesmen of the Canongate for a Remitt to the Commissioners of Supply of the shyre to value their tenements & yards and to establish a settled valuation thereof That conform to the valuation they may pay their proportion of Cets to the good Town for their relief thereof read and appointed to be seen and answered against the next Sederunt of Parliament for private business.

[Order of
precedence]

AGREED that my Lo. Chancellor rank and bring in private business to the Parliament the following dayes for private business as he finds just.

THEN the Lord Chancellor by order of Her Majesties High Commissioner Adjourned the Parliament till Monday next at ten of the clock.

JANUARY VI, M.DCC.VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Addresses
against the
Union]

THEN the following Addreeses were given in and read viz. Address of Barrons Freeholders Heritors Gentlemen and others in the shyre of Aberdeen subscribers of the same Address of Barrons Freeholders Heritors Gentlemen & others in the shyre of Kincardine and Town of Stenhaven subscribing the same And Address of Inhabitants of the Town of Peterhead subscribers of the same all against an Union with England in the terms of the articles.

[Admiral
Court]

OVERTURE for an Act sent the Admirall Court read and ordered to be printed.

[Report
about the
Coin]

A REPORT brought in from the Committee to whom the consideration of the Coyne was remitted, was read, [viz. "It is the opinion of the Committee that it is necessary that the Government Reduce the Current Coin of this Nation to the standard of that of England whereby trade may be put on an equall foot And that in case the Union take effect the loss that may happen to the then proprietors of the Silver Coyne be made up out of the Equivalent and that there be presently a Proclamation emitted to Certifie the Ledges that notwithstanding of all the rumours that have lately been sent the Coyne that in the mean time the same is to pass at the rates it now does within this Kingdome."] As also a draught of a Proclamation in relation thereto And after reasoning thereon both were remitted back to the said Committee to be further considered.

THEN the twentieth article of Union was read, And it was moved That a clause should be added thereto for preserving the whole Records and Registers both Generall and Particular and Warrants thereof and for detaining and keeping them within this Kingdome in all tyme coming, And after reasoning thereon It was agreed That when the twenty fourth article falls under consideration a clause to that effect shall be brought in to be added thereto.

[20th Article
of Union
approved]

AGREED that after the words "Heretable Offices" and "Heretable Jurisdictions" The word "Superiorities" be added to the said Article And the article being read over with the said addition, The vote was put Approve the twentieth article of Union or Not And it carried Approve.

THEN the twenty first article of Union was read And after reasoning It was moved to Add a clause thereto in these terms, "subject nevertheless to such allegations as the Parliament of Great Britain shall think fit" And after further reasoning thereon Two states of a vote were offered The first in these terms Approve the article or Not The second in these terms Add the clause or Not And after some reasoning which should be the state of the vote First or Second

[21st Article
of Union
read]

IT was agreed that the members votes shall be marked and that the list of their names as they vote shall be printed and recorded.

THEN the vote was put which shall be the state of the vote First or Second and it carried First And the List of the members as they voted First or Second is as follows.

[List of
Voices]

FIRST

Of the Nobility

M: Montrose P. S. C.

D: Argyle

M: Lothian

E: Marr Sec:

Lowdown Sec:

Crawford

Roths

Mortoun

Glencairn

Roxburgh

Haddingtoun

Wemyss

Dalhousie

Findlater

Leven

Belcarra

Forfar

Kintoir

Marchmonts

Cromarty
 Stair
 Roseberry
 Glasgow Th^r Dep^t
 Hopetoun
 Delcsein
 Ilay
 Lo : Elphinstoun
 Roß
 Torphichen
 Frazer
 Banff
 Ellbank
 Beilhaven
 Duffus
 Rollo
 Lo : Register
 Lo : Justice Clk.

Of the Barrons

Ro^t Dundas of Arncliffe
 S^r Robert Dickson of Innerark
 S^r John Swintoun of that Ilk
 S^r Alex^r Campbell of Cefnock
 S^r Gilbert Elliot of Minto
 William Bennet of Grubbet
 M^r Jo^s Murray of Bowhill
 M^r Jo^s Pringle of Haining
 William Morison of Prestongrange
 S^r John Johnston of Westerhall
 W^m Dowglas of Dornock
 M^r W^m Stewart of Castletewart
 M^r John Stewart of Sorbie
 M^r Francis Montgomerie of Giffen
 M^r W^m Dalrymple of Glenmaur
 M^r Ro^t Stewart of Tillicultrie
 S^r Robert Pollock of that Ilk
 M^r John Montgomery of Wrae
 John Helden of Glenagies
 Monge Graham of Gorthie
 S^r Thomas Burnet of Leyes
 Alex^r Grant younger of that Ilk
 M^r James M^rLeod of Cadboll
 M^r John Campbell of Mammore
 S^r James Campbell of Auchinbreck
 James Campbell younger of Ardkinglass
 Alex^r Abercrombie of Glasloch
 William Maxwell of Cardinefs
 James Sinclair of Stompffer
 Alex^r Dowglas of Eaglethaw

Of the Burrows

S^r Pat. Johnston
 Robert Inglis
 Alex^r Robertson
 John Scrimgeour
 L^{ieu} Co^s John Areskin
 Alex^r Watson
 John Mure

John Black
 James Scott
 Alex^r Duff
 Walter Scott
 S^r Andrew Home
 W^m Coltrane
 S^r Peter Halket
 S^r James Smollet
 M^r W^m Carnichell
 M^r W^m Southerland
 Archibald Scheibbs
 Capt. Dan. M^rLeod
 S^r David Dalrymple
 S^r Alex^r Ogilvie
 M^r Dowgall Stewart
 John Roß
 George Brodie
 George Spens
 S^r Hugh Dalrymple
 S^r Ro^t Andruther
 M^r Patrick Ogilvie
 George Allardyce
 M^r Ja. Bethun
 Jo^s Urquhart
 Daniell Campbell
 S^r Robert Forbes
 M^r Robert Frazer
 M^r Ro^t Dowglas
 M^r Alex^r Maitland
 M^r George Dalrymple
 M^r Charles Campbell

SECOND

Of the Nobility

D : Hamilton
 M : Annandale
 E : Erroll
 Marfshall
 Wigton
 Lo : Sempill
 Oliphant
 Balmerino
 Blantyre
 Colvill

Of the Barrons

George Lockhart of Carnwath
 S^r Jo^s Lawder of Fonnastinall
 Andrew Fletcher of Saltoun
 S^r Pat. Home of Rentoun
 S^r Hugh Cathcart of Carleton
 M^r W^m Cochran of Kilmaroneck
 S^r Humphray Colquhoun of Leuf
 Alex^r Gordoun of Fidderg
 M^r James Carnegie of Phinhaven
 M^r Alex^r Abercrombie of Tillibodie

Of the Burrows

M^r Patrick Moncreiff

[91st Article
approved]
[List of
Voters.]

THEREAFTER the vote was put Approve the twenty first article of Union or Not And it carried Approve And the List of the members as they voted Approve or Not is as follows.

APPROVERS

Of the Nobility.

M: Montrose P. S. C.

D: Argyll

M: Lothian

E: Marr Sec:

Lowdown Sec:

Crawford

Roths

Mortoun

Buchan

Glencairn

Eglington

Abercorn

Roxburgh

Haddington

Galloway

Wemyss

Dalhousie

Finlathar

Leven

Belesarras

Forfar

Kintoir

Dunmore

Marchmont

Cromarty

Stair

Roseberry

Glasgow The' Dep'

Hopetoun

Delorain

Hay

Lo: Forbes

Elphinstoun

Ross

Torphichen

Frazer

Banff

Elibank

Beilhaven

Duffus

Lo: Register

Lo: Justice Clk.

Of the Barrons.

Ro: Dundas of Arncliffe

S: Ro: Dickson of Inveresk

S: John Swintoun of that ilk

S: Pat. Home of Rentoun

S: Alex: Campbell of Cefanoek

S: Gilbert Elliot of Minto

Archibald Dowglas of Cavers

W: Bennet of Grubbet

M: John Murray of Bowhill

M: John Pringle of Haining

W: Morison of Prestongrange

W: Dowglas of Dornock

M: Francis Montgomerie of Giffan

M: W: Dalrymple of Glenmuir

M: Robert Stewart of Tillioustrie

S: Robert Pollock of that ilk

M: John Montgomerie of Wrae

John Halden of Glenagies

Mingo Graham of Goethie

S: Thomas Burnet of Leyes

W: Seton younger of Pitmedden

Alex: Grant younger of that ilk

M: Jo: Campbell of Mummere

S: James Campbell of Auchinbreck

James Campbell younger of Ardkinglads

S: W: Anstruther of that ilk

S: Henry Innes younger of that ilk

Alex: Abercrombie of Glasfioch

Of the Burrows.

S: Pat. Johnston

Ro: Inglis

John Scrimfour

Lieut: Col: Jo: Areskine

John Mure

Patrick Bruce

S: John Areskine

James Spitle

M: Pat. Moncrieff

S: Andrew Home

W: Coltrane

S: Peter Halket

S: James Smollet

M: W: Carmichael

M: W: Sutherland

Cap: Daniel M'Leod

S: David Dalrymple

S: Alex: Ogilvie

M: John Clerk

John Ross

S: Hugh Dalrymple

S: Ro: Anstruther

M: Pat. Ogilvie

George Allardyce

W: Alvis

M: James Bethun

John Urquhart

S: James Stewart

Daniell Campbell

S: Ro: Forbes

M: Robert Dowglas

M: Alex: Maitland

M: George Dalrymple

M: Charles Campbell

NOES

Of the Nobility

E: Wigton
V: Killyth
Lo: Scampill
Olliphant
Bakerino

Of the Barrons.

George Lockhart of Carnwath
Andrew Fletcher of Saltoun
Mr W^m Cochran of Kilmarnock

[39th Article of Union] THEN the twenty second article of Union was read and the consideration thereof delayed till next Sederunt of Parliament to be then proceeded upon previous to all other busines.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten of the clock.

JANUARY VII, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[39th Article of Union, 1st paragraph, Proceedings thereon]

THE twenty second Article of Union again read And thereafter the first paragraph thereof in relation to the number of the representatives for Scotland in the Parliament of Great Britain was read over again And after long debate a vote was flated Approve of the first paragraph of the twenty second article or Not.

BUT before voting There were four severall protests given in viz. one by the Duke of Atholl, a second by the Earle of Bodian, a third by George Lockhart of Carnwath, and a fourth by Walter Stewart Commissioner for the hurg of Lamlithgow all against the said vote And the severall protesters took Instruments thereupon [the which severall protests are as follow]

Protestation by the Duke of Atholl

" WHEREAS by my Protest given in the fourth of November last befor voting the first article of the Union I did reserve liberty to renew Protestations against any other articles of the Treaty And as I protested for the reasons therein mentioned so I do now for myself and all others who shall adhere Protest against any vote for approving the twenty second article of this Treaty of Union and against all the parts of it for these reasons.

Because the Peers of this realm who are hereditary Members of her Majesties Great Council and Parliament Do thereby become Elective, and so her Majestic deprived of her born Counsellors and the Peers of their Birthright, And whereas they are at present a Hundred and Sixty in number they are by this article reduced to Sixteen, which Sixteen are to be joined with the House of Lords in England whose number at present consists of above an Hundred and eighty, whereby it is plain that the Scots Peers share in the Legislative and Judicative powers in the British Parliament is very unequal with that of the English tho' the one be Representatives of as independent and free a Nation as the other, And is therefore a plain forfeiture of the Peerage of this Kingdome. And as it is the height of Injustice and against all the Lawes and Practicks of this and all other well governed Nations to forfeit any person without a heinous crime, so it is against all Law to forfeit either the Peers that are now present or those that are Minors or absent without being so much as called or cited for that end. It is likewise contrair to the honor and true interest of her Majestic and the Monarchie to Suppress the Estate of Peers who have formerly been the great Supporters of the Monarchie. And it is dishonorable and disagreefull for this Kingdome that the Peers thereof shall only have Rank and Precedencie next after the Peers of the like order and degree in England without regard to their Antiquity or the Dates of their Patents as is Stipulat by the following Article of this Treaty. In the next place each Shire and Royall Burgh within this Kingdome have the number of their Representatives determined by Acts of Parliament, whose number at present being a hundred and fifty fyve are by this article of the Treaty reduced to forty fyve and to be joined to fyve hundred and thretteln Members in the House of Commons where they can have no Influence by reason of the vast disproportion of their numbers, Besides that the Barons and Burrows of this Nation by this way of uniting are deprived of their inherent right of being fully and individually represented in Parliament both with relation to their Legislative and Judicative Capacities. And they are not only highly prejudged in lessening their Representation but also degraded from being members of the Parliaments of this Kingdome where they sit as Judges in all Causes civil and criminal to be joined to the Commoners of another Nation who are accustomed to supplicat for Justice at the Bar of the House of Lords. The Barons and Barrows are also further prejudged in this that whereas now every Shire and Royall Burgh have their own Representatives, one Commissioner will hereafter represent severall Shires or Burghs who it cannot be supposed will understand the severall interests and concerns of the said severall Shires or Burghs whom he may represent,

And further for the present Representatives of the Barons & Burrows in Parliament to offer by any vote or deed of theirs to incapacitate their Constituents or deprive them of any part of their inherent right is that which their Constituents may and do justly disallow they only having their Commissions with the ordinary Powers of making or amending Lawes and giving Supplies but no wayes to alter fundamentall Constitutions or to take away or diminish their Representation which is also a plain forfeiture of their Constituents of their inherent rights and undoubted privileges and is contrair to the fundamental Lawes of this Nation which are the Birthright of the people thereof. From all which it is plain and evident that this from a Sovereign Independent Monarchie shall dissolve it's Constitution and be at the disposal of England whose Constitution is not in the least to be altered by this Treaty And where it is not to be supposed the Scots shall have any weight in the making of Lawes even the relative to their own Kingdome by reason of the vast disproportion and disparitie of their Representation aforesaid. And therfor I do also protest That no vote may hinder nor prejudice the Noblemen Barons and Burrows as now represented in Parliament to retain brook enjoy and exerce all their rights liberties and privileges as fully and freely as hitherto they have enjoyed them. And since it evidently appears not only from the many Protests of the honourable and worthy members of this House, but also from the multitudes of Addresses and Petitions from the several parts of this Kingdome of the Barons Freeholders Heritors Burrows and Commons and from the Commission of the Generall Assemblies that there is a generall dislike and aversion to the incorporating Union as contained in these articles And that there is not one Address from any part of the Kingdome in favours of this Union. I do therfor further Protest against concluding this and the following articles of this Treaty untill her Majestie shall be fully informed of the Inclinations of her People That if her Majestie think fit she may call a new Parliament to have the immediat Sentiments of the Nation since these articles have been made publick where it is hoped they may fall on such methods as may allay the ferment of the Nation, satisfie the minds of the people, and erect a good understanding betwixt the two Kingdoms by an Union upon honourable just and equal terms which may Unite them in affection and interest the surest foundation of peace and tranquillity for both Kingdoms And this my Protestation I desire may be received and insert in the Minuts and recorded in the books of Parliament as an testimony of my dissent and the dissent of such as adhere to me."

Protestation
Earl of
Barth

"FORASMUCH as the changing of the Right of the Peers of this Realm, from a Constat & Hereditary

Right, to one that is Elective, & the debarring all or any of them from taking place & voting in Parliaments, Conventions or Publick Councils, is subversive of the birth right & undoubted privilege of the Peers, dishonourable to the whole Kingdom, & contrary to the fundamental Lawes & Constitution thereof, as well as to all justice & equity, I doe therfor Protest, for my self, & in name of all who shall adhere to this my Protestation, that the foresaid right of the Peers of this realm, to sit & vote in all Parliaments, publick Councils & Conventions, doe, after the intended Union with England, and notwithstanding thereof, continue in full force, & remain to them as their undoubted right & property, & that no vote pass in this House, to prejudice all or any of them from claiming the same in all time coming."

"I GEORGE Lockhart of Carnwath do Protest for my self & in name of such other Barrons as shall adhere to this my Protestation, that neither this vote nor any other vote conclusion or article in this Treaty of Union shall prejudice the Barrons of this Kingdom from their full representation in Parliament as now by law established, nor in any of their privileges & particularly their Judicative & Legislative Capacity, of wh^{ch} they are Deprived by the terms of this Treaty of Union, & I crave this my Protestation to be admitted & recorded."

Protest for
the privi-
leges of
the Barones
by George
Lockhart

"I WALTER Stewart Protest for my self and in name and behalf of all others, who shall adhere to this my Protestation, That the restriction of the Representatives in Parliament for this Kingdome, as contained in the Twenty two article of the Treaty of Union, is contrair to the birthright of the Peers, and rights and privileges of the Barrons and Freeholders and Royall Burrows, and the fundamental Lawes and Constitution of this Nation, And if any vote shall pass approving of the said Article in the terms that it stands That any such vote shall not prejudice the birthright of the Peers, rights and privileges of the Barrons and Freeholders and Royall Burrows competent to them by the Lawes and Constitution of this Kingdome, And takes Instruments upon this Protestation, and desires that it may be insert in the Records of Parliament."

Protestation
by Walter
Stewart

LIKEAS a fifth Protest was given in by the Earle of Erroll in these terms "I Charles Earle of Erroll Lord High Constable of Scotland Doe hereby protest That the office of High Constable of Scotland with all the rights and privileges of the same belonging to me heretablie and depending upon the Monarchie Sovereignty and antient Constitution of this Kingdome may not be weakened nor prejudged by the conclusion of the Treaty of Union betwixt Scotland and England nor any article clause or condition thereof But that the said heretablie

[Protest,
Earle of
Erroll]

office with all the rights and privileges thereof may continue and remain to me and my successors intire and unhurt by any votes or Acts of Parliament or other proceedings whatsoever relative to the said Union And I Crave this my Protestation may be admitted and recorded in the Registers and Rolls of Parliament."

[Protest,
Earl Mar-
schall]

AND a sixth protest was given in by the Earle Marischall in these terms " I William Earle Marischall Doe hereby protest that whatever is contained in any article of the Treaty of Union betwixt Scotland and England shall no manner of way derogate from or be prejudiciall to me or my Successors in our heretablie office of Great Marischall of Scotland in all tyme coming or in the full and free enjoyments and exercise of the full rights dignities titles honours powers and privileges thereto belonging which my ancestors and I have possessed and exercised as rights of property these seven hundred years And I doe further protest That the Parliament of Scotland and Constitution thereof may remain and continue as formerly And I Desire this my Protestation to be insert in the Minutes and recorded in the books of Parliament and thereupon takes instruments."

WHICH protestations being read the severall protesters took instruments upon their respective protests.

AND it was agreed that the members votes be marked and that a list of their names as they shall vote be printed & recorded and that at calling the rolls the adherers to the above respective protests be marked, As also the Lord Chancellor was allowed to have his name marked printed & recorded as an approver.

[104 Article
1st paragraph
approved]
[List of
Voters]

THEN the vote was put Approve the first paragraph of the twenty second article of Union or Not And it carried Approve And the list of the Members names as they voted Approve or Not is as follows.

APPROVERS

Of the Nobility.

The Lo: Chancellor allowed to be printed amongst the approvers by speciall order of Parliament

M: Montrose P. S. C.

D: Argyll

M: Tweedale

Lothian

E: Marr Sec:

Lowdown Sec:

Sutherland

Roths

Mortoun

Glencairn
Abercorn
Roxburgh
Haddington
Wemyss
Dalhousie
Findlater
Leven
Belcarra
Forfar
Kilmarnock
Kintoir
Dunmore
Marchmont
Hyndford
Cromarty
Sleair
Rossberry
Glasgow 'The' Deys'
Delorain
Illy

V: Dupplin

Lo: Forbes

Elphinstoun

Rofs

Torphichen

Fraser

Beaiff

Ellibank

Duffus

Rollo

Lo: Register

Lo: Justice Clk.

Of the Burrows.

Robert Dundas of Arncliffe
S^r Ro^d Dickson of Inveresk
W^m Ninbet of Dirletoun
John Cockburn younger of Ormskoun
S^r John Swintoun of that ilk
S^r Alex^r Campbell of Cessnock
S^r W^m Kerr of Greenhead
Archibald Dowglash of Cavers
W^m Bennet of Grubbet
M^r John Murray of Bowhill
M^r John Pringle of Haining
W^m Morison of Prestongrange
George Baillie of Jervistwood
S^r John Johnston of Westerhall
W^m Dowglash of Dornock
M^r W^m Stewart of Castletewart
M^r John Stewart of Sorbie
M^r Francis Montgomerie of Giffan
M^r W^m Dalrymple of Glenmuir
M^r Robert Stewart of Tillicultrie
S^r Ro^d Pollock of that ilk
John Halden of Glenegies
Monro Graham of Gorthie
S^r Thomas Burnet of Leyes
W^m Seton younger of Pitmedden

Alex^r Grant younger of that ilk
 Hugh Robt of Kilravock
 S^r Kenneth M^rKenzie
 M^r Aeneas M^rLeod of Cudboll
 M^r John Campbell of Mammore
 S^r James Campbell of Auchinbreck
 James Campbell younger of Ardkinglass
 S^r William Andruther of that ilk
 James Halybarton of Pitcur
 Alex^r Abercrombie of Glasloch
 M^r James Dunbar younger of Hensprigs
 S^r Henry Innes younger of that ilk
 Alex^r Dowglass of Eagleclaw
 John Bruce of Kierob

Of the Burrows.

S^r Pat. Johnstoun
 John Scrimfour
 Licut^t Col^l J^o Areskine
 John Mure
 James Scott
 S^r John Andruther
 S^r John Areskine
 James Spötle
 M^r Pat. Moncreiff
 S^r Andrew Home
 S^r Peter Halket
 S^r James Smollet
 M^r W^m Carmichael
 M^r W^m Sutherland
 Capt. Dan. M^rLeod
 S^r David Dalrymple
 S^r Alex^r Ogilvie
 M^r John Clerk
 John Robt
 S^r Hugh Dalrymple
 M^r Pat. Ogilvie
 George Alhardyce
 W^m Alves
 M^r James Bethun
 John Urquhart
 S^r James Stewart
 Daniel Campbell
 S^r Ro^l Forbes
 M^r Rob^t Dowglass
 M^r Alex^r Maitland
 M^r George Dalrymple
 M^r Charles Campbell

NOES.

Of the Nobility.

D: Hamilton
 Atholl
 M: Annandale
 E: Crawford
 Errol
 Marischall
 Buchan

Eglington
 Caithnes
 Wigtoun
 Galloway
 Selkirk
 V: Stormount
 Killyth
 Lo: Saltoun
 Sempill
 Oliphant
 Balmerino
 Bantyre
 Baryony
 Bellhaven
 Colvill
 Kinsaird

Of the Barons.

George Lockhart of Carnwath
 S^r John Lawder of Fountainhall
 Andrew Fletcher of Saltoun
 S^r Robert Sinclair of Longformacus
 S^r Pat. Home of Rentoun
 S^r Gilbert Elliot of Minto
 W^m Baillie of Lamington
 John Sinclair younger of Stevinstone
 James Hamilton of Aikenhead
 M^r Alex^r Ferguson of Isle
 S^r Hugh Cathcart of Carleton
 John Brisbane younger of Bithoptoun
 M^r W^m Cochrane of Kilmaronock
 S^r Humphray Colquhoun of Luff
 Robert Rollo of Powhouse
 Thomas Sharp of Houstoun
 S^r Pat. Murray of Auchtertyre
 John Murray of Strowan
 Alex^r Gordon of Pitlurg
 John Forbes of Colleden
 David Bethan of Balfour
 M^r James Carnegie of Phinhaven
 David Graham younger of Fintrie
 James Ogilvie younger of Boyd
 W^m Maxwell of Cardineh
 Alex^r M^rKye of Pulgorn
 James Sinclair of Stempfier
 M^r Alex^r Abercrombie of Tillibody

Of the Burrows.

Robert Inglis
 Alex^r Robertson
 Walter Stewart
 Alex^r Watson
 Hugh Montgomerie
 Alex^r Edgar
 John Black
 Alex^r Duff
 Francis Molifun
 George Smith
 Robert Scott
 Robert Kellie

Archibald Scheills
M^r John Lyon
M^r Dowgall Stewart
George Heidle
S^r Ro^d Anstruther
S^r David Cunningham
M^r John Carruthers
George Home
John Bayne
M^r Rob^t Frazer

[List of
adherers to
the Protest.]

AND the Earle of Caithnes the Viscount of Stormont the Lord Oliphant the Lord Balmerino the Lord Bargany the Lord Kinnsaid John Briffane younger of Bishoptoun S^r Humphry Colquhoun of La^s S^r Patrick Murray of Auchtertyre John Murray of Strowan James Ogilvie younger of Boyn Alex^r M^r Kye of Palgown James Sinclair of Stempfler Alex^r Robertfane Alex^r Duff Francis Melifon Robert Scott Archibald Scheills M^r John Lyon M^r John Carruthers George Home John Bayne and M^r Robert Frazer adhered to the Duke of Atholls protest, Andrew Fletcher of Saltoun S^r Robert Sinclair of Longformacus S^r Hugh Cathcart of Carleton the said John Briffane younger of Bishoptoun M^r W^m Cochran of Kilmarnock the said S^r Humphry Colquhoun of La^s Robert Rollo of Powhouse M^r James Carnegie of Phinhaven David Graham younger of Fintrie & the said James Sinclair of Stempfler adhered to George Lockhart of Carnwaths protest And the Earle of Crawford and the Earle of Galloway adhered to the Earle of Buchans protest.

[29th Article
of Union,
2^d paragraph.
Proceedings
thereon.]

THEN the second paragraph of the said twenty second article anent the calling of the representatives from Scotland to the Parliament of Great Britain, beginning thus " And that when her Majesty &c. and ending " That the Names of the persons so summoned & elected shall be returned by the Privy Council of Scotland into the Court from whence the said writ did issue" was again read.

AND after some reasoning an explanation was offered to be added after these words " According to the agreement in this Treaty viz. in such manner as by a subsequent Act of this present Session of the Parliament of Scotland shall be settled which Act is hereby Declared to be as valid as if it were a part of and engrossed in this Treaty." And after further reasoning It was moved that the way and manner of choosing the representatives for Scotland to the Parliament of Great Britain be determined and that a clause to that purpose be engrossed in this article And after debate The vote was taken Approve of the second paragraph of the said twenty second article as above explained Yes or Not.

WHEREUPON it being moved to delay the said vote till next Sederunt of Parliament A previous vote was stated Proceed or Delay And it carried Proceed.

THEN it was put to the vote Approve of the said second paragraph of the twenty second article of Union with the above explanation above insert or Not.

AND the clause with the explanation being thereupon again read, Before voting the Earle of Abercorn gave in the following protest viz. " I protest against the settling the representatives of Scotland for the Parliament of Great Britain after a distinct manner from what might be appointed by the vote approving of the two and twentieth article because I doe not see clear into what may be the consequence thereof" And thereupon he took instruments.

[Protest,
Earl of
Abercorn.]

THEN the vote was put Approve or Not And it carried Approve.

[28th Article
2^d paragraph
approved.]

THEN the Lord Chancellor by order of her Majesties high Commissioners Adjourned the Parliament till to morrow at ten of the clock.

JANUARY VIII, M.DCC.VII.

PRAYERS said Rolls called.

MINUTES of the last Sederunt read.

WHEREUPON it being moved That the four protests given in the former Sederunt by the Duke of Atholl the Earle of Buchan George Lockhart of Carnwath and Walter Stewart ought not to be insert in the Minutes nor to be printed After some reasoning thereon the Earle of Marchmont gave in a protestation against the said four protests and took instruments thereupon.

[Anent the
Protests
against the
22^d Article
of Union.]

" I PATRICK Earle of Marchmont Doe protest for my self and all that shall adhere to this my protestation That the foure severall protestations given in yesterday by the Duke of Atholl the Earle of Buchan George Lockhart of Carnwath and Walter Stewart of Parliament are presumptuous illegal and unwarrantable calling in question what the Parliament hath done and impugning the authority of Queen and Parliament and tending directly to raise sedition And that their being insert in the Minutes of the proceedings of Parliament shall be no stop nor hinderance to the Parliament to take those protestations under consideration when they shall think fit."

[Protest,
Earl of
Marchmont.]

AND the Lord Chancellor the Marquis of Montrose president of the Privy Council the Duke of Argyll the Marquis of Tweeddale the Marquis of Lothian the Earle of Marr Lo. Secretary the Earle of Lowdown Lo. Secretary the Earles of Sutherland Rothes Mortoun Roxburgh Dalhousie Findlater Leven Belshams Forfar Kintoir Hyndford Glasgow The' deput Delorain & Hay the Lords Forbes Elphinstoun Roß Torphichen Frazer Benff Rollo the Lord Register the Lord Justice Clerk S' Jo' Swinton of that ilk S' Alex' Campbell of Cessnock S' W^m Kerr of Grovehall Archibald Douglass of Cavers M' Jo' Murray of Bowhill M' John Pringle of Hayning W^m Morison of Prestongrange George Baillie of Jerviswood W^m Douglass of Dornock M' Francis Montgomerie of Giffan Mungo Graham of Gorthie W^m Seton younger of Pitmedden Alex' Grant younger of that ilk M' John Campbell of Mainsmore S' James Campbell of Auchinbreck James Campbell younger of Ardkinglass James Halyburton of Pitcur Alex' Abercrombie of Glasloch Alex' Douglass of Eagleshaw S' Patrick Johnston Lieut Col^l John Areskine John Mure James Spittle S' Andrew Home M' W^m Carmichael S' Alex' Ogilvie M' John Clerk M' Pat. Ogilvie George Allanbyce M' James Betham Daniell Campbell M' Robert Douglass M' Alex' Maitland and M' Charles Campbell adhered thereto.

AND after long reasoning thereupon The further debate was adjourned till next Sederunt of Parliament.

THEN the Lord Chancellor by order of her Majesties high Commissioners Adjourned the Parliament till to morrow at ten of the clock.

JANUARY IX, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THEN the debate mentioned in the Minuts of the said last Sederunt was resumed in relation to the four protestations given in the twentieth instant by the Duke of Atholl the Earle of Buchan George Lockhart of Carnwath and Walter Stewart and in relation to another protestation against the same given in the last Sederunt by the Earle of Marchmont.

AND after reasoning the Lord Balmerino gave in a protest against that given in the former Sederunt by the Earle of Marchmont and took instruments thereupon.

"I JOHN Lord Balmerino do protest that the E. of Marchmonts protestation ought not to be admitted as highly reflecting on many noble & worthy members of Parliament and that it is presumptuous & tending to sedition upon which I take instruments."

Protest,
John Lord
Balmerino

AND the Duke of Hamilton the Duke of Atholl the Earles of Erroll Marischall Buchan Eglington Wigton Galloway & Selkirk the Viscounts of Stormonth and Kilfyth the Lords Sempill Obphant Blantyre Bargany and Kinnaird George Lockhart of Carnwath Andrew Fletcher of Saltoun M' W^m Cochem of Kilmarconock S' Humphray Colquhoun of Luss Ro' Rollo of Powhousie John Murray of Strouan M' James Carnagie of Phinhaven David Graham younger of Fintrie Alex' M'Kye of Palgown Alex' Edgar Alex' Duff Francis Molison Archibald Scheills M' John Lyon M' John Carruthers George Home and M' Robert Frazer adhered thereto.

AND after some further debate it was agreed that none of the above protests be insert at length in the Minuts or printed hut that they be all recorded and insert in the records of Parliament.

THEN the third paragraph of the twenty second article of Union, beginning thus "And that if her Majestic on or before the first day of May next" &c. and ending with these words "And that Parliament may continue for such tyme only as the present Parliament of England might have continued if the Union of the two Kingdomes had not been made unless sooner Dissolved by Her Majestic" was read.

[22^d Article
of Union,
2^d paragraph.
Proceedings
thereon]

AND after reasoning thereon, It was moved to Add the following clause thereto viz. "And that the said Parliament of Great Britain shall meet and sit once in three years at least, in that part of Great Britain now called Scotland."

AND after further debate There were two states of a vote offered The first in these terms Approve the third paragraph of the twenty second article or Not And the second in these terms Add the above clause or Not, And after reasoning which should be the state of the vote It was put to the vote First or Second.

AND it was agreed that the members votes shall be marked and that the List of their names as they vote be printed and recorded And the Lord Chancellor was allowed to have his name printed and recorded as a voter for the First state And if that shall carry as voting among the approvers.

[About the
Protestations.]

[List of
Voters]

THEN the vote was put First or Second And it
carried First And the list of the members names
as they voted First or Second is as follows.

FIRST.

Of the Nobility.

The Lo: Chancellor allowed to be printed
amongst those who voted First by special
order of Parliament

M: Montrose P. S. C.

D: Argyll

M: Tweedale

Lothian

E: Marr Sec:

Lowdoun Sec:

Southland

Roths

Morton

Glencorn

Eglintoun

Abercorn

Roxburgh

Haddington

Dalhousie

Findlater

Leven

Belcaras

Forfar

Kilmarnock

Kintoir

Dunmore

Marchmont

Hyndford

Cromarty

Rothberry

Glasgow The' Dep'

Delonain

Illy

Vis: Dupplise

Lo: Forbes

Elphinstoun

Rofs

Torphichen

Fraser

Banff

Duffus

Rollo

Lo: Register

Lo: Justice Clerk

Of the Barrons.

Re' Dundas of Arnestoun

S' Re' Dickon of Inverack

W' Nisbet of Dirlston

John Cockburn younger of Ormiston

S' John Swintoun of that ilk

S' Alex' Campbell of Cefnock

S' W' Ker of Greenhead

Archibald Dowglas of Cavers

W' Bennet of Grubbet

M' John Pringle of Haining

W' Morison of Prestongrange

George Baillie of Jerviswood

S' John Johnston of Westerhall

W' Dowglas of Dornock

M' W' Stewart of Cattlestewart

M' John Stewart of Sorbie

M' Francis Montgomery of Giffan

M' Robert Stewart of Tillicultrie

S' Robert Pollock of that ilk

John Halden of Glenagies

Mungo Graham of Geethie

S' Thomas Burnet of Leyes

W' Seston younger of Pitmedden

Alex' Grant younger of that ilk

M' Eneas M'Leod of Cadboll

M' John Campbell of Mammore

S' James Campbell of Auchinbreck

James Campbell younger of Ardington

S' W' Andruether of that ilk

James Halyburton of Pitcair

Alex' Abercrombie of Glasgow

M' James Dunbar younger of Hemprig

Alex' Dowglas of Englishaw

Of the Burrows.

John Scrimfear

Lieut' Col' Jo' Areskine

John Nure

James Scott

S' John Areskine

James Spittle

M' Pat. Moncrieff

S' Andrew Home

S' Peter Halket

S' James Smollet

M' W' Carmichael

M' W' Sutherland

Capt. Dan. M'Leod

S' David Dalrymple

S' Alex' Ogilvie

M' John Clerk

S' Hugh Dalrymple

M' Pat. Ogilvie

George Alardyce

W' Alvis

M' James Bethun

John Urquhart

Daniell Campbell

M' Robert Dowglas

M' Alex' Maitland

M' George Dalrymple

M' Charles Campbell

SECOND.

Of the Nobility.

D: Hamilton

Atholl

M : Amundale

E : Erroll

Marifull

Buchan

Cuthnes

Wigtoun

Galloway

Selkirk

V : Stormont

Kilsyth

Lo : Saltoun

Sempill

Oliphant

Balmerno

Bargany

Bellhaven

Colvill

Of the Barrons.

George Lockhart of Carnwath

S^r John Lawder of Fountainhall

Andrew Fletcher of Saltoun

S^r Pat. Home of RentounS^r Gilbert Elliot of MintoW^m Ballie of Lamingtoun

James Hamilton of Aikenhead

S^r Hugh Catheart of Carletoun

John Brisbane younger of Bishoptoun

M^r W^m Cochrane of Kilmaronock

John Graham of Kilsairn

Robert Rollo of Powhouse

Thomas Sharp of Howtoun

S^r Pat. Murray of Auchtertyre

John Murray of Strowan

Alex^r Gordon of Pitlurg

John Forbes of Coltodon

David Bethun of Balfour

M^r Pat. Lyon of AuchterhouseM^r James Carnagie of Phinhaven

David Grahame younger of Fintrie

James Ogilvie younger of Boynd

Alex^r M^r Kye of Falgoun

James Sinclair of Stempther

Of the Burrows.

Robert Inglis

Alex^r Robertson

Walter Stewart

Alex^r EdgarAlex^r Duff

Francis Mollison

Robert Scott

Robert Kellie

John Hutcheson

Archibald Schelds

M^r John LyonM^r Dowgall StewartM^r John Carruthers

George Home

John Bayne

M^r Robert Frazer

THEREAFTER the vote was put Approve the third paragraph of the twenty second article or Not And it carried Approve And the List of the members names as they voted Approve or Not is as follows.

APPROVERS.

Of the Nobility.

The Lo: Chancellor allowed to be printed amongst the Approvers by speciall order of Parliament

M : Montrose P. S. C.

D : Argyle

M : Tweeddale

Lothian

E : Mar Sec :

London Sec :

Sutherland

Rothes

Mortoun

Glencairn

Eglintoun

Abercorn

Roxburgh

Haddingtoun

Dalhousie

Findlater

Leven

Belcarra

Forfar

Kilmarnock

Kintola

Dunmore

Marchmont

Hyndford

Cromartie

Roseberrie

Glasgow Thel' Dep^t

Delorain

Illy

V : Duplin

Lo : Forbes

Elphinstoun

Ross

Torphichen

Praser

Banff

Duffus

Rollo

Lo : Register

Lo : Justice Clerk

Of the Barrons.

Ro. Dundas of Arncliffe

Sir Ro. Dickson of Inverack

W^m Nisbet of Dirletoun

S G

Jo^e Cockburn younger of Ormsicoun

Sir Jo^e Swinton of that ilk

Sir Alex^e Campbell of Cesnock

Sir W^m Ker of Greenhead

Arch. Douglas of Cavers

W^m Bennet of Grubbet

M^r Jo^e Pringle of Haining

W^m Morison of Prestoungrange

Geo. Baillie of Jerviswood

Sir John Johnston of Westerhall

W^m Douglas of Dornock

M^r W^m Stewart of Castlestewart

M^r Jo^e Stewart of Scrie

M^r Fra. Montgomerie of Giffen

M^r Ro. Stewart of Tillcultrie

Sir Rob^t Pollock of that ilk

Jo^e Hadden of Glenagies

Mungo Graham of Gorthie

Sir Tho. Barnet of Lyles

W^m Seton younger of Pitmedden

Alex. Grant younger of that ilk

M^r Jo^e Campbell of Mammore

S^r James Campbell of Auchinbreck

Ja. Campbell younger of Ardkinglass

Sir W^m Anstruther of that ilk

Ja. Halyburton of Pitcur

Alex. Abercrombie of Glasloch

M^r Ja. Dunbar younger of Hempeigh

Sir Henry Innes younger of that ilk

Alex. Douglas of Eglishaw

Of the Burrows.

Sir Pat. Johnston

Jo^e Scrimbour

Lieut Colo^l Jo^e Areskine

Jo^e Muir

James Scott

Sir Jo^e Areskine

James Spitle

M^r Pat. Moscrief

Sir And. Home

W^m Coltran

Sir Pat. Halket

Sir Ja. Smollet

M^r W^m Carmichael

M^r W^m Sutherland

Capt. Dan. M^rLeod

Sir Dav. Dalrymple

Sir Alex. Ogilvie

M^r Jo^e Clerk

Jo^e Roß

Sir Hugh Dalrymple

M^r Pat. Ogilvie

Geo. Alhardye

M^r Ja. Bethun

Jo^e Urquhart

Sir Ja. Stewart

Dan. Campbell

Sir Ro. Forbes

M^r Ro. Douglas

M^r Alex. Maitland

M^r Geo. Dalrymple

M^r Chs. Campbell

NOES

Of the Nobility

D: Hamilton

Athole

M: Annandale

E: Erroll

Marischall

Bachan

Caithnes

Wigton

Galloway

Selkirk

V: Stormont

Kilfyth

Lo: Salton

Sempill

Oliphant

Balmerino

Bargany

Belhaven

Colvill

Kinnaird

Of the Barrows.

Geo. Lockhart of Carnwath

And. Fletcher of Salton

Sir Ro. Sinclair of Longformacus

W^m Baillie of Lammington

Ja. Hamilton of Aikenhead

Jo^e Sharp of Hoddam

M^r Alex. Ferguson of Isle

Sir Hugh Cathcart of Carletoun

Jo^e Brisbane younger of Bishoptoun

M^r W^m Cochran of Kilmarnock

Jo^e Graham of Kilsairn

Ro. Rollo of Powhouse

Jo^e Murray of Strouan

Dav. Bethun of Balfour

M^r Pat. Lyon of Auchterhouse

M^r James Carnegie of Plinhaven

Dav. Graham younger of Fintrie

Ja. Ogilvie younger of Boyne

Alex. M^rKye of Palgoun

James Sinclair of Stempster

Of the Burrows.

Alex. Robertson

Wa. Stuart

Alex. Watson

Alex. Edgar

Alex. Duff

Fra. Molison

Ro. Scott

Ro. Kellie

Jo^o Hutchefon
Arch. Sheills
M^r Jo^o Lyon
M^r Jo^o Caruthers
Geo. Home
M^r Ro. Fraser

[Text of
22^d Article
of Union —
Proceedings
therein]

THEN the rest of the twenty second article of Union was read And after some reasoning and reading of the oaths to which it relates an overture was given in for an additional clause for explaining the word "Limitation" mentioned in the oath appointed to be taken by Statute 13. W: 3. Cap: 6.

AND another Overture was given in for excusing persons in any office or employment in Scotland from taking the Oath of Abjuration mentioned in the said article.

AND a third overture for a clause "That so long as the Act appointing a Sacramental Test shall continue in force in England all persons in publick Trust within the Limits of Scotland shall swear and sign a Formula thereto subjoyned in manner and under the penalties therein mentioned."

AND after reading the said three overtures and reasoning thereon a vote was stated Approve the twenty second article of Union as explained or Not.

BUT before voting It was agreed that notwithstanding of the said vote and that the article shall be thereby approved, it shall nevertheless be intire and free thereafter to proceed on the said overtures next Sederunt of Parliament, and to the Parliament to give their sentiment thereon.

AND it being thereupon moved to delay the vote for approving the article till next Sederunt

A PREVIOUS vote was stated Proceed or Delay And it carried Proceed.

THEN the vote was stated Approve or Not.

BUT before voting It was agreed that the members votes be marked and that the List of their names as they vote be printed and recorded. And the Lord Chancellor was allowed to have his Name printed and recorded as an approver.

THEREAFTER the vote was put Approve the twenty second article as explained or Not And it carried Approve And the List of the members names as they voted Approve or Not is as follows.

[List of
Voters]

APPROVERS

Of the Nobility.

The Lord Chancellor allowed to be printed amongst the approvers by speciall order of Parliament

M: Montrose P. S. C.

D: Argyll

M: Tweeddale

Lothian

E: Mar Sec.

Loudon Sec.

Sutherland

Roths

Mortoun

Glencairn

Abercorn

Roxburgh

Haddingtoun

Dalhousie

Findlater

Leven

Belcarra

Forfar

Kilmarnock

Kintore

Marchmont

Hyndford

Glasgow The' Dep'

Dolorain

Hay

V: Duplin

Lo: Forbes

Elphinstoun

Rofs

Torpichen

Benf

Rollo

Lo: Register

Lo: Justice Clerk

Of the Barrons.

Sir Ro^t Dickson of Inverak

W^m Nisbet of Dirleton

Jo^o Cockburn younger of Ormeskoun

S^r Jo^o Swinton of that Ilk

Sir Alex. Campbell of Cefinock

Sir W^m Ker of Greenhead

Arch. Douglas of Cavers

W^m Bennet of Grubet

M^r Jo^o Murray of Bowhill

W^m Morison of Prestongrange

Geo. Baillie of Jerviswood

Sir Jo^o Johnston of Westerhall

M^r W^m Stewart of Castle Stuart

M^r Jo^o Stewart of Sorbie

M^r Fra. Montgomerie of Giffin

M^r Ro. Stewart of Tilliecultrie

Sir Ro. Pollock of that Ilk

Jo^s Hadden of Glennagies
 Mungo Graham of Gorthie
 W^m Seton younger of Pittmedden
 Alex. Grant younger of that ilk
 M^r Jo^s Campbell of Massmore
 Sir Ja. Campbell of Anchinbreck
 Ja. Campbell younger of Ardkinglas
 Sir W^m Anstruther of that ilk
 Alex. Abercrombie of Glasloch
 Alex. Douglas of Egglilaw

Of the Burrows

Sir Pat. Johnston
 Lieut Colo^l Jo^s Areskine
 Sir Jo^s Areskine
 M^r Pat. Mowcrief
 Sir And. Home
 Sir Pat. Halket
 Sir Ja. Smollet
 M^r W^m Carmichael
 Sir Dav. Dalrymple
 S^r Alex. Ogilvie
 M^r Jo^s Clerk
 Jo^s Ross
 M^r Pat. Ogilvie
 Geo. Allardyce
 M^r Ja. Bethun
 Dan. Campbell
 Sir Ro^s Forbes
 M^r Ro. Douglas
 M^r Alex. Maitland
 M^r Geo. Dalrymple
 M^r Chs. Campbell

NOES

Of the Nobility

D : Hamilton
 Athole
 E : Craufurd
 Erroll
 Marischall
 Buchan
 Caithnes
 Wigton
 Galloway
 Selkirk
 V : Stornont
 Kilsyth
 Lo : Saltoun
 Sempill
 Halmerino
 Blantyre
 Beilhaven
 Colvill
 Kinnaird

Of the Barrons

Geo. Lockhart of Carnwath
 Sir Jo^s Lauder of Fountainhall
 And. Fletcher of Salton

Sir Ro. Sinclair of Longformacus
 Sir Pat. Home of Renton
 W^m Baillie of Lamington
 Jo^s Sinclair younger of Stevenfon
 Jo^s Sharp of Hoddam
 M^r Alex. Ferguson of Isle
 Sir Hugh Cathcart of Carleton
 Jo^s Brisbane younger of Bilshepton
 M^r W^m Cochran of Kilmaronock
 S^r Humphray Colquhoun of Lufs
 Jo^s Graham of Killearn
 Jo^s Murray of Strowan
 John Forbes of Colloiden
 Dav. Bethun of Balfour
 Major Henry Balfour of Dunboig
 M^r Pat. Lyon of Auchterboulie
 M^r Ja. Carnegie of Phinhaven
 Dav. Graham younger of Fintrie
 Ja. Ogilvie younger of Boine
 W^m Maxwell of Cardinefs
 Alex. M^rKye of Palgoun
 James Sinclair of Steamster
 Sir Henry Innes younger of that ilk
 M^r Alex. Abercrombie of Tillibody

Of the Burrows

Alex. Robertson
 Wa. Stewart
 Alex. Watfou
 Hugh Montgomerie
 Alex. Edgar
 Alex. Duff
 Fra. Molifon
 Ro. Scott
 Ro. Kellie
 Jo^s Hutcheson
 Arch. Shells
 M^r Jo^s Lyon
 M^r Dougall Stewart
 Geo. Brodie
 M^r Jo^s Caruthers
 Geo. Home
 Jo^s Baine
 Sir James Stewart
 M^r Ro^s Fraser

THEN the Lord Chancellor by order of her
 Majesties High Commissioner Adjourned the
 Parliament till the morrow at ten of the Clock.

JANUARY X, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederant read.

ADDRESS of Citizens Burgesies Trades and
 other inhabitants within the town of Perth sub-
 scribers of the same against ane Union with Eng-
 land in the terms of the articles given in and read.

[Added
 against the
 Union]

[2^d Article
of Union]

THEN the overture for exempting persons in any office or employment in Scotland from taking the oath of abjuration mentioned in the twenty second article of Union was again read And after some reasoning thereon the overture was past from.

THEREAFTER the overture for an additional clause to the said twenty second article for explaining the word "Limitation" mentioned in the oath appointed to be taken by Stat. 13. W. 3. Cap. 6. was again read in these terms "Likens it is declared that by the word Limitation in the oath mentioned in the above article is only understood Entail of the Succession and not the Conditions of Government upon the successor And that all persons of Scotland who may be lyable to take the said oath Swear it in that sense only."

AND after reasoning thereon The vote was put Add the said Clause or Not and it carried Not.

THEN the third overture for a clause to be added to the said twenty second article mentioned in the Minutes of the last Sederunt was again read in these terms "And furder it is agreed that so long as that part of the 2^d Act anno 25 Ch: 3^d appointing a Sacramental Test shall stand and continue in force in England all persons in publick trust civil or military within the limits of Scotland shall swear and sign the Formula underwritten within six months after the commencement of the Union And all who shall be admitted to any publick trust thereafter shall before exercising their said office of trust Swear and Subscribe the same to be administered by the Lords of Privy Council or any one of them under the like penalties and disabilities as are provided by the foreaid Act made in the Parliament of England.

FOLLOWS the Formula. I A:B: do sincerely & solemnly Declare in the presence of God that I own the Presbyterian Government of the Church as by law Established in Scotland to be a lawfull government of the Church and that I shall never directly nor indirectly endeavour the subversion thereof nor any alteration in the worship discipline or government of the said Church as by law established So help me God."

AND after reasoning thereon a vote was stated Add the clause or Not.

BUT before voting It was agreed that the members votes shall be marked and that a List of their names as they vote be printed & recorded Then the vote was put Add the clause or Not and it carried Not And the List of the members as they voted Add or Not is as follows.

NOES

Of the Nobility

M: Montrose P. S. C.

D: Argyll

M: Tweeddale

E: Marr See:

Lowdown See:

Sutherland

Rothes

Mortoun

Glencairn

Roxburgh

Haddingtoun

Dalkeith

Findlater

Leven

Northesk

Belcarres

Forfar

Kilmarnock

Kintoir

Dunmore

Marchmount

Cromarty

Roseberry

Glasgow The' Dep'

Hopetoun

Delorain

Illy

Lo: Forbes

Saltoun

Elphinstoun

Ross

Torpbicken

Fraser

Banff

Elibank

Duffus

Rollo

Lo: Register

Lo: Justice Clerk.

Of the Barrons

S^r Robert Dickson of Inverack

John Cockburn younger of Ormiston

S^r John Swintoun of that ilkS^r Alex^r Campbell of CessnockS^r W^m Kerr of Greenhead

Archibald Dowglais of Cavers

W^m Beames of GrubbetM^r John Pringle of HainingW^m Morison of Prestongrange

George Baillie of Jerviewood

S^r John Johnston of WesterhallW^m Dowglais of DornockM^r W^m Stewart of CailestewartM^r John Stewart of SorbieM^r W^m Dalrymple of Glenmuir

s H

[List of
names]

M^r John Montgomerie of Wrae
 John Halden of Glenagies
 Mingo Graham of Gorthie
 S^r Thomas Burnet of Leyes
 W^m Seton younger of Pitmedden
 Alex^r Grant younger of that Ilk
 S^r Kenneth M^rKenzie
 M^r Angus M^rLeod of Cadboll
 M^r John Campbell of Mammore
 S^r James Campbell of Auchinbreck
 James Campbell younger of Ardkinglaff
 S^r W^m Anfruther of that Ilk
 James Halyborton of Pitcar
 Alex^r Abercrombie of Glasloch
 Alex^r Dowglaff of Eglislaw

Of the Burrows

John Scrimfour
 James Scott
 S^r John Areskine
 James Spittle
 M^r Pat. Moncrieff
 S^r Andrew Home
 S^r Peter Halket
 S^r James Smollet
 M^r W^m Carmichael
 M^r W^m Sutherland
 Capt. Daniell M^rLeod
 S^r David Dalrymple
 S^r Alex^r Ogilvie
 M^r John Clerk
 M^r Dowgall Stewart
 John Rolfe
 M^r Pat. Ogilvie
 George Allardyce
 W^m Alvis
 M^r James Bethun
 M^r Rocio M^rKenzie
 John Urquhart
 Daniell Campbell
 S^r Ro^d Forbes
 M^r Ro^d Fraser
 M^r Ro^d Dowglaff
 M^r Alex^r Maitland
 M^r George Dalrymple
 M^r Charles Campbell

ADD

Of the Nobility

D: Hamilton
 M: Lothian
 Ansdale
 E: Erroll
 Marisball
 Buchan
 Eglington
 Caithnes
 Wigtoun

Galloway
 Selkirk
 Hyndford
 Vis: Stormont
 Kilfyth
 Lo: Sempill
 Oliphant
 Blantyre
 Bargany
 Beilhaven
 Kinnaird

Of the Barrons.

Ro^d Dundaff of Arneftoun
 George Lockhart of Carnwath
 S^r John Lawder of Fountainhall
 S^r Pat. Home of Rentoun
 S^r Gilbert Elliot of Minto
 W^m Baillie of Lamington
 Jo^d Sinclair younger of Stevinfane
 James Hamilton of Aikenhead
 John Sharp of Hoddum
 M^r Alex^r Ferguson of Isle
 M^r Francis Montgomery of Giffen
 S^r Hugh Cathcart of Carleton
 John Brisbane younger of Bishopstoun
 M^r W^m Cochran of Kilmaronock
 S^r Humphray Colquhoun of Luff
 Robert Rollo of Powhouse
 John Murray of Strouan
 Hugh Rolfe of Kilravock
 John Forbes of Culloden
 M^r Thomas Hope of Rankellor
 W^m Maxwell of Cardinefs
 Alex^r M^rKye of Fdgown
 James Sinclair of Stempder
 S^r Henry Innes younger of that Ilk
 M^r Alex^r Abercrombie of Tillibody

Of the Burrows

S^r Pat. Johnston
 Ro^d Inglis
 Walter Stewart
 Hugh Montgomery
 John Mure
 Alex^r Edgar
 Francis Molison
 Walter Scott
 W^m Coltrane
 Ro^d Scott
 Ro^d Kellie
 Ar^d Scheills
 George Brodie
 George Spens
 M^r John Carruthers
 George Home
 John Bayne
 S^r James Stewart

[23^d Article
of Union
read]

THEREAFTER the twenty third article of Union was read And after reasoning thereon the further debate was adjourned till next Sederunt of Parliament to be then proceeded upon previous to all other business except a Proclamation to be then brought in for prorogating the dyet for the choysing of Collectors and Clerks of the Supply in the severall shires of the Kingdom and continuing the last Collectors & Clerks for the term of Candlemas next.

THE Committee appointed to meet to morrow at ten of the Clock in the usual place.

THEN the Lord Chancellour by order of Her Majesties high Commissioner Adjourned the Parliament till Munday next at ten of the clock.

JANUARY XIII, M,DCC,VII.

PRAYERS said Roll: called.

MINUTS of the last Sederunt read.

[Burgh of
Dundee]

WARRANT granted for citing the Creditors of the Burgh of Dundee in order to the Magistrats and Town Council of the said burgh their obtaining protection.

PROCLAMATION for prorogating the Dyet for the choysing of Collectors and Clerks of the Supply and continuing the last Collectors & Clerks for the term of Candlemas next read And after some amendments it was voted and approved.

PROCLAMATION for Prorogating the meeting of the Commissioners of Supply.

ANNA by the Grace of God Queen of Great Britane France & Ireland Defender of the faith to our Lyon King at armes & his brethren bersualds maceis parlevants & meslingers at armes Our sheriffs in that part conjunctlie and severallie speciallie constitute Greeting Forasmuch as by the Act of Supply past & published this present Session of Parliament The last Thursday of January instant is appoynted for the meeting of the Commissioners of Supply in ordour to choise their Collectors and Clerks for uplifting and receiving the Supply mentioned in the said Act of Parliament And in regard the members of Parliament cannot be present to attend the said Dyet prefixed for choysing the saids Collectors and Clerks It is necessary that the said former dyet be prorogate in manner underwrytten Thairfor we with advyce and consent of the Estates of Parliament doe heirly prorogate this said dyet for the meeting of the Commis-

sioners of the said Supply for choysing of their respective Collectors and Clerks untill the second Thursday of Apryll next And appoynts the saids Commissioners to meet and convene on the said day at the head burghs of the severall shires & stewartries within this Kingdome and choise their respective Collectors and Clerks to the said Supply in the way and manner as is preseryved in the Act of Parliament And we with advyce and consent forsaid heirly ordaine and appoynt the former Collectors and Clerks to the last termes Supply to continow to uplift and receive the termes cess due and payable at Candlemas next with the fourth part of a moneths cess and supply due and payable to M^r Ramsay at the said terme the saids Collectors alwayes betuixt and the said terme finding sufficient cautions at the sight of a quorum of the Commissioners of the last Supply to be comptable for and making payment of the said termes cess and supply And lykewyses for the last moneths cess and supply payable the tenth day of December last which they were obliged to uplift Our will is heirfor and wee charge yow that incontinent ye past to the mercat Crois of Edinburgh and to the mercat Crois of the remanent other head burghs of the respective shires and burghs within this Kingdome and there make due and lawful publication beirfor that none pretend ignorance And ordaine their prebents to be printed And that the Solicitors dispatcch copies heirfor to be published at the mercat crois of the head burghs of the saids severall shires and stewartries within this Kingdome.

THEN the twenty third article of Union was again read And after some reasoning an overture was given in for adding a clause thereto in these terms " With this expresse provision That none of the Peers of Scotland shall have personall protection within Scotland for any debt owing before the commencement of the Union."

[23^d Article
of Union per-
Processings
thereto]

AS also another overture was given in for adding a clause thereto in these terms " That all the Peers of that part of Great Britain now called Scotland qualified according to law shall after the Union have right to sit Covered in the House of Peers of Great Britain notwithstanding that the right to give vote therein belongs only to the said sixteen Peers who are to be summoned in the manner appointed by the preceding article."

AND after reasoning upon the saids two overtures And upon two several motions The first in relation to the allowing all the Peers of Scotland to sit upon the tryall of the Peers of Britain; and the other in relation to their precedence according to their patents: The vote was stated in these terms Approve the twenty third article of Union or Alter Reserving intire the consideration of the above

two overtures and whether the samen shall be added to the article And it carried Approve.

THEN the first overture for the clause in relation to personall protection was again read And after debate it was put to the vote Add the clause or Not and it carried Not.

THEREAFTER the second overture for a clause in relation to all the Peers of Scotland their fitting Covered in the House of Peers of Great Britain was again read And after reasoning the vote was put Add the clause or Not.

BUT before voting It was agreed that the Members votes shall be marked and that the List of their names as they vote be printed & recorded.

THEN it was put to the vote Add the clause or Not And it carried Not And the List of the Members as they voted Add or Not is as follows.

[List of
Voters]

NOES

Of the Nobility

M: Montrose P. S. C.

D: Argyll

M: Lothian

E: Marr Sec:

Lowdoun Sec:

Rotbes

Mortoun

Glensaim

Roxburgh

Haddingtoun

Findlater

Leven

Kintoir

Marchmont

Hyndford

Cromarty

Roseberry

Glasgow The' Dep'

Hopetoun

Delorain

Illy

V: Dupplin

Lo: Forbes

Elphinstoun

Rofs

Banff

Duffus

Rollo

Lo: Register

Lo: Justice Clerk.

Of the Barrons.

John Cockburn younger of Ormiston

S' Jo^s Swintoun of that ilk

S' Alex^r Campbell of Cefinock

S' W^m Kerr of Greenhead

S' Gilbert Elliot of Minto

Ar^d Dowglafs of Cavers

W^m Bennet of Grubbet

M^r John Murray of Bowhill

M^r John Pringle of Haining

W^m Morison of Prestongrange

George Baillie of Jerviswood

S' John Johnstoun of Westerhall

M^r W^m Stewart of Castleslewart

M^r John Stewart of Sorbie

M^r Francis Montgomerie of Giffan

M^r W^m Dalrymple of Glenmuir

M^r Robert Stewart of Tillicultrie

S' Robert Pollock of that ilk

M^r Jo^s Montgomerie of Wrae

John Halden of Glenagies

Mongo Grubane of Gorthie

S' Thomas Burnet of Leyes

W^m Seton younger of Pitmedden

S' Kenneth M^rKenzie

M^r John Campbell of Mammore

S' Ja. Campbell of Auchinbreck

James Campbell younger of Ardkinglass

S' W^m Anstruther of that ilk

James Halyburton of Pitcur

Alex^r Abercrombie of Glasnoch

Alex^r M^rKye of Palgown

Alex^r Dowglafs of Engleshaw

John Bruce of Kinrofs

Of the Burrows.

S' Pat. Jobestoun

John Scrimfour

Lien^t Co^s Jo^s Arefkine

John Mure

James Scott

S' John Areskine

M^r Pat. Moncrieff

Walter Scott

S' Andrew Home

S' Peter Halket

S' James Smollett

M^r W^m Carmichael

S' David Dalrymple

S' Alex^r Ogilvie

John Rofs

S' Hugh Dalrymple

M^r Pat. Ogilvie

-George Allardyce

W^m Alvis

M^r James Bothun

M^r Rorie M^rKenzie

John Urquhart

Daniell Campbell

S' Robert Forbes

M^r Ro^s Dowglafs

M^r Alex^r Maitland

M^r George Dalrymple
M^r Charles Campbell

M^r John Carruthers
George Home
John Bayne

ADD

Of the Nobility

D: Hamilton
M: Annandale
E: Erroll
Marischall
Eglintoun
Abercorn
Galloway
Kilmarnock
Viz: Stormont
Kilsyth
Lo: Saltoun
Balmerno
Blantyre
Craigmoun
Elisbank
Beilhaven
Colvill

Of the Barons

George Lockhart of Carnwath
Andrew Fletcher of Saltoun
W^m Nisbet of Dirletoun
S^r Ro^d Sinclair of Longformacus
S^r Pat. Home of Restoun
W^m Baillie of Lamingtoun
John Sinclair younger of Stevenfane
John Brisbane younger of Bishoptoun
M^r W^m Cochran of Kilmarnock
S^r Humphrey Colquhoun of Luff
John Graham of Kilsalrn
Robert Rollo of Perthshire
Alex^r Gordon of Pitlurg
David Hethun of Balfour
Major Henry Balfour of Dunboog
M^r Thomas Hope of Rankellor
M^r Pat. Lyon of Ochterhouse
M^r James Carnegie of Phinhaven
David Grahaue younger of Fintrie

Of the Burrows

Alex^r Robertson
Alex^r Edgar
S^r Jo^s Anstruther
Alex^r Duff
Francis Melison
Robert Scott
Robert Kellie
John Hutcheson
M^r W^m Sutherland
M^r John Lyon
George Brodie

THEN the Lord Chancellor by order of Her
Majesties High Commissioners Adjourned the
Parliament till to morrow at ten of the clock.

JANUARY XIV, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THEN the twenty fourth article of Union was
read Whereupon a Memorall was given in for the
Lyon King of Arms in relation to his precedence
Which being read after reasoning it was moved
That the rank and precedence of the Lyon King
of Arms be left to her Majestie and that next to
these words in the said article viz. " And that the
quartering the arms" These other words viz. " And
the rank and precedence of Lyon King of Arms
of the Kingdome of Scotland" be added.

[24th Article
of Union is—
Proceedings
thereon]

AND it being also moved That his Rank should
be inferit in the said Article to be immediately next
after Garter Princepall King of Arms in England
After debate it was put to the vote Add the above
words That the rank and precedence be left to
her Majestie or inferit the rank and precedence
And it carried Add the words.

WHICH being accordingly added There was an-
other clause offered to be added to the said twenty
fourth article in these terms " And the Crown
Scepter and Sword of State, Records of Parliam-
ent, and all other Records Rolls and Registers
whatsoever both publick & private generall and
particular and warrants thereof continue to be
keept as they are in that part of the United
Kingdome now called Scotland and that they shall
be remain in all tyme coming, notwithstanding of
the Union" Which being read the time was agreed
to be added and was accordingly subjoynted and
the article as amended read over.

THEN the vote was put Approve of the twenty
fourth article of Union as amended or not And it
carried Approve.

PETITION Alex^r Baillie servitor to the Lord Re-
gister for a gratification for his pains and charges
in putting the Records in order making Inventory
Books &c. read And agreed that the said Petition
be taken into consideration the first Sederunt for
private business.

[Alex^r
Baillie]

[25th Article
of Union
approved]

THEREAFTER the twenty fifth article of Union was read And after reasoning thereon the vote was put Approve of the twenty fifth article or Not And it carried Approve.

MOVED that a dyet be appointed for considering the manner of electing the representatives for Scotland to the Parliament of Great Britain And agreed that the motion be intire next Sederunt of Parliament.

THEN the Lord Chancellor by order of Her Majesties High Commissioner Adjourned the Parliament till to morrow at ten of the clock.

JANUARY XV, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Act ratify-
ing the
Treaty of
Union &c.]

DRAUGHT of ane Act Ratifying and Approving the Treaty of Union of the Two Kingdomes of Scotland and England given in and offered to be read.

WHEREUPON it was moved That the Parliament should first proceed to the Constitution of the manner of electing the representatives for Scotland to the Parliament of Great Britain And either now to Determine that matter or to Appoint a dyet for that end.

AND after debate The vote was stated Proceed to the Ratification of the Treaty of Union and Act for Security of the Protestant Religion and Presbyterian Church Government or to the Constitution of the manner of electing the representatives for Scotland to the Parliament of Great Britain.

BUT before voting It was agreed that in case it shall carry to proceed to the Ratification the Parliament will immediately after passing the Act of Ratification proceed to the Constitution of the manner of electing the representatives for Scotland.

THEN the vote was put Proceed to the Ratification or Constitution And it carried Ratification.

THEREAFTER the draught of the Act Ratifying, Approving, and at length Narrating the Articles of Union, as enlarged, explained, and amended, and the Act for Security of the Protestant Religion, and Presbyterian Church Government, was read.

AND after some discourse It was put to the vote Mark a first reading on the Act or Not, And it

carried, Mark a first reading. And accordingly a first reading was marked thereon.

THEN the Lord Chancellor by order of her Majesties High Commissioner Adjourned the Parliament till to morrow at ten of the clock.

JANUARY XVI, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

DRAUGHT of the Act Ratifying and Approving the Treaty of Union of the Two Kingdomes of Scotland and England read a second time.

[Act ratify-
ing the
Treaty of
Union]

THEN the Act for Security of the Protestant Religion and Presbyterian Church Government which is insert in and ratified by the above Act was touched with the Royall Scepter by Her Majesties High Commissioner in the usual manner.

ACT for Securing the Protestant Religion and Presbyterian Church Government.

OUR SOVEREIGN LADY and the Estates of 6
Parliament considering that by the late Act of Parliament for a Treaty with England for an Union of both Kingdoms It is provided that the Commissioners for that Treaty should not treat of or concerning any alteration of the Worship Discipline and Government of the Church of this Kingdom, as now by Law established, Which Treaty being now reported to the Parliament, and it being reasonable and necessary that the true Protestant Religion, as presently professed within this Kingdom with the Worship Discipline and Government of this Church should be effectually and unalterably secured, Therefore Her Majesty with advice and consent of the said Estates of Parliament Doth hereby Establish and Confirm the said true Protestant Religion and the Worship Discipline and Government of this Church to continue without any alteration to the people of this land in all succeeding generations And more especially Her Majesty with advice and consent forthwith Ratifies Approves and for ever Confirms the fifth Act of the first Parliament of King William and Queen Mary Entituled Act Ratifying the Confession of Faith & settling Presbyterian Church Government, with the haill other Acts of Parliament relating thereto in prosecution of the Declaration of the Estates of this Kingdom, containing the Claim of Right, bearing date the eleventh of April, 1st 17th and eighty nine And Her Majesty with advice and consent forthwith expressly Provides and Declares

that the foresaid true Protestant Religion contained in the above mentioned Confession of Faith with the form and purity of worship presently in use within this Church, and it's Presbyterian Church Government and Discipline, that is to say the Government of the Church by Kirk Sessions Presbyteries Provincial Synods and General Assemblies, all established by the foresaid Acts of Parliament pursuant to the Claim of Right, shall remain and continue unalterable, And that the said Presbyterian Government shall be the only Government of the Church within the Kingdom of Scotland And further for the greater security of the foresaid Protestant Religion and of the Worship Discipline and Government of this Church as above established Her Majesty with advice and consent foresaid Statutes and Ordains That the Universities and Colleges of Saint Andrews Glasgow Aberdeen and Edinburgh as now established by Law shall Continue within this Kingdom for ever. And that in all time coming no Professors, Principals, Regents, Masters, or others bearing office in any University College or School within this Kingdom be capable or be admitted or allowed to continue in the exercise of their said functions but such as shall own and acknowledge the Civil Government in manner prescribed or to be prescribed by the Acts of Parliament As also that before or at their admissions they do and shall acknowledge and profess and shall subscribe to the foresaid Confession of Faith as the confession of their faith, and that they will practise and conform themselves to the worship presently in use in this Church, and submit themselves to the Government and Discipline thereof and never endeavour directly or indirectly the prejudice or subversion of the same and that before the respective Presbyteries of their bounds by whatsoever gift presentation or provision they may be thereto provided And further Her Majesty with advice foresaid expressly Declares and Statutes That none of the Subjects of this Kingdom shall be liable to, but all and every one of them for ever free of any Oath Test or Subscription within this Kingdom contrary to or inconsistent with the foresaid true Protestant Religion and Presbyterian Church Government Worship and Discipline as above established And that the same within the bounds of this Church and Kingdom shall never be imposed upon or required of them in any sort And Lastly That after the decease of her present Majesty (whom God long preserve) the Sovereign succeeding to her in the Royal Government of the Kingdom of Great Britain shall in all time coming at his or her accession to the Crown Swear and Subscribe that they shall inviolably maintain and preserve the foresaid Settlement of the true Protestant Religion with the Government Worship Discipline Right and Privileges of this Church as above established by the Laws of this Kingdom in prosecution of the Claim of Right.

And it is hereby Statute and Ordained That this Act of Parliament with the Establishment therein contained shall be held and observed in all time coming as a fundamental and essential condition of any Treaty or Union to be concluded betwixt the two Kingdoms without any alteration thereof or derogation thereto in any sort for ever As also that this Act of Parliament and settlement therein contained shall be insert and repeated in any Act of Parliament that shall pass for agreeing and concluding the foresaid Treaty or Union betwixt the two Kingdoms And that the same shall be therein expressly Declared to be a fundamental and essential Condition of the said Treaty or Union in all time coming.

REPRESENTATION and Petition of the Commission of the General Assembly of the Church of Scotland given in and read And after reasoning upon the act and representation the vote was stated Approve the act or Not.

[Petition of the General Assembly]

AND before voting It was agreed that the members votes be marked and that the List of their Names as they vote be printed and recorded and the Lord High Chancellor was allowed to have his name marked printed and recorded as an approver.

LIKEAS a protest was given in for the Duke of Dowglash and read in these terms " We undersubscribers Tutors Testamentars to His Grace the Duke of Dowglash whereof three is a quorum in name & behalf of the said Duke Forasmuch as His Grace the Duke of Dowglash and his heirs has by their Investitures and Honours of the Estate of Dowglash (in consideration of the great and faithful services done & performed to this Crown & Kingdome by his ancestors) provided to them the Honour of leading the van of the arms of Scotland in the day of Battell, the carrying of the Crown of Scotland in Processions, and giving the first vote in all Parliaments Councils or Conventions in Scotland, And sikelike by the twentieth article of the Union all heretabill offices are referred to the owners as rights of property in the same manner as they are now enjoyed by the Laws of Scotland notwithstanding of this Treaty whereby His Graces foresaid offices and privileges by parity of reason & justice ought to be preserved Yet seeing the intire Union of the two Kingdoms will be attended with an Union of their Arms Crowns and Councils whereby his Graces offices and privileges may seem to be of more difficult explication His Graces Tutors & Guardians in his pupillarity Doe now before the Treaty be Ratified in this Parliament judge it indispensable their Duty for His Graces Interest in his name & theirs undersubscribers as Tutors to him with all Humility, to protest That the said Treaty may not in any fort

[Protest, Duke of Dowglash]

prejudge the forefaid Honours & Priviledges belonging to his Grace and fuccours which have been the Glorious Rewards and Marks of Honour to the Illustrious families of Dowglafs & Angus for their loyalty great and faithfull services to the Crown & Kingdom of Scotland And that this their protest may be recorded and marked in the Minutes and Records of Parliament."

[Protest,
Duke of
Hamilton]

AS also another protest was given in by the Duke of Hamilton in these terms "Forasmuch as there is a protestation made in behalf of the Duke of Dowglafs in relation to his pretensions of having the first feat and vote in Parliament Which protestation being altogether groundless Therefore I James Duke of Hamilton Doe protest in the contrair in regard that none of the faid Duke of Dowglafs his predecessors has or enjoyed any such priviledge since there were Dukes or Marquesses created in Scotland And my predecessors were Dignified with patents of Marques and Duke successively long before he or his predecessors had the same. Secondly William Earle of Angus the faid Duke his predecessor did upon the fourth day of June 1st vjth and thirty three years Resign all right & claim that be or his predecessors or successors had or should have to that priviledge of first sitting and voting in Parliament in his Majesties Hands Which Resignation is registred in the books of Parliament the twentieth day of the faid moneth of June 1st vjth thirty three years Thirdly I and my predecessors have been in continuall possession of having the first feat and of first voting in Parliament and have been first called in the Rolls of Parliament past memory of man And upon this protestation I take instruments and desire the time to be insert in the Records of Parliament."

AND the severall protesters and ingivers took instruments upon their respective protests.

[Act ratifying the
Treaty of
Union
approved]
[List of
Voters]

THEN the vote was put Approve the Act Ratifying and Approving the Treaty of Union of the Two Kingdomes of Scotland and England Yes or Not And it carried Approve And the List of the Members names as they voted Approve or Not is as follows.

APPROVERS

Of the Nobility.

The Lo: Chancellor allowed to be printed as an Approver by speciall order of Parliament

M: Montrose P. S. C.

D: Argyll

M: Tweeddale

Lothian

E: Marr Sec:

Sutherland

Bethes
Mortoun
Glencairn
Abereorn
Roxburgh
Haddingtoun
Lawderdale
Wemyss
Dallhouffie
Findlater
Leven
Northesk
Belcorras
Forfar
Kilmarnock
Kintoir
Marchmont
Cromarty
Roseberry
Glasgow The' Dep'
Hopetoun
Delorain
Illy
V: Dappline
L: Forbes
Elphinstoun
Rofs
Torplachan
Fraser
Banff
Ellbank
Duffus
Rollo
Lo: Register
Lo: Justices Clerk.

Of the Barons

S' Ro' Dickson of Inveresk
W^m Nisbet of Dirlotoun
Jo^s Cockburn younger of Ormeffoun
S' John Swintoun of that Ilk
S' Alex^r Campbell of Cefinock
S' W^m Kerr of Greenhead
Archibald Dowglafs of Cavers
W^m Bennet of Grubbet
M^r John Murray of Bowhill
M^r Jo^s Pringle of Haining
W^m Morison of Prestongrange
Alex^r Hordburgh of that Ilk
George Baillie of Jerviswood
S' Jo^s Johnston of Wetherhall
W^m Dowglafs of Dornock
M^r W^m Stewart of Castletewart
M^r Jo^s Stewart of Sorbie
M^r Francis Montgomery of Giffan
M^r W^m Dalrymple of Glenmuir
M^r Ro' Stewart of Tillicultrie
S' Robert Pollock of that Ilk
M^r John Montgomery of Wrie
John Halden of Glenagies

Mongo Graham of Gorthie
 S^r Thomas Burnet of Leyes
 W^m Seton younger of Pitmedden
 Alex^r Grant younger of that ilk
 S^r Kenneth M^cKenzie
 M^r Annes M^cLeod of Cadboll
 M^r John Campbell of Mamsore
 S^r James Campbell of Auchishreck
 James Campbell younger of Ardkinglafs
 S^r W^m Anstruther of that ilk
 James Halyhurton of Pitcur
 Alex^r Abercrombie of Glasloch
 M^r James Dunbar younger of Hemprigs
 Alex^r Dowglafs of Eagleshaw
 John Bruce of Kinroa

Of the Barrows

John Scrimfour
 Lieu^t Co^l Jo^s Areskine
 John Mure
 James Scott
 S^r Jo^s Areskine
 James Spittle
 M^r Pat. Moncreiff
 S^r Andrew Home
 S^r Peter Halket
 S^r James Smollet
 M^r W^m Carnichell
 M^r W^m Sutherland
 Capt. Dan. M^cLeod
 S^r Dav. Dalrymple
 S^r Alex^r Ogilvie
 M^r Jo^s Clerk
 John Roß
 S^r Hugh Dalrymple
 M^r Pat. Ogilvie
 George Allardyce
 W^m Alvis
 M^r James Bethan
 M^r Rod. M^cKenzie
 John Urquhart
 Dan. Campbell
 S^r Ro^s Forbes
 M^r Ro^s Dowglafs
 M^r Alex^r Maitland
 M^r Geo. Dalrymple
 M^r Charles Campbell

NOES

Of the Nobility.

D: Hamilton
 M: Annandale
 E: Erroll
 Marifball
 Buchan
 Calthnes
 Wigtoun
 Galloway
 V: Stormont

Kilflyth
 Lo: Saltoun
 Sempill
 Oliphant
 Balmerino
 Blantyre
 Bergany
 Bellhaven
 Colvill
 Kinnaird

Of the Barrons

S^r John Lawder of Fountainhall
 Andrew Fletcher of Saltoun
 S^r Robert Sinclair of Longformacus
 S^r Pat. Home of Rantoun
 S^r Gilbert Elliot of Minto
 W^m Baillie of Lamingtoun
 John Sinclair younger of Stevenfane
 James Hamilton of Alkenhead
 M^r Alex^r Ferguson of Isle
 S^r Hugh Cathcart of Carletoun
 John Brisbane younger of Bithoptoun
 M^r W^m Cochrane of Kilmaronock
 S^r Humphray Colquhoun of Luff
 S^r John Housoun of that ilk
 Robert Rollo of Powhouse
 Thomas Sharp of Housoun
 John Murray of Strowan
 Alex^r Gordon of Pitlurg
 John Forbes of Colloiden
 David Bethun of Balfour
 Major Henry Balfour of Dunboog
 M^r Thomas Hope of Rankellier
 M^r Patrick Lyon of Auchterhouse
 M^r James Carnegie of Phinhaven
 David Graham younger of Pintrie
 W^m Maxwell of Cardines
 Alex^r M^cKye of Palgown
 James Sinclair of Stempfer
 S^r Henry Innes younger of that ilk
 M^r George M^cKenzie of Inchcoulter

Of the Barrows

Robert Inglis
 Alex^r Robertson
 Walter Stewart
 Hugh Montgomery
 Alex^r Edgar
 Alex^r Duff
 Francis Mollison
 Walter Scott
 Ro^s Scott
 Ro^s Kellie
 John Hutchefone
 Arch. Scheills
 M^r John Lyon
 George Brodie
 George Spens
 S^r Dav. Cunningham

M^r Jo^s Carruthers
George Home
John Bayne
M^r Ro^s Frazer

AND the Act was thereafter touched with the Royall Scepter by Her Majesties High Commissioner in the usual manner.

ACT Ratifying and Approving the Treaty of Union of the Two Kingdoms of SCOTLAND and ENGLAND.

- 7 THE Estates of Parliament Considering that Articles of Union of the Kingdoms of Scotland and England were agreed on the twenty second of July One thousand seven hundred and six years by the Commissioners nominated on behalf of this Kingdom, under Her Majesties Great Seal of Scotland bearing date the twenty seventh of February last past in pursuance of the fourth Act of the third Session of this Parliament and the Commissioners nominated on behalf of the Kingdom of England under Her Majesties Great Seal of England bearing date at Westminster the tenth day of April last past in pursuance of an Act of Parliament made in England the third year of Her Majesties Reign to treat of and concerning an Union of the said Kingdoms Which Articles were in all humility presented to Her Majesty upon the twenty third of the said Month of July and were Recommended to this Parliament by Her Majesties Royal Letter of the date the thirty one day of July One thousand seven hundred and six And that the said Estates of Parliament have agreed to and approved of the said Articles of Union with some Additions and Explanations as is contained in the Articles hereafter insert And sicklyke Her Majesty with advice and consent of the Estates of Parliament Resolving to Establish the Protestant Religion and Presbyterian Church Government within this Kingdom has past in this Session of Parliament an Act entituled Act for securing of the Protestant Religion and Presbyterian Church Government which by the Tenor thereof is appointed to be Insert in any Act ratifying the Treaty and expressly declared to be a fundamentall and essentiall Condition of the said Treaty or Union in all time coming Therefore Her Majesty with advice and consent of the Estates of Parliament in fortification of the Approbation of the Articles as above-mentioned And for their further and better Establishment of the same upon full and mature deliberation upon the forsaids Articles of Union and Act of Parliament Doth Ratifie Approve and Confirm the same with the Additions and Explanations contained in the saids Articles in manner and under the provision aftermentioned whereof the Tenor follows.

I. THAT the Two Kingdoms of Scotland and England, shall upon the first day of May next ensuing the date hereof, and forever after, be United into One Kingdom by the Name of GREAT BRITAIN: And that the Ensigns Armorial of the said United Kingdom be such as Her Majesty shall appoint and the Crofies of S^t Andrew and S^t George be conjoined in such manner as Her Majesty shall think fit, and used in all Flags, Banners, Standards and Ensigns both at Sea and Land.

II. THAT the Succession to the Monarchy of the United Kingdom of Great Britain and of the Dominions thereunto belonging after Her Most Sacred Majesty, and in default of Issue of Her Majesty be, remain and continue to the Most Excellent Princess Sophia Electores and Dutches Dowager of Hanover, and the Heirs of Her body, being Protestants, upon whom the Crown of England is settled by an Act of Parliament made in England in the twelfth year of the Reign of His late Majesty King William the Third entituled An Act for the farther Limitation of the Crown and better securing the Rights and Liberties of the Subject: And that all Papists and persons marrying Papists, shall be excluded from and for ever incapable to inherit possess or enjoy the Imperial Crown of Great Britain, and the Dominions thereunto belonging or any part thereof; And in every such case the Crown and Government shall from time to time descend to, and be enjoyed by such person being a Protestant as should have inherited and enjoyed the same, in case such Papists or person marrying a Papist was naturally dead, according to the provision for the Defect of the Crown of England, made by another Act of Parliament in England in the first year of the Reign of their late Majesties King William and Queen Mary entituled An Act declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown.

III. THAT the United Kingdom of Great Britain be Represented by one and the same Parliament to be stiled the Parliament of Great Britain.

IV. THAT all the Subjects of the United Kingdom of Great Britain shall from and after the Union have full Freedom and Intercourfe of Trade and Navigation to and from any port or place within the said United Kingdom and the Dominions and Plantations thereunto belonging. And that there be a Communication of all other Rights, Privileges and Advantages which do or may belong to the Subjects of either Kingdom except where it is otherways expressly agreed in these Articles.

V. THAT all ships or vessels belonging to Her Majesties Subjects of Scotland at the time of Ratifying the Treaty of Union of the Two Kingdoms in the Parliament of Scotland though foreign built be deemed and pass as ships of the build of Great Britain; the Owner or where there are more Owners, one or more of the Owners within Twelve Months after the first of May next making oath that at the time of Ratifying the Treaty of Union in the Parliament of Scotland, the same did in full or in part belong to him or them, or to some other Subject or Subjects of Scotland, to be particularly named with the place of their respective abodes, and that the same doth then at the time of the said Deposition wholly belong to him or them, and that no foreigner directly or indirectly hath any share part or interest therein, Which Oath shall be made before the chief Officer or Officers of the Customs in the Port next to the abode of the said Owner or Owners; And the said Officer or Officers shall be Impowered to administer the said Oath, And the Oath being so administered shall be attested by the Officer or Officers who administered the same And being Registered by the said Officer or Officers, shall be delivered to the Master of the ship for security of her Navigation and a Duplicate thereof shall be transmitted by the said Officer or Officers to the chief Officer or Officers of the Customs in the port of Edinburgh, to be there Entered in a Register and from thence to be sent to the port of London to be there Entered in the General Register of all Trading ships belonging to Great Britain.

VI. THAT all parts of the United Kingdom for ever from and after the Union shall have the same Allowances Encouragements and Drawbacks, and be under the same Prohibitions Restrictions and Regulations of Trade and lyable to the same Customs and Duties on Import and Export And that the Allowances Encouragements and Drawbacks Prohibitions Restrictions and Regulations of Trade and the Customs and Duties on Import and Export settled in England when the Union commences shall from and after the Union take place throughout the whole United Kingdom, excepting and reserving the Duties upon Export and Import of such particular Commodities from which any persons the Subjects of either Kingdom are specially Liberated and Exempted by their private Rights which after the Union are to remain safe and entire to them in all respects as before the same And that from and after the Union no Scots Cattle carried into England shall be lyable to any other Duties either on the publick or private Accounts than these Duties to which the Cattle of England are or shall be lyable within the said Kingdom. And seeing by the Laws of England there are Rewards granted upon the Exportation of certain kinds of Grain wherein Oats grinded or

ungrinded are not expressed, that from and after the Union when Oats shall be sold at fifteen shillings Sterling per quarter or under there shall be payed two shillings and six pence Sterling for every quarter of the Oat-meal exported in the terms of the Law whereby and so long as Rewards are granted for Exportation of other Grains And that the Bear of Scotland have the same Rewards as Barley. And in respect the Importation of Victual into Scotland from any place beyond Sea would prove a Discouragement to Tillage, Therefore that the Prohibition as now in force by the Law of Scotland against Importation of Victual from Ireland or any other place beyond Sea into Scotland, do after the Union remain in the same force as now it is until more proper and effectual ways be provided by the Parliament of Great Britain for discouraging the Importation of the said Victual from beyond Sea.

VII. THAT all parts of the United Kingdom be for ever from and after the Union lyable to the same Excises upon all Excisable Liquors excepting only that the thirty four Gallons English Barrel of Beer or Ale amounting to twelve Gallons Scots present measure sold in Scotland by the Brewer at nine shillings six pence Sterling excluding all Duties and Retailled including Duties and the Retailers profit at two pence the Scots pint or eight part of the Scots Gallon, be not after the Union lyable on account of the present Excise upon Excisable Liquors in England, to any higher Imposition than two shillings Sterling upon the forsaid thirty four Gallons English barrel, being twelve gallons the present Scots measure And that the Excise settled in England on all other Liquors when the Union commences take place throughout the whole United Kingdom.

VIII. THAT from and after the Union all foreign Salt which shall be Imported into Scotland shall be charged at the Importation there with the same Duties as the like Salt is now charged with being Imported into England and to be levied and secured in the same manner. But in regard the Duties of great quantities of foreign Salt Imported may be very heave on the Merchants Importers; That therefor all foreign Salt imported into Scotland shall be Collared and Locked up under the custody of the Merchant Importer and the Officers employed for levying the Duties upon Salt And that the Merchant may have what quantities thereof his occasion may require not under a Weigh or fourtie Bushells at a time; Giving security for the duty of what quantity he receives payable in six Months. But Scotland shall for the space of seven Years from the said Union be Exempted from paying in Scotland for Salt made there the Duty or Excise now payable for Salt made in England: But from the Expiration of the said seven years shall be an-

ject and lyable to the same Duties for Salt made in Scotland, as shall be then payable for Salt made in England, to be levied and secured in the same manner and with proportional Drawbacks and Allowances as in England, with this exception that Scotland shall after the said seven years remain exempted from the Duty of two shillings and four pence a Bushell on home Salt Imposed by an Act made in England in the Ninth and Tenth of King William the Third of England And if the Parliament of Great Britain shall at or before the expiring of the said seven years substitute any other fund in place of the said two shillings and four pence of Excise on the bushel of Home Salt, Scotland shall after the said seven years, bear a proportion of the said Fund, and have an Equivalent in the Terms of this Treaty, And that during the said seven years there shall be payed in England for all Salt made in Scotland and imported from thence into England the same duties upon the Importation as shall be payable for Salt made in England to be levied and secured in the same manner as the Duties on foreign Salt are to be levied and secured in England. And that after the said seven years how long the said Duty of two shillings four pence a Bushell upon Salt is continued in England the said two shillings four pence a Bushell shall be payable for all Salt made in Scotland and imported into England, to be levied and secured in the same manner And that during the continuance of the Duty of two shillings four pence a Bushell upon Salt made in England no Salt whatsoever be brought from Scotland to England by Land in any manner under the penalty of forfeiting the Salt and the Cattle and Carriages made use of in bringing the same and paying twenty shillings for every Bushel of such Salt, and proportionably for a greater or lesser quantity, for which the Carrier as well as the Owner shall be lyable jointly and severally, And the persons bringing or carrying the same, to be imprisoned by any one Justice of the Peace, by the space of six months without Bail, and until the penalty be payed: And for Establishing an equality in Trade That all Fishes exported from Scotland to England and put on Board in Scotland to be Exported to parts beyond the Seas and provisions for ships in Scotland and for foreign voyages may be salted with Scots Salt paying the same Dutie for what Salt is so employed as the like quantity of such Salt pays in England and under the same penalties forfeitures and provisions for preventing of frauds as are mentioned in the Laws of England And that from and after the Union the Laws and Acts of Parliament in Scotland for Pinning Curing and Packing of Herrings White Fish and Salmon for Exportation with Foreign Salt only without any mixture of British or Irish Salt and for preventing of frauds in Curing and Packing of Fish be continued in

force in Scotland subject to such alterations as shall be made by the Parliament of Great Britain And that all Fish exported from Scotland to parts beyond the Seas which shall be Cured with Foreign Salt only and without mixture of British or Irish Salt, shall have the same Exces Præmiums and Drawbacks as are or shall be allowed to such persons as Export the like Fish from England: And that for Encouragement of the Herring Fishing there shall be allowed and payed to the Subjects Inhabitants of Great Britain during the present allowances for other Fishes ten shillings five pence Sterling for every Barrel of White Herrings which shall be exported from Scotland; And that there shall be allowed five shillings Sterling for every Barrel of Beef or Pork salted with Foreign Salt without mixture of British or Irish Salt and Exported for sale from Scotland to parts beyond Sea alterable by the Parliament of Great Britain. And if any matters of fraud relating to the said Duties on Salt shall hereafter appear which are not sufficiently provided against by this Article the same shall be subject to such further provisions as shall be thought fit by the Parliament of Great Britain.

IX. THAT whenever the sum of One million, nine hundred ninety seven thousand, seven hundred and sixty three pounds, eight shillings and four pence half penny shall be Enacted by the Parliament of Great Britain to be raised in that part of the United Kingdom now called England, on Land and other things usually charged in Acts of Parliament there for granting an aid to the Crown by a Land Tax; that part of the United Kingdom now called Scotland shall be charged by the same Act with a further sum of forty eight thousand pounds free of all Charges, as the Quota of Scotland to such Tax, and so proportionably for any greater or lesser sum raised in England by any Tax on Land and other things usually charged, together with the Land, And that such Quota for Scotland in the cases aforesaid, be raised and collected in the same manner as the Cess now is in Scotland, but subject to such Regulations in the manner of Collecting, as shall be made by the Parliament of Great Britain.

X. THAT during the continuance of the respective Duties on Stamp paper, Vellum and Parchment, by the several Acts now in force in England, Scotland shall not be charged with the same respective Duties.

XI. THAT during the continuance of the Duties payable in England on Windows and Lights which determines on the first day of August One thousand seven hundred and ten Scotland shall not be charged with the same Duties.

XII. THAT during the continuance of the Duties payable in England on Coals, Culm and Cinders, which determines the thirtieth day of September One thousand seven hundred and ten Scotland shall not be charged therewith for Coals Culm and Cinders consumed there but shall be charged with the same Duties as in England for all Coals, Culm and Cinders not consumed in Scotland.

XIII. THAT during the continuance of the Duty payable in England on Malt, which determines the twenty fourth day of June One thousand seven hundred and seven, Scotland shall not be charged with that Duty.

XIV. THAT the Kingdom of Scotland be not Charged with any other Duties laid on by the Parliament of England before the Union except these consented to in this Treaty, in regard it is agreed, That all necessary Provision shall be made by the Parliament of Scotland for the publick Charge and Service of that Kingdom for the year One thousand seven hundred and seven: Provided nevertheless That if the Parliament of England shall think fit to lay any further Impositions by way of Customs, or such Excises, with which by virtue of this Treaty, Scotland is to be charged equally with England, in such case Scotland shall be lyable to the same Customs and Excises, and have an Equivalent to be settled by the Parliament of Great Britain; With this further provision That any Malt to be made and consumed in that part of the United Kingdom now called Scotland shall not be charged with any Imposition upon Malt during this present War And seeing it cannot be supposed that the Parliament of Great Britain will ever lay any sorts of Burthens upon the United Kingdom, but what they shall find of necessity at that time for the Preservation and Good of the whole, and with due regard to the Circumstances and Abilities of every part of the United Kingdom Therefore it is agreed That there be no further Exemption insisted upon for any part of the United Kingdom, but that the consideration of any Exemptions beyond what are already agreed on in this Treaty, shall be left to the determination of the Parliament of Great Britain.

XV. WHEREAS by the Terms of this Treaty the Subjects of Scotland for preserving an Equality of Trade throughout the United Kingdom, will be lyable to severall Customs and Excises now payable in England, which will be applicable towards payment of the Debts of England, contracted before the Union; It is agreed, That Scotland shall have an Equivalent for what the Subjects thereof shall be so charged towards payment of the said Debts of England, in all particulars whatsoever, in manner following viz. That before the Union of

the said Kingdoms, the sum of three hundred ninety eight thousand and eighty five pounds ten shillings be granted to Her Majesty by the Parliament of England for the uses aftermentioned, being the Equivalent to be answered to Scotland for such parts of the said Customs and Excises upon all Excisable Liquors, with which that Kingdom is to be charged upon the Union, as will be applicable to the payment of the said Debts of England, according to the proportions which the present Customs in Scotland, being thirty thousand pounds per annum, do bear to the Customs in England, computed at One million three hundred forty one thousand five hundred and fifty nine pounds per annum: And which the present Excises on Excisable Liquors in Scotland, being thirty three thousand and five hundred pounds per annum, do bear to the Excises on Excisable Liquors in England, computed at nine hundred forty seven thousand six hundred and two pounds per annum: Which sum of three hundred ninety eight thousand eighty five pounds ten shillings, shall be due and payable from the time of the Union: And in regard That after the Union Scotland becoming lyable to the same Customs and Duties payable on Import and Export, and to the same Excises on all Excisable Liquors as in England as well upon that account as upon the account of the Increase of Trade and People (which will be the happy consequence of the Union) the said Revenues will much improve beyond the before mentioned annual values thereof, of which no present Estimate can be made, Yet nevertheless for the reasons aforesaid there ought to be a proportionable Equivalent answered to Scotland It is agreed That after the Union there shall be an Account kept of the said Duties arising in Scotland, to the end it may appear, what ought to be answered to Scotland, as an Equivalent for such proportion of the said increase as shall be applicable to the payment of the Debts of England. And for the further and more effectually answering the severall ends hereafter mentioned It is agreed that from and after the Union, the whole Increase of the Revenues of Customs, and Duties on Import and Export, and Excise upon Excisable Liquors in Scotland over and above the annual produce of the said respective Duties, as above stated, shall go and be applied, for the term of seven years, to the uses hereafter mentioned; And that upon the said account, there shall be answered to Scotland annually from the end of seven years after the Union, an Equivalent in proportion to such part of the said Increase as shall be applicable to the Debts of England, And generally that an Equivalent shall be answered to Scotland for such parts of the English Debts as Scotland may hereafter become lyable to pay by reason of the Union, other than such for which appropriations have been made by Parliament in

England of the Customs, or other duties on Export and Import Excises on all Excisable Liquors, in respect of which Debts, Equivalents are herein before provided. And as for the uses to which the said sum of Three hundred ninety eight thousand eighty five pounds ten shillings to be granted as aforesaid and all other monies, which are to be answered or allowed to Scotland as said is are to be applied It is agreed That in the first place out of the foresaid sum what consideration shall be found necessary to be had for any Losses which privat persons may sustain by reducing the Coin of Scotland to the Standard and Value of the Coin of England may be made good In the next place That the Capital Stock or fund of the African and Indian Company of Scotland advanced together with the Interest for the said Capital Stock after the rate of Five per Cent. per annum from the respective times of the payment thereof shall be payed; Upon payment of which Capital Stock and Interest It is agreed The said Company be dissolved and cense And also that from the time of passing the Act of Parliament in England for raising the said sum of three hundred ninety eight thousand eighty five pound ten shillings the said Company shall neither Trade nor Grant Licence to Trade Providing that if the said Stock and Interest shall not be payed in twelve months after the Commencement of the Union That then the said Company may from thence forward Trade or give Licence to Trade until the said said Capital Stock and Interest shall be payed; And as to the Overplus of the said sum of three hundred ninety eight thousand eighty five pound ten shillings after payment of what consideration shall be had for losses in repairing the Coin and paying the said Capital Stock and Interest, and also the bail increase of the said Revenues of Customs Duties and Excises above the present value which shall arise in Scotland during the said term of seven years together with the Equivalent which shall become due upon the Improvement thereof in Scotland after the said term and also as to all other sums which according to the agreements aforesaid may become payable to Scotland by way of Equivalent for what that Kingdom shall hereafter become lyable towards payment of the Debt of England It is agreed That the same be applied in manner following viz. That all the publick Debts of the Kingdom of Scotland as shall be adjusted by this present Parliament shall be payed and that two thousand pounds per annum for the space of seven years shall be applied towards Encouraging and Promoting the Manufacture of coarse Wool within those shires which produce the Wool And that the first two thousand pounds Sterling be payed at Martinmas next, and so yearly at Martinmas during the space foresaid and afterwards the same shall be wholly applied towards the Encouraging and Promoting the Fisheries and

such other Manufactures and Improvements in Scotland as may most conduce to the general Good of the United Kingdom. And it is agreed, That Her Majesty be Impowered to appoint Commissioners, who shall be accountable to the Parliament of Great Britain, for disposing the said sum of three hundred ninety eight thousand eighty five pounds ten shillings, and all other monies which shall arise to Scotland, upon the agreements aforesaid to the purposes before mentioned: Which Commissioners shall be Impowered to call for, Receive and Dispose of the said monies in manner aforesaid, and to Inspect the books of the severall Collectors of the said Revenues, and of all other duties from whence an Equivalent may arise; and that the Collectors and Managers of the said Revenues and Duties be obliged to give to the said Commissioners subscribed authentick Abbreviats of the Produce of such Revenues and Duties arising in their respective Districts, and that the said Commissioners shall have their office within the Limits of Scotland, and shall in such Office keep Books containing Account of the Amount of the Equivalents, and how the same shall have been disposed of from time to time, which may be inspected by any of the Subjects who shall desire the same.

XVI. THAT from and after the Union the Coin shall be of the same standard and value, throughout the United Kingdom, as now in England, And a Mint shall be continued in Scotland under the same Rules as the Mint in England And the present Officers of the Mint continued subject to such Regulations and Alterations as Her Majesty Her Heirs or Successors, or the Parliament of Great Britain shall think fit.

XVII. THAT from and after the Union the same Weights and Measures shall be used throughout the United Kingdom, as are now Established in England; And Standards of Weights and Measures shall be kept by those Burroughs in Scotland, to whom the keeping the Standards of Weights and Measures now in use there does of special Right belong; All which Standards shall be sent down to such respective Burroughs from the Standards kept in the Exchequer at Westminster, subject nevertheless to such Regulations as the Parliament of Great Britain shall think fit.

XVIII. THAT the Laws concerning Regulation of Trade, Customs, and such Excises, to which Scotland is by virtue of this Treaty to be lyable, be the same in Scotland, from and after the Union as in England; and that all other Laws, in use within the Kingdom of Scotland do after the Union, and notwithstanding thereof, remain in the same force as before (except such as are contrary to or inconsistent with this Treaty) but alterable

by the Parliament of Great Britain, With this difference betwixt the Laws concerning publick Right, Policy, and Civil Government, and those which concern private Right; That the Laws which concern publick Right Policy and Civil Government may be made the same throughout the whole United Kingdom; but that no alteration be made in Laws which concern private Right, except for evident utility of the subjects within Scotland.

XIX. THAT the Court of Session or Colledge of Justice, do after the Union and notwithstanding thereof, remain in all time coming within Scotland as it is now constituted by the Laws of that Kingdom, and with the same Authority and Privileges as before the Union; subject nevertheless to such Regulations for the better Administration of Justice as shall be made by the Parliament of Great Britain; And that hereafter none shall be named by Her Majesty or Her Royal Successors to be Ordinary Lords of Session but such who have served in the Colledge of Justice as Advocats or Principal Clerks of Session for the space of five years, or as Writers to the Signet for the space of ten years With this provision That no Writer to the Signet be capable to be admitted a Lord of the Session unless he undergo a private and publick Tryal on the Civil Law before the Faculty of Advocats and be found by them qualified for the said Office two years before he be named to be a Lord of the Session, yet so as the Qualifications made or to be made for capacitating persons to be named Ordinary Lords of Session may be altered by the Parliament of Great Britain. And that the Court of Judiciary do also after the Union, and notwithstanding thereof remain in all time coming within Scotland, as it is now constituted by the Laws of that Kingdom, and with the same Authority and Privileges as before the Union; subject nevertheless to such Regulations as shall be made by the Parliament of Great Britain, and without prejudice of other Rights of Judiciary: And that all Admiralty Jurisdictions be under the Lord High Admirall or Commissioners for the Admiralty of Great Britain for the time being; And that the Court of Admiralty now Established in Scotland be continued, And that all Reviews, Reductions or Suspensions of the Sentences in Maritime Cases competent to the Jurisdiction of that Court remain in the same manner after the Union as now in Scotland, until the Parliament of Great Britain shall make such Regulations and Alterations, as shall be judged expedient for the whole United Kingdom, so as there be alwayes continued in Scotland a Court of Admiralty such as in England, for determination of all Maritime Cases relating to private Rights in Scotland competent to the Jurisdiction of the Admiralty Court; subject nevertheless to such Regulations and Alterations as shall be thought proper to be made by the Par-

liament of Great Britain; And that the Heritable Rights of Admiralty and Vice-Admiralties in Scotland be reserved to the respective Proprietors as Rights of Property, subject nevertheless, as to the manner of Exercising such Heritable Rights to such Regulations and Alterations as shall be thought proper to be made by the Parliament of Great Britain; And that all other Courts now in being within the Kingdom of Scotland do remain, but subject to Alterations by the Parliament of Great Britain; And that all Inferior Courts within the said Limits do remain subordinate, as they are now to the Supreme Courts of Justice within the same in all time coming; And that no Causes in Scotland be cognoscible by the Courts of Chancery, Queens-Bench, Common-Pleas, or any other Court in Westminster-hall; And that the said Courts, or any other of the like nature after the Union, shall have no power to Cognoske, Review or Alter the Acts or Sentences of the Judicatures within Scotland, or stop the Execution of the same; And that there be a Court of Exchequer in Scotland after the Union, for deciding Questions concerning the Revenues of Customs and Excises there, having the same power and authority in such cases, as the Court of Exchequer has in England And that the said Court of Exchequer in Scotland have power of passing Signatures, Gifts Tutories, and in other things as the Court of Exchequer at present in Scotland hath; And that the Court of Exchequer that now is in Scotland do remain, until a New Court of Exchequer be settled by the Parliament of Great Britain in Scotland after the Union; And that after the Union the Queens Majesty and Her Royal Successors, may Continue a Privy Council in Scotland, for preserving of public Peace and Order, until the Parliament of Great Britain shall think fit to alter it or establish any other effectual method for that end.

XX. THAT all heritable Offices, Superiorities, heritable Jurisdictions, Offices for life, and Jurisdictions for life, be reserved to the Owners thereof, as Rights of Property, in the same manner as they are now enjoyed by the Laws of Scotland, notwithstanding of this Treaty.

XXI. THAT the Rights and Privileges of the Royall Burroughs in Scotland as they now are, Do Remain entire after the Union, and notwithstanding thereof.

XXII. THAT by virtue of this Treaty, Of the Peers of Scotland at the time of the Union Sixteen shall be the number to Sit and Vote in the House of Lords, and Forty five the number of the Representatives of Scotland in the House of Commons of the Parliament of Great Britain; And that when Her Majesty Her Heirs or Successors, shall Declare Her or their pleasure for

holding the first or any subsequent Parliament of Great Britain until the Parliament of Great Britain shall make further provision therein, A Writ do issue under the Great Seal of the United Kingdom, Directed to the Privy Council of Scotland, Commanding them to Cause Sixteen Peers, who are to sit in the House of Lords to be Summoned to Parliament and forty five Members to be Elected to sit in the House of Commons of the Parliament of Great Britain according to the Agreement in this Treaty, in such manner as by a subsequent Act of this present Session of the Parliament of Scotland shall be settled; Which Act is hereby Declared to be as valid as if it were a part of and ingrossed in this Treaty: And that the Names of the Persons so Summoned and Elected, shall be Returned by the Privy Council of Scotland into the Court from whence the said Writ did issue. And that if her Majesty, on or before the first day of May next, on which day the Union is to take place shall Declare under the Great Seal of England, That it is expedient, that the Lords of Parliament of England, and Commons of the present Parliament of England should be the Members of the respective Houses of the first Parliament of Great Britain for and on the part of England, then the said Lords of Parliament of England, and Commons of the present Parliament of England, shall be the members of the respective Houses of the first Parliament of Great Britain, for and on the part of England: And Her Majesty may by Her Royal Proclamation under the Great Seal of Great Britain, appoint the said first Parliament of Great Britain to Meet at such time and place as Her Majesty shall think fit; which time shall not be less than fifty days after the date of such Proclamation; And the time and place of the Meeting of such Parliament being so appointed, a Writ shall be immediately issued under the Great Seal of Great Britain, directed to the Privy Council of Scotland, for the summoning the Sixteen Peers, and for Electing forty five Members, by whom Scotland is to be Represented in the Parliament of Great Britain: And the Lords of Parliament of England, and the Sixteen Peers of Scotland, such Sixteen Peers being Summoned and Returned in the manner agreed in this Treaty; and the Members of the House of Commons of the said Parliament of England and the forty five Members for Scotland, such forty five Members being Elected and Returned in the manner agreed in this Treaty shall assemble and meet respectively in their respective houses of the Parliament of Great Britain, at such time and place as shall be so appointed by Her Majesty, and shall be the Two houses of the first Parliament of Great Britain, And that Parliament may Continue for such time only as the present Parliament of England might have Continued, if the Union of the Two Kingdoms had not been

made, unless sooner Dissolved by Her Majesty; And that every one of the Lords of Parliament of Great Britain, and every member of the House of Commons of the Parliament of Great Britain in the first and all succeeding Parliaments of Great Britain until the Parliament of Great Britain shall otherwise Direct, shall take the respective Oaths, appointed to be taken in stead of the Oaths of Allegiance and Supremacy, by an Act of Parliament made in England in the first year of the Reign of the late King William and Queen Mary entitled An Act for the abrogating of the Oaths of Supremacy and Allegiance, and appointing other Oaths, and Make Subscribe and audibly Repeat the Declaration mentioned in an Act of Parliament made in England in the thirtieth year of the Reign of King Charles the Second entitled An Act for the more effectual preserving the Kings Person and Government by Disabling Papists from sitting in either House of Parliament, and shall take and subscribe the Oath mentioned in an Act of Parliament made in England, in the first year of Her Majesties Reign entitled An Act to Declare the Alterations in the Oath appointed to be taken by the Act Entitled An Act for the further security of His Majesties Person, and the Succession of the Crown in the Protestant Line, and for Extinguishing the Hopes of the pretended Prince of Wales, and all other pretenders and their open and secret Abettors, and for Declaring the Association to be determined, at such time, and in such manner as the Members of both Houses of Parliament of England are by the said respective Acts, directed to take, make and subscribe the same upon the penalties and disabilities in the said respective Acts contained. And it is Declared and Agreed That these words This Realm, The Crown of this Realm, and the Queen of this Realm, mentioned in the Oaths and Declaration contained in the aforesaid Acts, which were intended to signify the Crown and Realm of England, shall be understood of the Crown and Realm of Great Britain, And that in that sense, the said Oaths and Declaration be taken and subscribed by the members of both Houses of the Parliament of Great Britain.

XXIII. THAT the foresaid Sixteen Peers of Scotland, mentioned in the last preceding Article, to sit in the House of Lords of the Parliament of Great Britain, shall have all Privileges of Parliament which the Peers of England now have, and which They or any Peers of Great Britain shall have after the Union, and particularly the Right of sitting upon the trials of Peers: And in case of the trial of any Peer in time of Adjournment or Prorogation of Parliament, the said Sixteen Peers shall be summoned in the same manner, and have the same powers and privileges at such trial, as any other Peers of Great Britain; And that in case any trials of Peers shall hereafter happen

when there is no Parliament in being, the Sixteen Peers of Scotland who fate in the last preceding Parliament, shall be summoned in the same manner and have the same powers and privileges at such tryals as any other Peers of Great Britain; and that all Peers of Scotland, and their successors to their Honours and Dignities, shall from and after the Union be Peers of Great Britain, and have Rank and Precedency next and immediately after the Peers of the like orders and degrees in England at the time of the Union, and before all Peers of Great Britain of the like orders and degrees, who may be Created after the Union, and shall be tryed as Peers of Great Britain, and shall Enjoy all Privileges of Peers, as fully as the Peers of England do now, or as they, or any other Peers of Great Britain may hereafter Enjoy the same except the Right and Privilege of sitting in the House of Lords and the Privileges depending thereon, and particularly the Right of sitting upon the tryals of Peers.

XXIV. THAT from and after the Union, there be One Great Seal for the United Kingdom of Great Britain, which shall be different from the Great Seal now used in either Kingdom; And that the Quartering the Arms and the Rank and Precedency of the Lyon King of Arms of the Kingdom of Scotland as may best suit the Union be left to Her Majesty: And that in the mean time the Great Seal of England be used as the Great Seal of the United Kingdom, and that the Great Seal of the United Kingdom be used for Sealing Writs to Elect and Summon the Parliament of Great Britain and for sealing all Treaties with Foreign Princes and States, and all publick Acts Instruments and Orders of State which Concern the whole United Kingdom, and in all other matters relating to England, as the Great Seal of England is now used, and that a Seal in Scotland after the Union be always kept and made use of in all things relating to private Rights or Grants, which have usually passed the Great Seal of Scotland, and which only concern Offices, Grants, Commissions, and private Rights within that Kingdom, And that until such Seal shall be appointed by Her Majesty the present Great Seal of Scotland shall be used for such purposes; and that the Privy Seal, Signet, Cadet, Signet of the Judiciary Court, Quarter Seal, and Seals of Courts now used in Scotland be Continued, but that the said Seals be altered and adapted to the state of the Union as Her Majesty shall think fit; And the said Seals, and all of them, and the Keepers of them, shall be subject to such Regulations as the Parliament of Great Britain shall hereafter make; And that the Crown, Scepter and Sword of State, the Records of Parliament, and all other Records, Rolls and Registers whatsoever, both publick and private generall and particular, and Warrants thereof Continue to

be kept as they are within that part of the United Kingdom now called Scotland, and that they shall so remain in all time coming notwithstanding of the Union.

XXV. THAT all Laws and Statutes in either Kingdom so far as they are contrary to, or inconsistent with the Terms of these Articles, or any of them, shall from and after the Union cease and become void, and shall be so declared to be by the respective Parliaments of the said Kingdoms.

FOLLOWS the Tenor of the foresaid Act for securing the Protestant Religion and Presbyterian Church Government

OUR SOVERAIGN LADY and the Estates of Parliament considering That by the late Act of Parliament for a Treaty with England for an Union of both Kingdoms It is provided That the Commissioners for that Treaty should not Treat of or concerning any alteration of the Worship Discipline and Government of the Church of this Kingdom as now by Law established, Which Treaty being now reported to the Parliament, and it being reasonable and necessary that the True Protestant Religion, as presently professed within this Kingdom with the Worship Discipline and Government of this Church should be effectually and unalterably secured; Therefore Her Majesty with advice and consent of the said Estates of Parliament Doth hereby Establish and Confirm the said True Protestant Religion and the Worship Discipline and Government of this Church to continue without any alteration to the people of this Land in all succeeding generations And more especially Her Majesty with advice and consent foresaid Ratifies Approves and for ever Confirms the fifth Act of the first Parliament of King William and Queen Mary Entituled Act Ratifying the Confession of Faith and settling Presbyterian Church Government, with the hall other Acts of Parliament relating thereto in prosecution of the Declaration of the Estates of this Kingdom containing the Claim of Right bearing date the eleventh of Aprile One thousand six hundred and eighty nine And Her Majesty with advice and consent foresaid expressly Provides and Declares That the foresaid True Protestant Religion contained in the above-mentioned Confession of Faith with the form and purity of Worship presently in use within this Church and its Presbyterian Church Government and Discipline, that is to say, the Government of the Church by Kirk Sessions, Presbyteries, Provincial Synods and Generall Assemblies, all established by the foresaid Acts of Parliament pursuant to the Claim of Right shall Remain and Continue unalterable, and that the said Presbyterian Government shall be the only Government of the Church

within the Kingdom of Scotland And further for the greater security of the foresaid Protestant Religion and of the Worship Discipline and Government of this Church as above established Her Majesty with advice and consent foresaid Statutes and Ordains That the Universities and Colledges of Saint Andrews Glasgow Aberdeen and Edinburgh as now Established by Law shall Continue within this Kingdom for ever And that in all time coming no Professors, Principalls, Regents, Masters or others bearing office in any University Colledge or School within this Kingdom be capable or be admitted or allowed to continue in the Exercise of their said functions but such as shall own and acknowledge the Civill Government in manner prescribed or to be prescribed by the Acts of Parliament As also that before or at their Admissions they do and shall acknowledge and profess and shall subscribe to the foresaid Confession of Faith as the Confession of their faith, and that they will practise and conform themselves to the Worship presently in use in this Church and submit themselves to the Government and Discipline thereof and never endeavour directly or indirectly the prejudice or subversion of the same, and that before the respective Presbyteries of their bounds by whatsoever gift presentation or provision they may be thereto provided And further Her Majesty with advice foresaid expressly Declares and Statutes that none of the Subjects of this Kingdom shall be lyable to, but all and every one of them for ever free of any Oath Test or Subscription within this Kingdom contrary to or inconsistent with the foresaid True Protestant Religion and Presbyterian Church Government Worship and Discipline as above established: And that the same within the bounds of this Church and Kingdom shall never be imposed upon or required of them in any sort And Lastly that after the Decease of Her present Majesty (whom God long preserve) the Sovereign succeeding to her in the Royal Government of the Kingdom of Great Britain shall in all time coming at his or her accession to the Crown Swear and Subscribe That they shall inviolably maintain and preserve the foresaid settlement of the True Protestant Religion with the Government Worship Discipline Right and Priviledges of this Church as above established by the Laws of this Kingdom in prosecution of the Claim of Right And it is hereby Statute and Ordained That this Act of Parliament with the Establishment therein contained shall be held and observed in all time coming as a fundamentall and essentiall Condition of any Treaty or Union to be Concluded betwixt the Two Kingdoms without any Alteration thereof or Derogation therein in any sort for ever As also that this Act of Parliament and Settlement therein contained shall be Insert and Repeated in any Act of Parliament that shall pass for agreeing and concluding the foresaid Treaty or Union betwixt the

Two Kingdoms And that the same shall be therein expressly Declared to be a fundamentall and essentiall Condition of the said Treaty or Union in all time coming.

WHICH ARTICLES OF UNION and Act immediately abovescribed Her Majesty with advice and consent foresaid Statutes Enacts and Ordains to be and Continue in all time coming the sure and perpetuall foundation of ane compleat and intire Union of the Two Kingdoms of Scotland and England under this expresse Condition and Provision That the Approbation and Ratification of the foresaid Articles and Act shall be noways binding on this Kingdom untill the said Articles and Act be Ratified Approven and Confirmed by her Majesty with and by the Authority of the Parliament of England as they are now Agreed to Approved and Confirmed by Her Majesty with and by the Authority of the Parliament of Scotland Declaring nevertheless that the Parliament of England may provide for the security of the Church of England as they think expedient to take place within the bounds of the said Kingdom of England and not Derogating from the security above provided for Establishing of the Church of Scotland within the bounds of this Kingdom As also the said Parliament of England may extend the Additions and other provisions contained in the Articles of Union as above insert in favours of the Subjects of Scotland to and in favours of the Subjects of England which shall not Suspend or Derogate from the force and effect of this present Ratification But shall be understood as herein included without the necessity of any new Ratification in the Parliament of Scotland And Lastly Her Majesty Enacts and Declares That all Laws and Statutes in this Kingdom so far as they are contrary to or inconsistent with the terms of these Articles as abovescribed shall from and after the Union cease and become void.

THEN the Lord Chancellor by order of Her Majesties high Commissioner Adjourned the Parliament till Monday next at ten of the clock.

JANUARY XX, M.DCC.VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

UPON reading of the Minuts It was moved to insert therein the petitory part of the representation & petition of the Commission of the Generall Assembly of the Church of Scotland mentioned in the said minuts And after debate thereon the vote was stated insert the petitory part of the said representation and petition Yea or Not.

[Insert the Petition of the Generall Assembly]

AND after further debate the Duke of Hamilton made a motion for a state of a vote wherein the petitory part of the said petition was repeated But that state of the vote being Reclined against as yielding the question The Duke of Hamilton protested That he having made a motion and being seconded it was against the rule of Parliament to refuse a vote and to insert his motion in the minutes.

THEN the vote was put Insert the petitory part of the above representation & petition in the minutes Yea or Not and it carried Not.

THEREAFTER it was moved That conform to the minutes of the fifteenth of January instant the Parliament proceed to consider the manner of electing the Representatives for Scotland to the Parliament of Great Britain Whereupon a Resolve was given in and read in these terms.

"RESOLVED that the Sixteen Peers and Forty five Commissioners for shires & burghs who are to be the members to the first Parliament of Great Britain for and on the part of Scotland be chosen out of this present Parliament and that the members so chosen be the members of the first Parliament of Great Britain if Her Majestie shall Declare on or before the first of May next That it is expedient that the Lords and Commons of the present Parliament of England be the members of the first Parliament of Great Britain for and on the part of England."

AND after reasoning thereon the further debate was Adjourned till the next Sederunt of Parliament.

THEN the Lord Chancellour by order of her Majesties High Commissioner Adjourned the Parliament till to morrow at ten of the clock.

JANUARY XXI, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THE Earle of Stair sweere the oath of allegiance subscribed the same with the assurance and took the oath of Parliament.

THEN the Resolve insert in the former dayes Minutes ment Choiseing the Representatives for Scotland to the first Parliament of Great Britain was again read.

AND after reasoning thereon an Overture was given in for establishing a certain way for electing the Representatives of Scotland to the Parliament of Great Britain in all tyme coming in the terms of the Treaty of Union which was read And there-

after another Overture was offered for an Act for choiseing the Sixty one Members to represent Scotland in the Parliament of Great Britain As also a Resolve was given in and read That previous to all other busineses the Parliament proceed to determine the manner of electing the Representatives for Scotland to the Parliament of Great Britain and to determine the number and quota of Barrons and Burghs.

AND after debate The vote was stated Approve the Resolve insert in the former dayes Minutes Yea or Not.

BUT before voting the Duke of Hamilton gave in a Protestation in these terms "I James Duke of Hamilton &c. Doe hereby protest for my self and in name of all those who shall adhere to this my protestation against the electing by this present Parliament the sixteen Peers and forty five Barrons and Burrows who are to represent Scotland in the first Parliament of Great Britain as inconsistent with the whole tenor of the twenty second article of the Treaty of Union and contrary to the express words thereof Whereby it is provided that after the tyme and place of the meeting of the said Parliament is appointed by Her Majesties proclamation which tyme shall not be less then fyfty dayes after the proclamation a writ shall be immediately issued under the Great Seal of Great Britain directed to the Privy Council of Scotland for summonding the sixteen Peers and for electing forty five members by whom Scotland is to be represented in the Parliament of Great Britain And further as utterly subversive of the Right of election competent to the Barrons and Burrows of this Kingdom And desires this my protestation may be insert in the Minutes and Records of Parliament And thereupon takes instruments."

AND Mr William Cochran of Kilmarnock gave in a Protestation in these terms "I Mr W^m Cochran of Kilmarnock Doe protest in my own name and in name of all those that shall Adhere to this my protestation That the electing of members to represent this part of the United Kingdom in the Parliament of Great Britain out of this present Parliament, by the members of this House is contrary to, and inconsistent with the Birthright and Priviledges of the Barrons & Burrows of Scotland, that it is contrary to the principles of common Law and divers Acts of Parliament and directly opposite and contradictory to the express words and meaning of two severall paragraphs of the twenty two article of the Treaty of Union betwixt Scotland and England so lately Ratified in this House And I desire this my protestation may be insert in the Minutes and recorded in the Books of Parliament upon which I take instruments."

[Protest,
Duke of
Hamilton]

[Protest,
Mr William
Cochran]

[Assent
directing the
Representatives
for Scotland]

[Having
the Representa-
tives for Scotland]

AND after reading of the above protestations each of the said protesters took Instruments upon their respective protestations and adhered to the protestation given in by the other And it was agreed that the members votes be marked and that the List of their names as they vote be printed and recorded And that at the calling the Rolls the adherers to the above protests be also marked.

[List of
Voters]

THEN the vote was put Approve the above Resolve insert in the former days Minutes or Not And it carried Approve. And the List of the Members names as they voted Approve of the said Resolve or Not is as follows.

APPROVERS

Of the Nobility.

M: Montrose P. S. C.

D: Argyll

M: Tweeddale

Lothian

E: Marr Sec:

Crawford

Sutherland

Rothes

Mortoun

Roxburgh

Haddington

Wemyss

Dalbougie

Findlater

Northesk

Belcarras

Forfar

Kintair

Dunmore

Marshmount

Hyndford

Stair

Hopetoun

Ilay

Lo: Forbes

Elphinstoun

Rolls

Torphichen

Fraser

Isuff

Duffus

Rollo

Lo: Register

Lo: Justice Clk.

Of the Barons

S: Ro' Dickson of Inveresk

John Cockburn younger of Ormiston

S: John Swintoun of that ilk

S: Alex' Campbell of Cefinock

S: W^m Kerr of Greenhead

Ar' Dowglask of Cavers

W^m Benoit of Craibet

M^r John Pringle of Haining

W^m Moleson of Prestongrange

George Baillie of Jervisswood

S: John Johnston of Westerhall

M^r Francis Montgomery of Giffan

M^r W^m Dalrymple of Gleomair

S: Robert Pollock of that ilk

M^r John Montgomery of Wrae

John Halden of Glenagies

Mougo Graham of Gorthie

W^m Seton younger of Pitmedden

Alex' Grant younger of that ilk

M^r John Campbell of Manmore

S: James Campbell of Auchinbreck

James Campbell younger of Ardkinglas

S: W^m Anstruther of that ilk

James Halyharton of Pitcar

Alex' Dowglask of Esquilshaw

John Bruce of Kinross

Of the Barrows

S: Pat. Johnston

John Scrimseur

Lieu' Col^l Jo^l Areskine

John Muir

S: Jo^l Areskine

James Spittle

M^r Pat. Moncrieff

S: Andrew Home

S: Pat. Halket

S: James Smollett

M^r W^m Carmichael

M^r W^m Sutherland

S: David Dalrymple

S: Alex' Ogilvie

S: Hugh Dalrymple

M^r Pat. Ogilvie

George Allardyce

W^m Alvis

M^r James Bethun

John Urquhart

Daniell Campbell

M^r Ro' Dowglask

M^r George Dalrymple

M^r Charles Campbell

NOES

Of the Nobility.

D: Hamilton

E: Erroll

Marischall

Buchan

Eglington

Galloway

Kilmarnock

V: Stormonth

Kilfyth

Lo: Saltoun
Sempill
Balmorino
Blantyre
Cranstoun
Burgany
Beilhaven
Colvill

Of the Barrons

S^r John Lawder of Fountainhall
Andrew Fletcher of Saltoun
William Nisbet of Dirletoun
S^r Ro^d Sinclair of Longformacus
S^r Pat. Home of Rentoun
S^r Gilbert Elliot of Minto
W^m Baillie of Lamingtoun
John Sinclair younger of Stevinfon
John Brisbane younger of Bishoptoun
M^r W^m Cochrane of Kilmaronock
S^r Humphry Colquhoun of Luß
S^r John Houston of that Ilk
John Graham of Killairn
Robert Rollo of Powhouse
Thomas Sharp of Houston
S^r Thomas Burnet of Leyes
S^r David Ramsay of Balmain
John Forbes of Colliciden
S^r Kenneth M^rKenzie
M^r James M^rLeod of Cadboll
M^r Thomas Hope of Rankeillor
David Graham younger of Fintrie
Alex^r Abercrombie of Glasloch
W^m Maxwell of Cardines
Alex^r M^rKye of Palgown
James Sinclair of Stempfer
M^r Ja. Dunbar younger of Hemprigs
S^r Hary Innes younger of that Ilk
M^r Alex^r Abercrombie of Tillibody
M^r George M^rKenzie of Inchcoulter

Of the Burrows

Robert Inglis
Walter Stewart
Hugh Montgomery
Alex^r Edgar
James Scott
S^r Jo^s Anflruther
Francis Mollison
W^m Coltran
Ro^d Scott
John Hutcheson
Ar^d Scheills
Capt. Dan. M^rLeod
M^r John Lyon
M^r Dougall Stewart
George Brodie
M^r John Carruthers
M^r Rod. M^rKenzie
M^r Ro^d Fraser

AND the Earle of Erroll the Earle Marischall the Earle of Buchan the Earle of Eglington and the Earle of Galloway, the Viscount of Killyth, the Lord Sempill the Lord Balmorino the Lord Blantyre the Lord Burgany the Lord Beilhaven and the Lord Colvill S^r John Lawder of Fountainhall Andrew Fletcher of Saltoun Sir Robert Sinclair of Longformacus John Brisbane younger of Bishoptoun Sir Humphray Colquhoun of Luß John Graham of Killairn Robert Rollo of Powhouse Thomas Sharp of Houston S^r Thomas Burnet of Leyes, S^r David Ramsay of Balmain John Forbes of Colliciden M^r Thomas Hope of Rankeillor David Graham younger of Fintrie Alexander M^rKye of Palgown James Sinclair of Stempfer M^r James Dunbar younger of Hemprigs S^r Henry Innes younger of that Ilk M^r George M^rKenzie of Inchcoulter Alexander Edgar James Scott Francis Mollison Robert Scott John Hutcheson Archibald Scheills M^r John Lyon, George Brodie and M^r John Carruthers adhered to both the above two protestations.

THEREAFTER an Overture given in and read for appointing the manner of electing the Peers of Scotland to the Parliament of Great Britain to be by dividing the Peerage into four severall Classes out of which they are to be chosen with some regard to the severall Ranks of Peers in manner mentioned in the said overture.

[Assent
electing the
Peers of
Scotland]

AND after reasoning thereon the furder debate was Adjourned till next Sederunt of Parliament.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten of the clock.

JANUARY XXII, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

WARRANT granted for citing the Creditors of John Davie Brewar in Pleinants in order to his obtaining protection.

[John Davie
Brewar]

THEREAFTER the three severall Overtures and Resolve mentioned in the former dayes Minuts relating to the way of electing the Representatives for Scotland, to the Parliament of Great Britain was again read.

[Assent
electing the
Representa-
tives for
Scotland]

AND after reasoning thereon the vote was put Whither the Sixteen Peers who are to be representatives for Scotland in the said Parliament shall be sent by Rotation or by Election. And it carried by Election.

THEN it was moved that it be considered what way the election shall be Whither by Balloting or by an open Election And after debate thereon the vote was put Whether it shall be by open Election or by Balloting And it carried by open Election.

THEREAFTER moved to proceed to consider what proportions the Barrons and Barrows shall have of the forty five Members who are to sit in the House of Commons of Great Britain.

AND after reasoning thereon the farther debate was adjourned till next Sederunt of Parliament.

THE Committee appointed to meet to morrow at nyne of the clock.

THEN the Lord Chancellor by order of Her Majesties high Commissioner Adjourned the Parliament till Fryday next at ten of the clock.

JANUARY XXIV, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THEN the debate mentioned in the former dayes Minuts was resumed anent what proportions the Barrons and Barrows shall have of the forty five members that are to sit in the House of Commons of Great Britain.

AND thereupon a clause was offered to be insert in the Act regulsteing the manner of electing the representatives for Scotland in these terms " And Her Majestie with advice and consent forefaid statutes and ordains that thirty shall be the number of the Barrons and fifteen the number of the Barrows to represent this part of the United Kingdom in the House of Commons of Great Britain And that no Peer nor the eldest son of any Peer can be chosen to represent either shyre or hurch of this part of the United Kingdome in the said House of Commons".

AND after debate upon the first part of the faid clause The vote was flated If the number shall be Thirty for the Barrons and Fifteen for the Barrows Yes or Not.

BUT before voting The Earle of Cromarty gave in a protestation in the terms following viz. " I George Earle of Cromarty doe protest that nothing that shall be enacted as to the shyre of Cromarty their being adjoynd to any other shyre as to the method or manner of electing of Committioners to the Parliament of Great Britain shall infer any derogation to the priviledges of that shyre or to my right as Heretahle Sheriff thereof and took instruments thereupon.

THEREAFTER the vote was put If the number shall be Thirty for the Barrons and Fifteen for the Barrows Yes or Not and it carried Yes.

THEN the Lord Chancellor by order of Her Majesties High Commissioner Adjourned the Parliament till Monday next at ten of the clock.

JANUARY XXVII, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THEN the second part of the overture mentioned in the former dayes minuts was again read in these terms " And that no Peer nor the eldest son of any Peer can be chosen to represent either shyre or hurch of this part of the United Kingdom in the faid House of Commons."

[Anent electing Members for Shires & Burghs]

AND after debate thereon another clause was offered in these terms " Declaring alwayes that none shall elect nor be elected to represent a shyre or hurch in the Parliament of Great Britain from this part of the United Kingdome except such as are now capable by the Laws of this Kingdome to elect or be elected as Committioners for shyre or hurch to the faid Parliament."

AND after farder reasoning thereon the vote was flated Approve of the First clause or of the Second.

BUT before voting it was agreed that the votes be marked and that a List of the members names as they vote be printed & recorded, And the Lord Chancellor was allowed to have his name printed & recorded amongst those who voted for the second clause.

THEN the vote was put Approve of the First clause or Second and it carried Second And the List of the Members names as they voted First or Second is as follows.

[List of Voters]

SECOND

Of the Nobility.

The Lo: Chancellor allowed to be printed amongst those who voted Second by special order of Parliament

M: Montrose: P. S. C.

D: Hamilton

Angyll

M: Tweedale

Lothian

E: Marr Sec:

Lowdown Sec:

[Anent electing Members for Shires & Burghs]

[Protest, Earl of Cromarty]

Crawford

Erroll

Marischall

Sutherland

Rothas

Meertoun

Buchan

Glencairn

Eglington

Cuthnes

Wigton

Roxburgh

Haddington

Galloway

Lawderdale

Wemys

Dalhousie

Findlater

Leven

Northesk

Belcarras

Fotfar

Kilmarnock

Kintoir

Dunmore

Marchmont

Hyndford

Cromarty

Stair

Roseberry

Glasgow The^s Dep^t

Hopetoun

Illy

V : Killyth

Lo : Forbes

Saltoun

Sempill

Elphinstoun

Oliphant

Ross

Torphichen

Balmerino

Blantyre

Fraser

Bargany

Banff

Elibank

Beilhaven

Duffus

Rollo

Colvill

Kinnaled

Lo : Register

Of the Barons

S^r Ro^d Dickson of InversakS^r James Fowles of CollingtonW^m Morison of Prestongrange

Mungo Graham of Gortrie

Alex^r Dowglas of Eaglishaw

Of the Burrows

John Scrimfour

Lieu^t Co^l Jo^s Areskine

John Mure

M^r Pat. MoncrieffS^r And. HomeS^r Ja. SmolletCap^t Dan. M^rLeodS^r Da. DalrympleS^r Alex^r OgilvieM^r Jo^s Clerk

John Ross

M^r Pat. Ogilvie

Geo. Allardye

W^m Alvis

John Urquhart

Daniell Campbell

M^r Rob^t DowglasM^r Alex^r MaitlandM^r Geo. DalrympleM^r Charles Campbell

FIRST

Of the Nobility

V : Stormont

Lo : Justice Clerk

Of the Barons

Ro^d Dandals of ArncliffeS^r John Lawder of Fountainhall

Andrew Fletcher of Saltoun

W^m Nisbet of DielsounJo^s Cockburn younger of OrmistounS^r Ro^d Sinclair of LongformacusS^r Jo^s Swintoun of that IlkS^r Pat. Home of RentounS^r W^m Kerr of GreenheadS^r Gilbert Elliot of MintoAr^d Dowglas of CaversW^m Bennet of GrubbetM^r Jo^s Pringle of HainingW^m Baillie of Lamington

George Baillie of Jerviswood

John Sinclair younger of Steinfone

James Hamilton of Aikenhead

M^r Alex^r Ferguson of IsleM^r W^m Stewart of CastletewartM^r John Stewart of SorbieM^r Francis Montgomery of GiffenM^r W^m Cochran of KilmarnockS^r Humphray Colquhoun of LaikM^r Rob^t Stewart of TillicultrieS^r Jo^s Houstoun of that IlkRo^d Rollo of Powhouse

Thomas Sharp of Houstoun

John Halden of Glenagies

S^r Thomas Burnet of Leyes

S^r David Ramsay of Balmain
 W^m Seton younger of Pitmedden
 Alex^r Grant younger of that ilk
 John Forbes of Collieston
 S^r Ja. Campbell of Auchinbreck
 James Campbell younger of Ardkinglas
 S^r W^m Anstruther of that ilk
 M^r Tho. Hope of Rankeillie
 James Halyburton of Pitcur
 Alex^r Abercrombie of Glascho
 W^m Maxwell of Cardross
 Alex^r M^cKye of Falgown
 Ja. Sinclair of Stempfler
 M^r Ja. Dunbar younger of Hemprigs
 S^r Henry Innes younger of that ilk
 M^r Alex^r Abercrombie of Tillibody
 M^r George M^cKenzie of Inchcoulter
 John Bruce of Kinross

Of the Burrows.

S^r Pat. Johnston
 Ro^r Inglis
 Walter Stewart
 Hugh Montgomery
 Alex^r Edgar
 James Scott
 S^r Jo^r Anstruther
 S^r Jo^r Areskine
 James Spilke
 W^m Colman
 S^r Peter Halket
 Robert Kellie
 M^r W^m Carmichael
 Jo^r Hutchesone
 Ar^r Schields
 M^r Jo^r Lyon
 M^r Dowgall Stewart
 George Brodie
 S^r Dav. Cunningham
 M^r John Carruthers
 George Home
 M^r Rod. M^cKenzie
 M^r Ro^r Fraser

THEREAFTER moved that the Parliament proceed to consider in what manner the severall shires of this Kingdome shall choise the thirty members appointed to represent them in the House of Commons of Great Britain. As also in what manner the severall Burrows shall choise the fifteen members appointed to represent them in the said House of Commons.

AND after some discourse thereon the further consideration thereof was delayed till next Sederunt of Parliament.

THEN the Lord Chancellor by order of Her Majesties High Commissioner Adjourned the Parliament till to morrow at ten of the clock.

JANUARY XXVIII, M,DCC,XII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THEN the Parliament proceeded to consider in what manner the severall shires of this Kingdome shall choise the thirty Members appointed to represent them in the House of Commons of Great Britain, As also in what manner the severall Burrows shall choise the fifteen Members appointed to represent them in the said House of Commons.

[Arose
 Electing
 Representatives
 for
 Scotland]

AND after reasoning thereon a draught of ane Act was offered settling the manner of electing and summonding the sixteen Peers and forty five Commoners to represent Scotland in the Parliament of Great Britain.

WHICH being read It was moved to proceed to consider that clause of the draught of the Act appointing the shires of Bute & Caithness to have only one representative, the shires of Nairn & Cromarty to have only one representative, and the shires of Clackmannan & Kinross to have only one representative, to be chosen alternatively, and the haill other shires & stewartries of this Kingdome now represented in this present Parliament each to have one representative in the Parliament of Great Britain.

AND it was also moved to remit the same to a Committee.

AND after reasoning on these motions the vote was flated Approve of the above clause of the Act or Commit.

BUT before voting a protestation was given in these terms "I James Sinclair of Stempfler one of the Commissioners for the shire of Caithnes Doe protest for my self and the other Barrons & Freeholders of the said shire that the vote now to be put for approving of the conjunction of the said shire of Caithnes with Bute or any other of the lesser shires, is against our right of being alwayes seperately represented in Parliament And that because the rule of reducing shires is by their valuation and fix only to be reduced, the shire of Caithnes ought to enjoy its representation as other greater shires And the shire of Sutherland being less in valuation than Caithnes ought to be conjoyned with the other lesser five shires" Which being read he took instruments thereupon and M^r James Dunbar younger of Hemprigs the other Commissioner for the said shire of Caithnes adhered thereto.

[Protest
 James Sin-
 clair of
 Stempfler]

THEN the vote was put Approve of that clause of the Act fittling the manner of electing Representatives for thyres or Commit And it carried Approve.

THERAFTER it was moved to proceed to consider in what manner the Burghs shall choife their representatives.

AND after debate thereon the furdur consideration thereof was delayed till next Sederunt of Parliament.

THEN the Lord Chancellor by order of Her Majesties High Commissioner Adjourned the Parliament till to morrow at ten of the clock.

JANUARY XXIX, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THEN the Parliament proceeded to the consideration of the manner in which the Burghs shall elect their Representatives to the House of Commons of Great Britain.

WHEREUPON severall schemes being given in and read in relation to the manner of the said election.

AFTER reasoning thereon and upon the number of the districts that shall be appointed for making of the said elections and upon a motion that the Burgh of Edinburgh by it self shall have alwayes one representative.

THE vote was flated Whither the Burghs shall be divided into Three districts or Fifteen, (reserving intire the motion as to the Town of Edinburgh its having one representative by it self) And it carried Fifteen.

THEN the vote was put If the Burgh of Edinburgh by it self shall have one Representative or Not And it carried One.

THEREAFTER a scheme dividing the Burghs into fifteen districts each of which districts is to have one representative was given in and read and is as follows. The Burghs of Kirkwall, Wick, Dornock, Dingwall & Tayne, one. Fortrose, Inverness, Nairn, & Forreth, one. Elgin, Cullen, Banff, Inverury & Kintore, one. Aberdeen, Bervie, Montrose, Aberbrothock & Breichen, one. Forfar, Perth, Dundee, Cowper & S Andrews, one. Crail, Kilrennie, Anstruther easter, Anstruther wester, & Pittenweeme, one. Dyfart,

Kirkcaldie, Kinghorn & Burntisland, one. Inverkeithen, Dumfries, Queensferry, Culrois and Stirling, one. Glasgow, Renfrew, Ratherglen and Dumbarton, one. Edinburgh, one. Haddington, Northberwick, Dunbar, Lawder & Jedburgh, one. Selkirk, Peebles, Lamlithgow and Lauder, one. Dumfries, Sanquhar, Annan, Lochmehben and Kirkcaldie, one. Wigton, Newgalloway, Stranraer and Whytchoon, one. And Ayre, Irvine, Rothesay, Campbelltown and Invermay, one.

AND after debate thereupon Whither it should be approved or remitted to the Committee.

THE vote was put Approve the scheme or Commit And it carried Approve.

THEN it was moved That the Commissioners for the Treaty of Union have their expenses allowed to them And a debate having arisen thereupon the furdur consideration thereof delayed till next Sederunt of Parliament.

THEN the Lord Chancellor by order of Her Majesties High Commissioner Adjourned the Parliament till Fryday next at ten of the clock.

JANUARY XXXI, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THEN the Parliament proceeded to consider the motion for allowing the Commissioners for the Treaty of Union their expenses and thereupon a resolve was given in in these terms, " That the charge of the Commissioners sent to the Treaty of Union on the part of the Kingdome of Scotland who met at London in pursuance of Her Majesties nomination by authority of Parliament and of the allowance to the Secretary of the said Commission and to the Accomptants appointed by the said Commission, are publick debts and that there be allowed to each Nobleman who attended the said Treaty at London the sum of Twelve thousand pounds Scots, And to each other of the Commissioners attending the sum of Six thousand pounds Scots and to the Secretary of the said Commission the sum of Four thousand eight hundred pounds Scots and to each of the three Accomptants named by the said Commission the sum of Two thousand four hundred pounds Scots and that the said respective sums be paid out of the sum of Three hundred ninety eight thousand and eighty five pounds ten shillings Sterling mentioned in the fifteenth article of the said Treaty of Union ratified in this Parlia-

5 O

[Resolve in favour of the Commissioners for the Union]

ment And that the said sums be ranked and preferred after the sums payable to the proprietors of the African & Indian Company of Scotland pari passu with the first of the publick debts appointed to be paid out of the foresaid sum of Three hundred ninety eight thousand and eighty five pounds ten shillings Sterling money."

WHICH being read Upon reasoning thereon, a motion being made for Restricting the quotas of the Treasures expenses, And some objections being also made against allowing the said expenses out of the above fund, The vote was stated Approve of the Resolve or Alter.

AND before voting It was agreed that the votes be marked, and that a List of the members names as they vote be printed & recorded.

THEN the vote was put Approve of the Resolve or Alter And it carried Approve. And the List of the Members names as they voted Approve or Alter is as follows.

[List of
Voters]

APPROVERS

Of the Nobility.

M: Montrose P. S. C.

D: Argyll

M: Lothian

E: Marr Sec:

Lowdown Sec:

Crawford

Sutherland

Mortoun

Glencairn

Eglintoun

Lawderdale

Findlater

Leven

Northek

Belearns

Forfar

Kilmarnock

Kintoir

Dunmore

Hyndfoord

Stair

Rosberry

Gladrow The' Dep'

Hay

Lo: Forbes

Elphinstoun

Rofs

Torphichen

Bluntyre

Frazer

Banff

Elbank

Duffus

Rollo

Lo: Register

Of the Barrons.

S^r John Swintoun of that ilk

S^r Pat. Home of Rentoun

S^r Gilbert Elliot of Minto

W^m Beunet of Grubbet

M^r Jo^s Murray of Bowhill

W^m Morison of Prestongrange

S^r Jo^s Johnstoun of Westerhall

W^m Dowglash of Dornock

M^r W^m Stewart of Castlestewart

M^r John Stewart of Sorbie

M^r Francis Montgomery of Giffan

S^r Robert Pollock of that ilk

M^r Jo^s Montgomerie of Wrae

S^r Thomas Burnet of Leyes

S^r David Ramsay of Balmain

W^m Seton younger of Pitmedden

Alex^r Grant younger of that ilk

M^r Eneas M^rLeod of Cadhall

M^r John Campbell of Mannrose

S^r James Campbell of Auchinbreck

James Campbell younger of Ardkinglass

S^r William Anstruther of that ilk

Alex^r Abercrombie of Glascoch

Alex^r Dowglash of Baglishaw

Of the Burrows

S^r Pat. Johnstoun

Ro^s Inglis

John Scrimbour

Lieu^t Co^s Jo^s Areskine

John Mure

James Scott

M^r Pat. Moneriff

S^r James Smollett

Colin Campbell

M^r W^m Carnichell

M^r W^m Sutherland

Cay^r Dan. M^rLeod

S^r Dav. Dalrymple

S^r Alex^r Ogilvie

M^r Jo^s Clerk

John Ross

M^r Pat. Ogilvie

George Allardyce

William Alvis

M^r Rod. M^rKenzie

John Urquhart

Daniel Campbell

S^r Robert Forbes

M^r Ro^s Dowglash

M^r Alex^r Maitland

M^r George Dalrymple

M^r Charles Campbell

ALTERERS

Of the Nobility.

M : Tweedale

E : Rothes

Roxburgh

Haddington

Marchmont

V : Stormonth

Lo : Justice Clerk

Of the Barrons.

S^r John Lawder of FountainhallW^m Nisbet of DirletonJo^s Cockburn younger of OrmeauS^r Alex^r Campbell of CefinockW^m Baillie of Lamsington

George Baillie of Jerviswood

James Hamilton of Aikenhead

S^r Humphrey Colquhoun of LuffS^r John Houston of that ilk

Thomas Sharp of Houston

John Halden of Glenegies

Mungo Graham of Gorthie

James Halyburton of Pitcair

John Bruce of Kinross

Of the Burrows.

S^r John Anstruther

James Spittle

S^r Andrew Home

Sir Peter Halket

John Hutchefone

IT was also agreed That the Earle of Ilay (design'd in the Commission for the Treaty Lord Archibald Campbell) be allowed his expenses as a Nobleman.

[Allowance is given to the Commissioners for the Treaty 1706]

THEREAFTER it was moved that the Commissioners for the Treaty 1706 have allowance of their expenses in manner following viz. Each Nobleman five hundred pounds Sterling each Barron three hundred pounds Sterling and each Burrow two hundred pounds Sterling.

AND after debate thereupon The vote was put Grant allowance to the Commissioners for the Treaty 1706 viz^t & two of their expenses in the above manner Yea or Not And it carried Yea, And the said expence was declared to be a publick debt, and it was remitted to the Committee for stating of publick debts to state and rank the same as a publick debt.

[Amount Allowance to Representatives of Shires & Burghs]

THEREAFTER it was moved That no Representative from either Shyre or Burgh from this Kingdom to the Parliament of Great Britain shall

have any allowance for their charges and expenses in attending the same.

AND after debate It being moved to delay the consideration thereof till next Sederunt of Parliament.

THE vote was put Proceed or Delay And it carried Delay.

THE Committee appointed to meet to morrow at nine of the clock.

THEN the Lord Chancellor by order of Her Majesties High Commissioner Adjourned the Parliament till Monday next at ten a clock.

FEBRUARY III, M,DCC,VII.

PRAYERS said Rolls called.

MINUTES of the last Sederunt read.

ORDERED that the Ratifications & Warrants for Peers to be crav'd this Session of Parliament be given in to be revist And her Majesties High Commissioner appoints the Earle of Glasgow Lord Theasurer Deput the Lord Advocate the Lord Justice Clerk and any one of the Solicitors or any two of the whole to revise the same.

[Ratifications & Warrants for Peers to be revised]

THEREAFTER the first Sederunt of Parliament (after publishing the Act settling the manner of electing and summonding the representatives for Scotland to the Parliament of Great Britain) was appointed for private business.

THEN the motion made the former Sederunt anent allowing no charges nor expenses to the Representatives from the Shyres & Burghs of this Kingdom to the Parliament of Great Britain resumed.

[Amount Allowance to the Representatives of Shires & Burghs]

AND after debate thereon The vote was put Whither there shall be a clause in relation to the charge & expenses of the Representatives for Shyres & Burghs insert in the Act settling the manner of electing &c. Yea or Not and it carried Not.

THEREAFTER it was moved that at all meetings of the Peers for electing of their Representatives such Peers as are absent be allowed to have votes in the said election by proxies The said proxies being Peers, and they and their Constituents being qualified at the tyme by taking the oaths required by Law, and that the said absent Peers may either vote by their proxies or by sending up Lists subscribed by them.

[Amount Election of Peers]

AND after reasoning thereon The vote was put Allow proxies in the above terms Yea or Not and it carried Allow.

AGREED that the meeting of the Peers for the said elections shall be at any place Her Majesty shall appoint within the limits of Scotland.

AGREED also That in case of the decease or legall Incapacity of any of the fourty five Commissioners to be chosen out of this Session of Parliament to the Parliament of Great Britain the slyre or stewarrie or district of Barrows for which he is a member shall choose another in his place.

AGREED likewise That in case of the decease or legall Incapacity of any of the sixteen Peers the Peers shall meet and elect another in place of the deceased.

MOVED that such Peers of Scotland who are likewise Peers of England or who after the Union shall be created Peers of Great Britain have no vote in the election of the sixteen Peers from Scotland to the Parliament of Great Britain.

AND after debate thereon It was put to the vote Whether any clause in relation to the said motion shall be inferd in the above Act settling the manner of election &c. Yea or Not and it carried Not.

THEREAFTER it was agreed That when the votes of the Commissioners for Barrows who shall meet for electing their Representatives are equal the president of the Meeting shall have a casting or decisive vote beynde his vote as a Commissioner representing the Burgh from whom he is sent And that the Commissioner for the eldest Burgh shall preside at the first meeting and the Commissioner for the other Burghs by turns as the Burghs are now called in the Rolls of Parliament.

THEN the Lord Chancellor by order of her Majesties High Commissioner Adjourned the Parliament till to morrow at ten of the clock.

FEBRUARY IV, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

PETITION, Lady Mary Bruce and William Cochran younger of Ochiltree her Husband, craving allowance to retain the papers therein mentioned, and the Petitioners receipt thereof to be given up And also that the declarator therein narrated at their infance may be discussed before the Lords of Session summarly read And the writs therein mentioned ordained to be put in the Clerks hands And the Earle of Kincardines procurators ordained to see & answer the said petition against the first Sederunt of Parliament for private business.

THEN the draught of an Act settling the manner of the Electing and Summoning the Sixteen Peers and Fourty five Commissioners to Represent Scotland in the Parliament of Great Britain read.

AND thereupon a vote was put Allow a first Reading to be marked on the said Act Yea or Not And it carried Allow and a first reading was marked thereon accordingly.

THEN the Lord Chancellor by order of Her Majesties High Commissioner Adjourned the Parliament till to morrow at ten of the clock.

FEBRUARY V, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THEN the Act settling the manner of electing the Sixteen Peers & Fourty five Commissioners to represent Scotland in the Parliament of Great Britain again read And after reasoning thereon and some amendments the Act as amended was again read over And it was put to the vote Approve the Act or Not and it carried Approve.

DRAUGHT of an Act for taking down the foistains & outshots in the street or wynd called Mary Wynd of the Burgh of Stirling read And a first reading ordered to be marked thereon.

OVERTURE for an Act unent plantation of Kirks brought in from the Committee and read And after some amendments was ordered to be printed.

AND also another Overture for an Act & Commission for plantation of Kirks & valuation of Teynds brought in from the said Committee was read & ordered to be printed.

AGREED that the Parliament will proceed to the consideration of these Overtures the first Sederunt after they are printed previous to all other business.

THEN a Proclamation concerning the Coyn was brought in from the Committee & read And the vote was put Approve of the Proclamation or Not and it carried Approve.

PROCLAMATION concerning the Coyn.

ANNE by the Grace of God Queen of Great Britain France and Ireland defender of the faith To Our Lion King at Arms and his brethren

[Act settling the manner of electing Peers and Commissioners to Parliament]

[Act settling the manner of electing Peers and Commissioners &c.]

[Mary Wynd of Stirling]

[Plantation of Kirks &c.]

[Absent electors of Commissioners for Burghs]

[Lady Mary Bruce & William Cochran her husband]

Heralds Purfevants Maffers and Mefengers at Arms our Sheriffs in that part conjunctly and feverally fpecially conftitute Greeting Forasmuch as through ignorance or with design to make privat gain and advantage sundry of our Leidges have not only refused to receive in payment of debts or bargains at the usual rate the money which have paff the irons of our Mint house but alfo feveral other species of Coin appointed to be current at the rates and value specified in the feveral Acts of Parliament and Proclamations of Privy Council made thereant thereby both fraining the meane sort of people and putting a ftop to payment of debts & obftructing the inland trade and neceffary commerce amongst our Leidges Therefore and for Remede thereof We with advice and confent of the Estates of Parliament Appoint and Ordain as well the current money which hath paff the irons of our Mint as all other species of money formerly current within this Kingdome to paff and be received in all payments of debts and bargains according to the rates & value specified and contained in the feveral Acts of Parliament and Proclamations of Privy Council made thereant and as they have been in ufe to paff & be current heretofore Difchargeing hereby all & every one of our Leidges to refufe any of the aid species in payment of debts or other bargains at the rate and value foresaid With certification to them & each of them That they fhall be lyable to the double of what fhall be fo refused prefently to be Judged and Decerned against them by any Magiftrat of the place The one half of what is fo decerned to be applyed to the ufe of the poor and the other half to his ufe and behoove from whom the money was refused and who fhall profecute the fame before the foid Judge Ordinar Our Will is herefore and We charge you ftraitly and command that incontinent thir prefents feen ye paff to the moerest Crokes of Edinburgh and of the remanent head Burghs within this Kingdome and there make open Proclamation hereof that none may pretend ignorance, And ordain thefe prefents to be printed, And that our Solicitors difpatch copies hereof for the effect abovementioned to the Sheriffs of the feveral Shires and Steuarts of the feveral Steuatries.

[Overture
of Popery
& Papery]

OVERTURE for an Act against Popery and Papists brought in from the Committee was read and ordered to be printed.

THEREAFTER the Act fettling the manner of electing the Sixteen Peers and Fourty five Commoners to represent Scotland in the Parliament of Great Britain was touched with the Royall Scepter by Her Majesties High Commiffioner in the usual manner.

ACT Settling the manner of Electing the Sixteen Peers and Forty Five Commoners to Represent Scotland in the Parliament of Great Britain.

OUR SOVERAIGN LADY Considering that by the twenty fecond Article of the Treaty of Union as the same is ratified by ane Act paff in this Seffion of Parliament upon the sixteenth of January last It is provided that by virtue of the foid Treaty of the Peers of Scotland at the time of the Union Sixteen fhall be the number to fit and vote in the Houfe of Lords and Fourty five the number of the Representatives of Scotland in the Houfe of Commons of the Parliament of Great Britain And that the foid Sixteen Peers and Fourty five members in the Houfe of Commons be Named and Chofen in fuch manner as by a fubfequent Act in this prefent Seffion of Parliament in Scotland fhould be fettled Which act is thereby declared to be als valid as if it were a part of and ingrofed in the foid Treaty Therefore Her Majestie with advice and confent of the Estates of Parliament Statutes Enacts and Ordains That the foid Sixteen Peers who fhall have right to fit in the Houfe of Peers in the Parliament of Great Britain on the part of Scotland by virtue of this Treaty fhall be named by the foids Peers of Scotland whom they represent their heirs or fuccelfors to their dignities and honours out of their own number and that by open Election and plurality of voices of the Peers prefent and of the Proxies for fuch as fhall be abfent the foid Proxies being Peers and producing a mandat in writing duly figned before witnesses and both the Conftituent and Proxie being qualified according to law Declaring also that each Peers as are abfent being qualified as aforefaid may fend to all fuch meetings Lists of the Peers whom they Judge fittest validly figned by the foid abfent Peers which fhall be reckoned in the faine manner as if the parties had been prefent and given in the foid Lift And in cafe of the death or legall incapacity of any of the foid Sixteen Peers That the foresaid Peers of Scotland fhall nominate another of their own number in place of the foid Peer or Peers in manner before and aftermentioned And that of the foid Fourty five Representatives of Scotland in the houfe of Commons in the Parliament of Great Britain Thirty fhall be chofen by the Shires or Steuatries and Fifteen by the Royall Burrows as follows viz. One for every Shire and Steuarty excepting the Shires of Bute and Caithnefs which fhall choife one by turns Bute having the first election The Shires of Naime and Cromarty which fhall also choife by turns Naime having the first election And in like manner the Shires of Clackmannan and Kinrofs fhall choife by turns Clackmannan having the first election And in cafe

of the death or legal incapacity of any of the said Members from the respective shires or stewartries abovementioned to sit in the House of Commons It is Enacted and Ordained that the shire or stewartry who Elected the said member shall Elect another member in his place And that the said Fifteen Representatives for the Royall Burrows be chosen as follows viz. That the Town of Edinburgh shall have right to Elect and send one member to the Parliament of Great Britain And that each of the other burghs shall Elect a Commissioner in the same manner as they are now in use to Elect Commissioners to the Parliament of Scotland Which Commissioners and Burghs (Edinburgh excepted) being divided in fourteen Clases or Districts shall meet at such time and burghs within their respective Districts as her Majesty her heirs or Successors shall appoint and Elect one for each District viz. The Burghs of Kirkwall Wick Dornock Dingwall and Thayne one The burghs of Fortrose Inverness Nairn and Forres one The burghs of Elgin Cullen Banff Inverury and Kintore one The burghs of Aberdeen Inverberny Montrose Aberbrothock and Breichen one The burghs of Forfar Perth Dundee Coupar and S. Andrews one The burghs of Crail Kilconnie Anstruther Easter Anstruther Wester and Pittenweem one The burghs of Dyfart Kirkcaldie Kinghorn and Burntisland one The burghs of Inverkeithen Dumfermline Queensferry Culross and Stirling one The burghs of Glasgow Renfrew Rutherglen and Dumblaiton one The burghs of Haddington Dunbar Northberwick Lauder and Jedburgh one The burghs of Selkirk Peebles Linlithgow and Lanerk one The burghs of Dumfries Sanquhar Annan Lochmaben and Kirkcudbright one The burghs of Wigton Newgalloway Stranraer and Whiteburn one And the burghs of Air Irvin Rothesay Campbeltown and Inverary one And It is hereby Declared and Ordained That where the Votes of the Commissioners for the said burghs met to Choose Representatives from their severall Districts to the Parliament of Great Britain shall be equal in that case the President of the meeting shall have a casting or decisive Vote and that by and attour his vote as a Commissioner from the burgh from which he is sent the Commissioner from the eldest burgh presiding in the first meeting and the Commissioners from the other burghs in their respective Districts presiding afterwards by turns in the order as the said burghs are now called in the Rolls of the Parliament of Scotland And in case that any of the said fifteen Commissioners from Burghs shall decease or become legally incapable to sit in the House of Commons Then the Town of Edinburgh or the District which choised the said member shall elect a member in his or their place It is always hereby expressly Provided and Declared that none shall be capable to Elect or be Elected for any of the said Estates but such as are Twenty

one years of age complet and Protestant Excluding all Papists or such who being suspect of Popery and required refuse to Swear and Subscribe the Formula contained in the third Act made in the eighth and ninth Sessions of King Williams Parliament entituled Act for preventing the growth of Popery And also declaring that none shall be capable to Elect or be Elected to Represent a shire or burgh in the Parliament of Great Britain for this part of the United Kingdom except such as are now capable by the Laws of this Kingdom to Elect or be Elected as Commissioners for shires or burghs to the Parliament of Scotland And farther Her Majesty with advice and consent forthwith for the effectual and orderly Election of the persons to be chosen to sit vote and serve in the respective Houses of the Parliament of Great Britain when Her Majesty her heirs and successors shall declare her or their pleasure for holding the first or any subsequent Parliament of Great Britain And when for that effect a Write shall be Issued out under the Great Seal of the United Kingdom directed to the Privy Council of Scotland conforme to the said twenty second Article Statute Enacted and Ordains That untill the Parliament of Great Britain shall make further provision therein the said Write shall contain a Warrant and Command to the said Privy Council to Issue out a Proclamation in her Majesties name requiring the Peers of Scotland for the time to meet and assemble at such time and place within Scotland as Her Majesty and Royall Successors shall think fit to make Election of the said Sixteen Peers and requiring the Lord Clerk Register or two of the Clerks of Session to attend all such meetings and to administer the Oaths that are or shall be by Law required and to take the Votes And having made up the Lists in presence of the meeting to return the names of the Sixteen Peers chosen (certified under the Subscription of the said Lord Clerk Register Clerk or Clerks of Session attending) to the Clerk of the Privy Council of Scotland And likewise Requiring and Ordaining the severall freeholders in the respective Shires and Stewartries to meet and assemble at the head burghs of their severall Shires and Stewartries to Elect their Commissioners conforme to the order above set down And Ordaining the Clerks of the said meetings immediately after the said Elections are over respectively to return the names of the persons elected to the Clerks of the Privy Council And lastly Ordaining the City of Edinburgh to Elect their Commissioner and the other Royall Burrows to Elect each of them a Commissioner as they have been in use to Elect Commissioners to the Parliament and to send the said respective Commissioners at such times to such Burghs within their respective Districts as Her Majesty and Successors by such Proclamations shall appoint Requiring and Ordaining the common Clerk of the respective burghs where such elec-

tions shall be appointed to be made to attend the said meetings and immediately after the Election to return the name of the persons so elected (certified under his hand) to the Clerk of Privy Council to the end that the names of the Sixteen Peers Thirty Commissioners for Shires and Fifteen Commissioners for Burghs being so returned to the Privy Council may be returned to the Court from whence the Writ did Issue under the Great Seal of the United Kingdom conforme to the said twenty second Article And whereas by the said twenty second Article It is agreed That if her Majesty shall on or before the first day of May next Declare That it is expedient the Lords and Commons of the present Parliament of England should be the members of the respective houses of the first Parliament of Great Britain for and on the part of England they shall accordingly be the members of the said respective Houses for and on the part of England Her Majesty with advice and consent fore said in that case only Doth hereby Statute and Ordain That the Sixteen Peers and Fourty five Commissioners for Shires and Burghs who shall be chosen by the Peers Barons and Burghs respectively in this present Session of Parliament and out of the Members thereof in the same manner as Committees of Parliament are usually now chosen shall be the members of the respective Houses of the said first Parliament of Great Britain for and on the part of Scotland Which Nomination and Election being certified by a Writ under the Lord Clerk Registers hand the persons so Nominated and Elected shall have right to sit and vote in the House of Lords and in the House of Commons of the said first Parliament of Great Britain.

THEN the Lord Chancellor by order of Her Majesties High Commissioner Adjourned the Parliament till Monday next at ten of the clock.

FEBRUARY X, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THEN it was moved To proceed to privat Buissness conform to the Minuts of the third of February instant.

Plantation of Kirks &c]

MOVED also to proceed to the consideration of the two Overtures mentioned in the Minuts of the last Sederunt, the one, Remitting the plantation of Kirks &c. to the Lords of Council and Session, and the other for an Act and Commission for Plantation of Kirks and Valuation of Teynds.

AND after debate the vote was put Proceed to consider the two Overtures in order to a first reading or Proceed to private buissness And it carried to the Overtures.

THEREAFTER the two Overtures were read in the above order And the vote being put Mark a first reading on the first or second And it carried First And a first reading was marked on the said first Overture Remitting the plantation of Kirks to the Lords of Session.

THEN the Act of Dissolution of the Lands of Orkney & Zetland from the Crown in favours of the Earle of Mortoun again read And after reasoning and some amendments It was put to the vote Approve of the Act or Not And it carried Approve.

[Orkney & Zetland]

ACT in favours of the Burgh of Aberdeen again read And after reasoning thereon and some additions and amendments It was put to the vote Approve of the Act or Not and it carried Approve.

[Burgh of Aberdeen]

ACT in favours of the Town of Burrowstonnaffs again read and after additions and amendments It was put to the vote Approve of the Act or Not and it carried Approve.

[Town of Burrowstonnaffs]

THE action upon a protest for remeid of Law *S^r Thomas Dalziel* of Birms against the Lady Caldwell and her husband being moved The procurators for either party were ordained to be ready against the next Sederunt of Parliament for private buissness the same being then to be taken into consideration previous to all other.

[S^r Thomas Dalziel ag^t The Lady Caldwell]

THEREAFTER the Act in favours of the Burgh of Kirkcaldie again read And after some additions and amendments the vote was put Approve of the Act or Not and it carried Approve.

[Burgh of Kirkcaldie]

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Wednesday next at ten of the clock.

FEBRUARY XII, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

REPORT of the Committee concerning M^r James Anderson, read and approved.

AT EDINBURGH, the Twelfth Day of February, One thousand seven hundred & seven years, Her Majesty's High Commissioner, and the Estates of Parliament, having this day heard the Report concerning M^r James Anderson Writer to Her Ma-

Order for encouraging and enabling M^r James Anderson Writer to the Signet, to prosecute his Work.

jesty's Signet, dated the xxix. Day of November last, given and subscribed by the Earl of Glasgow, the Lord Balmerinoch, Sir John Lauder of Fountainhall, one of the Senators of the College of Justice, and Sir David Dalrymple Advocate, Members of the House, appointed by a Remit of Parliament dated the ix. Day of the said Month of November, Mentioning, THAT, in pursuance of the said Remit of Parliament, they having met, and maturely considered what advance Mr James Anderson has made in the Work recommended to him in the last Session of Parliament, concerning the ancient Charters and Seals of this Kingdom, do presume to give it as their humble Opinion, That the said Mr James Anderson has made as great Advance in the said matter as the Time and Difficulty in the performance could permit, and that his learned Industry in a Matter so useful, undertaken on the Recommendation of Parliament, deserves further Encouragement to enable him to support the Charge, and carry on the Design uniformly, and with that Beauty and Exactness which will be expected in a Work begun by so great Authority. And they beg'd leave more particularly to lay before the Honourable House, that they have seen the Imprecious of twenty four Charters, in a Series from King Duncan downwards, with the Seals of many of our Kings, and some Charters very ancient & curious granted by Subjects, and sundry curious Seals. And having compared them with the Charters of the several Ages in original Charters, and with the Seals, the Engraving appears to be most exact, and the ancient Charters and Seals are very happily imitated. They did likewise consider curious Tables, prepared by the Author, to be engraven on large Plates ready polished, for explaining the Characters of the several ages, and the Abbreviations and Contractions so frequent in ancient Charters and Manuscripts; to which the Author is to add usefull Notes and Observations. They also understand he was favoured in England with the Trust of several original Charters of our Kings and their Subjects, whereof none so old are yet known to be extant and preserved at Home; which Favour has much contributed to advance his Work. He did lay before them an Account of the Expences he has already been at in this Work, in relation to what is already engraven, and ready to be engraven; which Account they judge to be modest and reasonable. Besides these Expences, they understand, that since this Work was recommended to him, he has been at great Charge and Pains in buying and collecting many rare and valuable Latin, Saxon, French and English Books, in relation to the British History, and ancient Charters and Writings fit for him; sundry of which Books are not known to be in any publick or private Library here. They likewise understand, that with much Civility and Frankness he has had Access to some of the best Repositories of Writings

in England, wherein are many remarkable Things concerning this Kingdom, not known. And as a Proof of this, he shewed them some hundreds of Sheets of Lists, Notes, and Copies taken from these Writings, which could not be done without great Pains and Expences: So that they find he has not only pursued diligently what was recommended to him, but also has improved the Opportunity to collect what might illustrate our History from Records in Foreign Parts. They have also considered a Note given in by him of several Charters and Seals, which he purposes to cause engrave, and of some other Things which he intends to publish in this Work, with an Estimate of the Expences; and humbly conceive it is very proper, that what is mentioned and proposed in that Note be done. And considering, that in this work there is to be much and fine Engraving, and that the engraved Charters, as also several other Charters, with Notes and Observations, are to be printed in modern Types, and that the Paper is to be large and fine; they are of Opinion, that this must needs be a Work of great Expences, Pains and Industry. As to the Expences of the Work, they find that Mr James Anderson has not only expended the Three hundred Pounds Sterling which was granted to him in the last Session of Parliament, but has also further expended in this Work, and Materials fit for it, the sum of Five hundred and ninety Pounds Sterling. And it is their humble Opinion, That there be given to him the said Sum of Five hundred and ninety Pounds Sterling, in consideration of what he has already advanced and superexpended in relation to the said Work; and that there be further given to him the Sum of One thousand and fifty Pounds Sterling to enable him to complete the said Work, with the same Beauty and Exactness that he has begun it; and that this Encouragement be granted upon some sure and ready Fund, so as he may proceed with all Diligence, and pay the Workmen necessary to be employed in this Work. They cannot but take notice, that the said Mr James Anderson has already been, and will hereafter also be at very great Loss in his private Employment by the assiduous and diligent Prosecution of this Work; and therefore humbly suggest, That his Grace, Her Majesty's High Commissioner, and the honourable Estates of Parliament, may repair that Loss, in such manner as their Wisdom and Goodness shall think fit; which will much encourage him to continue these Studies and Enquiries, as the said Report bears. WHICH being fully considered by Her Majesty's said Commissioner, and the said Estates of Parliament, and they being therewith well and ripely advised, they Approved and hereby Approve thereof.

PETITION for the Earle of Melvill, in relation to a preference for some debts due to his Lordship by the officers of the army out of the first of

the sums due and payable to them, by the Government, read, and the desire thereof granted.

THE second Sederunt of Parliament next week appointed for private business.

THEREAFTER the Act of Dissolution of the Lands of Orkney and Zetland from the Crown in favours of the Earle of Mortoun was touched with the Royall Scepter by Her Majesties High Commissioner in the usual manner.

ACT of Dissolution of the Lands of Orkney and Zetland from the Crown in favours of the Earle of Mortoun.

REPRESENTATION for the Six Clerks of Session for a Remuneration for their extraordinary pains and attendance in this and former Sessions of Parliament read, and the desire thereof granted conform to the deliverance on the Representation.

OUR SOVERAIGN LADY Considering the good and faithful Services done and performed by James now Earle of Morton, and his predecessors, Earles of Morton, to Her Majesty, and her Royall Ancestors, and their native Country: And also considering that the said James Earle of Morton having represented his Title and Interest to the Isles of Orkney and Zetland, to the Parliament 1693, and the Parliament having appointed their Majesties Advocate for the time, to see and answer the said Representation, And Answers being accordingly given in for their then Majesties Interest, which with the Representation being considered by the Parliament the fifteenth day of June the said year 1707 and ninety three, They did Recommend to their then Majesties, the said Earle of Mortons case, and to consider the hardships and stretches, which he and his predecessors had suffered by a Decree of Reduction, obtained at the Instance of the Kings Advocate for his Majesties Interest in the year 1707 and sixty nine, Reducing the Earle of Morton his Right and Title to the Earledome of Orkney, and Lordship of Zetland and others therein mentioned And by an Act past in the Parliament the said year 1707 and sixty nine whereby the foresaid Decree was Confirmed and Ratified, and the said Isles of Orkney and Zetland were of new annexed to the Crown and patrimony thereof, Lykes the said Earle having given in a new Representation to the Parliament held in the year 1707 and two, the Parliament did again Recommend to Her Majesty, to consider the hardships the said Earle and his predecessors have suffered by the above mentioned Decree and Act, with all that followed thereon. And Her Majesty having taken to Her Royal Consideration, the foresaid Recommendations and Representations whereupon the same proceeded, with the Representation made by the said James Earle of Morton in this Session of Parliament; And being convinced of the hardships and stretches mentioned in the foresaid Recommendations of Parliament, whereby, and by the transactions depending and following thereupon, the Earle and his family were very greatly less'd. And having also Considered, that small or no advantage has redounded to the

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THEREAFTER the following Overtures for Acts were given in and read viz. Act Renouncing the Reverend of Kirklands, Act in favours of the Inhabitants of the Shyre of Caithnes, Act in favours of the Earle of Linlithgow and Callender, Act for preferring the Game, Act in favours of the Lady Litchgill and her son, And Act in favours of the Earle of Cromerty, And a first reading ordered to be marked on each of the said Acts.

OVERTURE for an Act anent Inclosing of Ground read, And after reasoning, It was put to the vote Mark a first reading thereon or Order it to lye upon the table, And it carried, To lye upon the table.

MOVED to proceed to the Act for Plantation of Kirks &c. And also moved To proceed to the Act for additional premiums on exportation of victual.

AND after reasoning thereon It was agreed to proceed first to the Act for plantation of Kirks &c. And after the same is finished to proceed immediately thereafter to the Act for additional premiums.

THEN the Act for plantation of Kirks &c. was read, And after some reasoning thereon the further debate was Adjourned till next Sederunt of Parliament.

AGREED that the Parliament will next Sederunt proceed to elect the Representatives for Scotland to the first Parliament of Great Britain, And it was intimated to the Members to prepare for the said Election against that tyme, And agreed that the Parliament will thereafter proceed to the Act for plantation of Kirks &c. previous to all other business after the Election, and then to the Act anent Drawbacks on victual.

Crown from the Tacks and manadgement of Orkney and Zetland since the said Annexation; And being willing to shew at once a Mark of her Majesties Royall Justice and favour to the said Earle of Morton and his family, for preserving the same, Therefore Her Majesty, for the good and weighty reasons and causes abovementioned with the speciall advice and consent of the Estates of Parliament for all Right and Title any way competent to the Crown or principality of Scotland, Hath Dissolved and hereby Dissolves from the Crown and Patrimony thereof All and hail the Earldome of Orkney and Lordship of Zetland, with all and sundry Isles, Holms, Burghs, Udal Lands, and other Lands whatsoever, of what name and by what designation fover the same are, or may be known, lying within the Sherriffdome or Stewartry of Orkney, and pertaining to the said Earldome and Lordship; And now by the forsaidd Acts of Annexation past in the Parliaments held in the years 1st vj^e and twelve and 1st vj^e and sixty nine, pertaining to her Majesty; or by whatever other right and title, Together with all Castles, Towers, Fortresses, milnes, multure, fishings, annualrents, reverencies, patronages of Kirks, chaplanries, altarges, or prebendries, teinds pargsonage and vicarage, with the Office of Justiciary, Sherriffship, Stenarship, Baillarie, or Feudarie, with the casualties, and priviledges thereto belonging; Together with all other parts, pendicles and pertinents, casualties, jurisdictions, priviledges, and others whatsoever belonging to the same; To the effect Her Majesty may dispose to the said James Earle of Morton his heirs and successors whatsoever, the forsaidd Earldome, Lordship, Isles, Lands, Milns, Offices, Jurisdictions, Casualties and others abovementioned or any part thereof, and that in such manner as may most effectually preferre the same to the said Earle and his forsaids for support of the family of Morton, Redeemable by Her Majesty and Her Royall Successors, on payment of the soume of Three hundred and Sixty thousand pounds Scotts money, and that in due and competent form To be holden all and sundry the forsaidd Earldome, Lordship, Isles, Lands, Milns Burghs Teinds Patronages Offices Jurisdictions Casualties and others abovementioned with the pertinents to the said James Earle of Morton his heirs and successors whatsoever, of her Majesty and her Royall Successors Giving yearly the said James Earle of Morton, and his forsaids, to her said Majesty and her Royall Successors, during the not Redemption, for all and sundry the forsaidd Earldome, Lordship, Isles, Holms, Udal Lands, and other Lands, Milns, Burghs, Teinds, Patronages, Offices, Jurisdictions, and others abovementioned, with the pertinents the soume of Six thousand pounds Scotts money, at two terms in the year, Whitsunday and Martinmas by equall portions, in name of feu-farm, with the double of the

said feu-duty at the entry of every Heir, and Administration of Justice to the said sundry her Majesties Lidges in the forsaidd Offices as accords. With the soume of One thousand six hundred pounds Scotts money to the ministers of Orkney, or such other summes as are or shall be modified by way of Augmentation to the said ministers out of the Teinds above disposed at the Terms of payment used and wont for all other burden, exaction, question, demand or service, which may be any wayes asked or required furth of the said Earldome Lordship Isles Lands Offices Jurisdictions, and others abovementioned during the not Redemption Reserving all hauncs pertaining to her Majesty with the Falconers salaries and other casualties to them belonging conforme to former custom used and wont And Lastly Her Majesty with advice and consent forsaidd Declares and Ordains, the right to be granted by Her Majesty and Royall Successors, to the said Earle and his forsaids, of the premises hereby dissolved to the effect and in manner forsaidd, to be als valid and effectuall, as if the same had never been annexed to the Crown and patrimony thereof and as if the said Earldome, Lordship, Isles, Lands, and others forsaids, were here more fully and particularly enumerated, albeit the same be not so done, whereunto Her Majesty with advice and consent forsaidd has dispensed and hereby dispenses forever; And Her Majesty with advice and consent forsaidd, Statuts and Declares, that this present Dissolution shall have the full force and strength of any former Act of Dissolution past in the best form, with all clauses needfull. And hereby Refrinds and Repeals the forsaidd Acts of the Parliaments past in the said years 1st vj^e and twelve and 1st vj^e and sixty nine and all other Acts annexing the forsaidd Earldome of Orkney Lordship of Zetland Isles Lands Offices Jurisdictions and others particularly and generally abovementioned to the Crown, and the hail heads, articles and clauses thereof in so far as the same may be hurtfull and prejudiciall to this present Act and Rights to follow hereon. Declaring alwayes that the Right and Jurisdiction of Admiralty is not herein comprehended.

THEN the Lord Chancellor by order of Her Majesties High Commissioner Adjourned the Parliament till to morrow at ten of the clock.

FEBRUARY XIII, M,DCC,VII.

FEBRUARY XVII, M,DCC,VII.

PRAYERS said Rolls called.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

MINUTS of the last Sederunt read.

[Election of
Representatives for
Scotland]

THEN the Parliament conform to the Minuts of the last Sederunt proceeded to Elect the Representatives for Scotland to the first Parliament of Great Britain, And the three Estates having separated to their usual places, they returned & reported their respective Elections and the List of the Representatives is as follows.

OF the Nobility, The Duke of Queensberry Lord High Commissioner, the Earle of Seafeld Lord High Chancellor, the Marquis of Montrose Lord President of the Privy Council, the Marquis of Turedale, the Marquis of Lothian, the Earles of Marr & Lowdown Principall Secretaries of State, and the Earles of Crawford, Sutherland, Roxburgh, Wemyss, Leven, Stair, Roseberry, Glasgow The Dep^t, and Day.

OF the Barrons, William Nisbet of Dirletoun, John Cockburn younger of Ormiston, S^r John Swintoun of that Ilk, S^r W^m Kerr of Greenleaf, Archibald Dowglas of Cavers, W^m Bennet of Grubbet, M^r John Murray of Bowhill, M^r John Pringle of Haining, W^m Morison of Presteograng, George Baylie of Jerviswood, S^r John Johnston of Westerhall, M^r John Stewart of Sorbie, M^r Francis Montgomerie of Giffen, M^r William Dalrymple of Glenisuir, S^r Robert Pollock of that Ilk, John Halden of Glenagies, Mongo Graham of Gorthie, S^r Thomas Burnet of Loyes, S^r David Ramsay of Belmaln, W^m Selon younger of Pitmedden, Alex^t Grant younger of that Ilk, Hugh Ross of Kilravock, S^r Kenneth M^rKenzie, M^r John Campbell of Mammore, S^r James Campbell of Auchinbreck, James Campbell younger of Ardkinglass, James Halyburtoun of Pitcur, Alex^t Abercrombie of Glashoch, Alex^t Dowglas of Eglishaw and John Bruce of Kinross.

OF the Burrows, S^r Patrick Johnston, Lieut Col^l John Areskine, Hugh Montgomerie, James Scott S^r John Areskine, M^r Pat. Moncrieff, S^r Andrew Hume, S^r Peter Halkett, S^r James Smollett, S^r David Dalrymple, M^r John Clerk, M^r Patrick Ogilvie, George Allardyce, Daniell Campbell and M^r Alexander Maitland.

THEN the Lord Chancellor by order of Her Majesties High Commissioner Adjourned the Parliament till Monday next at ten of the clock.

THEN the Act for plantation of Kirks &c. again read, And was thereafter read by paragraphs, And after the first paragraph was read It being moved That the matter of plantation of Kirks &c. be remitted to a Commission, After debate thereon The question was put, If the matter of plantation of Kirks and valuation of Teynds shall be remitted to a Commission or to the Lords of Council and Session, And it carried To the Lords of Council and Session.

[Plantation
of Kirks &c.]

THEN a clause was offered in favours of the Maceors of Privy Council in these terms Declaring that the Maceors of Privy Council who by their Gifts did attend and officiat before the said Commission of Parliament, shall continue to attend and officiat before the said Lords of Session in the matter committed to them by this Act as they were in use to doe before the said Commission, and none else And after reasoning thereon The vote was put Add the clause or Not and it carried Add.

[Maceors
of Privy
Council]

AND after some amendments The said Act was read over Then the vote was put Approve of the Act or Not and it carried Approve.

THEREAFTER the draught of one Act for additional premiums on the exportation of victual till the first of May again read. And after reasoning thereon and the addition of a clause thereto It was put to the vote Approve of the Act or Not and it carried Not.

[Premiums
on exportation
of
Victual]

THEN the Act Dissolving the few duties of Kirklunds from the Crown and Discharging the Reversion thereof again read And after some amendments It was put to the vote Approve the Act or Not And it carried Approve.

[Dissolving
the few
duties of
Kirklunds
from the
Crown]

OVERTURE for an Act concerning Chirurgerys and Apothecaries in Edinburgh given in and read And it was put to the vote Mark a first reading thereon, or Order it to lye on the Table And it carried Mark a first reading And the same was ordered to be printed before a second reading.

[Chirurgerys
& Apothecaries
in
Edinburgh]

THEN the Lord Chancellor by order of Her Majesties High Commissioner Adjourned the Parliament till Thursday next at ten of the clock.

FEBRUARY XX, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Sir Thomas Dalziel of Binnies ag^t Lady Caldwell and her husband]

THEN the Action upon a Protest for remeid of law Sir Thomas Dalziel of Binnies against the Lady Caldwell and her husband called And the parties procurators being called A Dilator Defence was proponed That the action upon the protest could not be receaved in respect the Lords of Session have pronounced no definitive Sentence in the Cause And after some debate and reasoning thereupon It was put to the vote Determine the Dilator or Hear parties procurators upon the hall cause, And it carried Hear.

AND the parties procurators being accordingly heard, After long debate The vote was stated Alsougie Sir Thomas Dalziel from the Rents of the estate of Caldwell preceeding Martinmas 1st vje- and eighty eight on account of the specialities of his case Distinguishing it from other cases falling under the Act Refractory Yea or Not.

[Protest, the Earl of Hay & George Baillie of Jerviswood]

BUT before voting The Earle of Hay gave in the following Protest in these terms "I doe protest for my self and in name of such who shall adhere to this Protestation That this vote relating to Sir Thomas Dalziells cause may not at all prejudice or impair the undoubted Right of any of her Majesties Subjects to the Repetition of the hyggone rents of their forfeited estates according to law and Acts of Parliament" and took Instruments thereupon And George Baillie of Jerviswood Adhered thereto.

THEN the vote was put Alsougie or Not And it carried Alsougie.

[Decreet Absolvitur Dalziel ag^t the Lady Caldwell]

DRAUGHT of ane Act Discharging Musters and Rendezvouses and prorogating the suspension of the clause in the Act of Security thereament till the first day of Januarie next to come given in and read And a first reading ordered to be marked thereon.

[Order of procedure]

AGREED that the first Sederunt for privat business the Parliament will proceed to the Consideration of the Acts for naturalization of John Henry Huguetan and other foreign Protestants, Doctor

Stirling's Petition, And the Actions for protection of the Lairds of Boyne elder and younger George Dundas Sir James Richardson of Smeiton And the Petition for William Cochran of Fergallie.

RESOLVED that how soon the Report shall be brought in from the Committee aient the equivalent the Parliament will consider the Petitions for Sir George Hamilton, Martine of Brunthane Captain Sletzer and Captain Thomas Hay and other Petitions for payment of money.

ACT in favours of the burgh of Kinghorn read a second time And after some reasoning thereon, It was moved That the Parliament Doe Resolve to pass no more Acts in favours of any Burghs for ane Imposition of two pennis upon the pynt of ale and heer browen and vended within their respective bounds And after debate The vote was put Proceed to the Act or to the Resolve And it carried to the Act And after some additions made to the said Act it was put to the vote Approve the Act or Not And it carried Approve.

[Act in favours of the Burgh of Kinghorn &c.]

THEN the Lord Chancellor by order of Her Majesties High Commissioner Adjourned the Parliament till the morrow at ten of the clock:

FEBRUARY XXI, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THEN the Act Discharging Musters and Rendezvouses till the first day of January next and prorogating the suspension of the clause in the Act of Security thereament till the said tyme, which is in these terms. "That the whole Protestant Heretores and all the Burghs within the same shall furthwith provide themselves with fire Arms for all the fencible men who are Protestants within their respective bounds, And the said Heretores and Burghs are thereby Impowered and Ordained to Discipline & Exercise their fencible men once in the month at least" was read a second tyme And after some Amendments & Reasoning thereon The vote was put Approve of the Act or Not and it carried Approve.

[Act discharging Musters &c.]

AGREED that the Parliament will next Sederunt take into their consideration the severall Reports of the Committee aient the Coyne, The Accounts of the African and Indian Company, and aient Publick Debts, And that the petition for Collonell Patrick Ogilvie of Carnes S^r John Schaw of Greenock & S^r Archibald Campbell of Clunies be likewise taken into consideration the first Sederunt for private business previous to all other.

[Assent the Coin &c.]

THEREAFTER the Act anent plantation of Kirks & valuation of Teynds, and the above Act Discharging Mufters & Rendezvous &c. were both Touched with the Royall Scepter by Her Majesties High Commissioner in the usual manner.

ACT anent Plantation of Kirks and Valuation of Teinds.

- 10 OUR SOVERAIGN LADY and the Estates of Parliament Considering the great prejudice that does redound to this Nation through the want of an established and fixed Judicature which may cognosce and determine in such causes and things as by former Parliaments were referred to their Commissions for Plantation of Kirks and Valuation of Teinds and through the loss of the Registers of that Court which were burnt in the late fire that happened in this place Therefore Her Majestie and the said Estates Doe hereby Impower Authorize and Appoint the Lords of Council and Session to Judge Cognosce and Determine in all affairs and causes whatsoever which by the Laws and Acts of Parliament of this Kingdome were formerly referred to and did pertain and belong to the Jurisdiction and Cognissance of the Commissioners formerly appointed for that effect also fully and freely in all respects as the said Lords do or may do in other civil causes, And particularly but prejudice to the generality forbid to determine in all valuations and sales of Teinds, to grant augmentations of Ministers Stipends, prorogations of Tacks of Teinds, to disjoin too large paroches, to erect and build new Churches, to annex and dismember Churches as they shall think fit, conforme to the Rules laid down and powers granted by the nineteenth Act of the Parliament 1st vjth and thirty three the twenty third and thirtieth Acts of the Parliament 1st vjth and ninety and the twenty fourth Act of the Parliament 1st vjth and ninety three in as far as the same stands unrepealed; the transporting of Kirks, disjoining of too large paroches, or erecting and building of new kirks, being alwayes with the consent of the heritors of three parts of four at least of the valuation of the paroch whereof the kirk is moved to be transported or the paroch to be disjoyned and new kirks to be erected and built the Minister in the mean time to serve the cure in the present kirk of the paroch. And for that effect appoints the saids Lords to meet and sit each Wednesday in the afternoon during the time of Session And to call and discuss the said causes summarily conforme to an Roll to be made up and kept of the samen And for supplying the lost Registers of that Court Her Majesty and the said Estates Doe hereby Appoint and Ordain that any authentick Extracts from the said Records be brought in and being presented to the said Lords be Recorded in a particular Register And that the

said Extracts so brought in be kept by the Lord Clerk Register and his Deputis Clerks to be appointed by him for that effect as their warranta which shall be beid and repyte also valid and authentick as the principall warranta themselves if the same were yet extant And the Lord Register and his deputs are ordained to give a new Extract gratis to every person that shall give in an old Extract immediately upon delivery thereof And that Extracts from these new Records shall make the like faith in Judgement and outwith the same as the Extracts from the old Registers of the Commission were wont to do before the same were burnt And further Impowering the said Lords upon such evidents and adminicles as they shall see cause to make up the tenor of such decreets in manner abovementioned whereof Extracts are missing and the Registers lost in the said fire; Declaring hereby that the Lord Register and his Deputs to be appointed by him as said is shall have the sole and only power and priviledge of Raising and Subscribing of the Summondses and Diligences relating to the affairs abovementioned the samen alwayes passing Her Majesties common Signet as formerly And also declaring that the Masters of Privy Council who by their gifts did attend and officiate before the said Commission of Parliament shall continue to attend and officiate before the said Lords of Session in the matter committed to them by this Act as they were in use to doe before the Commission and none else And Lastly It is hereby declared That this present Act and Commission shall be subject nevertheless to such Regulations and Alterations as shall be made by the Parliament of Great Britain.

ACT Discharging Mufters and Rendezvous till the first day of January next and Prorogating the Suspension of the clause in the Act of Security thereanent till the said time.

- OUR SOVERAIGN LADY Considering that 11
by an Act pass in this Session of Parliament intituled Act discharging Mufters and Rendezvous during the present Session of Parliament without her Majesties speciall warrant Her Majestie with advyce & consent of the Estates of Parliament did suspend the clause therein mentioned viz. "That the whole Protestant Heritors and all the burghs within the same shall forthwith provide themselves with fyre Arms for all the fencible men who are Protestants within their respective bounds And the said heritors & burghs are thereby Impowered & Ordained to Discipline & Exercise their fencible men once in the month at least" contained in the third Act 2^d Session of this present Parliament and that during this Session of Parliament allannerly And Her Majestie and the Estates of Parliament

Considering that there is good reason for prorogating the suspension of the foreliid clause untill the first day of January next Therefore Her Majesty with advyce and consent of the Estates of Parliament hereby Prorogats the suspension of the said clause untill the said first day of January next attennery And that in the same manner and under the same Certifications as are contained in the said former Act pass in this Session of Parliament.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Wednesday next at ten of the clock.

FEBRUARY XXVI, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

REPORT of the Committee sment the Accountis of the Affrican and Indian Company was brought in and read And it was moved That the same should be printed for Information.

MOVED also To proceed to the consideration of the said Report and that the same be read & proceeded on paragraph by paragraph.

AND after reasoning thereon The vote was stated Proceed to the consideration of the Report or Print the same.

AND before voting It was agreed That if it should carry Print the same should notwithstanding thereof be proceeded on the next Sederunt of Parliament.

THEN the vote was put Proceed or Print and it carried Print.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Monday next at ten of the clock.

MARCH III, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

REPORT of the Committee sment the Accountis of the Affrican & Indian Company again read.

AS also an Overture sment the accountis of the said Company brought in and read, And after discourse thereon, It was moved to proceed on the Report of the Committee.

MOVED also to delay proceeding till the next Sederunt of Parliament that the Overture be printed, And after debate It was put to the vote Proceed to the Report of the Committee or Print the Overture And it carried Print.

WARRANT granted on a Petition to cite the Creditors of Alex^r Colvill of Kincardine in order to his obtaining a protection.

PETITION Lady Mary Bruce & W^m Cochran of Ochiltree her husband against the Earle of Kincardine and Answers thereto, read, and the desire of the petition granted in the terms of the deliverance thereupon.

REPRESENTATION from the Council of Trade reporting to the Parliament their procedure, and Recommending their Clerk and other persons employed by them for a gratification for their pains read, And it was agreed to give the Council of Trade the thanks of the House for their pains and attendance; and to take the case of the Clerk and other persons employed by them to consideration when the Parliament comes to consider the publick debts.

PETITION for S^r John Schaw of Greenock & S^r Archibald Campbell of Clonies craving payment of a sum expended by them in prosecution of their Commission, for keeping out of Irish victual &c. and an allowance in tyme coming read and the desire thereof granted in the terms of the deliverance thereon.

AT EDINBURGH the third day of March 1707 vijth and seven years Her Majesties High Commissioner and the Estates of Parliament having heard the petition of Sir John Shaw of Greenock and Sir Archibald Campbell of Clonies Shewing that the Petitioners having obtained a Commission from the Lords of her Majesties Privie Council in October 170 vijth and five for executing the severall Laws and Acts of Parliament against importing of victual horse beef cattle butter cheese & woollen manufacture from Ireland into this kingdom And for the more effectuell execution of that Commission the petitioners did undertake to ontrig and maintain two Beries to guard the Coasts and found sufficient Caution to pay ten merks for every boll of victual that should be imported and not seized and for exact diligence in the execution of that Commission for which the Petitioners had an allowance of ten thousand

[Alex^r Colvill of Kincardine]

[Act & Remit to the Session Lady Mary Bruce & William Cochran of Ochiltree her husband against the Earl of Kincardine]

[Council of Trade]

[Recommendation in favour of Sir John Shaw of Greenock and Sir Archibald Campbell of Clonies]

[African & Indian Company]

[African & Indian Company]

merks This undertaking was attended with so much difficulties that noe former endeavours of such as were employed in that office did never in the least attain to the end and Irish victual and other prohibited goods have from time to time been imported into some or other of the western Coasts but the petitioners have fully answered the trust reposed in them and by their indefatigable pains and great expenses have made it appear that the undertaking is practicable And during their Commission the forlidd unwarrantable Importation of Irish victual and other prohibit goods hath been effectually restrained whereby the petitioners have been engaged in vast and unforeseen expenses not only by allowances to depuys in severall districts and for Intelligence But likewise in providing Birlins manned and equipped to cruise along the Coasts in the greatest storms in winter which were projected to be but open haunts when the petitioners [commissions] were first granted Yet when they came to the practice It was found necessary that one of them should be aboard on each of these Birlins in the most rigid seasons and for preservation of the Petitioners lives andouldiers and steamen employed in them to bestow great expenses in making them fit for their business which they did so effectually that no boat or bork coming from Ireland could pass without the Petitioners knowledge of her and her cargo which effectually restrained that unlawfull and unprofitable trade with Ireland as is well known to all the beretores in the west Country which also gave encouragement to bring about a considerable quantity of victual from the north This great work could not be performed without a vast charge for building and outrigging the birlins skippers and seamens wages with their necessary provisions & salaries to depuys & their servants of which no estimate could be made without a tryall But the Petitioners spared nothing to make the thing effectually not doubting that the Government would be careful to repair their losses in the service of the publick and accordingly they had deburied the sum of six thousand seven hundred thirty three pounds seventeen shillings two pennes Scots money conform to ano particular account given in with the said petition not reckoning their personall expences or any allowance for their pains nor yet the wages and maintenance of their skippers & seamen which according to the present establishment extends to four pound to each skipper and twenty three shillings Sterling to each seaman per month for wages and six pence per diem for maintenance being in baill for the space of a year the sum of three thousand five hundred & seventy one pounds sixteen shilling, and each birling had a skipper and four seamen ever since their being outrigg'd till this day whereupon they were ready to deposee And further, the petitioners must beg leave to represent to his Grace and their Lordships that over and above the two particular sums before ex-

prest there were necessarily wared out of personall expences the sums of money respective underwritten To wit by Coliounell Patrick Ogilvy of Cairns the sum of a thousand pounds Scots for himself and upon Intelligencers and the said Sir John Schaw of Greenock for himself and upon Intelligencers his district being be far the place of greatest consumption & traffick the sum of three thousand & six hundred pounds Scots and the said Sir Archbald Campbell for himself and upon Intelligencers the sum of one thousand & six hundred pounds Scots Whereupon all and sundry the respective sums above set down the said petitioners were willing to depose which in baill extends to the sum of sixteen thousand five hundred & five pounds Scots Whereby it appeared that they were superexpended in the sum of nine thousand eight hundred thirty nine pounds Scots over & above the ten thousand merks allowed and their vigilance and exact execution of the Laws was such that they speedily put a stop to all importation and had no valuable seizours to defray any part of the said account which were interrupted by their vigilance as aforesaid Therefore Craving his Grace and honourable Estates of Parliament in consideration of the premises to ordain the Petitioners to be reimbursed in so far as they were truly losers in the faithfull and diligent execution of their Commission to the general benefit and advantage of the Nation extending to the sum of nine thousand eight hundred and thirty nine pounds Scots with a further allowance and consideration of their pains yearly maintenance of their skippers & seamen in time coming according to the above establishment upon some sure & effectuell fund that they might be encouraged to prosecute this publike good and put the business in such a method as it might not miscary for the future as the said petition bears With which there was produced the forlidd Account and an assignation to them by the said Coliounell Patrick Ogilvie And her Majesties High Commissioner and the said Estates of Parliament having considered the said petition and being therewith well and riply advised They found & hereby finds That there is due & ought to be payed to the petitioners for their deburiments the above sum of nine thousand eight hundred thirty nine pounds Scots and that the same is a publick debt and that the petitioners management in the matter to them committed has been exact & faithfull and to the publick advantage of the Nation and therefore ought to be continued And having likewise considered what sums will be needfull for the ends mentioned in the Contracts past betwixt the Lords of Council and the petitioners on the one & other parts They found & hereby find That the discharge of the trust committed to the petitioners will require a greater sum than the ten thousand merks formerly allowed And have remitted and hereby remits to her Majesties Royall Consideration what further

sum shall be allowed yearly for executing the said Commission in tyme coming and also for payment of the above sum of nine thousand eight hundred thirty nine pounds out of what effectuall fund her Majesty shall think fit.

[Ogilvie of
Haye &
George
Dundas]

AGREED that the action at the instance of S^r Patrick & James Ogilvies elder & younger of Boynd against their Creditors shall be called & taken into consideration first of all private busines, and next thereunto the action at the instance of George Dundas against his Creditors.

[Acts ap-
proved]

THEN the following Acts viz. Act anent fore-
fairs and outshots in that Wynd called Mary
wynd in the burgh of Stirling, Act in favours of
the Earle of Lanlithgow and Callender, and Act
in favours of the Lady Littlegill and her son were
all severally read a second tyme and feperately
voted and approven.

THEN the Lord Chancellor by order of her
Majesties high Commissioner Adjourned the
Parliament till Wednesday next at ten of the
clock.

MARCH 7, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

UPON a motion made in favours of M^r James
Anderson he was Recommended to Her Majesty
in the terms of a Recommendation apart signed
by the Lord Chancellor.

Recommend-
ation in
favours of
M^r James
Anderson

AT EDINBURGH, the Fifth day of March, One
thousand seven hundred and seven Years, Her Ma-
jesty's High Commissioner, and the Estates of Par-
liament, do humbly Recommend to Her Majesty
to enable Mr. James Anderson to prosecute the
work this Parliament hath employed him to per-
form, by being graciously pleased to order payment
to be made to him of the Sums mentioned in the
Report of the Committee concerning him, ratified
in Parliament, so far as they exceed the Sums to be
paid by the Town of Dundee to him. And in con-
sideration of his good Services to his Country, and
of the Losses he suffers by the Interruption of his
Employment, in prosecuting the said Work, do
further recommend him to Her Majesty as a Per-
son meriting her gracious Favour, in conferring
any Office or Trust upon him, as Her Majesty in
Her Royal Wisdom shall think fit; And do desire
the said Mr. James Anderson to proceed in the
Work before mentioned.

SEAFIELD Cancellar. I. P. D. P.

PETITION for the Officers of the Army in rela-
tion to the payment of their arrears read, And it
was agreed that the same shall be taken to con-
sideration when the Parliament comes to consider
the publick debts.

[Officers of
the Army]

REPORT of the Committee anent the Accounts
of the African and Indian Company again read,
As also the Overture anent the Accounts of the
said Company, And after reasoning thereon.

[African
& Indian
Company]

IT was agreed that those of the African Company
who paid the first moiety of the seven and a half
per Cent. and therein got allowance of the annual-
rent of Twenty five per Cent. formerly paid from
the first of June 1st vjth ninety six to the first of
August 1st vjth ninety eight shall not now have
allowance of the annualrent of the said twenty five
per Cent. preceeding the said first of August 1st
vjth ninety eight years and remitted to the Com-
mittee to Rectifie the Account accordingly.

THE Committee appointed to meet to morrow at
nyne of the Clock.

THEN the Lord Chancellor by order of her
Majesties High Commissioner Adjourned the
Parliament till Friday next at ten of the clock.

MARCH VII, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

PETITION Doctor George Stirling of Lethem
craving payment for his fathers service and medi-
cements as Her Majesties Apothecarie and Chirur-
gion the space therein mentioned read and remitted
to the Committee to consider and to report their
opinion what shall be done thereupon.

[Recommen-
dation to
Dr George
Stirling of
Lethem]

ACT in favours of the Earle of Buchan read and
a first reading ordered to be marked thereon.

[Earl of
Buchan]

PETITION for William Bayne brother to the
deceast James Bayne moved and remitted to the
Committee to make a Report thereanent.

[William
Bayne]

THE Process at the instance of Sir Patrick and
James Ogilvies elder and younger of Boyne against
their Creditors called and being adviced Protection
was granted in the termes and with the qualities
and reservations mentioned in the Interlocutor
thereupon.

[Protecti-
on in favours of
Sir Patrick
& James
Ogilvies of
Boyne]

PETITION George Dundas merchant in Edinburgh craving the Continuation and Renewing of a Protection formerly granted read And after Debate thereupon it was put to the vote Grant the desire of the Petition or Not And it carried Grant conforme to the Deliverance thereupon.

AGREED that the action on a protest for remeid of Law at the instance of Sir Patrick Home against the Earle of Home be called the first day of privat businefs.

[Sir Patrick Home ag^t the Earl of Home]

AGREED that the petition for Robert Prestoun of that ilk and other substackmen of Excyse shall be taken into consideration the first Sederunt for private businefs

[Robert Prestoun of that ilk]

PETITION William Cochran of Ferguslie tacksmen of the Poles 1699 and 1700 with the Report of the Commission of Parliament anent Publick Accounts in relation to the said Poles read and agreed that the same shall be taken into consideration the first of all private businefs.

[Cochran of Ferguslie]

AGREED that the action upon a protest for Remeid of Law at the instance of Prestoungrange against Sir William Scott of Harden and his Lady be called the first day of privat businefs after the action at the instance of Sir Patrick Home against the Earle of Home.

[Prestoungrange ag^t Scott of Harden]

PETITION for William Pyet for himself and in name of his kinsmen and relations for changinge their name read And the desire thereof granted.

[Act in favours of William Pyet his kinsmen and relations]

ACT for the Naturalization of Collonell Scipio Hill and other foreigners read a second time And after some additions made thereto it was voted and approved.

ACT in favours of the Earle of Cromarty read a second time and voted and approved.

OUR SOVERAIGN LADY with consent of the Estates of Parliament Does Statute and Enact that the Lands of Uffe and Uisimilne Achlu-nachan the two Achtaskylds Gruniard in Loch-broom Achenwie and Fannich Keppoch and Kildounan and all the parts of the Baronies of Delnie Genis and Moddatt which George Earle of Cromartie and John Lord Macleod his son hold immediately of the Crown as also the Lands of Pitfuir be and are herby dissolved from the Sherriffship of Ross and annexed to the Sherriff-dome of Cromartie in all time coming Providing alwayes that they carry along with them the quota of Valuation and Cofs whereto they are now lyable in the Shire of Ross: The Cofs wherof is herby to be payed in to the Shire of Cromarty.

ACT of Naturalization in favours of John Henry Hinguetan read a second tyme and voted and approved.

OVERTURE for an Act for huricing in Woollen read and a first reading ordered to be marked thereon.

ACT for preserving the Game read a second time and after some amendments voted and approved.

ACTION Colvill of Kincardin against his Creditors moved And agreed to be called next Sederunt.

[Colvill of Kincardin]

THE action on a protest for Remeid of Law the Lady Breadisholme against her father in law called And the parties procurators being heard thereupon After reasoning the vote was put Adhere to the Decreet of the Lords or Modifie an alimment And it carried Adhere.

[Decreet James Mair, head of Breadisholme ag^t the Lady Breadisholme younger]

THEN the Lord Chancellor by order of Her Majesties High Commissioner Adjourned the Parliament till Munday next at ten of the clock.

MARCH X, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Letter from the Queen arose D^{ty} solving from the Crown the minerals within the Dukedom of Queensberry]

A LETTER from Her Majesty to the Parliament was presented by the Lord Chancellor and read, acquainting the Parliament that Her Majesty had empowered her Commissioner to consent to an Act Dissolving all mines and minerals within the Dukedom of Queensberry from the Crown in favor of the Duke of Queensberry and his Successors in manner therein express [Of which Letter the tenor follows]

ANNE R.

My Lords and Gentlemen

WE have thought fit to Impower our right trusty and right intirely beloved Cousin & Counsellor James Duke of Queensberry our Commissioner to the present Parliament, to consent to an Act Dissolving all Mines of Gold, Silver, Tinn, and other Minerals of whatever Nature, within the Dukedom of Queensberry and Baronies thereto belonging, from the Crown of that our ancient Kingdom and Patrimony thereof, to the end that the same may be disposed by Us and our Royall Successors, To the said James Duke of Queensberry and his Successors in the said Estate in such manner, to be holden of Us and our saids Royall Successors for Payment of such few duties as we and our saids Royall Successors shall Appoint, for all burden exaction or demand in the most free and absolute manner. And also granting to the said Duke and his heirs such other Immunities Privileges and Exemptions as have been granted to our right trusty and well beloved Cousin & Counsellor The Earle of Hopetoun and his heirs, whereof we thought meet by this speciall letter to acquaint you, That our Estates of Parliament may be the more assured of our Royall Pleasure in the matter abovescriben. And that our right trusty and right intirely beloved Cousin and Counsellor who Represents our Royall Person in this Parliament, may proceed with greater Authority. And so we bid you heartily farewell. Given at our Court at Kensington the 25th day of January 1707 and of our Reign the 5th year.

By Her Ma^{ty} Command

DAVID NAIRNE.

To the Noblemen, and to the Barons Commissioners for Shires, and to the Commissioners for Burroughs assembled in Parliament in our ancient Kingdom of Scotland.

WHEREUPON ane Act of Dissolution of the mines and minerals within the Dukedom of Queensberry from the Crown was given in and read and a first reading was ordered to be marked thereon.

THEREAFTER the six Clerks of Session were Recommended to Her Majesty and to the Lords Commissioners of Her Majesties Treasurie and Exchequer and other Managers of the Publick Revenues for payment of the gratification allowed to them by the Parliament for their pains and services in the terms of a Recommendation thereunto.

AT EDINBURGH the tenth day of March 1707^{vi} and seven years Aneent the Representation given in and presented to Her Majesties High Commissioner and the Estates of Parliament by Sir James Dalrymple M^r John M^rKenzie Alexander Gibson Sir James Justice M^r Robert Alexander & James Hamilton the six Clerks of Session Humbly Shewing That a Remuneration be granted to the said Clerks of Session for their extraordinary pains and attendance in frequent and long Sessions of Parliament since the year 1707^v & ninety which have commonly been holden during the sitting of Session whereby the profitable part of their Employment has been considerably diminished, or sometime totally superseded when the Summer Session was adjourned in the year 1707^v & ninety three and 1707^v & ninety five and by partiall adjournments thereof in the year 1707^v & ninety eight and 1707^v & four and by the adjournments of the Winter Session for three months from the first of November 1707^v & now for three months during the present Session of Parliament Which long Sessions of Parliament and Adjournments of Session was ane emergent dammage for the public service which never happened to them nor their predecessors in office in former times when by the sitting of the Parliament the Session was not adjourned It was therefore humbly conceived that two hundred pounds Sterling for each of the said Clerks was a moderate Remuneration and it was hoped His Grace and their Lordships would ordain payment thereof out of such funds as they should think proper as the said Representation bears Which her Majesties High Commissioner and the said Estates having heard and considered on the twelvth of February last They granted to each of the saids Clerks the sum of two hundred pounds Sterling as a Remuneration for their bygone services in attending the Parliament and losses sustained by them through the frequent interruptions of the sitting of the Session And declared that before ending this Session of Parliament they would determine the manner of payment thereof And her Majesties Commissioner and the said Estates of Parliament having

Recommended
action in
favor of
the six
Clerks of
Session

accordingly again on this day considered that by the forsaide deliverance on the abovementioned Representation made to them by the six Clerks of Session they did give to each of them the sum of two hundred pounds Sterling as a remuneration for their bygone services in Parliament and the losses they have sustained by the frequent interruptions of the fitting of the Session and declared that before ending of this Session of Parliament they would determine the manner of payment thereof And having altho Considered that they cannot determine a fund for present payment of the said sum But being Relieved that the same shall be effectually secured and payed Did therefore Declare and Do by thir presents Declare the said sum of Two hundred pound Sterling to each of the saids six Clerks of Session to be a publick debt and Recommended and hereby Recommend them to her Majestic or the Lords Commissioners of The-treury and Exchequer or other Manadgers of the Publick Revenue for payment thereof out of what effectual fund her Majestic shall think fit.]

Directors of the Company for distributing thereof in the above terms.

AND after some debate a vote was stated Whither the quota due to the Indian and African Company shall be payed by the Commissioners for disposing of the equivalent who shall be lyable conjunctly and severally in solidum to a charge of hording as upon forraigne hills and insend precepts And that the payment shall be made by the saids Commissioners to each particular proprietor without delay loss or defalcation And that the saids Commissioners nor any of them or any other in their name upon their accept or for their behoove shall not take right to the saids Dehts or make compositions or transactions thereent under the paine of infamie and other paines of law or to persons to be appointed by the Council General and Directors of the Company.

BUT before voting it was agreed That the members votes shall be marked And that the list of their names as they shall vote be printed and recorded.

THEN the vote was put Whither the money shall be payed by the Disposers of the equivalent to the Proprietors or to Persons to be appointed by the Council General And it carried to the Proprietors And the list of the Members names as they voted is as follows.

[List of
Voters]

TO THE PROPRIETORS.

Of the Nobility.

Marq: Tweeddale
E: Loudoun Sec:
Mortoun
Glencalm
Galloway
Lauderdale
Wemyss
Findlater
Leven
Northesk
Belcarras
Forfar
Kilmarnock
Kintore
Dunmore
Hyndford
Cromarty
Stair
Rosebery
Glasgow Thes' Dep^t
Lo: Forbes
Elphinstoun
Blantyre
Fraser

ACT in favors of the Earle of Buchan read a second time and voted and approved.

UPON a Petition for the Earle of Home Sir David Dalrymple was allowed to plead for him in the action at the instance of Sir Patrick Home against the said Earle, And the second Sederunt after this appointed for hearing the said action.

REPORT brought in from the Committee to whom it was remitted the fifth instant to reconsider the Account due to the Indian and African Company was read, whereby (deducting the annual rents formerly allowed by the Company) the total of the sums due to the Company of Stock Interest and Dehts at the first of May next will only extend to £232884: 05: 7. Sterling.

AND after some reasoning thereon the vote was put Approve of the above Sum as the quota Yes or Not And it carried Approve.

THEREAFTER it was moved that seeing the quota due to the Indian and African Company was now established that the distribution of the above quota shall be committed to the Commissioners appointed or to be appointed for disposing the equivalent who are to be under the same obligations and qualifications and liable to the same diligence to the several proprietors and creditors of the Company as is contained in the Report of the Committee.

AND it was also moved that the above said quota shall be payed in together to such persons as are or shall be appointed by the Council General or

[Earl of
Buchan]

[Sir Patrick
Dalrymple
Earle of
Home]

[Quota of
Equivalent
due to the
Indian &
African
Company]

Barriff
 Elbank
 Lo: Register
 Lo: Justice Clerk.

Of the Barrons

Sir Robert Dickson of Inverask
 Archibald Douglass of Cavers
 William Bennet of Grubbet
 M^r John Murray of Bowhill
 M^r John Pringle of Haining
 William Morison of Prestongrange
 Sir John Johnston of Westerhall
 M^r John Stewart of Sorbie
 M^r Francis Montgomery of Giffan
 M^r William Cochran of Kilmarnock
 Sir John Houston of that Ilk
 Sir Robert Pollock of that Ilk
 M^r John Montgomerie of Wrie
 William Seton younger of Pitmedden
 Alexander Grant younger of that Ilk
 Sir Kenneth McKenzie
 Sir James Campbell of Auchinbreck
 Alexander Abercrombie of Glasoch
 James Sinclair of Stempfer
 Alexander Dowglaß of Eaglethaw
 M^r Alex^r Abercrombie of Tillibody

Of the Burrows

Sir Patrick Johnston
 John Scrymgeour
 Walter Stewart
 Hugh Montgomerie
 John Mare
 John Black
 James Scott
 Walter Scott
 Sir James Smollet
 M^r William Carmichael
 Sir David Dalrymple
 Sir Alex^r Ogilvie
 M^r John Clerk
 M^r John Lyon
 M^r Dougall Stewart
 Sir Hugh Dalrymple
 M^r Patrick Ogilvie
 George Allardyce
 M^r John Caruthers
 William Alves
 George Home
 John Urquhart
 Daniell Campbell
 M^r Ro^d Fraser
 M^r Ro^d Douglas
 M^r Alex^r Maitland
 M^r Charles Campbell

TO PERSONS TO BE APPOINTED BY
THE COUNCIL GENERAL.

Of the Nobility

M: Montrose P. S. C.
 E: Marishall
 Buchan
 Roxburgh
 Haddington
 V: Killeyth
 Lo: Torphichen

Of the Barrons

Robert Dundas of Arncliffe
 Sir John Lander of Fountainhall
 Andrew Fletcher of Saltoun
 Sir Alex^r Campbell of Cessnock
 Sir Gilbert Elliot of Minto
 William Baillie of Lamington
 George Baillie of Jerviswood
 John Halden of Glenegies
 Mungo Grahame of Gorthie
 James Halyburton of Pitcair
 John Bruce of Kinroß

Of the Burrows

Robert Inglis
 S^r John Anstruther
 Sir John Erskin
 James Spilie
 Francis Molleson
 Sir Andrew Home
 Sir Peter Halket
 Sir David Cunningham

ORDERED that the Directors of the Indian and African Company shall betwixt and the first day of May next to come make up exact Lists of the respective Debts which then falls due to the several proprietors of the said Company or to such persons to whom the same is transferred by the first proprietors And that the said Lists so made up shall be subscribed by five of the Directors and by them be delivered in to the managers of the equivalent betwixt and the said day.

AS also ordered that the said Directors shall when required give out to every proprietor or person in whose favors transferences are or shall be made exact abbreviats of the particular sums which falls due to each of them at the said first day of May next subscribed by three of the said Directors and that gratia in order to the proprietors or persons to whom the same is transferred their demanding payment thereof or using diligence therefor.

ORDERED lykways that the said Directors shall betwixt and the said first day of May next to come make up ane exact account of all Debts due

by the said Company and to whom and of the extent of every Creditors debt at the said first day of May next And that they shall betwixt and the said day deliver to the Disposers of the equivalent the said account duly subscribed by five of the said Directors As also that they shall give out to every Creditor an Ahluveriat of the particular debts due to him gratis which is to be subscribed by three of the said Directors to the effect foresaid.

ORDERED that diligence shall pass and be directed at the instance of the Disposers of the equivalent against the Directors of the said Company for recovering of exact lifts and accounts of all the Debts of the Company immediately after the said first day of May next in case of their desiciency.

ORDERED also that the said Directors shall betwixt and the said first day of May next make up and deliver in as above exact lifts and accounts of the dead stock of the said Company And that the said Directors shall have allowance of the sum of 300 lib^s Sterling out of the first and readiest of the pryce of the Companies house to be disposed of by them for defraying the charges of making up the lifts and accounts.

AND upon a Petition given in by Captain Colin Campbell Captain Charles Stewart Lieutenant Robert Turnbull who were sufferers and losers in the Companies expedition and service there was a sum allowed to them out of the said dead stock conforme to aⁿ Interlocutor on their petition.

[Act in
favour of
Captain
Colin Camp-
bell Captain
Charles
Stewart &
Lieutenant
Robert
Turnbull]

AGREED also that upon the Commissioners for disposing the equivalent their receiving of the above sum of £232384:5:½ Sterling there shall be a proclamation issued from the Privy Council certifying the Leidges that the said sum is in their hands And thereupon agreed that the said Company be dissolved.

[Report
brought the
Com.]

REPORT brought in from the Committee anent the Coyne was read And the further consideration thereof delayed till next Sederunt of Parliament.

THEN the Lord Chancellor by order of Her Majesties High Commissioner Adjourned the Parliament till to morrow at ten of the clock.

MARCH XI, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

PATENT in favours of John Gray of Creichie to be Lord Gray upon a resignation by Patrick Loel Gray read and ordered to be recorded Whereupon he took the oath of alleadgements subscribed the same with the assurance and took the oath of Parliament [The tenor of which Patent followeth]

[Patent in
favour of
John Loel
Gray]

ANNA Dei Gratia Magnæ Britannicæ Franciæ et Hiberniæ Regina fidei^q Defensor Omnibus probis hominibus ad quos presentes Literæ n^{re} pervenerint Salutem Quandoquidem nos perpense per multa magna et fidelissima servitia nobis n^{ris}q; regis progenitoribus per Dominos de Geny aliosq; de illa familia facti et prestita qui cum gravissimis hujus regni fidei officiis crediti essent semper se gesserint tanq^{uam} bonos et fideles subditos tam domi quam foris ut opportuit Et spællat considerari bona et fidelissima servitia nobis et predecessoribus n^{ris} per Joannem Gray de Creichie prestita et qui eam nuptus fuerit nunc defuncte Magist^{re} Marjorie Gray unice filie et nate Patriei Domini Gray et alioqui tam intime relatius sit di^{ct} familie ut post di^{ct} Patricium Dominum Gray et Magistrum Carolum Gray unicum ejus fratrem superstitem et eorum descend^u masculos ipse propinquior heres masculus sit in quem honores di^{ct} familie devolvi poterint Et qui quidem honores in manibus n^{ris} modo subscripti resignat sunt Noveritis Igitur Nos ex n^{ra} libera voluntate proprioq; motu Dedisse et concessisse tenoreq; p^{re}sentis littere patentes Dare et concedere predicti Joanni Gray de Creichie duram omnibus sue vite diebus Et post ejus decessum Joanni Gray filio legitimo natu maximo inter illum et predicti defunctam Magistrum Marjoriam Gray procreat et hereditus de corpore di^{cti} Joannis Gray junioris Quibus defuncti alio filio natu maximo et hereditus masculis de di^{ct} matrimonio procreat et hereditus de eorum corporibus Quibus etiam defuncti heredi femelle natu maxime sine divisione inter predicti Joannem Gray de Creichie et Magistrum Marjoriam Gray de Creichie procreat et hereditus de corpore di^{cti} heredis femelle filia omnimodo natu maxima succed^u sine divisione et cum et sub diversis provisionibus conditionibus et irritantibus super di^{ct} filia et heredes femellas in casu eorum successu^{is} in p^{re}sentia resignationis sub^{re} mentionat^u latius content Et defuncti omnibus liberis de predicti matrimonio inter predicti Joannem Gray de Creichie et Magistrum Marjoriam Gray procreat et hereditus de eorum corporibus propinquior heredi masculo di^{cti} Patriei Domini Gray et hereditus masculis de eor-

pote dicti heredis Quibus deficiit heredi masculo de corpore dicti Joannis Gray de Creichie de illo alio maritaggio Quo etiam deficiit aliis ejus hereditibus masculis quibuscumq. Totum et integrum bonorem titulum et dignitatem Domini de Gray Baronis et Domini Parliati cum omnibus et singulis dignitatibus privilegiis et precedentibus prerogativis et immunitatibus eidem spectati sicuti idem per predicti Patricium Dominum de Gray vel ullos alios ejus penescessores Dominos de Gray ullo tempore preterito posselli fuit Qui quidem honores titulus et dignitas Domini de Gray Baronis et Domini Parliamenti cum omnibus et singulis dignitatibus privilegiis precedentibus et prerogativis eidem spectati proprius ad predicti Patricium Dominum Gray pertinuerunt Et per eum cum consensu Magistri Caroli Gray advocati ejus unici fratris et predicti defuncte Magistro Marjorie Gray ejus uxoris filie et natæ Et per dicti M^{ra} Carolum Gray et Magistrum Marjoriam Gray pro seipsis pro illo et omni jure quod illi ad predicti honores habuerunt vel habere poterunt Et per eos omnes unanimi consensu et assensu saltem per eorum legitimos procuratores coram nominibus per litteram procuratoris Resignationis per eos illic desuper concessi et subscripti de dat duodecimo decimo octavo et trigesimo primo diebus mensis Decembris Anno Domini Millesimo sexcentesimo nonagesimo septiesimo constituti in manibus nostris in debita forma vigesimo die mensis Februarii instantis pro nova securitate et patenti Littera ejusdem predicti Joannis Gray de Creichie durati omnibus ejus vite diebus et post ejus decessum predicti Joanni Gray ejus filio natu maximo ejusq. hereditibus taliter supramentionati in ordine et cum et sub provisionibus et conditionibus in dicta p^{re}dicta contenti Dandi et Concedendi debite et legitime Resignati fuerant sicuti authentica instrumenta in manibus Jacobi Irving notarii publici desuper sumpti latius proponant Teneo et Habeo dicti honorem titulum et dignitatem Domini de Gray Baronis et Domini Parliati cum omnibus et singulis dignitatibus privilegiis precedentibus prerogativis et immunitatibus eidem spectati per dicti Joannem Gray de Creichie durati omnibus sue vite diebus et post ejus decessum per dicti Joannem Gray juniorem ejus filium et heredes talles illi succedere in ordine suprascripti et in terminis predicti Resignationis De nobis n^{ost}ris regis successoris In omnibus Parliatis Statutum Conventibus Conciliis privatis et publicis Congressibus et Conventibus cum jure loco et potestate inibi sedendi et suffragia dandi similiter adeoq. plene et libere et in eodem statione ordine et modo sicuti ullos Dominus de Gray perperis ullo tempore preterito facere consuevit est Et nos volumus et declaramus Quod non obstant presentis Littere patentis quomodocumq. contigerit dicti honorem titulum et dignitatem Domini de Gray per decessum dicti Patricii Domini de Gray et Joannis Gray de Creichie ca-

dere et ad predicti Joannem Gray juniorem ejus filium vel ad ullum alium heredem talles predicto Patricio Domino de Gray in sanguine propinquiora devolvere quod dicti Joannes Gray junior dicti heredes talles antedicti plene habebunt potestatem et libertatem predicti honorem titulum et dignitatem Domini de Gray omnesq. et singulas dignitates privilegia precedentibus prerogativa et immunitates eidem spectati fruendi et possidendi tam jure sanguinis quam jure presentis Diplomatis et hoc absq. confusione juris sui seu jurius extinctione quovis modo In cujus rei Testimonium p^{re}dictis magnum Sigillum n^{ost}rum appendi mandavimus Apud Aulam nostram de Saint James' vigesimo septimo die mensis Februarii Anno Domini Millesimo septingentesimo septimo et anno regni nostri quinto. Per Signaturam manu S. D. N. Regine suprascripti.

ACT of Dissolution from the Crown of the mines and minerals within the Dukedom of Queensberrie in favours of his Grace James Duke of Queensberrie read a second time and voted and approved.

[Miners within the Dukedom of Queensberrie]

PETITION of William Montgomerie servitor to the Lord Chancellor for an allowance out of the dead stock of the African Company in consideration of his brothers losses and service in the expedition of the said Company read and an allowance granted in the terms of a deliverance on the said petition.

[Act in favour of William Montgomerie servitor to the Lord Chancellor]

REPORT brought in from the Committee anent the payment of some debts found due by the African and Indian Company not formerly stated out of the dead stock of the said Company and Recommending several other persons in consideration of their losses and sufferings to be payed out of the said dead stock read and the Report approved as to the payment of the Companies debts out of the dead stock And the remainder of the said dead stock after payment of six hundred and fifty pound Sterling formerly appointed to be payed furth thereof And after payment of the above debt was granted to be applied and divided amongst the persons mentioned in the said Report and among the representatives of M^r Alexander Ogilvie Andrew Brown Hugh Ross and Captain Alexander Montgomerie and none others by such proportions as the Committee shall think fit to whom the determination thereof is remitted.

[Report anent debts due by the African & Indian Company]

[Act in
favour of
the repre-
sentatives of
M^r Alex^r
Coyne &c.]

[Remit
to the
Committee
concerning
the debt
owed to the
African
Company]

[Avert the
tax]

REPORT of the Committee ament the Coyne again read And the first paragraph thereof there-
after read And after some debate thereon the
further consideration adjourned till next Sederunt
of Parliament.

THEN the Lord Chancelour by order of Her
Majesties high Commissioner Adjourned the
Parliament till Thursday next at ten of the
clock.

MARCH XIII, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

[Accept the
tax]

REPORT of the Committee ament the Coyne
again read And upon reading of the second para-
graph of the said Report that for making up of
the losses which private persons may sustain by the
English money as it's now current in this King-
dome particular persons be appointed before whom
all persons are by Proclamation to be required to
compare & tell down what English money they have.

IT was moved that the filling up of the persons
and places where the money is to be told down be
remitted to the Privy Council.

AND after some discourse thereon the vote was
put Remit to the Privy Council to name the per-
sons places and time, or Determine in Parliament
And it carried Remit.

AGREED that the loss by the Silver Coyne is
only to be made up.

AND after severall other additions and amend-
ments the Report of the Committee as amended
was approved nemine contradicente.

AND it was remitted to the Privy Council to
emit a Proclamation thereunto in such terms and
with such orders and appointing the execution

thereof after such method and manner as they shall
think fit conforme to a particular Remit and Order
of Parliament thereunto.

HER Majesties High Commissioner and the
Estates of Parliament haveing considered the Re-
port of the Committee ament the Coyne They Doe
approve thereof in the terms following And order
and appoynt That for changinge the Colnage of
the current money in this Kingdome, the Com-
missioners of the Equivalent shall be ordained how-
soon ever the sums for the Equivalent shall be
lodged in their hands to receive all sums of money
consisting of money that have past the mint of
this Kingdome and all foreigne species at the
rates the same are now current within this King-
dome except English money and shall immediatlie
cause pay out of the Equivalent of English money
at fyve shillings per Croun the equall sum in tale
to what was payed in of the forsaide money pre-
sentlie current in Scotland to the persons who
payed in the said Scots money and that imme-
diatlie without loss delay or defalcation. And for
making up the loss which private persons may
sustaine by the English money as now current in
this Kingdome when the same shall be reduced to
the Standard of England at fyve shillings per
Croun Order & Appoynt That the Lords of her
Majesties Privie Council Doe name and appoynt
particular persons at such parts and places of the
Kingdome as they shall think fit before whom all
persons are by proclamatione to be required to
compare upon one and the same day and there
tell down in presence of the said persons one or
more to be named by the said proclamatione what
English money they have Which being soe enu-
merated the persons soe to be named to feal the
same and detainie it in his presence till fix a clock
at night that day and immediatlie to deliver back
the same to the owner with a Declaratione signed
by him before two witnesses bearing the sum ex-
hibited and enumerated together with the sum
payed out by the parties to the teller offering to
twentie pence upon each hundred pound Sterling
And the forsaide respective persons to be named
by the said Lords of Privie Council are likewise
to write down an exact account of the respective
Certificates granted by him or them and of the per-
sons names to whom and the sums that shall be
therein contained And which account subscribed
under his hand that same day before two witnesses
he is to be ordained to send to the Clerks of Privie
Council under the penaltie of fyve hundred
merks And the proclamatione to be published
upon the premises is expresse to Discharge under
a severe penaltie such as the paine of forgerie or
other pains the receiving any other money in upon
any other day after the precise day to be appoynt-
ed by the Privie Council or altering any Certi-
ficates formerlie granted and is to bear the expens

Order &
Remit to
the Privy
Council
avert the
charging
of the Cou

Clause Discharging the English money to pass at any higher rate than it is in England at fyve shillings per Crowne and soe proportionallie And that it be noe otherways current nor offered nor received in payments after the said day And that the said Certificates to be granted by the said respective persones to be named by the Privie Council shall be a sufficient title for recovering the lost arysing from the fums therein contained with what they payed out to the teller out of the Equivalent And the Commissioners of the Equivalent are to be expressely ordained to pay out the same to the bearer of the Certificate without delay loss or defalcation. And that the said proclamation be published onlie a few days before the said precise day above mentioned to be affixed for telling the money as the Lords of Privie Council shall think fit And that the loss to be made up be onlie for the silver coynage but not the loss upon Guineas And doe hereby Remit to the Lords of Privie Council to enitt the said proclamations in such terms and with such orders and appoynting the Execution thereof after such method and manner as they shall think proper.

ACTION on a Protest for Remoed of law Sir Patrick Home against the Earle of Home called And the parties procurators being fully heard and the Debate adified The vote was put Adhere to the Decreet of the Lords of Session or Remit to them to review their own Decreet And it carried Adhere.

[Does not
The Earl of
Home say
Sir Patrick
Home]

THEN the Lord Chancellor by order of Her Majesties High Commissioner Adjourned the Parliament till Munday next at ten of the clock.

MARCH XVII, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

ACT in favours of the Maiden Hospital founded by the Company of Merchants in Edinburgh and Mary Areskine read and a first reading ordered to be inserted thereon.

[Maiden
Hospital of
Edinburgh]

ACT in favours of the Maiden Hospital founded by the Company of Merchants of Edinburgh and Mary Areskine read and a first reading ordered to be inserted thereon.

PETITION for the Laird of Grant for making effectuell Reparations of some losses and damages sustained by him or for renewing to her Majestic a former Recommendation thereon read and the Desire thereof granted in the terms of the Deliverance thereupon.

PETITION for Robert Martine of Burnthrae taxman of the Excise of Aberdeen thyr for the year 1693 for making up of some damages sustained by him in prosecution of his Tack read and be Recommended to Her Majestic in the terms of a deliverance thereupon.

[Recommendation
in favour
of Robert
Martine of
Burnthrae]

PETITION Captain Thomas Hay Craving Reparation of some Damages sustained by him and payment of some arrears read And the petitioner Recommended to Her Majestic in the terms of the Deliverance thereupon.

PETITION for Sir George Hamilton of Tullieallan for approving of the Report of the Commission for Publiet Accounts in his favours and stating him Creditor to the publick read and the consideration thereof recommended to Her Majestic.

[Recommendation
in favour of
Sir George
Hamilton of
Tullieallan]

OVERTURE for ane Act for selling Herring by measure read and ordered to be printed.

[Selling
Herring by
measure]

[Maiden
Hospital of
Edinburgh]

[Recommendation
in favour
of the Laird
of Grant]

[Recommendation
in favour
of Captain
Thomas
Hay]

PETITION of the Professors of the University of Edinburgh for augmenting of their Salaries read and they Recommended to Her Majestie in the terms of a Deliverance thereupon.

[Recommendation in favour of the Professors of the University of Edinburgh]

AS also upon a motion made in favours of the Universities of St Andrews Glasgow and Aberdeen the Parliament did recommend the Professors of the saids other Universities to Her Majestie in the terms of the Recommendation in favours of the Professors of the University of Edinburgh.

[Recommendation in favour of the Professors of the Universities of St Andrews Glasgow & Aberdeen]

PETITION of the Principal and Professors of the Kings and Marshalls Colledge of Aberdeen for allowing them some vacant stipends for carrying on and finishing some publick works and paying their Debts read and ordered to lye on the table.

[Colledge of Aberdeen]

OVERTURE for an Act for refunding the 15th Act of the 5th Session and the 13th Act of 6th Session of King Williams Parliament read and ordered to lye on the table.

[Prossers & Robert Clachan]

OVERTURE for ane Act assent Croives read and a first reading ordered to be marked thereon and ordered to be printed before a second reading.

[Assent Croives]

THE Action at the instance of John Davie Brewar against his Creditors called and Protection granted to him conforme to the Interloquitor on the proceß.

[Protection in favour of John Davie Brewar]

PETITION for John Henry Hinguetan for rectifying a mistake in the deliverance on his Petition the fourth day of January last read And the desire granted in the terms of a deliverance thereupon.

[Act in favour of John Henry Hinguetan]

PETITION for Sir Robert Blackwood James Nairn William Neilson and several others owners of the ship St Andrew in relation to the said ship which was seized by a Middleburgh privateer read and recommended to Her Majestie in the terms of a Recommendation on the said Petition.

[Recommendation in favour of Sir Robert Blackwood James Nairn William Neilson & several other owners of the Ship the St Andrew]

THE Action at the instance of Colvill of Kinsairden against his Creditors called and being advised Protection was granted in the terms of the Interloquitor thereupon.

[Protection in favour of Alexander Colvill of Kinsairden]

OVERTURE for an Act for payment of the Capital and Interest to the proprietors of the African and Indian Company of Scotland out of the equivalent read and after some amendments a first reading ordered to be marked thereon and ordered to be printed before a second reading.

[African & Indian Company]

ACT for hurieing in Woollen read a second time and after reasoning thereon it was put to the vote, Approve of the Act or not and it carried Approve.

[Assent hurieing in Woollen]

OVERTURE for an Act concerning Chirurgians and Apothecaries in Edinburgh read a second time.

[Chirurgians & Apothecaries in Edinburgh]

PETITION for the Royal Colledge of Physicians in Edinburgh against the said Act also read And after reasoning it was moved that the Physicians ought to be cited before the Act can pass And it was also moved that the Physicians be heard there-
sent next Sederunt of Parliament.

[Petition Royal Colledge of Physicians]

AND after farther reasoning the vote was stated Hear the parties procurators next Sederunt or Cite and it carried Cite.

PETITION for William Cochran of Ferguslie in relation to his exoneration of the ballance of his tack duties for the poles imposed by the Parliament 1698 read, And the Desire thereof granted conforme to the Deliverance on the petition.

EXEMPLIFICATION under the Great Seal of England, of the Act of the Parliament of that Kingdom Intituled An Act for an Union of the Two Kingdoms of England and Scotland.

[Act in Favour of William Cochran of Ferguslie]

THEN the Lord Chantrellor by order of Her Majesties high Commissioner Adjourned the Parliament till Wednesday next at ten of the clock.

MARCH XIX, M.DCC.VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THEN my Lord Commissioner made the following speech viz.

" My Lords and Gentlemen

[Exemplification of the Act of the Parliament of England ratifying the Treaty of Union presented by the Lord Commissioner is ordered to be recorded]

I HAVE received by Her Majesties command an Exemplification under the Great Seal of England of the Act past in the Parliament of that Kingdom Ratifying the Treaty of Union in the same terms as the Treaty was past here.

HER Majesty orders it to be inserted in the Books of Parliament and to remain with the Records of this Kingdome for which end I have put it in my Lord Clerk Registers hand.

My Lords and Gentlemen

IT'S a great satisfaction to the Queen that the Union is thus happily concluded in her reign and I'm commanded by Her Majesty to assure you that nothing shall be omitted on her part to make the whole Island feel the good effects of it.

AND as I doubt not but the finishing of this great affair is acceptable to you, so I hope you will study to promote a cordial union with our neighbours for the greater happiness and advantage of both Kingdoms."

THEN the Exemplification of the Act of the Parliament of England ratifying the Treaty of Union betwixt Scotland and England under the Great Seal of England was read and ordered to be recorded [Whereof the Tenor follows.]

ANNA Dei gratia Anglie Scocie Francie et Hibernie Regina Fidei Defensor &c. OMNIBUS ad quos presentes Litere pervenerint Salutem INSPEXIMUS quoddam Breve nostrum de Certiorand e Cuius Cancellarij nostre imper emanavit Dillecto et Fidei nostro Matheo Johnson Armigero Clerico Parlamentorum nostrorum direct vacuam quodam Retorno sive Indorfamento in Dorfo ejusdem Brevis indorfato et inferto in dictam Cancellarij nostram retornatam et in filacijs ibidem de Recordo residu in hoc verba ANNA Dei gra Angli Scoci Franci et Hibernie Regina Fidei Defensor &c. Dilecto sibi Matheo Johnson At Clico Parlamentorum suorum Saluti Volentes certis de Causis Certiorari super tenorem ejusdem Actus in instanti Parlamento nostro apud Westm' facti et ordinat' intitulat' An Act for an Union of the two Kingdoms of England and Scotland Voluit Mandamus quod tenorem Actus predicti cum omnibus ibi tangentibus Nobis in Cancellarij nram sub Sigillo vtro disincte et aperte sine dilone mittatis et hoc bfe Teste nreia apud Westm' sexto die Martij Anno Rni nri quinto Wrigite Executio huius Bfis patet in quadam Scheda huius Bfi annex' &c. prout laterius mihi precepitur Math: Johnson Clet Parliamenti INSPEXIMUS etiam Societatem prement'constant continentem tenorem Actus predicti eidemque Brevi annex' Manu et Sigillo Mathei Johnson Signat' et Sigillat' in Cancellarij nram predictam sibi retornat' et in filacijs ibidem de Recordo quoque residu in hoc verba IN PARLIAMENT' Inchout' apud Westmonasterij decimo quarto die Junij Anno Domini Millesimo Septingentesimo Quinto Annoque Regni Serenissime Dne nre Anne Dei grat' Angli Scoci Franci & Hibernie Regi Fidei Defensor &c. Quarto Comuni omnium Dno tam Spialit quam Temporal et Comuniis &c. Conventu et Regie Maiestatis Assensu (inter alia) Sanctum Inactitatem et Stabilitatem fuit hoc sepe Statutum viz': AN ACT for an Union of the Two Kingdoms of England and Scotland Cuius quidem Tenor sequitur in his verbis MOST GRACIOUS SOVEREIGNE WHEREAS Articles of Union were agreed on the twenty second day of July in the fifth yeare of your Majesties Reign by the Commissioners nominated on behalfe of the Kingdom of England vnder your Majesties Great Seal of England bearing date at Westminster the tenth day of April then last past in pursuance of an Act of Parliament made in England in the third year of your Majesties Reign and the Commissioners nominated on the behalf of the Kingdom of Scotland vnder your Majesties Great Seal of Scotland

bearing date the twenty seventh day of February in the Fourth year of your Majesties Reign in pursuance of the Fourth Act of the Third Session of the present Parliament of Scotland to treat of and concerning an Union of the said Kingdoms AND WHEREAS an Act hath passed in the Parliament of Scotland at Edinburgh the Sixteenth day of January in the Fifth year of your Majesties Reign wherein 'tis mentioned that the Estates of Parliament considering the said Articles of Union of the two Kingdoms had agreed to and approved of the said Articles of Union with some Additions and Explanations And that Your Majesty with advice and content of the Estates of Parliament for Establishing the Protestant Religion and Presbyterian Church Government within the Kingdoms of Scotland had passed in the same Session of Parliament an Act Intituled Act for securing of the Protestant Religion and Presbyterian Church Government which by the Tenor thereof was appointed to be inserted in any Act Ratifying the Treaty and expressly declared to be a Fundamental and Essential Condition of the said Treaty or Union in all times coming The Tenor of which Articles as Ratified and Approved of with Additions and Explanations by the said Act of Parliament of Scotland follows ARTICLE (1) THAT the Two Kingdoms of ENGLAND and SCOTLAND shall upon the first day of May which shall be in the year One Thousand Seven Hundred and Seven and for ever after be united into One Kingdom by the Name of GREAT BRITAIN And that the Ensigns Armorial of the said United Kingdom be such as Her Majesty shall appoint and the Crosses of SAINT GEORGE and SAINT ANDREW be conjoined in such manner as Her Majesty shall think fit and used in all Flags Banners Standards and Ensigns both at Sea and Land ARTICLE (2) THAT the Succession to the Monarchy of the United Kingdoms of Great Britain and of the Dominions thereto belonging after Her Most Sacred Majesty and in default of Issue of Her Majesty be remain and continue to the Most Excellent Princess SOPHIA Electress and Dutchesse Dowager of Hannover and the Heirs of Her body being Protestants upon whom the Crown of England is settled by an Act of Parliament made in England in the twelfth year of the Reign of His late Majesty King William the Third intituled An Act for the further Limitation of the Crown and better securing the Rights and Liberties of the Subject And that all Papists and persons marrying Papists shall be excluded from and for ever incapable to inherit possess or enjoy the Imperial Crown of Great Britain and the Dominions thereto belonging or any part thereof And in every such case the Crown and Government shall from time to time descend to, and be enjoyed by such person being a Protestant as should have Inherited and Enjoyed the same in case such Papist or person

marrying a Papist was naturally dead according to provision for the Defect of the Crown of England made by another Act of Parliament in England in the first year of the Reign of their late Majesties King William and Queen Mary intituled An Act declaring the Rights and Liberties of the Subject and settling the Succession of the Crown ARTICLE (3) THAT the United Kingdom of Great Britain be Represented by one and the same Parliament to be stiled the Parliament of Great Britain ARTICLE (4) THAT all the Subjects of the United Kingdom of Great Britain shall from and after the Union have full Freedom and Intercourse of Trade and Navigation to and from any port or place within the said United Kingdom and the Dominions and Plantations thereto belonging And that there be a Communication of all other Rights Privileges and Advantages which do or may belong to the Subjects of either Kingdom except where it is otherwise expressly agreed in these Articles ARTICLE (5) THAT all Ships or vessels belonging to Her Majesties Subjects of Scotland at the time of Ratifying the Treaty of Union of the Two Kingdoms in the Parliament of Scotland tho' foreign built be deemed and pass as ships of the built of Great Britain the Owner or where there are more Owners one or more of the Owners within Twelve Months after the first of May next making Oath that at the time of Ratifying the Treaty of Union in the Parliament of Scotland the same did in whole or in part belong to him or them or to some other Subject or Subjects of Scotland to be particularly named with the place of their respective abodes And that the same doth then at the time of the said Deposition wholly belong to him or them and that no foreigner directly or indirectly hath any share part or interest therein Which Oath shall be made before the chief Officer or Officers of the Customs in the Port next to the abode of the said Owner or Owners And the said Officer or Officers shall be Impowered to Administer the said Oath And the Oath being so administered shall be Attested by the Officer or Officers who administered the same And being Registered by the said Officer or Officers shall be delivered to the Master of the ship for security of her Navigation and a Duplicate thereof shall be transmitted by the said Officer or Officers to the chief Officer or Officers of the Customs in the port of Edinburgh to be there Entered in a Register and from thence to be sent to the port of London to be there Entered in the General Register of all Trading ships belonging to Great Britain ARTICLE (6) THAT all parts of the United Kingdom for ever from and after the Union shall have the same Allowances Encouragements and Drawbacks and be under the same Prohibitions Restrictions and Regulations of Trade and lyable to the same Customs and Duties on Import and Export And that the Allowances Encouragements and Drawbacks Prohibitions Re-

strictions and Regulations of Trade and the Customs and Duties on Import and Export settled in England when the Union commences shall from and after the Union take place throughout the whole United Kingdom excepting and reserving the Duties upon Export and Import of such particular Commodities from which any persons the Subjects of either Kingdom are specially Liberated and Exempted by their private Rights which after the Union are to remain safe and entire to them in all respects as before the same And that from and after the Union no Scots Cattle carried into England shall be lyable to any other Duties either on the publick or private Accounts than those Duties to which the Cattle of England are or shall be lyable within the said Kingdom And seeing by the Laws of England there are Rewards granted vpon the Exportation of certain kinds of Grain wherein Oats grinded or vngrinded are not excepted that from and after the Union when Oats shall be sold at fifteen shillings Sterling per quarter or vnder there shall be payed two shillings and six pence Sterling for every quarter of the Oatmeal exported in the terms of the Law whereby and so long as Rewards are granted for Exportation of other Grain And that the Beer of Scotland have the same Rewards as Barley And in respect the Importations of Victual into Scotland from any place beyond Sea would prove a Discouragement to Tillage Therefore that the Prohibition as now in force by the Law of Scotland against Importation of Victuals from Ireland or any other place beyond Sea into Scotland doe after the Union remain in the same force as now it is until more proper and effectual wayes be provided by the Parliament of Great Britain for discouraging the Importation of the said Victuals from beyond Sea ARTICLE (7) THAT all parts of the United Kingdom be for ever from and after the Union lyable to the same Excises upon all Excisable Liquors excepting only that the thirty four Gallons English Barrell of Beer or Ale amounting to twelve Gallons Scots present measure sold in Scotland by the Brewer at nine shillings six pence Sterling excluding all Duties and Retailled including Duties and the Retailers profit at two pence the Scots pint or eight part of the Scots Gallon be not after the Union lyable on account of the present Excise upon Excisable Liquors in England to any higher Imposition than two shillings Sterling vpon the forsaide thirty four Gallons English barrel being twelve gallons the present Scots measure And that the Excise settled in England on all other Liquors when the Union commences take place throughout the whole United Kingdom ARTICLE (8) THAT from and after the Union all foreign Salt which shall be Imported into Scotland shall be charged at the Importation there with the same Duties as the like Salt is now charged with being Imported into England

and to be levied and secured in the same manner. But in regard the Duties of great quantities of foreign Salt Imported may be very heavy vpon the Merchants Importers That therefore all foreign Salt imported into Scotland shall be Cellared and Locked vp vnder the custody of the Merchants Importers and the Officers employed for levying the Duties upon Salt And that the Merchant may have what quantity thereof his occasions may require not vnder a Wey or forty Bushells at a time Giving security for the duty of what quantity he receives payable in six Months But Scotland shall for the space of seven Years from the said Union be Exempted from paying in Scotland for Salt made there the Duty or Excise now payable for Salt made in England But from the Expiration of the said seven years shall be subject and lyable to the same Duties for Salt made in Scotland as shall be then payable for Salt made in England to be levied and secured in the same manner and with proportionable Drawbacks and Allowances as in England with this exception that Scotland shall after the said seven years remain exempted from the Duty of two shillings four pence a Bushel on home Salt Imposed by an Act made in England in the Ninth and Tenth of King William the Third of England And if the Parliament of Great Britain shall at or before the expiring of the said seven years substitute any other fund in place of the said two shillings four pence of Excise on the bushel of Home Salt Scotland shall after the said seven years bear a proportion of the said Fund and have an Equivalent in the Terms of this Treaty And that during the said seven years there shall be payed in England for all Salt made in Scotland and imported from thence into England the same duties vpon the Importation as shall be payable for Salt made in England to be levied and secured in the same manner as the Duties on foreign Salt are to be levied and secured in England And that after the said seven years as long as the said Duty of two shillings four pence a Bushel vpon Salt is continued in England the said two shillings and four pence a Bushel shall be payable for all Salt made in Scotland and imported into England to be levied and secured in the same manner And that during the continuance of the Duty of two shillings four pence a Bushel vpon Salt made in England no Salt whatsoever be brought from Scotland to England by Land in any manner vnder the penalty of forfeiting the Salt and the Cattle and Carriages made vñ of in bringing the same and paying twenty shillings for every Bushel of such Salt and proportionably for a greater or lesser quantity for which the Carrier as well as the Owner shall be lyable jointly and severally And the persons bringing or carrying the same to be imprisoned by any one Justice of the Peace by the space of six months without Bail and until

the penalty be payed And for Establishing an equality in Trade That all Flesh exported from Scotland to England and put on Board in Scotland to be Exported to parts beyond the Seas and provision for ships in Scotland and for foreign voyages may be salted with Scots Salt paying the same Duty for what Salt is so employed as the like quantity of such Salt pays in England and under the same penalties forfeitures and provisions for preventing of frauds as are mentioned in the Laws of England And that from and after the Union the Laws and Acts of Parliament in Scotland for Phising Curing and Packing of Herrings White Fish and Salmon for Exportation with Foreign Salt only without any mixture of British or Irish Salt and for preventing of frauds in Curing and Packing of Fish be continued in force in Scotland subject to such alterations as shall be made by the Parliament of Great Britain And that all Fish exported from Scotland to parts beyond the Seas which shall be Cured with Foreign Salt only and without mixture of British or Irish Salt shall have the same Eases Premiums and Drawbacks as are or shall be allowed to such persons as Export the like Fish from England And that for Encouragement of the Herring Fishing there shall be allowed and payed to the Subjects Inhabitants of Great Britain during the present allowances for other Fish ten shillings five pence Sterling for every Barrel of White Herrings which shall be exported from Scotland And that there shall be allowed five shillings Sterling for every Barrel of Beef or Pork salted with Foreign Salt without mixture of British or Irish Salt and Exported for sale from Scotland to parts beyond Sea alterable by the Parliament of Great Britain And if any matters of fraud relating to the said Duties on Salt shall hereafter appear which are not sufficiently provided against by this Article the same shall be subject to such further provisions as shall be thought fitt by the Parliament of Great Britain ARTICLE (9) THAT whensoever the sum of One million nine hundred ninety seven thousand seven hundred and sixty three pounds eight shillings and four pence half penny shall be Enacted by the Parliament of Great Britain to be raised in that part of the United Kingdom now called Englesdon Land and other things usually charged in Acts of Parliament there for granting an aid to the Crown by a Land Tax that part of the United Kingdom now called Scotland shall be charged by the same Act with a further sume of forty eight thousand pounds free of all Charges as the Quota of Scotland to such Tax and so proportionally for any greater or lesser sume raised in England by any Tax on Land and other things usually charged together with the Land And that such Quota for Scotland in the cases aforesaid be raised and collected in the same manner as the Cess now is in Scotland but subject to

such Regulations in the manner of Collecting as shall be made by the Parliament of Great Britain. ARTICLE (10) THAT during the continuance of the respective Duties on Stamp paper Vellum and Parchment by the severall Acts now in force in England Scotland shall not be charged with the same respective Duties ARTICLE (11) THAT during the continuance of the Duties payable in England on Windows and Lights which determine on the first day of August One thousand seven hundred and ten Scotland shall not be charged with the same Duties ARTICLE (12) THAT during the continuance of the Duties payable in England on Coals Culm and Cynders which determine the thirtieth day of September One thousand seven hundred and ten Scotland shall not be charged therewith for Coals Culm and Cynders consumed there but shall be charged with the same Duties as in England for all Coals Culm and Cynders not consumed in Scotland ARTICLE (13) THAT during the continuance of the Duty payable in England upon Malt which determines the twenty fourth day of June One thousand seven hundred and seven Scotland shall not be charged with that Duty ARTICLE (14) THAT the Kingdom of Scotland be not Charged with any other Duties laid on by the Parliament of England hefore the Union except these consented to in this Treaty in regard it is agreed That all necessary Provision shall be made by the Parliament of Scotland for the publick Charge and Service of that Kingdom for the year One thousand seven hundred and seven Provided nevertheless That if the Parliament of England shall think fitt to lay any further Impositions by way of Customs or such Excises with which by virtue of this Treaty Scotland is to be charged equally with England in such case Scotland shall be lyable to the same Customs and Excises and have an Equivalent to be settled by the Parliament of Great Britain With this further provision That any Malt to be made and consumed in that part of the United Kingdom now called Scotland shall not be charged with any Imposition on Malt during this present War And seeing it cannot be supposed that the Parliament of Great Britain will ever lay any sort of Burthens upon the United Kingdom but what they shall find of necessity at that time for the Preservation and Good of the whole and with due regard to the Circumstances and Abilities of every part of the United Kingdom Therefore it is agreed That there be no further Exemption insisted upon for any part of the United Kingdom But that the consideration of any Exemptions beyond what are already agreed on in this Treaty shall be left to the determination of the Parliament of Great Britain ARTICLE (15) THAT whereas by the Terms of this Treaty the Subjects of Scotland for preserving an Equality of Trade throughout the United Kingdom will be lyable to severall Customs

toes and Excises now payable in England which will be applicable towards payment of the Debts of England contracted before the Union It is agreed That Scotland shall have an Equivalent for what the Subjects thereof shall be so charged towards payment of the said Debts of England in all particulars whatsoever in manner following videlicet That before the Union of the said Kingdoms the sum of three hundred ninety eight thousand and eighty five pounds ten shillings be granted to Her Majesty by the Parliament of England for the uses aftermentioned being the Equivalent to be answered to Scotland for such parts of the said Customs and Excises upon all Excisable Liquors with which that Kingdom is to be charged upon the Union as will be applicable to the payment of the said Debts of England according to the proportions which the present Customs in Scotland being thirty thousand pounds per annum do bear to the Customs in England computed at One million three hundred forty one thousand five hundred and fifty nine pounds per annum And which the present Excises on Excisable Liquors in Scotland being thirty three thousand and five hundred pounds per annum do bear to the Excises on Excisable Liquors in England computed at nine hundred forty seven thousand six hundred and two pounds per annum Which sum of three hundred ninety eight thousand eighty five pounds ten shillings shall be due and payable from the time of the Union And in regard That after the Union Scotland becoming lyable to the same Customs and Duties payable on Import and Export and to the same Excises on all Excisable Liquors as in England as well upon that account as upon the account of the Increase of Trade and People (which will be the happy consequence of the Union) the said Revenues will much improve beyond the before mentioned annual values thereof of which no present Estimate can be made Yet nevertheless for the reasons aforesaid there ought to be a proportionable Equivalent answered to Scotland It is agreed That after the Union there shall be an Account kept of the said Duties arising in Scotland to the end it may appear what ought to be answered to Scotland as an Equivalent for such proportion of the said increase as shall be applicable to the payment of the Debts of England And for the further and more effectually answering the severall ends hereafter mentioned It is agreed that from and after the Union the whole Encrease of the Revenues of Customs and Duties on Import and Export and Excises upon Excisable Liquors in Scotland over and above the annual produce of the said respective Duties as above stated shall go and be applied for the term of seven years to the uses hereafter mentioned And that upon the said account there shall be answered to Scotland annually from the

end of seven years after the Union an Equivalent in proportion to such part of the said Increase as shall be applicable to the Debts of England And generally that an Equivalent shall be answered to Scotland for such parts of the English Debts as Scotland may hereafter become lyable to pay by reason of the Union other than such for which appropriations have been made by Parliament in England of the Customs or other duties on Export and Import Excises on all Excisable Liquors in respect of which Debts Equivalents are herein before provided And as for the uses to which the said sum of Three hundred ninety eight thousand eighty five pounds ten shillings to be granted as aforesaid and all other monies which are to be answered or allowed to Scotland as aforesaid are to be applied It is agreed That in the first place out of the aforesaid sum what consideration shall be found necessary to be had for any Losses which private persons may sustain by reducing the Coin of Scotland to the Standard and Value of the Coin of England may be made good In the next place That the Capital Stock or fund of the African and Indian Company of Scotland advanced together with the Interest for the said Capital Stock after the rate of Five per Centum per annum from the respective times of the payment thereof shall be payed Upon payment of which Capital Stock and Interest It is agreed The said Company be dissolved and cease And also that from the time of passing the Act of Parliament in England for raising the said sum of three hundred ninety eight thousand eighty five pounds ten shillings the said Company shall neither Trade nor Grant Licence to Trade Providing that if the said Stock and Interest shall not be payed in twelve months after the Commencement of the Union That then the said Company may from thenceforward Trade or give Licence to Trade until the said whole Capital Stock and Interest shall be payed And as to the Overplus of the said sum of three hundred ninety eight thousand eighty five pounds ten shillings after payment of what consideration shall be had for losses in repairing the Coin and paying the said Capital Stock and Interest and those the whole encrease of the said Revenues of Customs Duties and Excises above the present value which shall arise in Scotland during the said term of seven years together with the Equivalent which shall become due upon the Improvement thereof in Scotland after the said term And also as to all other sums which according to the agreements aforesaid may become payable to Scotland by way of Equivalent for what that Kingdom shall hereafter become lyable towards payment of the Debt of England It is agreed That the same be applied in manner following videlicet That all the publick Debts of the Kingdom of Scotland as shall be adjusted by this present Parliament shall be payed and that two thousand pounds per annum for

the space of seven years shall be applied towards Encouraging and Promoting the Manufacture of coarse Wool within those shires which produce the Wool And that the first two thousand pounds Sterling be payed at Martinmas next and so yearly at Martinmas during the space aforesaid and afterwards the same shall be wholly applied towards the Encouraging and Promoting the Fisheries and such other Manufactures and Improvements in Scotland as may most conduce to the general Good of the United Kingdom And it is agreed That Her Majesty be Impowered to appoint Commissioners who shall be accountable to the Parliament of Great Britain for disposing the said sum of three hundred ninety eight thousand and eighty five pounds ten shillings and all other monies which shall arise to Scotland upon the agreements aforesaid to the purposes before mentioned Which Commissioners shall be Impowered to call for Receive and Dispose of the said monies in manner aforesaid and to Inspect the bookes of the several Collectors of the said Revenues and of all other duties from whence an Equivalent may arise and that the Collectors and Managers of the said Revenues and Duties be obliged to give to the said Commissioners subscribed authentick Abbreviate of the Produce of such Revenues and Duties arising in their respective Districts and that the said Commissioners shall have their office within the Limits of Scotland and shall in such Office keepe Books containing Accounts of the Amount of the Equivalents and how the same shall have been disposed of from time to time which may be inspected by any of the Subjects w^{ho}oe shall desire the same ARTICLE (16) THAT from and after the Union the Coin shall be of the same standard and value throughout the United Kingdom as now in England And a Mint shall be continued in Scotland under the same Rules as the Mint in England And the present Officers of the Mint continued subject to such Regulations and Alterations as Her Majesty Her Heires or Successors or the Parliament of Great Britain shall think fit ARTICLE (17) THAT from and after the Union the same Weights and Measures shall be used throughout the United Kingdom as are now Established in England And Standards of Weights and Measures shall be kept by those Burghs in Scotland to whom the keeping the Standards of Weights and Measures now in use there does of special Right belong All which Standards shall be sent down to such respective Burghs from the Standards kept in the Exchequer at Westminster subject nevertheless to such Regulations as the Parliament of Great Britain shall think fit ARTICLE (18) THAT the Laws concerning Regulation of Trade Customs and such Exports to which Scotland is by virtue of this Treaty to be lyable be the same in Scotland, from and after the Union as in England and that

all other Laws in use within the Kingdom of Scotland do after the Union and notwithstanding thereof remain in the same force as before (except such as are contrary to or inconsistent with this Treaty) but alterable by the Parliament of Great Britain With this difference betwixt the Laws concerning publick Right Policy and Civil Government and those which concern private Right That the Laws which concern publick Right Policy and Civil Government may be made the same throughout the whole United Kingdom but that no alteration be made in Laws which concern private Right except for evident utility of the subject within Scotland ARTICLE (19) THAT the Court of Session or Colledge of Justice doe after the Union and notwithstanding thereof remain in all time coming within Scotland as it is now constituted by the Laws of that Kingdom and with the same Authority and Priviledges as before the Union subject nevertheless to such Regulations for the better Administration of Justice as shall be made by the Parliament of Great Britain And that hereafter none shall be named by Her Majesty or Her Royal Successors to be Ordinary Lords of Session but such who have served in the Colledge of Justice as Advocates or Principal Clerks of Session for the space of five years or as Writers to the Signet for the space of ten years With this provision That no Writer to the Signet be capable to be admitted a Lord of the Session unless he vndergo private and publick Tryal on the Civil Law before the Faculty of Advocates and be found by them qualified for the said Office two years before he be named to be a Lord of the Session yet so as the Qualifications made or to be made for capacitating persons to be named Ordinary Lords of Session may be altered by the Parliament of Great Britain And that the Court of Judiciary do also after the Union and notwithstanding thereof remain in all time coming within Scotland as it is now constituted by the Laws of that Kingdom and with the same Authority and Priviledges as before the Union subject nevertheless to such Regulations as shall be made by the Parliament of Great Britain and without prejudice of other Rights of Judiciary And that all Admiralty Jurisdictions be under the Lord High Admiral or Commissioners for the Admiralty of Great Britain for the time being And that the Court of Admiralty now Established in Scotland be continued And that all Reviews Reductions or Suspensions of the Sentences in Maritime Causes competent to the Jurisdiction of that Court remain in the same manner after the Union as now in Scotland until the Parliament of Great Britain shall make such Regulations and Alterations as shall be judged expedient for the whole United Kingdom so as there be always continued in Scotland a Court of Admiralty such as in England for determination of all Maritime Causes re-

lating to private Rights in Scotland competent to the Jurisdiction of the Admiralty Court subject nevertheless to such Regulations and Alterations as shall be thought proper to be made by the Parliament of Great Britain And that the Heritable Rights of Admiralty and Vice-Admiralties in Scotland be reserved to the respective Proprietors as Rights of Property subject nevertheless as to the manner of Exercising such Heritable Rights to such Regulations and Alterations as shall be thought proper to be made by the Parliament of Great Britain And that all other Courts now in being within the Kingdom of Scotland do remain but subject to Alterations by the Parliament of Great Britain And that all Inferior Courts within the said Limits do remain subordinate as they are now to the Supreme Courts of Justice within the same in all time coming And that noe Cause in Scotland be cognoscible by the Courts of Chancery Queens-Bench Common Pleas or any other Court in Westminster Hall And that the said Courts or any other of the like nature after the Union shall have no power to Cognosce Review or Alter the Acts or Sentences of the Judicatures within Scotland or stop the Execution of the same And that there be a Court of Exchequer in Scotland after the Union for deciding Questions concerning the Revenues of Customs and Excises there having the same power and authority in such cases as the Court of Exchequer has in England And that the said Court of Exchequer in Scotland have power of passing Signatures Guilts Tutories and in other things as the Court of Exchequer at present in Scotland hath And that the Court of Exchequer that now is in Scotland do remain until a New Court of Exchequer be settled by the Parliament of Great Britain in Scotland after the Union And that after the Union the Queen's Majesty and Her Royal Successors may Continue a Privy Council in Scotland for preserving of public Peace and Order until the Parliament of Great Britain shall think fit to alter it or establish any other effectual method for that end

ARTICLE (20) THAT all heritable Offices Superiorities heritable Jurisdictions Offices for life and Jurisdictions for life be reserved to the Owners thereof as Rights of Property in the same manner as they are now enjoyed by the Laws of Scotland notwithstanding of this Treaty

ARTICLE (21) THAT the Rights and Privileges of the Royal Burghs in Scotland as they now are Do Remain entire after the Union and notwithstanding thereof

ARTICLE (22) THAT by virtue of this Treaty Of the Peers of Scotland at the time of the Union Sixteen shall be the number to Sit and Vote in the House of Lords and Forty five the number of the Representatives of Scotland in the House of Commons of the Parliament of Great Britain And that when Her Majesty Her Heires or Successors shall De-

clare Her or their pleasure for holding the first or any subsequent Parliament of Great Britain until the Parliament of Great Britain shall make further provision therein a Writ do issue under the Great Seal of the United Kingdom Directed to the Privy Council of Scotland Commanding them to Cause Sixteen Peers who are to sit in the House of Lords to be Summoned to Parliament and Forty five Members to be Elected to sit in the House of Commons of the Parliament of Great Britain according to the Agreement in this Treaty in such manner as by an Act of this present Session of the Parliament of Scotland is or shall be settled Which Act is hereby Declared to be as valid as if it were a part of and ingrossed in this Treaty And that the Names of the Persons so Summoned and Elected shall be Returned by the Privy Council of Scotland into the Court from whence the said Writ did issue And that if Her Majesty on or before the first day of May next on which day the Union is to take place shall Declare under the Great Seal of England That it is expedient that the Lords of Parliament of England and Commons of the present Parliament of England should be the Members of the respective Houses of the first Parliament of Great Britain for and on the part of England then the said Lords of Parliament of England and Commons of the present Parliament of England shall be the members of the respective Houses of the first Parliament of Great Britain for and on the part of England And Her Majesty may by Her Royal Proclamation under the Great Seal of Great Britain appoint the said first Parliament of Great Britain to Meet at such time and place as Her Majesty shall think fit which time shall not be less than fifty days after the date of such Proclamation And the time and place of the Meeting of such Parliament being so appointed a Writ shall be immediately issued under the Great Seal of Great Britain directed to the Privy Council of Scotland for the summoning the Sixteen Peers and for Electing Forty five Members by whom Scotland is to be Represented in the Parliament of Great Britain And the Lords of Parliament of England and the Sixteen Peers of Scotland such Sixteen Peers being Summoned and Returned in the manner agreed in this Treaty and the Members of the House of Commons of the said Parliament of England and the Forty five Members for Scotland such Forty five Members being Elected and Returned in the manner agreed in this Treaty shall assemble and meet respectively in the respective houses of the Parliament of Great Britain at such time and place as shall be so appointed by Her Majesty and shall be the Two Houses of the first Parliament of Great Britain And that Parliament may Continue for such time only as the present Parliament of England might have Continued if

the Union of the Two Kingdoms had not been made vñth fower Dissolved by Her Majesty And that every one of the Lords of Parliament of Great Britain and every member of the House of Commons of the Parliament of Great Britain in the first and all succeeding Parliaments of Great Britain vñth the Parliament of Great Britain shall otherways Direct shall take the respective Oaths appointed to be taken in stead of the Oaths of Allegiance and Supremacy by an Act of Parliament made in England in the first year of the Reign of the late King William and Queen Mary entitled An Act for the shropting of the Oaths of Supremacy and Allegiance and appointing other Oaths and Make Subscribe and audibly Repeat the Declaration mentioned in an Act of Parliament made in England in the thirtieth year of the Reign of King Charles the Second entitled An Act for the more effectual preserving the Kings Person and Government by Disabling Papists from sitting in either House of Parliament and shall take and subscribe the Oath mentioned in an Act of Parliament made in England in the first year of Her Majesties Reign entitled An Act to Declare the Alterations in the Oath appointed to be taken by the Act Entitled An Act for the further security of His Majesties Person and the Succession of the Crown in the Protestant Line and for Extinguishing the Hopes of the pretended Prince of Wales and all other Pretenders and their open and secret Abettors and for Declaring the Association to be determined at such time and in such manner as the Members of both Houses of Parliament of England are by the said respective Acts directed to take make and subscribe the same upon the penalties and disabilities in the said respective Acts contained And it is Declared and Agreed That these words THIS REALM THE CROWN OF THIS REALM and the Queen of this Realm mentioned in the Oaths and Declaration contained in the aforesaid Acts which were intended to signify the Crown and Realm of England shall be understood of the Crowa and Realm of Great Britain And that in that sense the said Oaths and Declaration be taken and subscribed by the members of both Houses of the Parliament of Great Britain ARTICLE (23) THAT the aforesaid Sixteen Peers of Scotland mentioned in the last preceding Article to sit in the House of Lords of the Parliament of Great Britain shall have all Priviledges of Parliament which the Peers of England now have and which They or any Peers of Great Britain shall have after the Union and particularly the Right of sitting upon the tryals of Peers And in case of the tryal of any Peer in time of Adjournment or Prorogation of Parliament the said Sixteen Peers shall be summoned in the same manner and have the same powers and priviledges at such tryal as any nther Peers of Great Britain And that in

case any tryals of Peers shall hereafter happen when there is no Parliament in being the Sixteen Peers of Scotland who sit in the last preceding Parliament shall be summoned in the same manner and have the same powers and priviledges at such tryals as any nther Peers of Great Britain And that all Peers of Scotland and their successors to their Honours and Dignities shall from and after the Union be Peers of Great Britain and have Rank and Precedency next and immediately after the Peers of the like orders and degrees in England at the time of the Union and before all Peers of Great Britain of the like orders and degrees who may be Created after the Union and shall be tryed as Peers of Great Britain and shall Enjoy all Priviledges of Peers as fully as the Peers of England do now or as they or any other Peers of Great Britain may hereafter Enjoy the same except the Right and Privilege of sitting in the House of Lords and the Priviledges depending thereon and particularly the Right of sitting upon the tryals of Peers ARTICLE (24) THAT from and after the Union there be One Great Seal for the United Kingdom of Great Britain which shall be different from the Great Seal now vñd in either Kingdom And that the Quartering the Arms and the Rank and Precedency of the Lyon King of Arms of the Kingdom of Scotland as may best suit the Union be left to Her Majesty And that in the mean time the Great Seal of England be used as the Great Seal of the United Kingdom and that the Great Seal of the United Kingdom be vñd for Sealing Writts to Elect and Summon the Parliament of Great Britain and for sealing all Treaties with Foreign Princes and States and all publick Acts Instruments and Orders of State which Concern the whole United Kingdom and in all other matters relating to England as the Great Seal of England is now vñd and that a Seal in Scotland after the Union be alwayes kept and made use of in all things relating to private Rights or Grants which have usually pased the Great Seal of Scotland and which only concern Officers Grants Commissions and private Rights within that Kingdom And that vñth such Seal shall be appointed by Her Majesty the present Great Seal of Scotland shall be vñd for such purposes and that the Privy Seal Signet Casket Signet of the Justiciary Court Quarter Seal and Seals of Courts now vñd in Scotland be Continued but that the said Seals be altered and adapted to the state of the Union as Her Majesty shall think fit And the said Seals and all of them and the Keepers of them shall be subject to such Regulations as the Parliament of Great Britain shall hereafter make And that the Crown Scepter and Sword of State the Records of Parliament and all other Records Rolls and Registers whatsoever both Publick and Private General and Particular and Warrants thereof Continue

to be kept as they are within that part of the United Kingdom now called Scotland and that they shall so remain in all times coming notwithstanding the Union ARTICLE (25) THAT all Laws and Statutes in either Kingdom so far as they are contrary to or inconsistent with the Terms of these Articles or any of them shall from and after the Union cease and become void and shall be so declared to be by the respective Parliaments of the said Kingdoms as by the said Articles of Union Ratified and Approved by the said Act of Parliament of Scotland relation thereunto being had may appear And the Tenor of the aforesaid Act for Securing the Protestant Religion and Presbyterian Church Government within the Kingdom of Scotland is as follows OUR SOVEREIGN LADY and the Estates of Parliament considering That by the late Act of Parliament for a Treaty with England for an Union of both Kingdoms It is provided That the Commissioners for that Treaty should not Treat of or concerning any alteration of the Worship Discipline and Government of the Church of this Kingdom as now by Law established Which Treaty being now reported to the Parliament and it being reasonable and necessary that the True Protestant Religion as presently professed within this Kingdom with the Worship Discipline and Government of this Church should be effectually and unalterably secured Therefore Her Majesty with advice and consent of the said Estates of Parliament Doth hereby Establish and Confirm the said True Protestant Religion and the Worship Discipline and Government of this Church to continue without any alteration to the people of this Land in all succeeding generations And more especially Her Majesty with advice and consent aforesaid Ratifies Approves and for ever Confirms the fifth Act of the first Parliament of King William and Queen Mary Entitled Act Ratifying the Confession of Faith and settling Presbyterian Church Government with all other Acts of Parliament relating thereto in prosecution of the Declaration of the Estates of this Kingdom containing the Claim of Right bearing date the eleventh of April One thousand six hundred and eighty nine And Her Majesty with advice and consent aforesaid expressly Provides and Declares That the foresaid True Protestant Religion contained in the above-mentioned Confession of Faith with the form and purity of Worship presently in use within this Church and its Presbyterian Church Government and Discipline that is to say the Government of the Church by Kirk Sessions Presbyteries Provincial Synods and General Assemblies all established by the foresaid Acts of Parliament pursuant to the Claim of Right shall Remain and Continue unalterable and that the said Presbyterian Government shall be the only Government of the Church within the Kingdom of Scotland. AND further for

the greater security of the foresaid Protestant Religion and of the Worship Discipline and Government of this Church as above established Her Majesty with advice and consent foresaid Statutes and Ordinances That the Universities and Colleges of Saint Andrews Glasgow Aberdeen and Edinburgh as now Established by Law shall Continue within this Kingdom for ever And that in all time coming no Professors Principalls Regents Masters or others bearing office in any University College or School within this Kingdom be capable or be admitted or allowed to continue in the Exercise of their said functions but such as shall own and acknowledge the Civil Government in manner prescribed or to be prescribed by the Acts of Parliament As also that before or at their Admissions they do and shall acknowledge and profess and shall subscribe to the foresaid Confession of Faith as the Confession of their faith and that they will practise and conform themselves to the Worship presently in use in this Church and submit themselves to the Government and Discipline thereof and never endeavour directly or indirectly the prejudice or subversion of the same and that before the respective Presbyteries of their bounds by whatsoever gift presentation or provision they may be thereto provided. AND further Her Majesty with advice aforesaid expressly Declares and Statutes that none of the Subjects of this Kingdom shall be lyable to but all and every one of them for ever free of any Oath Test or Subscription within this Kingdom contrary to or inconsistent with the foresaid True Protestant Religion and Presbyterian Church Government Worship and Discipline as above established And that the same within the bounds of this Church and Kingdom shall never be imposed upon or required of them in any sort And Lastly that after the Decease of Her present Majesty (whom God long preserve) the Sovereign succeeding to her in the Royal Government of the Kingdom of Great Britain shall in all time coming at his or her accession to the Crown Swear and Subscribe That they shall inviolably maintain and preserve the aforesaid settlement of the True Protestant Religion with the Government Worship Discipline Right and Privileges of this Church as above established by the Laws of this Kingdom in prosecution of the Claim of Right. AND it is hereby Statute and Ordained That this Act of Parliament with the Establishment therein contained shall be held and observed in all times coming as a fundamentall and essentiall Condition of any Treaty or Union to be Concluded betwixt the Two Kingdoms without any Alteration thereof or Derogation thereto in any sort for ever As also that this Act of Parliament and Settlement therein contained shall be Insert and Repeated in any Act of Parliament that shall pass for agreeing and concluding the foresaid Treaty or Union betwixt the Two Kingdoms

And that the same shall be therein expressly Declared to be a fundamentall and essentiall Condition of the said Treaty or Union in all time coming. Which Articles of Union and Act immediately abovewritten Her Majesty with advice and consent aforesaid Statutes Enacts and Ordains to be and Continue in all time coming the sure and perpetuall Foundation of a compleat and intire Union of the Two Kingdoms of Scotland and England under the expresse Condition and Provision That this Approbation and Ratification of the foresaid Articles and Act shall be noways binding on this Kingdom until the said Articles and Act be Ratified Approved and Confirmed by her Majesty with and by the Authority of the Parliament of England as they are now Agreed to Approved and Confirmed by Her Majesty with and by the Authority of the Parliament of Scotland Declaring nevertheless that the Parliament of England may provide for the security of the Church of England as they think expedient to take place within the bounds of the said Kingdom of England and not Derogating from the security above provided for the Establishing of the Church of Scotland within the bounds of this Kingdom As also the said Parliament of England may extend the Additions and other provisions contained in the Articles of Union as above insert in favours of the Subjects of Scotland to and in favours of the Subjects of England which shall not Suspend or Derogate from the force and effect of this present Ratification But shall be understood as herein included without the necessity of any new Ratification in the Parliament of Scotland And Lastly Her Majesty Enacts and Declares That all Laws and Statutes in this Kingdom so far as they are contrary to or inconsistent with the terms of these Articles as above mentioned shall from and after the Union cease and become void AND WHEREAS an Act hath passed in this present Session of Parliament Intituled An Act for Securing the Church of England as by Law Established the Tenor whereof follows WHEREAS by an Act made in the Session of Parliament held in the Third and Fourth year of Her Majesties Reigne whereby Her Majesty was Impowered to appoint Commissioners under the Great Seal of England to Treat with Commissioners to be Authorized by the Parliament of Scotland concerning an Union of the Kingdoms of England and Scotland It is provided and Enacted That the Commissioners to be named in pursuance of the said Act should not Treat or concerning any Alteration of the Liturgy Rites Ceremonies Discipline or Government of the Church as by Law Established within this Realm AND WHEREAS certain Commissioners appointed by her Majesty in pursuance of the said Act and also other Commissioners nominated by her Majesty by the Authority of the Parliament of Scotland have

met and agreed upon a Treaty of Union of the said Kingdoms which Treaty is now under the Consideration of this present Parliament. AND WHEREAS the said Treaty (with some alterations therein made) is Ratified and approved by Act of Parliament in Scotland and the said Act of Ratification is by Her Majesties Royal Command laid before the Parliament of this Kingdom AND WHEREAS it is reasonable and necessary that the true Protestant Religion Professed and Established by Law in the Church of England and the Doctrine Worship Discipline and Government thereof should be effectually and unalterably Secured BE IT Enacted by the Queens most Excellent Majesty by and with the advice and consent of the Lords Spirituall and Temporall and the Commons in this present Parliament assembled and by Authority of the same That an Act made in the thirteenth year of the Reigne of Queen Elizabeth of famous memory Intituled An Act for the Ministers of the Church to be of sound Religion And also another Act made in the thirteenth year of the Reigne of the late King Charles the Second Intituled An Act for the Uniformity of Publick Prayers and Administration of Sacraments and other Rites and Ceremonies and for Establishing the Forme of Making Ordaining and Consecrating Bishops Priests and Deacons in the Church of England (other than such Clauses in the said Acts or either of them as have been Repealed or Altered by any subsequent Act or Acts of Parliament) and all and singular other Acts of Parliament now in force for the Establishment and Preservation of the Church of England and the Doctrine Worship Discipline and Government thereof shall remain and be in full force forever AND Be it further enacted by the Authority aforesaid That after the Demise of her Majesty (whom God long Preserve) the Sovereign next Succeeding to her Majesty in the Royall Government of the Kingdom of Great Britain and so forever hereafter every King or Queen succeeding and coming to the Royall Government of the Kingdom of Great Britain at his or her Coronation shall in the presence of all persons who shall be Attending Assisting or otherwise then and there present take and subscribe an Oath to maintain and preserve inviolably the said Settlement of the Church of England and the Doctrine Worship Discipline and Government thereof as by Law Established within the Kingdoms of England and Ireland the Dominion of Wales and Town of Berwick upon Tweed and the territories thereunto belonging AND be it further Enacted by the Authority aforesaid That this Act and all and every the matters and things therein contained be and shall for ever be holden and adjudged to be a Fundamentall and Essentiall part of any Treaty of Union to be concluded between the said Two Kingdoms and also that this Act shall be inserted in expresse terms in any Act of Parliament which

shall be made for Settling and Ratifying any such Treaty of Union and shall be therein declared to be an Essentiall and Fundamentall part thereof. MAY it therefore please your Most Excellent Majestie That it may be Enacted AND be it ENACTED by the Queens Most Excellent Majesty by and with the advice and consent of the Lords Spirituall and Temporall and Commons in this present Parliament Assembled and by Authority of the same That all and every the said Articles of Union as Ratified and Approved by the said Act of Parliament of Scotland as aforesaid and herein before particularly mentioned and inserted and also the said Act of Parliament of Scotland for Establishing the Protestant Religion and Presbyterian Church Government within that Kingdom Intituled Act for Securing the Protestant Religion and Presbyterian Church Government and every Clause matter and thing in the said Articles and Act contained shall be and the said Articles and Act are hereby forever Ratified Approved and Confirmed AND it is hereby further ENACTED by the Authority aforesaid That the said Act passed in this present Session of Parliament Intituled An Act for Securing the Church of England as by Law Established and all and every the matters and things therein contained and also the said Act of Parliament of Scotland Intituled Act for Securing the Protestant Religion and Presbyterian Church Government with the Establishment in the said Act contained be and shall forever be held and adjudged to be and Ordered as Fundamental and Essentiall Conditions of the said Union and shall in all times coming be taken to be and are hereby Declared to be Essentiall and Fundamentall parts of the said Articles and Union And the said Articles of Union so as aforesaid Ratified Approved and Confirmed by Act of Parliament of Scotland and by this present Act And the said Act passed in this present Session of Parliament Intituled An Act for Securing the Church of England as by Law established and also the said Act passed in the Parliament of Scotland Intituled Act for Securing the Protestant Religion and Presbyterian Church Government are hereby Enacted and Ordained to be and continue in all times coming the Complest and Intire Union of the Two Kingdoms of England and Scotland AND WHEREAS since the passing the said Act in the Parliament of Scotland for Ratifying the said Articles of Union One other Act Intituled Act Settling the manner of Electing the Sixteen Peers and Forty five Members to represent Scotland in the Parliament of Great Britain hath likewise passed in the said Parliament of Scotland at Edinburgh the Fifth day of February One Thousand Seven hundred and seven the Tenor whereof follows OUR Sovereign Lady Considering that by the twenty second Article of the Treaty of Union as the same is ratified by an Act past in this Session of Parliament upon the

sixteenth of January last It is provided that by vertue of the said Treaty of the Peers of Scotland at the time of the Union Sixteen shall be the number to sit and vote in the House of Lords and Forty five the number of the Representatives of Scotland in the House of Commons of the Parliament of Great Britain And that the said Sixteen Peers and Forty five members in the House of Commons be Named and Chosen in such manner as by a subsequent Act in this present Session of Parliament in Scotland should be fetted which Act is thereby declared to be as valid as if it were a part of and ingrosed in the said Treaty Therefore Her Majesty with advice and consent of the Estates of Parliament Statutes Enacts and Ordains That the said Sixteen Peers who shall have right to sit in the House of Peers in the Parliament of Great Britain on the part of Scotland by vertue of this Treaty shall be named by the said Peers of Scotland whom they represent their heirs or successors to their Dignities and Honours out of their own number and that by open Election and plurality of voices of the Peers present and of the Proxies for such as shall be absent the said Proxies being Peers and producing a Mandat in writing duly signed before witnesses and both the Constituent and Proxie being qualified according to law Declaring also that such Peers as are absent being qualified as aforesaid may send to all such meetings Lists of the Peers whom they Judge fittest validly signed by the said absent Peers which shall be reckoned in the same manner as if the parties had been present and given in the said List And in case of the death or legal incapacity of any of the said Sixteen Peers That the aforesaid Peers of Scotland shall nominate another of their own number in place of the said Peer or Peers in manner before and aforementioned And that of the said Forty five Representatives of Scotland in the House of Commons in the Parliament of Great Britain Thirty shall be chosen by the Shires or Stewartries and Fifteen by the Royal Burrows as follows videlicet One for every Shire and Stewartry excepting the Shires of Bute and Cathness which shall choose one by turns Bute having the first election The Shires of Nairn and Cromarty which shall also choose by turns Nairn having the first election And in like manner the Shires of Clackmann and Kinross shall choose by turns Clackmann having the first election And in case of the death or legal incapacity of any of the said Members from the respective Shires or Stewartries abovementioned to sit in the House of Commons It is Enacted and Ordained That the Shire or Stewartry who Elected the said member shall Elect another member in his place And that the said Fifteen Representatives for the Royal Burrows be chosen as follows videlicet That the Town of Edinburgh shall have right to Elect and send one Member to the Parliament of Great Britain And that each of

the other Burghs shall Elect a Commissioner in the same manner as they are now in use to Elect Commissioners to the Parliament of Scotland Which Commissioners and Burghs (Edinburgh excepted) being divided in fourteen Clases or Districts shall meet at such time and Burghs within their respective Districts as her Majesty her Heirs or Successors shall appoint and Elect one for each District videlicet The Burghs of Kirkwall Wick Dornoch Dingwall and Tayne one The Burghs of Fortrose Inverness Nairn and Forres one The Burghs of Elgin Cullen Banff Inverury and Kintore one The Burghs of Aberdeen Inverberry Montrose Aberbrothock and Brechin one The Burghs of Forfar Perth Dundee Coupar and Saint Andrews one The Burghs of Crail Kilmennie Anstruther easter Anstruther wester and Pittenweem one The Burghs of Dyfart Kirkcaldie Kinghorn and Burntisland one The Burghs of Inverkeithen Dunfermline Queensferry Culrois and Sterling one The Burghs of Glasgow Renfrew Ruglen and Dumbarton one The Burghs of Haddington Dunbar Northberwick Lauder and Jedburgh one The Burghs of Selkirk Peebles Linlithgow and Lanerk one The Burghs of Dumfries Sanquhar Annan Lockmaben and Kirkecubright one The Burghs of Wigtown Newgalloway Stranraer and Whitehern one and the Burghs of Ayr Irvin Rothsay Campbeltown and Inverary one And It is hereby Declared and Ordained That where the Votes of the Commissioners for the said Burghs met to Choose Representatives from their several Districts to the Parliament of Great Britain shall be equal in that case the President of the meeting shall have a casting or decisive Vote and that by and according to his vote as a Commissioner from the Burgh from which he is sent the Commissioner from the eldest Burgh presiding in the first meeting and the Commissioners from the other Burghs in their respective Districts presiding afterwards by turns in the order as the said burghs are now called in the Rolls of the Parliament of Scotland And that in case any of the said fifteen Commissioners from Burghs shall decess or become legally incapable to sit in the House of Commons Then the Town of Edinburgh or the District which chose the said member shall elect a member in his or their place It is always hereby expressly Provided and Declared that none shall be capable to Elect or be Elected for any of the said Estates but such as are Twenty one years of age compleat and Protestant Excluding all Papists or such who being suspect of Popery and required refuse to Swear and Subscribe the Formula contained in the third Act made in the eighth and ninth Sessions of King Williams Parliament entituled Act for preventing the growth of Popery And also declaring that none shall be capable to Elect or be Elected to Represent a shire or burgh in the Parliament of Great Britain for this part of the United Kingdom except such as

are now capable by the Laws of this Kingdome to Elect or be Elected as Commissioners for Shires or Burghs to the Parliament of Scotland And further Her Majesty with advice and consent aforesaid for the effectual and orderly Election of the persons to be chosen to Sit Vote and Serve in the respective Houses of the Parliament of Great Britain when Her Majesty her heirs and successors shall declare her or their pleasure for holding the first or any subsequent Parliament of Great Britain And when for that effect a Writ shall be Issued out vnder the Great Seal of the United Kingdom directed to the Privy Council of Scotland conform to the said twenty second Article Statute Enacts and Ordains That until the Parliament of Great Britain shall make further provision therein the said Writt shall contain a Warrant and Command to the said Privy Council to Issue out a Proclamation in her Majesties name requiring the Peers of Scotland for the time to meet and assemble at such time and place within Scotland as Her Majesty and Royal Successors shall think fit to make Election of the said Sixteen Peers and requiring the Lord Clerk Register or two of the Clerks of Session to attend all such meetings and to administer the Oaths that are or shall be by Law required and to ask the Votes And having made up the Lists in presence of the meeting to return the names of the Sixteen Peers chosen (certified under the Subscription of the said Lord Clerk Register Clerk or Clerks of Session attending) to the Clerk of the Privy Council of Scotland And in like manner Requiring and Ordaining the several Freeholders in the respective Shires and Stewartries to meet and convene at the head Burghs of their several Shires and Stewartries to Elect their Commissioners conforme to the order above set down And Ordaining the Clerks of the said meetings immediately after the said Elections are over respectively to return the names of the persons elected to the Clerks of the Privy Council And lastly Ordaining the City of Edinburgh to Elect their Commissioner and the other Royall Burrows to Elect each of them a Commissioner as they have been in use to Elect Commissioners to the Parliament and to send the said respective Commissioners at such times to such Burghs within their respective Districts as Her Majesty and Successors by such Proclamations shall appoint Requiring and Ordaining the common Clerk of the respective Burghs where such elections shall be appointed to be made to attend the said meetings and immediately after the Election to return the name of the person so elected (certified under his hand) to the Clerk of Privy Council to the end that the names of the Sixteen Peers Thirty Commissioners for Shyres and Fifteen Commissioners for Burghs being so returned to the Privy Council may be returned to the Court from whence the Writt did Issue under the Great Seal of the United Kingdom conforme to the said

twenty second Article AND WHEREAS by the said twenty second Article It is agreed That if her Majesty shall on or before the first day of May next Declare That it is expedient the Lords and Commons of the present Parliament of England should be the members of the respective houses of the first Parliament of Great Britain for and on the part of England they shall accordingly be the members of the said respective Houses for and on the part of England Her Majesty with advice and consent aforesaid in that case only Doth hereby Statute and Ordain That the Sixteen Peers and Forty five Commissioners for Shires and Burghs who shall be chosen by the Peers Barons and Burghs respectively in this present Session of Parliament and out of the Members thereof in the same manner as Committees of Parliament are usually now chosen shall be the members of the respective Houses of the said first Parliament of Great Britain for and on the part of Scotland Which Nomination and Election being certified by a Writt under the Lord Clerk Registers hand the persons so Nominated and Elected shall have right to Sit and Vote in the House of Lords and in the House of Commons of the said first Parliament of Great Britain as by the said Act passed in Scotland for Settling the manner of Electing the Sixteen Peers and Forty five Members to Represent Scotland in the Parliament of Great Britain may appear BE IT therefore further ENACTED and Declared by the Authority aforesaid That the said last mentioned Act passed in Scotland for Settling the manner of Electing the Sixteen Peers and Forty Five Members to represent Scotland in the Parliament of Great Britain as aforesaid shall be and the same is hereby Declared to be as valid as if the same had been part of and Ingrossed in the said Articles of Union Ratified and Approved by the said Act of Parliament of Scotland and by this Act as aforesaid EGO Mathewus Johnson Armiger Clericus Parliamentor, virtute Brevis dicti Domine Regine de Certiorand mihi directi et his annexi Certifico superior hoc Scriptum verum esse tenorem Actus Parliamenti supradicti in eo Brevis expressi In Cuius rei Testimonium huic Schedule Sigillum Meum apposui Nomenque meum Subscripti Dat^o Septimo die Martij Anno Regni dicti Domine Regine Quinto Annoque Domini Millesimo Septingentesimo Sexto. *Math: Johnson.* NOS autem Seperales Tenores Brevis retori et Actus predicti duximus Exemplificand per presentes IN CUIUS rei Testimonium has Literas nostras fieri fecimus Patentes TESTE melpis apud Westmonaster Septimo die Martij Anno Regni nostri Quinto.

WRIGHT,

ACT for Securing the Protestant Religion and Presbyterian Church Government Act ratifying and approving the Treaty of Union of the Two Kingdoms of Scotland and England and Act for Settling the manner of Electing the Sixteen Peers and Forty Five Members to represent Scotland in the Parliament of Great Britain were ordered to be proclaimed and printed.

[Act to be proclaimed & printed]

PETITION for Robert Prestoun of that Ilk John Chrystie and partners suetackmen of Excyse for relieving them of their suetacks and to appoint them to compt as Collectors read and remitted to the Lords of the Treasurie and Exchequer conforme to a deliverance thereon.

[Remitted to Exchequer in favour of Robert Prestoun of that Ilk & others]

THEREAFTER the Act for payment of the Capital and Interest to the Proprietors of the African and Indian Company of Scotland out of the equivalent was again read as also read over by paragraphs.

[African & Indian Company]

AND upon reading the last paragraph a petition for the Earle of Crawford craving a debt that was due to the deceased Major John Lyndsay by the African Company might be allowed out of their effects was read and an allowance was granted in the terms of a deliverance thereon.

[Act in favour of the Earle of Crawford]

AS also upon another petition given in by the Relief of Captain Baillie who dyed in the said Companys Service for some allowance for her great loss An allowance was also granted to her in the terms of a deliverance thereon And after several amendments were made upon the said Act the same was voted and approved.

[Act in favour of the Relief of Capt^l Baillie]

THEN the Lord Chancellor by order of Her Maj^{ties} high Commissioner Adjourned the Parliament till Fryday next at ten of the clock.

MARCH XXI, M.DCC.VII.

PRAYERS said. Rolls called.

MINUTES of the last Sederunt read.

UPON a Representation by the Directors of the African Company That since the Commissioners report ament the debts of the said Company and Act of Parliament thereupon there appears some small Claims against the Directors upon the Company's account The Parliament did Recommend to the Commissioners for the equivalent to pay such further sums as shall be duly instructed by the Directors on the Company's account not exceeding the sum of One hundred & fifty pounds Sterling.

Reconstruction
in
Seven of the
Directors of
the African
Company

[Physicians
& Chirur-
gion Apo-
caries of
Edinburgh]

WARRANT granted to cite the Physicians of the Royal Colledge of Edinbargh in common form upon a petition given in by the Chirurgicon Apothecarys.

[Anent the
Public
debt.]

REPORT of the Committee sent the public
debts read.

AND an Overture for an Act concerning publick debts also read and a first reading ordered to be marked thereon & ordered to be printed before a second reading.

PETITION for James Hamilton of Gilkerscleugh in relation to his serving heir to his predecessors *cum beneficio Inventarii* read, and after some discourse thereon the vote was put Grant the desire of the petition or not and it carried Grant in the terms of the deliverance thereon.

[Art in
Sweats
of James
Menckens
of Greenwich
dough]

PETITION for the Lady Sempill in relation to Brigadier Cuninghams Accounts while he was in the service read & remitted to the Lords of the Treasury conform to a deliverance thereon.

[Remit to
the Lords of
Treasury in
favour of
the Lady
Surrey.]

PETITION for the Ladies Caldwell elder & younger & John Mure of Caldwell read and the considerations thereof delayed till next Sederunt of Parliament. [The Ladies Caldwell]

[The Ladies
Exclaim]

ACTS of Ratification in favours of several persons read & past and Protestations taken against some of the said Acts.

[Hadden:
Gotta read]

RATIFICATION in favour of James Duke of Queensberry Her Majesties high Commissioner of the Dukedom of Queensberry &c.

RATIFICATION in favour of John Duke of Argyll of a gift approving the rights of the office of Great Master Household &c. within this Kingdom.

AT EDINBURGH the Twenty first day of
March One thousand seven hundred and seven
years Our Sovereign Lady with the special advice
and consent of the Estates of Parliament Ratifies
Approves & perpetually Confirms a gift under the
Great Seal of this Kingdom dated at S^t James's
the first day of December 1st vijs^e and five years
and granted by Her Majesty to John Duke of
Argyll his heirs male and of tailie contained in
his rights and Infetments approving all the rights
in favours of him and his predecessors of his Office
of Great Master of Household and other heretable
Offices within this Kingdom belonging to him and
Disposing to him during his life as a Pension and
Salary for the said Offices the fee, blench, teind,
textward, tack and other duties rents and casualties
whosoever payable to Her Majesty for her-
self and as come in place of the Prince and Stewart
of Scotland furth of the Dukedom, Marquisite,
Earldom, Lordship and Barony of Argyll and all
other Lands mills heretable Offices and others
whosoever which pertained to the deceased Duke
said Earl of Argyll his father and grandfather and
are now possesed by him and contained in the
Reddencies of their Charters and other rights ex-
cepting the rents teind duties and other casualties
used to be paid to the Bishops out of the said
Lands and Baronies and that for Crop 1st vijs^e and
four & thereafter during the life of the said Duke
Reserving to Her Majesty power to revoke the
said Gift which revocation is only to take place
after the date thereof as is more fully expressed in
the said Gift In the hail heads and clusses thereof
And Her Majesty with consent foresaid Wills
Grants Statutes and Ordains that the foresaid
Gift and Approbation shall be a good valid and
sufficient right conform to the tenor of the same
to the said Duke of Argyll for his lifetime in the

terms thereof the feu blench treind taxward tack and other duties rents and casualties whatsoever payable to her Majesty in manner foresaid furth of the Dukedom Marquisate Earldom Lordship and Barony of Argyll and others abovementioned during the space above expressed and Declares this present Ratification to be as sufficient to all intents as if every word of the Approbation and Gift hereby Ratified were inserted herein with the not inserting whereof and with all other defects and imperfections that may or can be objected against the validity thereof or of this Ratification of the same Her Majesty with consent foresaid for her and her Royal Successors has Dispensed and [hereby] Dispenses for ever.

RATIFICATION in favours of Alexander Earl of Kellie of a tack of the feu duties &c. of the lands of Kingsbarns.

- 14 AT EDINBURGH 21st day of March 1707 years Our Sovereign Lady with the special advece & content of the Estates of Parliament ratifies & approves a confirmation of ane new tack under the Privie Seall of the Kingdome of Scotland granted by her Majestie with content of her Thesaurie & Exchequer to Alex^r Earl of Kellie of the following tenour ANN by the grace of God Queen of Great Britain Princes & Ireland defender of the Faith Forasmuch as Wee considering the constent Loyalty & firm affection of Alex^r Earl of Kelly & his predecessores to us and our royal antecessors and the many sufferings & great losses sustained by them for their firm adherence to our royal interest in the worst of tymes Therefore wit ye us to have ratified & approved and for us & our successors perpetually confirmed Lykenis we ratifie & approve and for us & our successors perpetually confirm ane tack set by the decessit King Charles of blisid memorie under the Privie Seall of the date the 28 day of August 1689 years in favours of the now decessit Alex^r Earl of Kellie father to the said Alex^r now Earl of Kellie his heirs and assignays of all & haill the mails fermes few duties found duties kaynes customes casualties services & others due & payable to us furth of the lands of Kingsbarns lying within the parochine of Kingsbarns & shierdome of Fyfe by the heretors tenants & possellers thereof And which tack was for the space of 3 nyntein years after the decess of Sir James Scot of Robie then taxman of the same and that in the haill heads clausis and articles thereof and for all the space years and termes of the samen yet to run And further Wee with content of the Lords Commissioners of our Thesaurie & Exchequer have given granted and in tack & affidation lettin And be the tenour hereof of new gives grants & in tack & affidation lets to the said Alex^r now Earl of Kellie his heirs or assign-

neys whatsoever the said haill mails fermes few duties fund duties kaynes customes casualties services & others due & payable to us furth of the said lands of Kingsbarns lying in manner foresaid by the heretors tenants & possellers thereof and that for all the dayes years & space of 3 nyntein years next and immediatly after the said Alex^r Earl of Kellie his entry thereto which is hereby declared to be and begin at the next terme of payment of the said duties immediatly following the expiration of the former tack set by the said decessit K. Charles the 2^d to the said decessit Alex^r Earl of Kellie his father and from thence furth to continow ay and while the said three nyntein years be fully and compleatly outrun With power to the said Alex^r Earl of Kellie & his foresaids to ask crave receive and uplift the said duties from the persons addelited in payment thereof to give acquittances & discharges thereupon which shall be as valid and sufficient to the receivers as if the same were given by us with content of our said Commissioners of our Thesaurie and Exchequer and to call and pursue therefore sikelike and as freely as any other tackman within our said kingdom of Scotland And Wee recommend to the Lords of Council & Session to grant letters of homing on a charge of six days Commanding the persons addelited in payment to answer and obey the said Alex^r Earl of Kellie & his foresaids and to make ready payment to them of the said duties The said Alex^r Earl of Kellie and his foresaids paying yearly to us & our successors or to the Lords Commissioners of our Thesaurie & Exchequer receivers of our rents the sum of Twenty pounds Scots money being the old tack duty formerly paid by the said umquhill Sir James Scot of Robie and by the decessit Alex^r Earl of Kellie and by himself and that at two termes in the year Whitfunday & Martinmas by equal portions during the haill space of the present tack Given under our Privy Seal at our Court at Windsor Castle the twentieth & fifth day of August One thousand seven hundred & two of our reign the first year Written to the Privy Seal and registrit the third day of April 1703 Sic sub^t Ja. Douglas Sealed at Edin^g the seventh day of April 1703 Sic sub^t Pat^r Scott IN the haill heads articles & clausis thereof And her Majestie with content foresaid Wills and Grants and for her and her royal successors statutes ordains and declares that the foresaid Confirmation and new tack shall be in the termes thereof a good and valid ryght so far as concerns her Majesties interest to the said Alex^r Earl of Kellie and his foresaids for pobsessing and enjoying in the termes thereof and during the tyme thereinmentioned the abovementioned mails fermes few duties fund duties kaynes customes casualties services and others thereby set And that the same shall never be revoked nor quarrelled by her Majestie or her foresaids dispensing hereby with all

defects or imperfections if any be of the said Confirmation and tack and of this ratification of the same.

- 15 **RATIFICATION** in favours of Thomas Viscount of Dalrymple of the Lands & Baronies of Culmalundie & Keillor &c.

RATIFICATION in favours of Robert Lord Colvill of the Lands & Barony of Cleish.

- 16 **OUR SOVERAIGN LADY** with the special advice and consent of the Estates of Parliament Ratifies Approves and perpetually Confirms a Charter under the Great Seal of the Kingdom of Scotland of the date at St James's the 19th day of January 1706 years granted by her Majesty with consent of the Lords & others Commissioners of her Treasury & Exchequer of the said Kingdom and proceeding on the Resignation of Robert Lord Colvill and the deceased Sir David Barclay of Callearnie respective in favours of the said Robert Lord Colvill and the heirs male of his body which failing to the heirs female of his body the eldest heir female always succeeding without division Which failing to any other person or persons to be named & appointed by a write under his hand at any time in his life even on deathbed with and under the conditions provisions reservations failings and irritant clauses to be therein contained which are holden or repeated in the said Charter And failing to such destination to Dame Margaret Colvill Lady Aytoun sister of the said Robert Lord Colvill and the heirs male of her body Which failing to the heirs female of her body the eldest heir female always succeeding without division Which failing to the nearest and lawful heirs & assigns whatsoever of the said Robert Lord Colvill heretofore and irredeemably without any reversion redemption or regrest and under the provisions conditions & irritant clauses after specified which are particularly confounded upon and except in the said Charter above mentioned Of all and hail the lands & barony of Cleish comprehending therein the lands & others underwritten viz. The lands of Middle Cleish Wester Cleish & Doldlands thereof The lands of Halcoun of Cleish with tower fortalice and parks of the same The lands of Borchlands of Cleish Nivington easter & wester with the Mill & Milllands of Cleish and Breewald thereof tenants tenements and service of free tenants dependencies and hail pertinents of the said lands All & hail the lands of Blair of Crambeth and pertinents thereof And all & hail one yearly annualrent of ten Merks ten shilling & eight pennys Scots money to be uplifted furth of

the said lands of Crambeth All & hail the lands of Blackfawling with woods thereof and hail pertinents of the same All lying in the sherrifdom of Kinross and united erected & incorporated in one hail and free barony called the Barony of Cleish And also all and hail the lands of Dunduff with houses biggings yards tofts crofts outsets annexes connexis dependencies parts pendicles & pertinents thereof whatsoever lying within the parochin of Dumfermling regality thereof and sherrifdom of Fyfe All and hail the lands of Outh with houses biggings yards tofts crofts coal and coalbough annexes connexis outsets parts pendicles and pertinents with the loch called Lochgo and all other loches fishings maides marishes and pertinents thereof whatsoever lying within the said parochin and regality of Dumfermling & sherrifdom of Fyfe All & hail the lands of Lethalmond with houses biggings yards tofts crofts outsets annexes connexis dependences parts pendicles and pertinents lying within the said parochine and regality of Dumfermling and sherrifdom of Fyfe forsaid All and hail the lands of North Lethlands with houses biggings yards tofts crofts and hail pertinents thereof whatsoever lying in the said parochin and Regality of Dumfermling and sherrifdom of Fyfe forsaid And ecklike all & hail the lands of Over and Neither Auchlanskyes with houses biggings tofts crofts outsets parts pendicles & hail pertinents lying within the Stewartry of Strathern and sherrifdom of Perth And also all and hail the half of the lands of Kinnaird with houses biggings yards tofts crofts parts pendicles and pertinents of the same whatsoever lying of old within the barony of Cullairnie and sherrifdom of Fyfe forsaid and now by annexation within the sherrifdom of Kinross Providing that if daughters or heirs female shall happen to succeed to the said Estate & fortune in that case the eldest daughter or heir female shall succeed thereto without division And the said daughters or heirs female so succeeding shall be obliged to be married to a Gentleman of the name of Colvill or of any other surname agreeable to their rank & degree and the heirs of tailzie above mentioned as well male as female and the husbands of the heirs female succeeding to the said lands & estate shall be bound & obliged to assume keep & retain the Surname of Colvill and to use and bear the name and arms of the family of Colvill Declaring always Likewise by the said Charter it is specially provided & declared That if the heirs of Tailzie above mentioned shall not happen to be married as is above provided and shall not assume and retain the said name and arms of the Lord Colvill In that case the person so contravening shall for themselves only without prejudice of the other heirs included in the said tailzie shall lose and amit their right of succession to the said lands and estate and the Infeftments and other rights in their persons shall

ipso facto from thenceforth be void null & extinct by way of exception or reply without any Declarator to follow thereon And it shall be lawful to the next heir of tailzie existing for the time who is appointed to succeed to the said lands and estate by virtue of the tailzie and substitution above mentioned to succeed or obtain themselves infeft thereon or to obtain the right of the said land established any otherways as accords in their persons and in the persons of the other heirs of Tailzie above mentioned and to be noways subject and lyable to the debts or deeds of the Contraveners as is fully expressed in the said Charter whereby her Majesty with consent foresaid has given & disposed to the said Robert Lord Colvill and the heirs male to be protest of his body which fulljeling to the

- 17 RATIFICATION in favours of Dame Margaret Campbell Lady Cefnock of the Lands & Barony of Cefnock &c.

- 18 RATIFICATION in favours of Sir Gilbert Elliot of Minto of the Barony of Minto.

- 19 RATIFICATION in favours of Sir David Home of Crofting of eight husband lands of Crofting.

RATIFICATION in favours of M^r Roderick Mackenzie of Prestonhall of the Barony of Lovat.

- 20 AT EDINBURGH the twenty first day of March One thousand seven hundred and seven years Our Sovereign Lady with advice and consent of the Estates of Parliament Ratifies Approves and perpetually Confirms Two Charters under the Great Seal of this Kingdom granted by her Majesty with consent of the Lords and others Commissioners of her Treasury and Exchequer for the time to M^r Roderick M^r Kenzie of Prestonhall one of the Senators of the Colledge of Justice his heirs and assigns heretably of the lands lordship and barony of Lovat, lands of Bewfort, lands and barony of Bewly and others therein mentioned lying in the shire of Inverness One of the which Charters is of the date at S^t James's the twenty fourth of Feb.

ruary 1st 1707 and three years proceeding on the Appraising therein specified at the instance of umquhill Alex^r Brand of Babertoun against Hugh Lord Fraser of Lovat And upon the Conveyance and Relinquation therein specified of Alex^r Brand now of Babertoun oye & air served and returned to the said deceased Alex^r Brand of Babertoun his grandfather in favours of the said M^r Roderick which with the other rights therein mentioned are thereby confirmed And containing a new gift of the said bail lands, and of the office of Constabulary of the Palace and principall messunge of the Priory of Bewlie and office of Bailiary of the said barony of Bewlie And one union of the hall in one barony called the barony of Lovat to be holden of her Majesty for payment of the several duties mentioned in the said Charter By which the ward, nonentry, releef and marriage when falling for the old barony of Lovat are taxed to and assigned for payment of the respective sums therein specified viz. The sum of one hundred merks Scots yearly during the ward and nonentry or either of them with the like sum for the relief & 500 merks for the marriage of the heir or heirs And the heirs are allowed to be entered notwithstanding of their minority And the other of the which Charters is dated at S^t James's the Seventeenth day of Aprile One thousand seven hundred and four years to the said M^r Roderick M^r Kenzie and his forsaids heretably and irredeemably proceeding on his own Resignation and containing a Confirmation of all his former Rights granted to him his predecessors cedents & authors of the lands and others forsaids All thereby erected in a Regality called the Regality of Lovat with Chappell and Chancellery right of Jufficiary Elcheats of the Inhabitants and other privileged immunities offices and jurisdictions all holden as repeated herein Ordaining the burgh of Bewlie or Frazerdale to be the head burgh thereof, and to be called the Burgh of Regality of Lovat And allowing mercats to be kept thereat And one Sessine at the manour place of Lovat or any part of the said lands to be sufficient for the said bail Regality, Burgh, Offices and others therein mentioned To be holden of her Majesty for payment of the several few blench and taxt ward duties expressed in the said Charter Together with the Precepts of Sessine contained in the said two Charters and Instruments of Sessine thereon In the bail heads articles and clauses thereof And Her Majesty with consent foresaid Wills and Grants and for her and her Royal Successors Statutes Ordaines and Declares that the saids Charters Precepts and Sessines shall be good valid and sufficient rights conforme to the tenors thereof to the said M^r Roderick M^r Kenzie of Prestonhall and his forsaids for possessing and enjoying in the tenors thereof without any stop or impediment soe far as concerns the interest of her Majesty or her successors the lands baronies regallitie offices and

others reflective above written and that the same shall never be quarrelled or revoked by her Majesty or her said Successors And also that this present Ratification shall be to all intents as sufficient as if every word of the forsaids Charters Precepts and Safines were insert herein With the not inserting whereof and with all other defects and imperfections that may or can be objected against the validity thereof and of this present Ratification of the same Her Majesty with consent forsaide for her and her saids successors has Dispensed and hereby Dispenses for ever Excepting and Reserving furth of the said Ratification and Rights thereby ratified and Regality above mentioned The lands of Kirktoom of Inchberry holden by the said M^r Roderick of the Duke of Argyll With the said Duke of Argyll his heretablie office of Justiciary Generall within the same Which with his Right of Superiority of the saids lands shall be as intire to him and his successors as if the said Rights and this Ratification had never been made nor granted.

- 21 RATIFICATION in favours of Sir Walter Riddell of that Ilk of the Lands & Barony of Riddell.

RATIFICATION in favours of Sir William Sharp of Stonyhill of the Lands of Stonyhill.

- 22 OUR SOVERAIGNE LADY the Queens Majestie with the speciall advice & consent of the Estates of Parliament Ratifies Approves and perpetually Confirms ane Charter under the Great Seall of this Kingdome containing precept of Senfine of the date at Windfoir Cattle the last day of July 1st vijth & six years granted be her Majestie with consent of the Lords & others Commissioners of her Majesties Thesaurie and Exchequer and proceeding on the resignations of John Earl of Lauderdale and S^r Robert Dickson of Carberry to and in favours of Sir William Sharp of Steniehill knight & baronet and his aires and assignies whatsoever heretablie and irredecumbable Of All & Haill the Lands of Steniehill with the manner place houses biggings yards orchaylds parks tofts crofts coalls coalbheughs cunnings cunninggares doves dovescots annexis connexis dependences pairs pendicles and pertinents of the samen whatsoever As also of All & Haill the Lands called Hutcheon croft land bank and Thomas Aikar and pertinents thereof And sicklyke of All & Haill the sixtein oxengate of Land of Monktonhall with the houses biggings yards tofts crofts coalls coal heughs pairs pendicles & pertinents of the samen whatsoever Together with all other tenements houses biggings yards orchaylds barnes byres stables lying in and about the toune of Monktonhall

which formerly pertained heretablie to the decessat Robert Dobie of Steniehill and thereafter to Robert Dobie his sone and air who and their tements were in possessione thereof whatsoever name or designatione the same be of And but prejudice of the said generalitie the houses tenements yards and others in Monktonhall which sometyne pertained to Thomas Abernethie Cornelius Neilson and Robert King and which were be them resigned ad perpetuum remanentiam in the hands of the decessat Robert Dobie superior therof And sicklyke of All and Haill these four oxengate of Land and one half oxgate of the toune & land of Monktonhall with the houses biggings coalls coalbheughs dovescots kilnes yards pasturages pairs pendicles and haill pertinents thereof sometyne pertaining to the decessat John Cast Wyter and Clerk of the Lordship of Musselburgh and possessed be him and his predecessors past memory of man and thereafter be William Smith Clerk to the forsaide Lordship of Musselburgh and Margaret Cast his spouse and thereafter be William Smith his eldest lawfull sone and aire to his said father and M^r Robert Smith brother and aire to the said William Smith younger And thereafter belonging to the decessat Sir W^m Sharp and his spouse conquisid and acquired be them from the said decessat W^m Smith younger and M^r Ro^d Smith his brother and aire he vertue of the divers rights & securities made and granted be them with consent of the persons therein mentioned in favours of the said decessat Sir W^m Sharp and his spouse all boundit and limited as is therein contained Together with the teynd slaves and personage teyndis of all and fandry the forsaids baill Lands & others particularly abovementioned Except the Lands of the forsaide four oxengate and one half of the saids toune and lands of Monktonhall with the pertinents thereof respective aboveswritten to be hencefurth unite and annexed to the saids lands to remaine inseperable therewith in all tyme coming And of All and Haill the coall and coalbheughs of all and fandry the saids lands and toune of Monktonhall not set in few ferme before the granting of ane Charter be Patrick Master of Gray Commendator of Dumfermline and Convent thereof in favours of unquhill James Richardstone of Smetstone and his spouse and longest Liver of them two and to unquhill Sir James Richardstone their eldest lawfull sone to Sir James Richardstone now of Smetstone of the forsaids coalls and coalbheughs and others therein contained dated the seventh and nyth dayes of May 1st vijth & eightie six years All lying of old within the Regality of Dumfermline thereafter within the said Lordship Baronic and Regality of Musselburgh and Earldom of Lauderdale and now lying within the paroch of Inveresk and Sberisdome of Edinburgh with the superiority of the saids baill Lands Together with all liberties and priviledges of ane free Rega-

ity with free Chappell and Chancellery for directing & serving of heives And with full power of holding Justice Courts & Justice Airs and administering of Justice within the haill bounds of the Lands and others above mentioned hereby disposed or any part thereof And to repledge the tenants vassals & inhabitants of the said Lands who shall happen to be conveyed & pursued before any other Judge and to bring them back to the jurisdictione of the said Regality in respect that the vassals and inhabitants of the saids Lands present & to come are excoed from the judgment & jurisdictione of the sheriff of the shire and all others judges within the said Kingdome also well in actions civil as criminall (except the four pleas of the Crowne) sicklyke and also freely in all respects as any other inhabitants of any other Regality within this Kingdome are or were excoered of before with the power of making & creating baillies & justiciarie deputies clerks sergeants dempters and other members of Court needfull and punishing of transgressours and uplitting of the fines escheits blood-wits of the Courts and applying thereof to their own use And of poynding and distrainingg therefor And of doing all other things & enjoy & use all other privileges & immunities which did belong or known to belong to any free Regality within this Kingdome And all other rights & privileges of the same contained in the Charters & Infeutments thereof granted to John Earle of Lauderdale & his predecessors And whereunto he or any of the persons mentioned in the Dispositione granted be him with their consent to the said Sir William Sharp had right within the bounds of the foresaids Lands thereby Disposed And that without prejudice to the said Sir William Sharp and his forsaids of any former power or jurisdictione of holding of Courts and Administrating of Justice conforme to the prior Charters and Infeutments granted to him and his predecessors and authors of the saids Lands so that it shall be alwayes lesseme & lawfull to him & his heirs and successours to make use of both or any one of the saids jurisdictiones the one without prejudice of the other and without any confusion of the saids jurisdictiones fed neen-mulande jura iuris Together with all other right of superiority or property title interest clame of right possessione petitor & possessor which the saids Earle of Lauderdale and Sir Robert Dickfone of Carberrie or either of them their predecessors cedents and authors had have or any wayes may clame & pretend to any of the forsaids Lands superiority or property few and teynd dewties and services thereof jurisdictiones privileges heretahle offices and others within the shen and pertaining and belonging to the said Lands or to any part or portione thereof in all tyme coming Without prejudice alwayes to the said Sir Robert Dickfone and his heirs & successours of the privilege of Regality & Judiciary as to all the rest of the Lands

and Lordship of Mußelburgh not Disposed be the said Earle of Lauderdale with content of the said Sir Robert Dickfone to the said Sir William Sharp And the said Sir William Sharp and his forsaids being alwayes lyabell to augmentations of stipends for the haill teynd of the Lands above written disposed to him (if any shall happen) effairand to his valuations with the rest of the heritors of the paroch And sicklyke the said Sir William Sharp and his forsaids their tenants and possessours of the saids Lands disposed present and to come being alwayes subject & lyabell not only in thirlidge of such of the saids haill Lands and others above written disposed to him as shall be possessed be them to the milnes of Mußelburgh as formerly But also subject & lyabell to the said Sir Robert Dickfone his Courts of the said Lordship and Regality of Mußelburgh for abstracted multures But expressly provyding that the said Sir William Sharp and his heirs and successours heretors of the saids Lands and the tenants & possessors thereof present and to come shall be altogether freed and excoered from the said Sir Robert his Courts except alenarly for abstracted multures in manner above written By which Charter Her Majesty with content foresaid of new gives grants & dispones to the said Sir W^m Sharp and his forsaids heretahle and irredeemably the forsaids haill Lands manner place houses biggings tenements alkers crofts coalls coallicoughs superiority teyns few and teynd dewties right and privilege of Regality & Judiciary free Chappell and Chancellery and haill other privileges offices immunities and others respective above written Disposed to the said Sir William Sharp with all other parts pendicles and pertinents thereof or any part or portion of the shen Together with all right title interest clame of right property and possessione petitor & possessor which her Majesty her predecessors or successours had has or any wayes may have clame or pretend thereto or to any part thereof in manner and for the reasons and causes therein expresed And Decrees and Ordaines That one Seafine now to be taken be the said Sir William Sharp and be his forsaids in all tyme coming at the manor place of Stoniehill be delivery of earth and staine alenarly shall stand and be one sufficient Seafine to them for all and sundry the foresaids haill lands houses biggings tenements superiority teyns few & teynd dewties right and privilege of Regality & Judiciary free Chappell & Chancellery and haill other privileges immunities offices and others respective above written with all their parts pendicles and pertinents disposed to the said Sir William Sharp lyand in manner respective abovementioned Notwithstanding the shen by discontigune and be of several boundings & designations Whereant and with all that may follow thereupon Her Majesty for her and her successours with content foresaid has dispensed for ever To be Holden of Our said Sove-

maigne Lady the Queens Majestie and her royall successours in free Regality and Justiciary free Chapell & Chancellary, free blench sic & heretadg for ever for payment of one penny Scots money upon the ground of the saids Lands at the fest of Whitsunday yearly in name of blench ferme if it beis asked allenarly And paying to the minister serving the cure at the Kirk of Inveresk present and to come one proportionall part of the local modified stipend dew and payable furth of the teyns of the saids Lands effeing & corresponding thereto alenarly for all other burden Together also with the Precept of Seafine therein contained and Instrument of Seafine following or to follow thereupon In the hail heidis clauses articles conditions of the famen Charter Precept and Seafine And her Majestie with consent foresaid wills & grants and for her & her Royal Successors decerns ordains and declares that the said Charter Precept & Seafine shall be conform to the tenors thereof good & sufficient rights to the said Sir W^m Sharp & his foresaid for their possesing and enjoying in the tenors thereof the foresaid lands right of Regality & Justiciary & others above mentioned in all time coming And that the same shall never be quarrelled or revoked by her Majesty or her foresaid And also that this present Ratificatione is & shall be alse valid effectuall and sufficient to the said Sir William Sharp and his fortoids as if the said Charter Precept of Seafine contained therein and Instrument of Seafine following or to follow thereupon were herein expreßly de verbo in verbum insert and ingrossed Wherein and with all other exceptiones or objections that may be moved proponed or alledged against the validity of this present Ratificatione and rights hereby ratified Her Majesty with consent foresaid has Dispensed and helrhy Dispenses for ever.

RATIFICATION in favours of Sir Alexander Erskine of Cambo and his son of the gift of the office of Lyon King of Arms.

- 23 AT EDINBURGH the Twenty first day of March One thousand seven hundred and seven years Our Sovereign Lady with advyce and consent of the Estates of Parliament Ratifies Approves and perpetually Confirms a Gift and Commission under the Great Seal of the dalt at Saint James's the twenty nyth day of January 1st vijth and three years granted by her Majesty with consent of the Lords and others Commissioners of her Majesties Treasury & Exchequer for the tyme to Sir Alexander Erskine of Cambo and Alexander Erskine his eldest lawfull son wherchy the former gift of the office of Lyon King of Arms is Confirmed to the said Sir Alexander during his life and he and his said sone and longest liver of them

are of new made during their lifytymes joint Lyons Kings of Arms and the names of Lyon King of Arms with the hail privileges and casualties thereof are given to them both And the said Alexander Erskine is ordained to execute the said office either with his father or by himselfe as his said father shall judge fit And the power of prescribing Ensignes armoriall to virtuous persons is granted to them both And also one hundred pound Sterling of fee and salary yearly is given to the said Sir Alexander during his life and after his death to his said sone to continue during their lifytymes respective and successive suspending alwayes the Crowning of the said Alexander Erskine as Lyon King of Arms so long as his father is alyve In the hail heidis and clauses of the said Gift and Commission And Her Majesty with consent foresaid Statuts and Ordains the foresaid Gift and Commission to be conform to the tenor thereof of a good and sufficient right and title to the said Sir Alex^r Erskine and Alexander Erskine his sone during their life tymes and longest liver of them two for possesing and enjoyeing in manner foresaid the above mentioned office of Lyon King of Arms With the hail priveledges and casualties thereof and fee or salary above written during the space above mentioned And that the same shall not be revoked or quarrelled by her Majesty or her successors And that this present Ratification shall be also sufficient to all intents as if every word of the said Gift and Commission were inserted herein Wherein and with all other defects and imperfections that may or can be proponed against the validity of the said Gift and Commission or of this present Ratification of the same Her Majesty with consent foresaid Does hereby Dispense for ever.

RATIFICATION in favours of Sir William Dunbar of Hemprigs Knight & Baronet and his spouse of the Barony of Hempriga.

RATIFICATION in favours of Archibald Douglas of Cavers and his son of the Lands & Barony of Cavers.

RATIFICATION in favours of William Bennet eldest lawfull son of Sir William Bennet of Grubbet of the Barony of Grubbet.

- 27 RATIFICATION in favours of Robert Rutherford of Bowland of the Barony of Bowland.

- 28 RATIFICATION in favours of Sir William Scot of Harden of the half of the Town & Lands of Dalcove.

- 29 RATIFICATION in favours of M^r John Pringle Advocate of the Barony of Hayning.

- 30 RATIFICATION in favours of Captain Robert Johnston late Provost of Dumfries and his son of the Barony of Keltoun &c.

- 31 RATIFICATION in favours of M^r David Plenderleith of Blyth Advocate & his spouse of the Barony of Kallise.

RATIFICATION of a Signature in favours of Charles Earl of Hopetoun exonerating them of the tenth of the ore of metals out of the mines at Hopetoun.

- 32 AT EDINBURGH the 21st day of March 1707 Our Sovereign Lady with the speciall advice and consent of the Estates of Parliament Ratifies Approves and Confirms the Signature under Her Majesties Royall hand with the Discharge Gift and Disposition thereon under Her Majesties Privy Seal in favours of Charles Earl of Hopetoun his heirs and successors The tenor of which Discharge Gift and Disposition under Her Majesties Privy Seal follows ANN by the grace of God Queen of Great Britain France and Ireland Defender of the Faith Forasmuch as We taking into our royal consideration the many great & eminent services done & performed by Charles Earl of Hopetoun & his predecessors to us & our royal predecessors And specially the great benefit & improvement that has arisen to our ancient Kingdom of Scotland by the said Charles Earl of Hopetoun & his predecessors their searching out working & winning of lead & lead ore & other mines metals & minerals at his mines at Hopetoun alias Leadhills with great hazard & charges as well in the first tryal & search of the samens as in the prosecution thereof And We considering That by the said Charles Earl of Hopetoun

& his predecessors their rights & infeftments there is payable to us & our successors the tenth of all ore which shall happen to be win & wrought out of the saids mines & minerals or the sum of One thousand merks Scots money in lieu & place thereof at the option & election of the said Charles Earl of Hopetoun & his forsaids in manner fully expressed in their saids rights & infeftments And We being willing to give all due encouragement to the said Charles Earl of Hopetoun his heirs & successors to prosecute & carry on the saids lead works & others which do so evidently tend to the common benefit & improvement of the Nation by constant employment of workmen in all the saids mines and of the country people in the carriage and of seamen and shipping in transporting of the samens to foreign countries Therefor and as a token of our good will Witt ye us not only to have exonerat & discharged Likens we by their presents with the speciall advice & consent of the Lords & others Commissioners of our Treasury & Exchequer Exoner Quitchin & simpliciter Discharge the said Charles Earl of Hopetoun his heirs & successors of the forsaide tenth of ore or one thousand merks money forsaide in lieu & place thereof yearly payable to us & our royal predecessors in manner abovementioned And that of all years & terms bygone resting unpaid at or preceeding the term of Martinmas last bypast in this present year of God One thousand seven hundred & six years But also to have given granted & disposed Likens we by these presents for the causes forsaide of our certain knowledge & proper motive with advice & consent forsaide Give Grant & Dispose to the said Charles Earl of Hopetoun his heirs & successors the forsaide tenth of the ore yearly or One thousand merks money forsaide in lieu & place thereof payable in manner above mentioned And that for and during the hall space of Three nineteen years next and immediately following the said term of Whitsunday last bypast in the year of God One thousand seven hundred and six years With full power to them during the space forsaide to possess haive & enjoy the said tenth of the ore or One thousand merks money forsaide in lieu & place thereof and the samens to their own proper use & behoof to convert & apply freely quietly but any molestation or impediment whatsoever Hereby expressly Inhibiting & discharging the Lords and others Commissioners of our Treasury & Exchequer our Advocate Solicitors General Receivers & others whom it shall concern to charge molest or trouble the said Charles Earl of Hopetoun & his forsaids for and upon account of the premises during the space abovementioned in any sort Given under our Privy Seal at our Court at Kensington the Thirtieth day of October and of our reign the fifth year 1706 Per signaturam nram S. D. N. Regine superscript Written to the Privy Seal & Registrars the Eighteenth day of March 1707

(Signed) Will. Alves Dep^t Sealed at Edin^t the Eighteen day of March 1707 Signed Will. Alves. IN all and sundry the heads points articles and clauses thereof And Her Majestie with consent foresaid Statutes and Ordinances the foresaid Discharge Gift and Disposition to be conform to the tenor thereof a good and sufficient right to the said Charles Earl of Hopetoun and his foresaids during the space therein mentioned Dispensing hereby with all defects and imperfections of the said Discharge Gift and Disposition and this present Ratification of the same.

RATIFICATION in favours of David French of Frenchland of the Town & Lands of Frenchland.

- 33 AT EDINBURGH the twenty first day of March One thousand seven hundred and seven years Our Sovereign Lady the Queens Majestie with special advice & consent of the Estates of Parliament have Ratified and Approven and heirly Ratifies Approves and perpetually Confirms ane Charter under the Great Seall of the date at Kensington the 28 of June 1707 containing Precept of Seafine therein granted be the decessit King William Her Majesties royall brother of ever blessed memory with consent of the Lords & other Commissioners of his Treasury & Exchequer for the time to David French of Frenchland therein designed wryter in Edinburgh and his Aires and Assignies whatsoever heretablie and irredeemable With and under the Reservatiōne therein specified Of all and hiall the Towne and Lands of Frenchland with the tower fortalice manner place and milne thereof Together with the houses, higgings, yairds orchyards, mynelands, maultures, fequells, woods, fillings, mores, muir, meadows, tofts, crofts, outfettes, infettes, semexis, connexis, dependencies, pairts, pendicles and hiall pertinents of the same whatsoever lyand within the Stewartie of Annandale and Shirliflone of Drumfries Proceeding upon the Resignatiōne of Rodger French of Frenchland in favours of the said David French and his foresaid as Assignie constitute be Robert French brother german to the said Rodger to the Dispositiōne and Procuratory of Resignatiōne contained therein of the foresaids Lands granted be the said Rodger French to the said Robert French his brother As also proceeding upon ane Adjudicatiōne of the foresaids Lands and others above written obtained at the instance of the said David French before the Lords of Council and Session against Margaret French only lawfull daughter to umquhill Thomas French eldest lawfull sone to umquhill William French portioner of Moffat as lawfully charged to enter sive in speciall to the saids umquhill Thomas French her father and William French her goodfrie and to umquhill David

French portioner of Moffat her grandfrie and umquhill French lawfull daughter to umquhill Robert French of Frenchland her grandmother and to umquhill Adam French of Frenchland her grand uncle and to Robert French of Frenchland her great grandfrie and umquhill Robert French of Frenchland her great grandfries father or to ane or other of the saids persones who died left vest and feased as of sic in the Lands and others above written with the teynds and pertinents thereof and against James Henderson taylor in Moffat husband to the said Margaret French for his interest and all others having or pretending to have interest By which Charter her Majestie has not only confirmed and approven all and whatsoever wrytes evidents rights and securities of the saids Lands mylne mynelands and others above written granted to the said David French and his foresaids and their predecessors and authors be whatsoever persone or persones Dispensing with the generality of the said Confirmatione But also of new Disposed the saids hiall Lands mylne mynelands maultures and others above mentioned with the pertinents with all right his Majestie or his royall successors had or might pretend thereto and Dispensed for taking Seafine at the manner place of Frenchland or upon the ground of any other pairt of the ground of the saids Lands for the whole in all tyme thereafter To be holden of his Majestie and his royall successors in fee and heretadgo for ever for payment of the rights & services usid and wont And in place thereof the sūme of ane hundredth merks Scots money yearly at two termes in the year Whitfunday and Martimes be equall portiones during the hiall space of the ward & nonentry allennuch for the relief thereof And of the sūme of Two hundredth merks money foresaid for the marriage of the aire or aires ane or ane when & how oft soever the sūmen shall happen to fall For payment of which respective sūms his said Majestie was graciously pleased be the said Charter to dispōne the said duties of ward nonentry relief & marriage when falling and to Dispende with the entering & infetting of the aires thereto notwithstanding of their minority as is mentioned in the said Charter Whereby his said Majestie promised to ratifie the said Charter & Infestment in favours of the said David French and his foresaids in the then current or next Parliament And required the Estates of Parliament to Ratifie the sūmen accordingly Together with the Precept of Seafine contained in the said Charter and Instrument of Seafine following thereupon In the hiall heads clauses obligaments conditions tenors and contents thereof And Her Majestie and the Estates of Parliament foresaid Statutes Decernes and Ordaines that the foresaid Charter Precept and Seafine are and shall be conform to the tenors of the same good valid & sufficient rights to the said David French & his foresaids for pos-

setting in the terms thereof the Lands & others above written without stop or impediment so far as concerns her Majesties interest And that the same shall never be quarrelled or revoked by her Majesty or her successors And that this generall Ratificatione shall be also valid effectuall and sufficient to the said David French and his forefairs as if the said Charter containing the said Precept of Sealine and Instrument of Sealine following thereupon above ratified were herein de verbo in verbum at length insert and ingrossed Whereanent and with all other exceptions or objections that may be moved proposed or alledged against the validity thereof and of this said Ratificatione of the same Her Majestie and Estates of Parliament forsaide have dispensed and heirlie dispenses for ever.

- 34 RATIFICATION in favours of the Principal, Professors and Masters of the College of Glasgow of a Gift of £300 Sterling yearly for payment of its debts &c.

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- 35 RATIFICATION in favours of Daniel Stewart brother german to Sir William Stewart of Castlemilk of a gift of Receiver General &c. of the imposition for Cologne.

.....

- 36 RATIFICATION in favours of William Earl of Kilmarnock of the Lordship & Barony of Kilmarnock.

.....

RATIFICATION in favours of James Marquis of Montrose and his son of the title of Marquis of Montrose Earl of Kincardine &c.

- 37 AT EDINBURGH The twenty first day of March 1707 years Our Sovereign Lady with the special advice and consent of the Estates of Parliament Ratifies Approves and perpetually Confirms a Charter under her Majestys Great Seall of this Kingdom of the date at Windfore Castle the 3^d day of August 1706 years granted by her Majesty with consent of the Lords and others Commissioners of Her Treasury & Exchequer for the tyme to James Marques of Montrose &c. in lyfrent and David Lord Graham his son in fee and to the heirs male of his body which failing to the other heirs male and of tailzie and heirs & assignes whatsoever of the said Marques under the provisions conditions and irrancies therein mentioned heretahly & irredeemably of the honour

title and dignity of Marques of Montrose Earle of Kincardin Lord Graham and Mughdock and of the Marquisat Earldom Lordship and Regality of Montrose Barony of Buchannan Earldome and Regality of Monteith Dukedom Earldom and Regality of Lennox Earldom and Regality of Darnley comprehending the severall lands offices jurisdictions patronages and others respective therein except with Chappell and Chancery power of Justiciary Escheats of the inhabitants and the several barghis of Regality therein specified power of keeping fairs and mercats and other privileges therein set down the teinds annuities of teinds few duties out of the Isles of Bute and Comry and watchmill of Kilpatrick Mains of Cardross and Castle green of Dumbarton & all other lands teinds & rents belonging to the said Castle with the severall offices jurisdictions and others mentioned in the said Charter which proceeds upon the Resignation of the said Marques and other Conveyances and contains a new Gift of the huilt with a disjunction of the Barony of Buchannan and severall other lands from all sherrifdoms and other jurisdictions to which they were formerly united and the annexation thereof to the Regality of Montrose With a Declaration that one Sealine by earth and stone at the house of Mughdock or mercat Cross of the Burgh of Regality of Montrose thereby erected shall be sufficient for the huilt Dukedom Marquisat Earldoms Lordships Baronys Sherrifdoms Regalities Lands teinds offices jurisdictions and others mentioned in the said Charter To be holden of her Majesty as Queen Princess and Stewart of Scotland for payment of the severall duties mentioned therein whereby the taxward holding of the said Regality of Montrose and others therein specified is changed to Blench holding for payment of two penizes yearly in name of Blench ferm The heirs are allowed to be entered and infeft at any time of their age And the said Marques his son and their forsaids are allowed to Dispose upon the said lands in huilt or in part without consent of her Majesty and without hazard of Recognition which is thereby Renounced and the severall rights therein specified of the lands and barrony of Drammond alias Drymon and others are confirmed And Her Majesty with advice and consent forsaide Does also Ratify and Approve the Precept of Sealine contained in the said Charter & instrument of Sealine to follow thereon In the huilt heads articles & clauses of the said Charter Precept of Sealine and Wills Grants Statutes & Ordains that the same Charter Precept & Sealine shall be good valid & sufficient rights conform to the tenor thereof to the said James Marquis of Montrose his son & their forefairs for possessing & enjoying in all time coming without stop or impediment so far as concerns the interest of her Majesty the Lands Regalities offices jurisdictions & others therein mentioned And that the same shall

never be revoked or quarrelled by her Majesty or her successors in any time hereafter And declares this present ratification to be as sufficient to all intents as if every word of the rights hereby ratified were inserted herein with the not inserting whereof and with all other defects that can be proposed against the said rights & this ratification thereof Her Majesty with consent foresaid hereby dispenses for ever.

- 38 RATIFICATION in favours of Sir Hugh Dalrymple of Northberwick Lord President of the College of Justice of a Gift of the Island & rock called Bass.

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- 39 RATIFICATION in favours of M^r Alexander Melnicks of Culterallors and Mary Menzies his spouse of the half of the lands Barony & mill of Culter &c.

.....

PROTESTATION William Beillie of Lammington against the same, that it should not prejudice his rights.

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- 40 RATIFICATION in favours of M^r John Mackenzie of Delvin of the Baronies of Delvin & Lenton &c.

.....

- 41 RATIFICATION in favours of James Earl of Bute of the Barony & Regality of Bute &c.

.....

- 42 RATIFICATION in favours of William Drummond lawful son to George Drummond of Blair-Drummond of the office of Wardens of the Mint & Coining house.

.....

RATIFICATION in favours of Dame Janet Halket Lady Pitfirren of a gift of the privilege of transporting the Coals within the bounds of the estate of Pitfirren free from duties.

- 43 AT EDINBURGH the twenty first day of March 1st vjth and seven years Our Sovereign Lady with advice and consent of the Estates of Parliament Ratifies Approves and perpetually Confirms a Letter

of Confirmation and Gift under her Majesties Privy Seal granted by her Majesty with consent of the Lords and others Commissioners of Her Treasury and Exchequer of this Kingdom of the date at Kenningtoun the twenty first day of December 1st vjth & six years Approving & Confirming to and in favours of Dame Janet Halket spouse to Sir Peter Halket of Pitfirren alias Wedderburn of Goldfuid Knight Baronet and to her heirs and successors in the Lands and Estate of Pitfirren the full right privilege & liberty of transporting the Coals within the bounds of the said Estate furth of this Kingdom free and exempted from all payment of any Custom or Bullion or any other duties whatsoever imposed or to be imposed thereupon by the Laws & Acts of this Kingdom made or to be made according as the same have been possessed & enjoyed by the said Dame Janet Halket her predecessors and authors heretofore in time hypast conforme to their ancient rights and immemoriall possession of the foresaid exemption and immunity in all points And also of new for the said Dame Janet Halket and her foresaids their further encouragement to prosecute and follow out the working and winning of the said Coalls and transporting the same to foreign Countreys and without prejudice of their said antient rights and immemoriall possession but in further corroboration thereof Accumulando Jura jurius of her highnes certain knowledge and proper motive Giving Granting & Disposing and for her Majesty and her Royall successors perpetually Confirming to the said Dame Janet Halket and her foresaids the full privilege & liberty of transporting the foresaid Coalls from any port or ports within this her Majestys antient kingdom Thereby expressly inhibiting & discharging the Lords and others Commissioners of her Majestys Treasury present and to come Her Majestys Treasurer Theasurer Deput Advocate and Solicitors and all others Her Majesties Officers of State and Ministers of the Law and also the Collectors farmers and tacksmen of the Customs of the said kingdom and all others employed or to be employed in splitting collecting & ingathering of the same whom it does or may concern from all charging prosecuting troubling or molesting the said Dame Janet Halket or her foresaids in the peaceable possession & enjoyment of the foresaid privilege continually and exemption for ever Declaring That it is and shall be always leison and lawful to the said Dame Janet Halket and her foresaids to possess haik and enjoy the privilege immunity & exemption above written either by virtue of their said ancient rights and immemoriall possession foresaid or by virtue of the said new Grant and Disposition of the same or be both or either of the said rights the one but prejudice of the other at their pleasure in tyme coming in the hail heads articles and clauses of the said Letter of Confirmation & Gift And Her Majesty with

advice and consent of the said Estates of Parliament Wills and Grants and for her Majesty and her successors Statute and Ordains the foresaid Confirmation and Gift to be conform to the tenor thereof good valid & sufficient for possessing & enjoying in all time coming without stop or impediment so far as concerns her Majestys interest the above written privilege & exemption in all time coming And Declares the same shall never be revoked or quarrelled by her Majesty or her successors and that this present Ratification is and shall be as sufficient to all intents as if every word of the said Confirmation & Gift were inserted herein With the not inserting whereof and with all other defects and imperfections that can be proposed against the validity hereof and right hereby ratified Her Majesty with consent foresaid hereby dispenses for ever.

- 44 RATIFICATION in favours of John Doull Writer in Edinburgh of the lands of Under-edge & Southernflat &c.

.....

PROTESTATION Sir Gilbert Elliot of Minto in name of the Lord Bellhaven against the same, that it should not pre-judge his rights.

.....

RATIFICATION in favours of Captain James Cranston of Glen and M^{rs} Jean Murray his spouse of the Lands of Glen &c.

- 45 AT EDINBURGH the 21 day of March 1707 years Our Sovereign Lady with the speciall advice and consent of the Estates of Parliament Ratifies approves and perpetually confirms a Charter under the Great Seal Granted by her Majesty with content of the Commissioners of her Treasury and Exchequer for the tyme of the date at Kensington the twentieth day of May 1703 viz^t and four years proceeding on the resignation of Captain James Cranston of Glen in favours of the said Captain and M^{rs} Jean Murray his spouse in conjunct fee and liferent for her liferent use only and to the heirs male betwixt them in fee which failing to the said Captain James Cranston his heirs male of any other marriage which failing his heirs and assignees whatsoever heretably and irredeemably under the reservations and provisions therein and after express of all and haill these parts of the lands of Glen which formerly belonged in property to the deceased John Earle of Traquair and Earle of Traquair his son with houses biggings yards and all their pertinents together with liberty and privilege of casting winning and transport-

ing of peits and turfs in and from the mofs of &c. conform to use and wont and as the same are presentlie possit by Elizabeth Murray relict of the deceased John Cranston and W^m Aitchison his tenant lying within the barony and shrieftome of Peebles Excepting and reserving that pairt and pendicle of the foresaid lands of Glen (called Spittlehope) which is excepted & reserved from the Disposition of the said lands granted to the said John Cranston and his authors As also all and haill the lands of Glen with houses biggings yards pairts pendicles and haill pertinents of the same lying within the said shrieftome of Peebles which formerly belonged to John Earle of Traquair Lord Linton and Caverthome some tyme Lord High Treasurer of the Kingdom of Scotland eye and air to the deceased James Stewart his Grandfather And wherein he as air to his said Grandfather was infeft together with all right title interest claim of right property and possession petitor and possessor which Her Majesty or Her predecessors or successors had have or any wayes may have claim or pretend to the foresaid lands or any pairt thereof or to the malls and duties of the same in all tyme past & in time coming by reason of waired relict marriage nonentry recognition redemption or any other manner of way or by any other title whatsoever Reserving nevertheless to the said Elizabeth Murray her liferent of such pairts and portions of the foresaid lands in which she stands infeft in liferent during all the dayes of her lyfetyne conform to her lifement and staill thereof As also reserving full power and liberty to the said James Cranston (notwithstanding of the said charter and infeftment to follow hereupon) to sell and dispone the foresaid haill lands and others above specified with their pertinents or any pairt thereof heretably and irredeemably or to wadset the same or grant infeftments of annual rent to be uplifted furth of any pairt of the said lands to any person or persons for whatsoever sums the said James Cranston shall think fit and to make and grant Dispositions and other rights and securitis requisit for that effect without content of his said heirs obtained thereto and sicklyke and als freely in all respects as if they were not provided to the foresaid lands for all which one Staill to be taken upon any pairt of the said lands is declared to be sufficient to be holden of her Majesty for payment of the several duties mentioned in the said Charter whereby the ward nonentry & relief and marriage when falling for the said lands of Glen which pertained to the Earle of Traquair as eye & heir to the said unquhill James Stewart are taxed to & assigned for payment of the respective sums therein specified viz^t of the sum of seventy three pounds Scots money yearly at two terms in the year Whitsunday & Martinmas in winter be equall portions during the Ward & Nonentry with the lyke sum of seventy three

pounds monie forsaid for relief of the same as also with the sum of one hundred and forty six pounds monie above written for the marriage of every air when the same shall fall allenerly And the sirs notwithstanding of minority are allowed to be entered and infett And the said Captain James Craufon & his forsaids are allowed to dispose thereon in hail or in pair without hazard of recognitions together with the precept of Seafin contained in the said Charter and Instrument of Seafin thereon In the hail heads articles and clauses of the said Charter Precept & Seafine And Her Majesty with consent forsaid Wills and Grants and for her royall successors Decerns Statutes and Ordains the forsaid Charter Precept & Seafine to be conform to the tenors of the same good valid & sufficient rights to the said Captain James Craufon & his forsaids for possesing & enjoying continually hereafter the lands & others above & therein mentioned so far as concerns her Majesties interest & that the same shall never be quarrelled or revoked by her Majesty or her forsaids And also that this present Ratification is & shall be to all intents also effectuell & sufficient as if the said Charter Precept & Seafine were at lenth inferted herein with the not inserting whereof & with all defects & imperfections if any be that can or may be alledged or proposed against the validity hereof or of the said Charter Precept & Seafin hereby ratified Her Majesty with consent forsaid for her & her royall successors does hereby Dispense for ever.

RATIFICATION in favours of James Earl of Morton of the Earldom of Orkney & Lordship of Zetland.

- 46 AT EDINBURGH the twenty first day of March 1st vijsth and seven years Our Sovereigne Lady with the speciall advice and consent of the Estates of Parliament Ratifies Approves and perpetually Confirms a Charter under the Great Seall of the date at Kensington the eighteenth day of February last granted by her Majesty with consent of the Lords and others Commissioners of Her Thesaury and Exchequer in prosecution of an Act of Parliament dated the tenth day of the said month of February Dissolving from the Crown the Earldom of Orkney and Lordship of Zetland and others after mentioned in favours of James Earle of Mortoun and his heirs male whatsoever succeeding to his honor and dignitie which falling to his heirs and assignees whatsoever hereafter Of all and hail the said Earldom of Orkney and Lordship of Zetland lying in the Kingdom of Scotland with all sundrie Lands Lordships regalities baronies lites castles towers fortalices manner places houses biggings yards orcheyards parks fences inclosures milns milllands maultures knaveships woods fillings as well of salmon as other fishes

in fressh and salt waters liberties grafsaums forencries towns broughs annualrents fermes fewfemes and duties Together with all and sundrie Lands called Udall Lands lying within the said Earldom Lordship and Isles of the same With all and sundrie priviledges casualties and commodities whatsoever pertaining thereto as well by sea as land with tenents tenendries service of free tenents as well in landwart as within burgh teinds great and small portage and vicewage tounds duties advocations donations and rights of patronage of the kirks chaplanries alterages and prebendries within the said Earldom and Lordship Isles Udall Lands and others pertaining thereto Together also with the heretabill offices of Justiciary shirifship or stewartrie ballierie and foudry within the said Earldom Lordship Isles and others above written belonging thereto with wreck and ware and all and sundrie priviledges liberties fees casualties and other commodities whatsoever pertaining to the said offices of Justiciary shirifship or stewartrie ballierie and foudry or any of them With full power to the said James Earle of Morton and his forsaids of appointing affixing fencing holding and continuing Courts of Justiciary shirifship or stewartrie ballierie and foudry at whatsoever place or places within the hail bounds of the forsaid Earldom Lordship Isles Lands and others above mentioned most fit for that effect and of making erecting and appointing Justiciars shirifs or stewarts bailies and founds and their deputs with clerks peo^r fiscal officers forjants dampners and all other necessary members of Court for holding the said Courts of Justiciary shirif or stewart Courts and Courts of halliary and foudry within the hail bounds of the said Earldom Lordship Isles Lands and others above written pertaining thereto and of doing all other things requisite & necessary thereunto sicklike and als freely in all respects as any other Justiciar shirif stewart bailie or found within the said kingdom of Scotland or the said Islands of Orkney and Zetland have done or may do by vertue of their said offices at any time hygone or to come And siclike of her Majesties right of the feufermes and other duties casualties and services of all and sundrie the heretabill vassals & others within the said Earldom Lordship Isles Lands & others above mentioned With full and only power to the said James Earle of Morton and his forsaids in her Majesties name yet remaining superior to enter and receive the said heretabill vassals who now actually hold of her Majesty and her Crown and their heirs and to grant Charters and Infestments to any person or persons of the said Earldom Lordship Isles Lands & others above written or any part of the same upon the Resignation or Disposition of the said vassals or Decrets of sale apprysing or adjudication from them and that either by Confirmation or Charters containing Precepts of Seafine and to intromet with uplift and dispose upon all

and sundrie the casualties of the said vassalls already vacant or not disposed of or which shall happen in all time coming to fall & become vacant by simple or liferent Echeat Ward Nonestrie Recognition or any other way whatsoever Without prejudice alwayes to the said Earle and his foresaids of the superiories and haill casualties of all such vassalls and others as formerly held of the Earle of Orkney and which do not now hold of her Majestie And also with full and absolute libertie to the said vassalls which now hold of her Majestie to return and take their holdings of the said Earle of Morton and his foresaids as they held the samen formerly of the Earles of Orkney at their option Together with all right and title Her Majestie her predecessors or successors had has or any wayes may have claime or pretend to the premises or to the feufermes duties and profits thereof for the termes of Whitlanday and Martinmas 1707 & in time coming by the reason of ward nonestrie acts of annexation Acts of Parliament or any other way as is fully mentioned in the said Charter whereby the haill foresaid Lands and others are united in one Earldom Lordship and baronie with priviledge of Judiciary shirifship or Stewartie bailiery or foudrie called the Earldom of Orkney and Lordship of Zetland Ordaining one Sasine at the Caille of Kirkwall or any part of the said Lands to be sufficient for the whole premises Redeemable alwayes by her Majestie and her successors for 30000 lib Sterling as is expressed in the said Charter With provision that the said Earle shall not be accountable for his intromissions and that the rents of that year wherein the redemption is declared shall belong to him To be holden of her Majestie for payment of the several feu and other duties mentioned in the said Charter and Act of Parliament relating thereto And Her Majestie with consent of the said Estates of Parliament Ratifies and Confirms the Precept of Sasine contained in the said Charter and Instrument of Sasine to follow thereon in the haill heads articles and clauses of the said Charter Precept of Sasine And wills and grants for her and her royall successors statuts ordaines and declares that the foresaid Charter Precept and Sasine are & shall be conforme to the tenors of the same good valid and sufficient rights to the said James Earle of Morton and his foresaids for possesing and enjoying in the termes thereof the Earldom Lordship and others above mentioned without any stop or impediment in far as concerns the interest of her Majestie or her foresaids and that the same shall never be quereled or revoked by her or them And that this present Ratification is and shall be to all intents as sufficient as if every word of the foresaid Charter Precept and Sasine were infert herein With the not inserting whereof and with all other objections that may be proponed against thair presents and the said writs hereby confirmed

Her Majestie with consent foresaid for her and her said successors does hereby dispense for ever.

RATIFICATION in favours of John Earle of Stair, of the Earldom of Stair, Lordship & Barony of Dalrymple.

AT EDINBURGH the twenty first day of March one thousand seven hundred and seven years Our Sovereign Lady with advice and consent of the Estates of Parliament Ratifies Approves and perpetually Confirms ane Charter under the great Seall of this Kingdom of the date at St James's the twenty seventh day of February last granted by her Majesty with consent of the Lords and others Commissioners of her Treasury and Exchequer proceeding on the Resignation of John Earle of Stair and William Campbell respective In favours of the said Earle his heirs male and of tailzie therein mentioned and other heirs and assignees whatsoever heretahly and irredeemably of the Title and Dignity of Earle of Stair Viscount of Dalrymple Lord Newlistoun Glenluce and Stranraer and of the lands and barony of Stair and the rest of the lands lordships baronies patronages milnes fishings heretahly offices fees and others particularly and generally therein mentioned under the reservations provisions and conditions expressed therein Whereby all the rights of the office of Bailiary of the Lordship and Regality of Glenluce and of the lands and baronies pertaining to the Abhacy thereof granted to the said Earle and to his predecessors and authors are confirmed The town of Glenluce is appointed the head burgh of the Regality thereof in place of the burgh of Barnhill The haill lands and others therein specified are united in one Earldom Lordship and Barony called the Earldom of Stair Lordship and Barony of Dalrymple The manour place of Stair is appointed to be the principall manse of the said Earle by earth and stone thert or any part of the said lands is declared sufficient for the haill To be holden of her Majesty for payment of the several duties specified in the said Charter By which the heirs notwithstanding of minority are allowed to be entered and infert in some of the said lands holden in tax ward Together with the precept of Sasine contained in the said Charter and instrument of Sasine to follow thereupon In the haill heads articles and clauses thereof And Her Majesty with consent foresaid Wills and Grants for her and her Royall Successors Statutes and Ordaines that the samen Charter Precept and Sasine shall be good valid and sufficient writs conforme to the tenor thereof to the said John Earle of Stairs and his foresaids for possesing and enjoying in the terms thereof without stop or impediment soe far as concerns the interest of her Majesty the lands lordships baronies and others abovementioned respec-

tive And Declares that the same shall never be quarrelled or revoked by her Majesty or her successors And that this present Ratification shall be to all intents as sufficient as if every word of the forsaide Chartour precept and sasine were insert herein With the not inserting whereof and with all other defects and imperfections that may or can be objected against the validity thereof and of this present Ratification of the same Her Majesty with consent forsaide for her and her saide successors has Dispensed and hereby Dispenses for ever.

RATIFICATION in favours of Edward Hyde eldest lawfull son of Edward Lord Cornbury of a tack of the few duties of the Island of Ila &c.

- 48 AT EDINBURGH The twenty first day of March One thousand seven hundred and seven years Our Sovereign Lady with the speciall advice and consent of the Estates of Parliament Ratifies Approves and Confirms a Tack under the great Seal of the date at Saint James's the twenty eight day of February last granted by Her Majesty with advice and consent of the Commissioners of Her Treasury and Exchequer to Edward Hyde eldest lawfull son to Edward Lord Cornbury and Nephew of umquill Charles Duke of Lennox his Grand Uncle and Nephew of umquille Lady Katharine Stewart alias Obrian his Grand Aunt Sister to the said Duke and to his heirs and assignees and to Henry Lord Hyde eldest lawfull son of Laurence Earl of Rochester for the use of the said Edward Hyde during his minority of the few duties of the Island of Ila with the pertinents extending to Nine thousand merks Scots yearly and that for three nineteen years after Whitfunday 1st vije and one years for payment of five hundred pound Scots money yearly at Candlemas in name of Tack duty beginning the first terms payment at Candlemas next for this and the former years of the said Tack by which Tack Her Majesty revokes all rights prejudicial thereto or to any other right of the said few ferms and duties which the said Edward Hyde has or shall acquire And declares the same null in the haill heads articles & clauses of the sament after the form and tenor thereof in all points.

- 49 RATIFICATION in favours of Archibald Earl of Roseberry of the Lands & Barony of Pitnec &c.

- 50 RATIFICATION in favours of Archibald Earl of Roseberry of the Island of Garvie in the river of Forth.

PROTESTATION Walter Stewart of Pardovan, in name of the Laird of Dundaff that it should not prejudice his right to the Island of Garvie.

RATIFICATION in favours of David 51
Earl of Glasgow and Jean Countess of Glasgow of the Earldom of Glasgow & Lordship & Barony of Kelburn.

RATIFICATION in favours of Hugh 52
Earl of Loudoun of the Lands, Earldom & Estate of Loudoun.

THEN the Lord Chancellor by order of Her Majesties high Commissioner Adjourned the Parliament till monday next at ten of the clock.

MARCH XXIV, M,DCC,VII.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

ADDITIONAL List of Commissioners of Supply for several shayres given in and ordered to be added to the Commissioners formerly named for the said respective shayres.

[Commissioners of Supply]

THEREAFTER the Act concerning Publick Debts read a second time and again read over by paragraphs And after some amendments and additions the Act as amended was voted and approved.

[Public Debts]

PETITION for the Earle of Crawford for an allowance for his fathers charges and trouble as Prases to the Parliament 1690 read and the petition Recommended to Her Majesty in the terms of a deliverance upon the petition.

[Recommendation in favours of the Earl of Crawford]

THEN it was moved that now in the conclusion of the Parliament a Letter to Her Majesty be brought in and a Draught of a Letter being accordingly brought in and read the same after some amendments was voted and approved [the tenor whereof follows.]

May it please your Majesty
WE your Majesties most dutiful and Loyal Subjects the Noblemen and Commissioners from Shyres and Burrows Assembled in Parliament Do with

[Letter from the Parliament to the Queen]

most humble thankfulness acknowledge that this Nation has enjoyed many advantages under your Majesties most happy government But above all We beg leave to return our most humble and hearty thanks to your Majesty for the great care and concern you have shown to bring the Treaty of Union of your Majesties Two Kingdoms of Scotland and England to a happy conclusion This Union which has often been attempted by your Royal predecessors without effect is by the special blessing of Heaven upon your Majesties reign, and your wife conduct now brought to perfection, which with the settlement of the succession in the Protestant line has established a lasting monument of your Majesties glory to all future ages, and laid a firm foundation of the security of our Religion And the peace and prosperity of this Island.

WE assure your Majesty We shall do our utmost in our several stations to promote mutual good Correspondence with our Neighbours of England That We may be United in our hearts and affection for your Majesties service and the publick interest of your United Kingdom of Great Britain.

YOUR Majesty was pleased by your most Gracious letter to Recommend to us to provide Supply's for your troops garrisons and ships here; We have cheerfully offered to your Majesty such supplies as the present circumstances of this Nation could possibly bear And We in all humility intreat and hope your Majesty will graciously accept of them.

YOUR Majesties choice of the Duke of Queensberry to represent your Royall person in this Session of Parliament was most acceptable to Us And We cannot but acknowledge that the success in the weighty affairs which have been before Us is very much owing to his prudent and steady conduct.

MAY God Almighty who has hitherto Bless'd your Majesties Arms and Councils with wonderfull success preserve and prosper your Majesty long for a lasting blessing to your people and a firm support to your Allies, We are with all submission and duty,

Subscribed in presence by warrant and in name of the Estates of Parliament By

May it please your Majesty

Your Majesties most Loyal most faithful and most obedient subject and servant

SEAFIELD Cancellor.

L. P. D. P.

Edinburgh 24th March
1707.

THEREAFTER the following Petitions viz. Petition Thomas Lockhart surveyer at Leith Petition Ensigne William Dick Petition Robert Henderson Bibliothecar of the Colledge of Edinburgh were all moved and Recommended to Her Majestie in the terms of the Delyverances on their respective petitions.

[Recommendation
Thomas
Lockhart
Ensigne W.
Dick
& M^r Robert
Henderson
Bibliothecar
of the
Colledge of
Edinburgh]

PETITION Alexander Black and partners of a Starch Manufactory for enducing their work with the priviledges of other manufactories and for imposing a dutie on foraigne Starch read and the desire thereof granted in part conform to a Delyverance on the petition.

[Act in
favour of
Alexander
Black &
partners &
a Starch
manufactory]

JAMES Finlayson servitor to M^r Robert Alexander one of the Clerks of Council and Session Recommended to Her Majesties Thesaurie conforme to a Delyverance on his petition.

[Recommendation
in favour
of James
Finlayson]

PETITION John Hamilton Town Clerk of Irvine moved and Recommended to Her Majestie in the terms of a Delyverance thereon.

[Recommendation
in favour
of John
Hamilton
Town Clerk
of Irvine]

OVERTURE for an Act in favours of Manufactories for Wool read and a first reading ordered to be marked thereon.

[Manufactories for
Wool]

PETITION for James Cunyngame of Auchmarvie younger moved and the consideration thereof delayed till next Sederunt of Parliament.

[James
Cunyngame
of Auchmarvie]

THEREAFTER John Corie Writer in Edinburgh and John Smith late Muster Master Depute were Recommended to Her Majesty conforme to deliverances on the respective petitions.

[Recommendation in favour of John Corie Writer in Edinburgh]

[Recommendation in favour of John Smith late Muster Master Depute]

Majesty by this House in her Great wisdom to make further provision for the said Lord President and other Lords of Session their salaries out of some sure fund and so as their salaries may be paid easily' To which motion the house did agree And did Recommend to my Lord High Commissioner to lay this their humble request before Her Majesty.

THE Masters and Clerks servants and keepers and servants of the house Recommended to the Lords of Her Majestys Treasury for a gratification for their attendance and service this Session of Parliament conforme to deliverances on their respective Petitions.

[Recommendation in favour of the Masters and Clerks Servants and Keepers and Servants of the House]

THEN the Lord Chancellor by order of Her Majesties high Commissioner Adjourned the Parliament till to morrow at ten a clock.

MARCH XXV, M.DCC.VII.

PRAYERS said Rolls called.

MINUTES of the last Sederunt read.

JAMES Cunningham of Auchinharvie younger was upon his Petition Recommended to Her Majesty in the terms of the deliverance thereon.

[Recommendation in favour of James Cunningham of Auchinharvie younger]

WILLIAM Bayne upon a petition Recommended to Her Majesty conforme to the deliverance on the said petition.

[Recommendation in favour of William Bayne]

THE Lord President and remanent Lords of Council and Session Recommended in a speciall manner to Her Majesty for the augmentation of their Salaries conforme to a Recommendation apart.

[Recommendation to Her Majesty in favour of the Lords of Session]

A MOTION being made by the Lord Marques of Montrose Lord President of the Privy Council 'That seeing the present salaries of the President and remanent Lords of Session were long since settled and that great alterations have happened in the value of money and pryces of all things whereby these salaries are now become disproportioned to the Dignity pains and expense of that trust and that the salaries being out of different funds do require charge and trouble to collect and recover them And also seeing that in this Parliament there is a new addition made to their labour The Jurisdiction of the Commission for plantation of kirks and valuation of Teynds being transferred to the Session It might be humbly Recommended to Her

ACTS of Ratification in favours of several persons read and pass'd.

[Acts of Ratification pass'd]

PROTESTATION taken in favours of the Duke of Hamilton against one of the above Ratifications in favours of the Duke of Douglas in so far as concerns his first vote in Parliament and other precedencies therein mentioned.

[Protest, Duke of Hamilton against the Duke of Douglas]

AS also severall Warrants for Fairs &c. read and granted.

[Warrants for Fairs granted]

ORDERED that the Fairs granted this Session of Parliament if not extracted within fix months shall be void and null.

RATIFICATION in favours of Archibald Duke of Douglas, of the Dukedome, Marquisate, Earldom, Lordship & Barony of Douglas & Angus & of the first vote in Parliament &c.

- 58 AT EDINBURGH the twenty fifth day of March One thousand seven hundred and seven years Our Sovereign Lady with the speciall advice and content of the Estates of Parliament Ratifies Approves and perpetually Confirms one Charter under the Great Seal of this Kingdome of the date at Kensington the tenth day of March instant granted by her Majesty with Content of the Lords and others Commissioners of her Majesties Treasury and Exchequer to Archibald Duke of Douglas and his heirs and others therein mentioned heretahly and irredeemably Of the Lands Lordships Regalities Baronies and others particularly and generally therein exprest With all the Dignities enjoyed by the deceased Archibald Earle of Angus or his predecessors And specially the first vote in Parliament Lending the Vane the day of Battle, and Carrying the Crown in Parliament All formerly united in the Earldom of Angus And of the Lands and Barony of Dudspe Comprehending the severall Lands office and others therein specified Proceeding on the Resignation of him and his Tutors and Containing a new Gift of the haill with a disjunction of the Lordship and Barony of Douglas & others from all Sherifdoms Regalities & other Jurisdictions and one Union thereof in the Regality Lordship and Barony of Douglas And also one Erection of the Lands of Dudspe and others therein specified In the Regality Lordship and Barony of Dudspe With the Jurisdiction of Regality Chappell Chancellary and Judiciary Rescheats of the Vassalls and Inhabitants and other privileges belonging to the saids severall Regalities And sicklyke one Erection of the Burgh of Douglas in a Burgh of Regality and of the Burgh of _____ in another free Burgh of Regality to be called the Burgh of Regality of Dudspe which is thereby ordained to be the head Burgh thereof with the privilege of mercats and fairs of the saids severall Burghs as is mentioned in the said Charter Which contains also a Gift and Disposition of the mynes and mineralls within the Barony of Robertson and the said Regality of Dudspe with one Union of the haill Earldom Lordships Regalities Burghs and others therein specified In one Dukedome Marquisate Earldom Lordship and Barony of Douglas and Angus Ordaining the Castle of Douglas to be the prin^{ce} messuage thereof And one Sasine by Earth and Stone therat or at any part of the said Dukedome to be sufficient for the haill Declaring that the said Union shall not prejudice his Priviledges and

Dignities belonging to him as Earle of Angus or otherways To be holden of her Majesty for payment of the severall Duties therein exprest By which Charter the feu and taxward holding of the Barony of Douglas and others is changed to a lease holding for payment of one penny Scots money yearly Together with the precept of Sasine contained in the said Charter and Instrument of Sasine to follow thereon In the haill heads articles and clauses thereof And Her Majesty with advice foresaid Wills and Grants Statuts and Ordaines That the foresaid Charter and Sasine to follow thereon are and shall be conforme to the Tenors of the same good valid & sufficient Rights and Titles to the said Archibald Duke of Douglas and his forsaids for possesing and enjoying in the tenors thereof without stop or impediment so far as concerns the Interest of her Majesty or her Royal Successors in all time coming the Lands Lordships Regalities Baronies Dignities and others abovementioned and therein contained And Declaires that the same shall never be quarellled nor revoked by Her Majesty or her forsaids hereafter As also that this present Ratification shall be also valid & sufficient and of als great force strength and effect to all intents and purpoits as if every word of the Charter & Sasine hereby Ratified were Inset herein With the not Interfing wherof and with all other defects and imperfections that may be objected against the same and this present Ratification thereof Her Majesty for her and her forsaids with consent above mentioned Has Dispensed and hereby Dispenses for ever.

PROTESTATION the Duke of Hamilton against the same.

RATIFICATION in favours of M^r John Murray Advocat Commisair of Peebles of the Barony of Yare.

RATIFICATION in favours of Sir Thomas Mencrief of that ilk and Sir James Mac-kenzie Advocat, of the office of Clerk to the Thesaury &c.

RATIFICATION of a gift in favours of John Veitch elder of Daisie & John Veitch his son of the office of presenting Signatures in Exchequer &c.

- 57 RATIFICATION in favours of James Viscount of Primrose, of the Regality of Primrose, 68

 ACT in favours of Sir Alex^d Cunningham of Corsehill for four yearly fairs & a weekly mercat on the 40 shilling land of Cockleboon.
- 58 RATIFICATION of the gift in favours of George Earl of Cromarty, of the Chaplaries of Alne's Newmore & Tarlogie &c. at the burgh of Dingwall. 69

 ACT in favours of Sir Samuel Forbes of Foveran for three yearly fairs upon the lands & barony of Foveran.
- 59 RATIFICATION in favours of John Viscount of Garnock, of the Barony of Kilbirny. 70

 ACT in favours of James Sinclair of Lyth for various fairs in the shire of Caithness.
- 60 RATIFICATION of a gift in favours of Colin Earl of Balcarras, of £500 Sterling yearly out of the Lands & Lordships of Fife, Strathairne &c. 71

 ACT in favours of Sir David Carnegie of Pittarro for two yearly fairs upon Cam-mockmuir.
- 61 ACT in favours of Sir Alex^d Campbell of Celsnock, for yearly fairs & mercats at the towns of Galstoun & Riccartoun. 72

 ACT in favours of the Lady Cardross for two yearly fairs & a weekly mercat at the town of Brocksburn.
- 62 ACT in favours of the Burgh of Dunbar for a yearly fair. 73

 ACT in favours of David Earl of Glasgow for three yearly fairs & a weekly mercat upon the lands of Doghilloch.
- 63 ACT in favours of the Burgh of Campbeltoun for three yearly fairs. 74

 ACT in favours of Sir Francis Kinloch of Gilmertoun for a yearly fair & weekly mercat at the town of Athelstanford.
- 64 ACT in favours of John Duke of Argyll for five yearly fairs at the town of Dunoon. 75

 ACT in favours of Sir Alexander Murray of Melgum for a weekly mercat at Arleanno.
- 65 ACT in favours of M^r John Campbell of Oatfer for two yearly fairs at the ferry of Oatfer. 76

 ACT in favours of William Bennet younger of Grubbet for two yearly fairs & a weekly mercat at the kirk of Yetholme.
- 66 ACT in favours of John Lord Balmerinoch for changing a yearly fair at the town of Cupar in the shire of Forfar. 77

 ACT in favours of Sir James Dalrymple of Killoch for two yearly fairs at Herriot-house.
- 67 ACT in favours of John Brace of Kinross for four yearly fairs at the town of Kinross. 78

 ACT in favours of Sir John Areskine of Alva for two yearly fairs at the town of Alva.

IT being moved to Recommend M^r Paterson to Her Majesty for his good service After some reasoning thereon It was put to the vote Recommend him to Her Majesty or not and it carried Recommend.

[Recommendation
in favour of
M^r Paterson]

ALEXANDER Baillie servant to the Lord Register Recommended to the Lords of Treasury on a petition conform to deliverance thereon.

[Recommendation
in favour of
M^r Alex^r
Baillie
Servitor to
the Lord
Register]

AT Edinburgh the [25th] day of March 1707 years Her Majesties High Commissioner and the Estates of Parliament having heard the petition of Alexander Baillie Servitor to the Lord Register Humbly shewing That after the great fire in February 1700, which occasioned the Transporting, for preservation, all the Records and Warrants from the Lower Parliament house to the old Church; The confusion that happened thereby, gave the petitioner, who was intrusted with the Keeping of them, continual Labour since, in putting them in the order, wherein they now are, which is much better than ever formerly, many of them, even before that time, being altogether in disorder, as is known to many of the Honourable members, and making up a new Inventory of all the Books of Registers, which he did without getting any allowance; And further in September 1702, when a Committee of Privie Council had inspected the Records in the Lower Parliament house, for discovering what writs and papers lying there might be necessary, for the then intended Union; Their Lordships of the Council did order a particular Book of Register of all the publick writs which had been inspected by their Committee, to be made, and Extracts of any of the saids writs, when called for, to be given to the Commissioners of Treaty: and for so doing, there was a Recommendation to the Treasury; yet the petitioner had received nothing, altho' that in obedience to that order, he did at that time, on his own expence, deliver to Sir David Dalrymple her Majesties Solicitor, Extracts of many of the saids old writs, and since that time had been at pains of searching for all the Publick Writs and Treaties betwixt this Kingdom and that of England, France and other Nations, that could be found, and had made up a Register thereof which was therewith produced, Craveing therefore His Grace and the Honourable Estates of Parliament, to appoint such a sum as should be thought a Competent allowance for the Petitioners Pains and Charges in putting the Records in order, making a new Inventory of the Books, making up the said Register, and giving furth Extracts as said is to be paid out of some certain Fund as His Grace and their Lordships should judge proper as the

said petition Bears And Her Majesties High Commissioner and the Estates of Parliament Having heard this petition They Recommended and hereby Recommend the petitioner to the Lords Commissioners of her Majesties Treasury for a further Gratification and Reward of his pains and service mentioned in this Petition.

THE following Acts viz. Act in favours of the Incorporations of Edinburgh for a Maiden Hospital Act in favours of the Town of Dundee Act in favours of the Town of Aberdeen Act in favours of the Duke of Hamilton and Town of Borrowstouness Act in favours of the Burgh of Kirkcaldie Act renouncing the reversion of Kirklands Act in favours of the Burgh of Kinghorn Act for clearing the passage through the Mary Wynd in the Burgh of Stirling Act in favours of the Earl of Linlithgow & Callendar Act in favours of the Lady Littlegill and her son Act of Naturalization of John Henry Huguetaun Act for Naturalization of several Foreigners Act for preserving the Game Act in favours of the Earl of Buchan Act of Dissolution of the Mines & Mineralis belonging to His Grace the Duke of Queensberry Act for burying in Wooden Act in favours of the Maiden Hospital founded by the Company of Merchants and Mary Erskine Act concerning the payment of the sums out of the Equivalent to the African Company and Act concerning the Publick Debts were all touched with the Royal Scepter by her Majesties high Commissioner in the usual manner.

[Acts
touched
with the
Scepter]

ACT in favours of the Incorporations of Edinburgh for a Maiden Hospital.

OUR SOVERAIGNE LADY with advece and consent of the Estates of Parliament Considering that there is a pious and budidie designe now carrying on by the Incorporations of the Craftsmen of Edinburgh and others who joyn with them and authorized by the Town Council of the said Burgh by their act dated the third day of May One thousand seven hundred and four years for founding and erecting a Hospitall for the maintenance and education of the female Children and Grandchildren of decayed Craftsmen and others to be presented by persons who gives donations thereto, which may be of generall advantage and especially to the City of Edinburgh, Therefore Her Majestie with advece and consent forsaidd Doe hereby allow and authorize the said Incorporations of the Craftsmen of Edinburgh and others, joyning or who shall joyn with them, to meet as oft as occasion requyres and to make such rules and constitutions for the carrying on & supporting of the said Hospitall allencely as they shall find just & convenient; As also to settle such funds as weel out of their

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publiet Boxes belonging to their respective Administrations as private Estates as they shall think fit and to receive Mortifications or Donations from any person who shall be pleased to contribute thereto; The saids rules and acts to be made by them being always consistent with the Lawes of the Kingdome, and with the Acts & Constitutions of the City of Edinburgh, And Statutes and Ordains the saids Rules & Constitutions to be made by them, to be as valid & effectuell to all intents & purposes for the ordering and governing of the said Hospitall abovesentioned, as if they were particularly exprest and sett down in this Act Whereanent Her Majestie with advyce and consent forsaid dispenses for ever. And Farther Her Majestie with advyce & consent forsaid Ordains & Declares the forsaid Hospitall when sett up and settled in its Constitutione and Directors and Overseers, to be a frie Hospitall for the pious use aforesaid, With power to the said Hospitall and its Overseers and Directors, not only to administrat the fonds and rents appertaining thereto Bot lykeways, to purchas and acqyre Lands, Tenements and others for the farther good and advantage thereof; And for that end to make grant and receive all manner of deeds and wryts necessary for that effect, and to have a Seal if they shall think needfull, and with such Inscriptions as they shall appoint for the Confirmation of the saids deeds, And generally, to have all such powers, liberties and immunities of a frie Hospitall for pious uses, as any other Hospitall for the lyke uses hath, or by the Law may have within this Kingdome.

ACT in favours of the Town of Dundee for an Imposition upon Ale & Beer.

80 OUR SOVERAIGN LADY the Queens Majestie with the advice and consent of the Estates of Parliament taking unto their serious consideration the great and unsupportable debts extreme distresse manifest decay and imminent ruine of the Royall Burgh of Dundee partly contracted and occasioned in the time of the troubles in King Charles the First his Reigne they being then obledged by publick authoritie to fortifie the Town upon their own expenses and partly by the said calamity and los of the toun sustained in the year 1701 vjth and fiftie one throw its being stormed and taken in by the then Usurper wherby the said Burgh was pillag'd and plundered in a most lamentable manner As also the vast dammages and losses the toun sustained by the heating down of its harbour the needfull reparation whereof was exceeding expensive and burdensome Moreover the great charges which the toun was at by the marching and countermarching of troupes throw the Burgh about the time of the Revolution with the universall decay of trade especially in that

place Therefore Her Majestie out of her royall care and bounty for the releif and support of the said toun doth with the advice and consent of the saids Estates of Parliament Give Grant and Dispose to the said toun of Dundie Provost Baillies Magistrates and Council and Community thereof and their successors in office for their use and behoof ane Imposition of two pennies Scots upon the pint of all ale and beer to be either brown or inbrought topt vended and sold within the said toun and Hilltoun of Dundie and other liberties and suburbs thereof (and that over and above the Queens annexed Excyse) commencing from the date of thir presents and thence to endure for all and haill the space of Twentie four years thereafter Imposing and Ordaining the same to be payed to the said toun and Magistrates and Council thereof by the brewers vintners sellers topers & retailers of the said ale and beer during the haill space and years above exprest and the same to be uplifted payed and ingathered weekly monthly quarterly as the forsaid Magistrates and Town Council shall think fit to prescrive and order Strictly hereby appropriating and appointing the forsaid Imposition and product thereof for the payment of the Towns debts And with this provision as it is hereby expressly provided and declared that the said imposition is and shall be burdened with the sum of Twelve hundred pounds Scots money yearly for the space of six years to be payed to M^r James Anderson Writer to the Signet or his assigneyes as a part of the expenses of the work recommended by the Parliament to him and that at two termes in the year Mertimas and Whitsunday beginning the first termes payment at Mertimas 1701 vjth and seven years And Ordains the Magistrates of the said Burgh to make payment of the same accordingly And Her Majestie with advice and consent forsaid Ordains forsaill books to be kept by the Town Treasurer containing ane particular and exact accompt of the product of the said Imposition and yearly application thereof for the ends above specified in manner aforementioned and that separat and apart from any other books [concerning] the touns common good or other Revenues And which books shall contain in the beginning a full fair and true List of the touns debts principall and annuallments due at Mertimas 1701 vjth and six years and of the bonds granted therfor and of the persons names and designations to whom the same are due and that the present Magistrates shall delyver ane subscribed double of the forsaid List of debts in order to its being recorded in their Guildrie books to the intent the same may be exposed to the view of all concerned especially to the hangers of the said toun with the whole accompts and rolls relative to the said imposition in order to the said burgers and others concerned in the said toun their taking exact tryall of the verity justnes and extent of the saids debts and imposition And how the

same was yearly applied in such manner and by such persons as shall be appointed by them for that effect And that how soon any advantage shall arise to the said Burgh by the above imposition now granted in their favours that then and immediately after the expiration of each year thereof at least betwixt and the first day of January after the said expiration the said Magistrats and Town Council shall be holden and obliged to make payment of the neat product of the said imposition for disburdening of the town of the haill hygone annualrents of the principall sums and ministers stipends resting owing preceeding Martinmas 1st vjth and six years in the first place And that conforme to a List therof herewith given in And which is to be recorded in formal books as above And in the next place for paying the principall sums themselves proportionally and effeing to the extent and yearly product of the forsaidd imposition And Her Majesty with advice and consent forsaidd Ordains the neat product and account of the forsaidd imposition to be made up betwixt and the first day of January yearly after the expiration of ilk year And discharges of annualrents bygone ministers stipends and bonds to be retired yearly conforme to the extent and product of the said imposition and that betwixt and the first day of February thereafter That the same with the other revenues of the town shall during the time of the set be managed and disposed of at the sight and by the advice of the persons following To wit the Provost of Dundie and six of the Town Council nominat by the Town Council yearly wherof fyve to be a Quorum and by fyve Creditors not Councillors chosen by the Creditors three wherof to be a Quorum By three maltmen not Councillors chosen by the maltmen and by the authoritie of the Dean of Guild two wherof to be a Quorum And by two tradesmen not Councillors chosen by the Conveener and trades one wherof to be all-wise present And all which to be yearly chosen And the said joynt committies or their respective Quorums to meet quarterly by advertisement from the Provost of the burgh for the time And the yearly clearing of accounts to be in the presence of the Earles of Strathmore Pannuir Noribesk and Lord Balmerino M^r Francis Montgomerie of Giffan M^r Pat. Lyon of Auchterhouse M^r Henry Mauld of Kellie M^r James Carnegie of Phinhaven James Halyburton of Pitcair Thomas Fotheringame of Pourie David Graham younger of Fintrie [Alex^r] Duncan of Londie and John Scrimser of Kirkcoun or any of them who shall please to inspect the same They likewise having advertisement from the provost or baillies of the said burgh for the time of the said dyet of meeting as said is that so the debts may be yearly diminished and bonds cancelled and dilate out of the List of debts due be the said Town beginning the first termes instruction of the said payment at the terme of Candlemas 1st vjth

and eight years and that for the year preceeding and so furth to continue during all and haill the space of this act And that there shall be publick intimation given to the haill merchants of Dundie to be present at the said annual meeting upon the day of yearly in order to their full satisfaction anent the neat product of the forsaidd imposition and due application therof for payment of the Towns debts in manner above express And furder it shall be leisme and lawfull to all or each burger of the said town And they are hereby authorized and impowered to prosecute the saids Magistrats who shall not apply the forsaidd imposition in the termes of this act And who are hereby declared lyable in repetition and payment of whatever part of the above sums appointed to be payed yearly as aforesaid shall be unpaid or suffered to perish or become unprofitable by them through their neglect or negligence And that before any Judge competent and for payment of the expenses in the pursuite according to the pursuer his oath in litem without any manner of diminution or modification And Lastly Her Majesty with advice and consent forsaidd doth nominat and appoint the persons above specified each of them in their own claes and their respective joynt committies and quorums of them to be overseers of the said new imposition and managment thereof in manner particularly above mentioned And its hereby Declaired that it shall be leisme to the saids Magistrats and Town Council to ferme and set in tack the said imposition by way of publick roup at the sight of the above overseers or their joynt quorums Without whose consent It is also declared That the saids Magistrats can contract no debt for the time forsaidd whereby the said Towne may be farder burdened.

ACT in favours of the Town of Aberdeen
for an Imposition upon Liquors.

OUR SOVEREIGN LADY and Estates of Parliament considering a Petition given in by the Provost Baillies and Council of Aberdeen Representing the expence they have been brought to by the reparation and building of a bulwark for supporting their harbour by the reparation of their prison and expence they will be put to in bringing water into the Town By which and their former debts they are reduced to straits and therefore Craving a prerogation of a former gift in their favours for the space of twenty five years after out-running thereof Therefore Her Majesty & Estates forsaidd Do hereby Ratifie and Approve the said former Act in their favours which is dated the sixteenth day of July 1st vjth and ninety five And after expiration thereof Prerogate the same for the space of twenty five years more to be uplifted & collected by them in such form and manner during

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the said twenty five years as they shall think fit They being always obliged to apply the sum so uplifted by virtue of this and the former gift towards the payment of the principall sums due by them in the first place And that at the sight of the Earl of Seafield Lord high Chancellour the Earl of Mar Lord Secretary the Earl of Erroll Earl Marischall Earl of Kintoir the Lords Forbes and Fraser Sir Thomas Burnett of Leyes and the present Commissioners to the Parliament for the shire of Aberdeen to whom from year to year they are to be accountable for their management With the burden always of forty pounds Sterling yearly during the continuance of this and the former gift towards a salary to Doctor Thomas Bowar Regius Professor of Mathematicks in the Kings Colledge of Aberdeen and his successors in office payable at two terms in the year Whitsunday and Martinmas by equal portions beginning the first terms payment at Whitsunday next And thirty pounds Sterling payable at Whitsunday and Martinmas next by equal portions to Alexander Baillie servitor to the Lord Register or his assigns in part payment for his great pains and expence in putting in order the Records and Warrants in the Lower Parliament house Making Inventories of the books and Searching out and writing a register of the old Publick Treaties betwixt this and other Nations And Ordain the Magistrates of the said Burgh to pay the said respective sums accordingly And to the effect the said Town of Aberdeen may be the better enabled to pay the said sum of forty pounds Sterling yearly to the said Doctor Bowar and his successors and the said Thirty pounds Sterling to the said Alexander Baillie in manner foresaid out of what arises from the said gift And in regard they have severall publick and useful works of their own to finish and carry on for the publick utility Therefore Her Majesty and the Estates of Parliament Extend the imposition upon Liquors mentioned in their said gift to what shall be brown and vended in the old town of Aberdeen, Colledge bounds Spittle and Seston, from and after the said term of Whitsunday next And Statut and Ordain That all liquors brown and vended in the said old town Colledge bounds Spittle and Seston, from that term and during the continuance of this gift shall be lyable to the same imposition on liquors that are brown and vended in the New-town, And that the said Town of Aberdeen their Collectors or tacksmen may levy collect and uplift the said imposition during the space foresaid in the same way and manner as they have levyd and collected or shall levy and collect the same from their own brewers and retailers And Declare this Act to be as effectuell as if it had been contained in their first gift hereby prorogated.

ACT in favours of the Duke of Hamilton and Town of Borrounfounnefs for an Imposition on Ale & Beer.

OUR SOVEREIGN LADY takinge to con- 82
sideration That the Town of Borrounfounnefs is most conveniently situated for trade and the place where both natives and strangers with their ships and vessels resort but for want of a peer or harbour many inconveniencies ariseth to the great hurt and damage both to merchants and owners of ships and goods being necessitat to load and unload the same by boats and lighters at inconvenient seasons being obliged to wait upon tides and calm weather to the great prejudice of all concerned and to the great detriment of her Majesties revenue by diminution of the duty of damaged goods which frequently falls out upon the reasons above mentioned All which would be avoided if there were a convenient peer or harbour for loading and unloading in manner foresaid And considering that the Inhabitants of the said Town and parish thereof are desirous and willing that the imposition aftermentioned be granted for building of a harbour at the said town as a paper under their hands hath testified Therefore Her Majesty with advice and consent of the Estates of Parliament Doth hereby allow an imposition of two pennies Scots upon each pint of all ale and beer to be brown and vended within the said Town and parish to be Uplifted and Collected by his Grace the Duke of Hamilton his heirs and successors or their Collectors and that for the space of Nineteen years And the money so to be uplifted is hereby destinat and appointed for erecting and building the said harbour And the said Duke of Hamilton and his forefairs are to apply the said Money for the use and end abovementioned at the sight of William Marquess of Annandale and John Earl of Ruglen or any one of them their heirs or successors in case of their decease And the said Duke of Hamilton and his forefairs are hereby authorized to enter to the Collection of the said imposition at and after the term of Whitsunday 1st vijs and seven With the burden always of Thirty pounds Sterling payable at Whitsunday and Martinmas next by equal portions to Alexander Baillie servitor to the Lord Register or his Assigns in part payment for his great pains and expence in putting in order the Records and Warrants in the lower Parliament house, Making up Inventories of the books and Searching out and Writing a register of the old Publick Treaties betwixt this and other Nations And Ordain the said Duke and his forefairs to pay the same accordingly.

ACT in favours of the Burgh of Kirkcaldy for an Imposition on Ale & Beer.

83 OUR SOVERAIGN LADY and the Estates of Parliament Considering that the Burgh of Kirkcaldy having by the building of ane Harbour, Tollsbooth and other publick works, contracted debts far beyond their Common good, wherby and by the great Loss the Inhabitants have suffered in shipping, during the late and present War, they are so Impoverished that the burgh is in great hazard of going to utter ruin to the publick Loss of the Nation: And seeing ane Imposition in favours of the burgh of Two pennies upon each pint of ale and beer browen and vended within the priviledges of the same for a suitable time would be a ready mean for preventing thereof; and that the far greatest part of the burghes and inhabitants (who only can be the sufferers) have by a Writ under their hands signified their consent thereto. Therefore and for the better enabling the said Burgh to perform that Dutie and Service to the publick, which upon all occasions they have been ready to do, Her Majestie with advice and consent of the said Estates, Authorize and Impowers the Magistrates and Town Council of Kirkcaldy (or such as they shall appoint) to Collect and Ingather ane Imposition of Two pennies (distinct from the Excise payable to Her Majesty) upon each pint of ale and beer browen and vended within the priviledges of the said Burgh for the space of Twenty five years from and after Whitsunday next in the year 1st vijth and seven to be applied for the payment of the publick debt of the burgh in the first place, and for repairing the harbour and other publick ends of the burgh in the next place, With full power to the Magistrates and Town Council or their Collector to Poynd and Distresse, and to use such order for Inbringing thereof as they are in use to do for any part of their Common good. With the burden of Twenty five pounds Sterling yearly to be payed to the seven Masters of Parliament for the first four years and Ten pounds Sterling yearly to Doctor Thomas Bower Professor of Mathematicks in the Kings Colledge of Aberdeen towards a Sallarie to himself and successors in the said profession from the said term of Whitsunday for the haill subsequent years contained in this Act which Her Majesty with advice foresaid Decerns and Ordains to be payed to him and his successors in office by the Magistrates and their Collectors at two terms in the year Whitsunday and Martinmas by equal portions accordingly And that the said two pennies of the pint shall be applied to the uses abovementioned by the said Magistrates at the sight of the Earles of Rothes, Weems, Leven, Lord Sinclair or any two of them their heirs and successors who are

herely authorized to call the said Magistrates and their Collectors to account for the same.

ACT Renouncing the Reversion of Kirklands.

OUR SOVERAIGN LADY Considering that 84 by the severall annexations of Kirklands to the Crown the feu duties are Reserved to the Lords of Erection, redeemable by Her Majesty and successors by payment of a thousand Merks for each hundred merks or shaller of victuall and proportionally for every other duty not being naked services And that this Reversion has been no profit to the Crown but a Let and Impediment of all Transactions betwixt the Lords & feuars thereant And that the said Lords of Erection and their Successours in their rights have been always most dutifull to Her Sacred Majesty and Her predecessors Therefore and for the other grounds above written Her Majesty with advice and consent of the Estates of Parliament Dissolves the said feu duties from the Crown and Rescinds all the Acts of Annexation therof to the effect the same may remain with the Lords of Erection and those buying right from them irrevocably and for ever And therfore Discharges the said Reversion contained in the severall Acts of Parliament And for Her and her Successors Renounces the same for ever And Wills and Ordains that this generall Discharge and Renunciation shall be also valid and effectuall to every person concerned as if they had particular Discharges and Renunciations apart Registrat in the Register of Reversions and Discharges therof Whereant and went all Imperfections that may be objected Her Majesty for her self and successors with advice and consent foresaid Hes Dispensed and hereby Dispenses for ever Declaring this Act shall not preclude Her Majesty and Her Royall Successors of the Right of Superiority of the said Erections or of any Duties Casualties or Services prestable by the Lords of Erection for the samen conforme to their severall Rights thereof.

ACT in favours of the Burgh of Kinghorn for an Imposition on Ale & Beer.

OUR SOVERAIGN LADY and the Estates of 85 Parliament Considering that the Burgh of Kinghorn having contracted debts far beyond their Common good by upholding their ruinous harbour and building a new one not yet finished which will be of the greatest use and advantage to all passengers coming and going from this place to the north of Scotland and besyds other great lodges the Inhabitants have sustained in transporting severall of their Majestys forces since the Revolution and furnishing them heres with which have been quyte ruined and for which they never received

any payment They are so much impoverished that the Town is in hazard of utter Ruin And seeing an Imposition in favours of the said burgh of two pennies upon each pynt of ale and beer brown and vended within the said burgh and priviledges thereof for a competent number of years would be a ready mean for Inabling the said burgh to finish the said harbour and preventing the ruin thereof by the great losses already sustained Therfor and for the better inabling to perform the duty and service to the publick which upon all occasions they have been ready to doe Her Majesty with advyce and consent of the Estates of Parliament authorizes and empowers the Magistrats and Town Council of Kinghorne and such as they shall appoint to collect and ingather ane Impositione of two pennies upon the pynt of ale and beer brown and vended within the said burgh and priviledges for the space of twenty four years from and after the first day of May next to come to be applied for payment of the Debts contracted in advancing of the said harbour and to be contracted for finishing thereof in the first place and in the next place for payment of the publick debts of the burgh With full power to the saids Magistrats Town Council and such as they shall appoint to Poynd and Distrengie and use such order and execution for inhaling thereof as they are in use to doe for their Common good Which Imposition of two pennies upon the pynt of ale and beer during the space forsaide is hereby declared to be over and above and distinct from the annexed and additionall Excise payable to Her Majesty The saids Magistrats being obliged to apply annually what arises from the said Imposition in order and to the uses aforesaid at the sight of the Earles of Wceims Strathmore Leven and Melvill and their heirs or any two of them who are hereby authorized to audite the accounts of the said Imposition and to Discharge the Magistrats upon such Charge and Discharge to be given in by them, as the saids Earles shall see just And its hereby provyded and declared that the forsaide Imposition shall be burdined with the payment of Six hundred pounds Scots to William Willone one of the under Clerks of Session and that for a year and a halfs salary due to him as under Clerk of Prive Council from Whitsunday 1689 to Martinmas 1690 and for the extraordinary pains and expences he was put to for the Exigency of the Government during that tyme and with the lyke sum of Six hundred pounds Scots to James Stephan Usher for his publick service and attendance payable in six years being a hundred pounds to each of them per annum and appoynts the first years payment to be at Candlesmes Ist vij^s and eight and so yearly at the said term till the saids respective sums be compleitly paid And ordain the saids Magistrats Town Council and Collectors thereof to make payment to them accordingly.

ACT for clearing the Passage throw the Mary Wynd in the Burgh of Stirling.

OUR SOVEREIGN LADY Considering that 85
the easiness and Patency of high roads to, through and from Royall Burrows concerns the policy of the Kingdom, and that the Common passage through the Town of Stirling (a place of great frequency and where Her Majesty has Her Royall Castle and Pallace) is greatly impeded by severall forestairs or outshots in the Street or Wynd called Mary Wynd so as neither Coaches nor loaded carts or wains can conveniently pass, Therefore Her Majesty with advice and consent of the Estates of Parliament Statutes and Ordains That the Magistrats of Stirling, shall, betwixt and the first day of May next, take down the said forestairs or outshots and build stairs to the said houses so that the street may not be incommoded and that at the sight and with the approbation of the Earle of Mar Lieu^t Collonell John Erskine Commissioner for the said Burgh and Sir John Areskine of Alva or any two of them.

ACT in favours of James Earle of Linlithgow and Callender for a toll on the bridge of Larmor for 22 years.

OUR SOVERAIGN LADY the Queens Ma- 87
jesty and the Estates of Parliament Considering that the bridge of Larmor upon the water of Carron was built by the Earle of Linlithgow his predecessors upon their own Charges, And being upon the high way and publick road, from the west to Edinburgh and from the north to the south parts of the Kingdom, the said bridge and the ways and cades leading to and from the same, and the causay of the Town of Falkirk belonging also to the said Earle are much dammified and impaired by the continuall passing of Carts and loaded boefe and requires a considerable expence to uphold and preserve the same for the common benefite and advantage of the lieldges Therefore Her Majesty with consent of the Estates of Parliament appoints and allows four pennies Scots for each cart two pennies for each loaded boefe and twelve pennies Scots for each score of all droves of Cows that shall pass along the said bridge of Larmor or town of Falkirk to be exacted and uplifted by the said Earle of Linlithgow or those Commissioned be him To be employed for preferring repairing and upholding of the said bridge, ways, and causays of Falkirk And that for the space of twenty one years after the date hereof.

ACT in favours of the Lady Littlegill and William Baillie her son for an Imposition at the bridges of Ramwell Craig and Dunneden.

- 88 OUR SOVEREIGN LADY and Estates of Parliament Considering that by an Act of Parliament dated the fourteenth day of August 1st year and sixtie three years the Estates of Parliament understanding the necessity to have one stone bridge built over the river of Clyd at Ramwell Craige and one other bridge over the water of Dunnidden, there being common passages and mercat wayes there and in which diverse persons have at severall tymes perished Did authorize the decessat William Baillie of Littlegill to build the saids two bridges and for his encouragement in the building and keeping up of the same did appoynt that for the space of Twenty seven years after the date of the said Act the said William Baillie and his heirs should have the collecting ingathering and uplifting of the Customs following viz. Twelve pennies Scots of every horse and load Eight pennies Scots of every Cow and Horse Two pennies Scots of every Sheep that shall pass amongst those two bridges or either of them or who shall pass that way through the said William Baillie his Lands whither they take the bridges or not and Six pennies Scots for each single horseman and Two pennies for each footman that shall pass amongst the saids two bridges or either of them and that the saids two bridges were accordingly builded and the Customs in use to be uplifted by the said decessat William Baillie of Littlegill and since his decess by Cicilla Wedderburn his relict by vertue of an Assignation therto from her husband in implement of her Contract of Marriage And that the upholding and repairing of the saids bridges doe requyre that the saids Customs be yet continued Her Majestie with advyce and consent of the Estates of Parliament Grants order and warrant to the said Cicilla Wedderburn and to William Baillie her eldest son and his heirs in case of her decess for their encouragement to uphold and repair the saids two bridges and to exact and uplift the forsaids Customs payable at the saids two bridges, excepting the carriages of the Lead and Lead ore belonging to the Duke of Queensberry and Earle of Hopetoun and victuall and materials for the use of the workmen and mynes passing the saids bridges and fords which with the carriages carriers and servants cart horses and others employed in the said carriages shall have and enjoy free passages without payment of any of the saids duties or any other imposition or molestation whatsoever and that for the space of Twenty one years after the expiration of the saids Twentie seven years They always repairing

and upholding the saids two bridges in good condition at the sight of the Duke of Queensberry the Earles of Forfar Hyndfoord Hopeton and the Laird of Lamington or any two of them.

ACT of Naturalization in favours of John Henry Huguetan.

OUR SOVERAIGN LADY Considering that 89 John Henry Huguetan a Frenchman and Protestant being obliged to retire out of France upon the account of the persecution, and he being well known in trade, and being desirous to settle in this Kingdom and to bring all his effects here in order to carry on trade, And for that effect to be Naturalized; Therefore her Majestie with advyce and consent of the Estates of Parliament Statutes Enacts and Declares That the said John Henry Huguetan and the Children of his Body, and all persons lineally descending from him, born or hereafter to be born, be and shall be to all intents and purposes whatsoever holden and reputed, taken and esteemed naturall born Subjects of this Kingdom, as if the said John Henry Huguetan and the Children of his body And all Persons lineally Descending from him, born or hereafter to be born had been born within this Nation, and shall Enjoy all benefites and priviledges of naturall born Subjects of this Kingdom.

ACT for Naturalization of several Foreigners.

OUR SOVEREIGN LADY The Queens Ma- 90 jestie with advyce and consent of the Estates of Parliament Considering that Collonell Scipio Hill Lieutenant Collonell Henry Verriero of Her Majesties Regiment of Foot guards Lieutenant Collonell John Cadour Captain in Major Generall Maitlands Regiment Captain Theodore Dury Her Majesties Chief Engineer Captain Daniell Charlot Briggadeer in Her Majesties Troop of guards Captain John Barjard in Collonell Grants Regiment Captain James Cavalier Lieutenant in Her Majesties Troop of Horse Grenadiers Ensign Peter Cheronin in my Lord Strathnavers Regiment Peter Cregut formerly Lieutenant in Sir W^m Dowglais Regiment Jeremiah Bofugue Adjutant to Major Generall Maitlands Regiment Major Belthazer Guydett Captain of Dragoons in my Lord Marquis of Lothians Regiment M^r James Le Blanc and Daniell Lafagette merchants in Edinburgh Joſeph Legoux Servitor to the Earle of Roxburgh Francis Gobson late Servitor to the Earle of Crawford Peter Bishop alias Lazzar Servitor to the Earle of Strathmore M^r John Godfrey preacher of the Gospell Francis Loumeau Du Pont minister Andrew Ferré Confectioner & James Kremberg Page to my Lord Commissioner Henry Hne

Gilder Lieutenant
Generall Maitlands Regiment David and Matthew
Lawrences his Sones Lieutenant James Bruce in
the said Regiment & Peter & Frederick Bruers his
Sones Serjant David Pirie Robert Keith son to Col-
lonell

Keith & William Garthore son to
Lieutenant William Garthore all in the said Regi-
ment James Binet native in Poitow in France Paul
Rowmieu Watchmaker in Edinburgh Peter Petite
Salemaker in Leith Aeneas Leblanc native in Ro-
schell George Keith son to Lieutenant Gideon
Keith of the Royall Regiment of Dragoons John
Medina & Kenneth Smith Linmers Henry Cram-
bden Musician Captain James Moxgiam in Collorell
Heburns Regiment

Father Captain
Lieutenant in the said Regiment John Medina
younger Linmer Francis Borie one of the Gentle-
men of Her Majesties Lifeguards Anthony Ro-
byne Servitor to the Laird of Grant younger &
John Hamilton son to Alex^r Hamilton Merchant
in London have resided severall years within Her
Majesties antient Kingdome of Scotland and some
of them have and doe enjoy offices in Her Majes-
ties Army and have behaved themselves in their
respective offices as becomes the subjection and
obedience they owe to Her Majestie and Her Go-
vernment As also that all of them are of the Pro-
testant Reformed Religion profess within this
Kingdome As also Considering that the rights and
priviledges of Naturalization to Strangers of the
Protestant Religion having their effects and refu-
ding within this realm has always been thought
beneficiall thereto Therefore Our Sovereign Lady
with advice and consent foresaid not only Ratifies
Approves and Confirms all and whattsoever Acts
of Naturalization heretofore made in favours of
Strangers which may any wayes be applied to or
concern the said persons above mentioned But also
out of Her Royall Bounty and Inclination to
favour the persons before named with advice and
consent foresaid Statuts Enacts and Declares That
the said Collorell Scipio Hill Henry Verriere John
Cadour Theodore Dury Daniell Charlotte John
Burjaud James Cavalier Peter Charanton Peter
Cregut Jeremiah Bostagne Balthazer Guydette M^r
James Le Blanc Daniell Lafayette Joshua Lapeyroux
Francis Gobron Peter Bishop alias La-Marr M^r John
Godfrey Francis Loumeau Du Pont Andrew Ferré
James Kremberg Henry Hue

Lawrence and
Mathew & David Lawrences Lieutenants James
Peter & Frederick Bruers David Pirie Robert Keith
William Garthore James Binet Paul Rourmieu Peter
Petite Aeneas Leblanc George Keith John Medina
Kenneth Smith Henry Crambden James Moxgiam
Fathier John Medina Francis Borie
Anthony Robyne and John Hamilton shall be
and are hereby Naturalized as native born subjects
of the Kingdome of Scotland and are to enjoy
Her Majesties Royall Protection the Benefite of
the Law and all other priviledges which a Native

doeth enjoy also freely in all respects as if they
themselves had been born within the same and all
enjoy all the rights freedoms and priviledges that
are the native consequences of Naturalization also
fully as they were herein particularly enumerat
And Further Her Majestie with consent foresaid
Statuts Enacts and Declares That this priviledge
of Naturalization shall have full force and effect
to the foresaid hiall persons above mentioned and
every one of them respective for the communi-
cation to them of all the rights and priviledges of
the native born subjects of Scotland in the case of
an Union betwixt the Realms of Scotland and Eng-
land as if they had been native born Scots That
is they shall be deemed and reputed as the Natives
of Scotland to enjoy all rights and priviledges
in one united state with England (in case the same
shall happen) as any Native Scotsman in such a
case might or shall enjoy Declaring always That
it shall be leifem for each of the said persons to
extract parties of this Act for their own behoove,
And that the persons above named shall take the
oath of alledgiance and sign the assuarence in the
ordinar form before the Lord Clerk Register and
that before the said persons shall have any bene-
fite of this Act And the Lord Clerk Register is
lykewayes hereby Impowred to cause any of them
Subscribe the Formula contained in an Act made
in the Parliament 1st vije^r and one years Intituled
Act for preventing the growth of Popery as he
sees cause.

ACT for preserving the Game.

OUR SOVEREIGN LADY with advice and 91
consent of Parliament does hereby strictly Prohi-
bit and Discharge in all tyme coming the Killing
of Moor-Fowls from the first of March to the
twenty of June and Partridges from the first of
March to the twenty of August inclusive under
the penalty of Twenty pounds Scots totes quotas
the half whereof to be given to the Discoverer and
the other half to be at the disposal of the Judge be-
fore whom the same shall be cognosed And for the
better preventing the killing of these fowls during
the foresaid prohibited seasons Her Majesty with ad-
vice foresaid does strictly Prohibit and Discharge
the selling buying or using of these fowls dur-
ing the foresaid Seasons within any hurgh village
or privat house within this Kingdome under the
penalty foresaid to be applied as above As also It
is hereby Discharged that no common Fowllers
shall presume to hunt on any grounds without a
subscribed Warrant from the proprietors of the
said grounds under the penalty foresaid Beyond
forburling their dogs guns and nets to the Appre-
henders or Discoverers And its hereby further Pro-
vided That no Fowller or any other person what-
soever shall come within any Heritors ground
without leave ask'd and given by the Heritor with

setting dogs and nets for killing fowls by nets And if any common Fowler shall be found in any Place with guns or nets having no licence from any Nobleman or Heritor they shall be sent abroad as Recruits As also that no persons whatsoever shall shoot Hares under the forsaide penalty And for the better Executing of this Law Her Majesty with advice forsaide Appoynts and Ordains all Shirriffs of Shyres Stewarts of Sturtries Justices of Peace Masters of the Game Baillies of Burghs or Regalities to put the same in due Execution under the penalty of One hundred pounds Scots For which penalty It is hereby decidered that the saids judges shall be lyable to the Pursuer or Complainer before the Lords of Session upon ane Instrument taken by the said Pursuer or Complainer that the Judge applied to refused or delayed to Cognosce the Complaint according to Law and to Decern in the terms of this Act And Lastly Her Majesty with consent forsaide does hereby Ratify and Approve all former Acts made anent the Game except in so far as they are hereby innovat and altered by this present Act.

ACT in favours of the Earle of Buchan.

- 92 OUR SOVERAIGN LADY Considering that upon a petition presented by David Earle of Buchan in the last Session of this current Parliament, Representing that he was hindered from entering heir cum beneficio Inventari to his predecessors the Earles of Buchan last Infeft, in the terms of the 24th Act of the 5th Session of his late Majesty King William's Parliament, by his absence out of the Kingdom, for near the space of two years after the decessat of W^m Earle of Buchan his immediat predecessor, he obtained ane act and delyverance of Parliament, allowing him year and day from the date thereof, to enter heir to his said predecessors, in manner above mentioned, as the said Act and Delyverance of the date the 6th of September 1705 more fully bears, And the said Earle having been accordingly served heir cum beneficio Inventari thereupon within the said space, Therefor Her Majesty with advice and consent of the Estates of Parliament Ratifies, Approves, and Confirms the said Act and Delyverance in favours of the said Earle of Buchan and his said service thereupon, And Declares this present Act to be excepted out of all Acts Salvo Jure, to be passed in this or any subsequent Session of Parliament.

ACT of Dissolution of the Mines and Minerals belonging to his Grace James Duke of Queensberry.

- 93 OUR SOVERAIGN LADY Considering the great pains and expences bestowed by the decessat William Duke of Queensberry for finding working

and winning of his Lead Mine within the Baronies of Drumbagrig and Saughbar As likewise the great and speciall Services done and performed to her Majesty and the Crown of this Kingdom by James now Duke of Queensberry and the said decessat William Duke of Queensberry his Father and their predecessors And that the granting to James now Duke of Queensberry and his heirs & successors the heritable and full right of all mines of Gold Silver Tinn Lead Copper and of all other Mettalls and Minerals whatsoever of whatever kind nature or quality already found or that may be found hereafter within the bounds of the Dukedome of Queensberry Lands Lordships Baronies and others pertaining to the said James Duke of Queensberry Together with the tenth part thereof And all other Right and Title or Interest that her Majesty may have or acclain thereto, may contribute much to the furder Search and Discoverie finding working and winning of the saids Mines Mettalls and Minerals above mentioned for the general good of the Kingdom Doth therfor with the advice & consent of the Estates of Parliament Dissolve the hault forsaide Mines of Gold Silver Tinn Lead Copper and hault other Mettalls and Minerals above mentioned with the tenth part thereof And all other Customs and duties payable to her Majesty for the same With all other Right Title & Interest Her Majesty or her successors may have claim or pretend thereto from her Majesties Crown and patrimony thereof and all annexation thereto To the effect her Majesty and her Successors may freely and fully Give Grant and Dispose the same to the said James Duke of Queensberry and his Heirs and Successors and assigneys in such full and ample form and manner as her Majesty shall think fit To be holden few of her Majesty and her Successors for such a few duty as she and they shall please to lay down and appoint for all other burden exaction and demand in the most free and absolute manner And specially hut prejudice of the Generality above written Her Majesty with advice and consent forsaide declares that the saids Mines Mettalls and Minerals are and shall be possessed in all time coming by the said James Duke of Queensberry and his forsaids, With express Freedom and Exemption from all payment of Customs Ballion Shoor dues or any other dues whatsoever payable or that can be exacted from them for any of the saids Mettalls and Minerals either already wrought or that shall happen to be wrought in all time coming With full power to them to export and transport the saids Mettalls and Minerals or any part or portion of the samen into foreign Countries free from the said dues & other customs and dues whatsoever either already layed on or to be layed on Inhibiting & Discharging all having right of gathering up the Shoor dues Anchorage or other Customs and all the Tacksmen Fermers and

Collectors of her Majesties Customs present and to come and the masters of her Majesties Mint their Deputies Servants and Officers from uplifting and collecting any sums of Money Bullion Anchorages Shoar dues or any other dues whatsoever for any of the saids Metalls or Minerals already wrought or that shall happen to be wrought in the saids Mines or exported therefrom out of this her Majesties Kingdom either purified or not purified And Moreover Her Majestie with advice and consent forsaidd Wills & Grants that the Servants and Hewers and others employed or to be employed by the said James Duke of Queensberrie and his forsaids for the use of the said work may be free from all Stont Taxations Impositions Watch & Ward, And that they shall enjoy all other Benefices Priviledges and Freedoms Made and Granted in favours of the Workmen of Mines and Minerals or which can any ways be understood or interpreted to be in their favours by the Laws & Practique of this her Majesties realm.

ACT for Burying in Woollen.

- 94 OUR SOVEREIGN LADY for Encouragement of the Manufacture of Wooll within this Kingdom with advice and consent of the Estates of Parliament Refinds the Sixteenth Act made in the Parliament held in the year 1686 intituled Act for burying in Scots Linnen; As also another Act intituled Act for burying in Scots Linnen made in the Parliament held in the year 1695. And Her Majestie with advice and consent forsaidd Statutes & Ordains That hereafter no Corpse of any person of what condition or quality soever shall be buried in Linnen of whatever kind, And that where Linnen has been made use of about dead bodies formerly plain woollen cloath or stuff shall only be made use of in all tyme coming And that under the same penalties & rules as are contained in the forsaidd two Acts against the Contraveeners therein mentioned Which Penalties & Rules Her Majestie with advice and consent forsaidd hereby transfers and declares to take effect in all cases of Contravention of this prefat Act.

ACT in favours of the Maiden Hospitall founded by the Company of Merchants of Edinburgh & Mary Erskine.

- 95 OUR SOVERAIGN LADY and Estates of Parliament considering that the Company of Merchants of Edinburgh and Mary Erskine relict of James Haie drogitt in Edinburgh with the Assistance of severall Noble and Generous Benefactors have erected a Hospitall for Mantaining and Educating poor young Children of the female Sex and with the money given by the said Mary Erskine have purchased & acquired the Great Lodgings Houses and Yards in Bristo for accomodation of the

Children of the said Hospitall And also considering that the managment of the sayyn Hospitall is settled in certain Governours, Thesaurer, Clerk & other officers conforme to certain Rules and Constitutions agreed upon by the Donators and Benefactors a part whereof are contained in a Contract past betuixt the prefat Governours of the said Hospitall and the said Mary Erskine dated the Twelfth and Threitein dayes of March instant Therefore Her Majestie and Estates of Parliament hereby Allow & Approve of the Erection of the said Hospitall and Ratifie and Confirme the same together with the Rules & Constitutions already made for managenge thereof particularly these contained in the forsaidd Contract, with the said Contract it self together with such Rules and Constitutions as shall hereafter happen to be made for the better Governing and Regulsteing of the said Hospitall and whole concerns thereof The sayyn said Constitutions and Rules being alwayes consistent with the Laws of this Kingdome and with the amended constitutions contained in the said Contract and approven of by the Town Council of Edinburgh And Furder Her Majestie and Estates of Parliament hereby Authorize the Governours of the said Hospitall to receive all Mortifications and Donations that shall be made in favours of the sayyn Approving hereby of the same and of all Donations & Mortifications already made Declaring the said Hospitall in all tyme coming to be a free Hospitall And the forsaidd great Lodgings Houses Yards and Pertinents in Bristo purchased & doted for the use of the said Hospitall by the said Mary Erskine to be free of all publick burdeins whatsoever for the pious uses above mentioned with power to the Governours thereof not only to administrat the Fuoods and Rents of the said Hospitall with all Donations already made but lykeways to purchase & acquire Lands Tenements and others for the use benefit and advantage of the said Hospitall And for that end to Make and Grant, Give and Receive all manner of writs deeds & securities necessary and to have & use a Common Seall with such Inscriptions as the Governour shall judge fit for confirmation of the said deeds and writs; And generally to have use and enjoy all such Powers Liberties & Immunities as any Hospitall hath or by Law may have within this Kingdome.

ACT concerning the Payment of the Sums out of the Equivalent to the African Company.

OUR SOVEREIGN LADY Considering that 96 by the sixteenth Article of the Treaty of Union of the two Kingdoms of Scotland and England It is agreed That out of the sum of Three hundred and ninety eight thousand and eighty five pounds ten shillings Sterling mentioned in the said Article

After what consideration shall be found necessary to be had for any losses which private persons may sustain by reducing the coin of Scotland to the standard and value of the coin of England In the next place The Capital stock of the African and Indian Company of Scotland advanced together with the Interest of the said capital stock after the rate of five pound per Cent. per annum from the respective times of the payment thereof shall be paid Upon payment of which Capital stock and interest It is agreed the said Company be dissolved and cease And also that from the time of passing the Act of Parliament in England for raising the said sum of three hundred and ninety thousand eighty five pounds ten shillings the said Company shall neither trade nor grant licence to trade providing that if the said stock and interest shall not be paid in twelve months after the commencement of the Union That then the said Company may from thence forward trade or give licence to trade until the said half capital stock and interest shall be paid And also Considering That there may diverse difficulties arise concerning the stating of the said capital stock and the particular shares and titles of the several proprietors and the execution competent for recovering the respective shares and interest conform to the article And Her Majesty being most desirous to prevent all mistakes and abuses which may hinder the ready and effectual application of the foresaid money conform to the said article and dissolving the Company in the terms thereof Therefore and to the end that the shares and titles of the several proprietors may be the more distinctly constituted and the Commissioners for disposing the Equivalent may the more safely make payment Her Majesty with advice and consent of the Estates of Parliament Requires and Ordains the directors and secretaries of the said African and Indian Company to frame a particular account or list of the stock and interest of the same from the respective times of the payment Excepting only that such as got allowances for the annualrents of the first moiety at paying in of the second moiety shall only have right to the interest from the first of August 1st 1707 & ninety eight for the first moiety belonging to each proprietor or their assignees where transfers are marked on the said Company's books As also another account of the debts due by the said Company containing the particular Creditors names With interest due for such debts as bear interest the sums in both accounts not exceeding the sum of Two hundred and thirty two thousand Eight hundred & eighty four pounds five shillings and two thirds of a penny Sterling at the first day of May next And both the said accounts are to make express mention at every article of the page and book belonging to the Company from whence the said accounts have been taken. Likewise Her Majesty with advice and consent foresaid Requires and Ordains the present Direc-

tors at least five of them and their Secretary who now is or whom they are hereby required to name for that effect to draw up and perfect the foresaid two accounts or list in manner above mentioned And that they or five of them and their said secretary shall sign the said accounts respectively and deliver the same in to the Lord Clerk Register betwixt and the foresaid first day of May next Certifying the said Directors and their Secretary That if they fail in punctuall performance of the premises or any part thereof Letters of horning shall be directed against them and their said Secretary at the instance of the Commissioners to be appointed by her Majesty for the disposing of the Equivalent who are hereby authorized and empowered for that effect And farther That the respective proprietors and others having interest and the Creditors of the said Company contained in the foresaid Accounts may be the more readily answered and paid Her Majesty with advice and consent foresaid Statutes and Ordinances That a Certificat drawn out of the books of the said Company bearing the names of the respective proprietors and transfers which concern any share marked in the books of the said Company or the names of the said Creditors of the Company and the moities advanced by the said proprietors or the sums due by the said Company to their Creditor With the time of advancing the said moities or contracting the said debts with the said interest due on the respective shares and debts at five pound per Cent. until the said first day of May next and which Certificat shall also express the pages and books of the said Company from whence the same are taken And shall be signed by the directors or three of them or an Extract of a particde concerning any particular share or debt under the hand of the Lord Clerk Register or his Deputies furth of the said accounts appointed to be made up and delivered in to him in manner above set down shall be asperately authentick and probative and shall be a sufficient title to receive the respective shares or debts and interest due respectively therefore And the discharges granted by persons having right to such Certificats or Extracts shall be a sufficient exoneration to the Commissioners for disposing of the Equivalent Which Certificats and Extracts are hereby ordained to be given furth gratis And further where the shares of the proprietors or debts due to the Creditors of the said Company have been legally affected by diligence the Creditors using lawfull diligence shall have sicklike action against the Commissioners of the Equivalent for recovering the sums so affected as would have been competent to the parties themselves whose shares or debts they do affect by virtue of this Act if they had insisted in their own names. And to the end the Leidges may be Certiorated when and where to receive their money Her Majesty with advice and consent foresaid Ordains That how soon the foresaid sum of Three

hundred and ninety eight thousand eighty five pounds ten shillings mentioned in the above Fifteenth Article shall be paid in unto the Commissioners to be appointed by her Majesty for disposing the Equivalent the same shall be notified to the Privy Council of this Kingdom And thereupon a Proclamation shall be issued out by the Lords of Privy Council intimating the same to the Leidges and requiring the proprietors and others having right to come & receive their shares conform to their respective titles at Edinburgh where the said Commissioners of the Equivalent or a quorum of them are hereby appointed to reside until the said Capital stock and interest be paid to the said proprietors and Creditors of the said Company, And Her Majesty for the ends abovementioned with advice and consent foresaid Statutes and Ordinances That after the said Proclamation, the said Commissioners to be appointed for disposing of the Equivalent by acceptance of their trust and office shall be bound to make payment to the several Proprietors and Creditors contained in the foresaid lists and producing the foresaid Extracts or these deriving right from them of the full shares and debts with interest due respectively thereupon at the said first of May next conform to the accounts appointed to be made and delivered in to the Clerk Register betwixt and the said day in manner above-express'd and that without delay loth or defalcation, Declaring that it shall not be lawfull for the said Commissioners their Clerks Secretaries or Cashiers by themselves or others directly or indirectly to acquire any shares or debts of the said Company or to obtain any ease or gratification for payment to the parties respectively And in case of not ready payment in manner foresaid It is hereby Statute and Ordained, That sicklike diligence and Execution shall follow at the instance of the respective Proprietors or Creditors or others deriving right from them for their respective sums principal and interest conform to the foresaid accounts against the said Commissioners of the Equivalent and their Cashiers conjunctly and severally as is competent against parties lyable for foreign bills of exchange And that upon production of the Companys bonds to the Creditors or upon production of the Certificats granted by the Directors or three of them in manner above express'd or upon production of a particler extracted forth of the said Accounts concerning the several shares and debts with the title in the person at whose instance diligence is raised And that no suspension or stop upon such charges shall be granted except upon Consignation And in case of Consignation the money consigned shall be restored to the party having interest without deduction of consignation money And Her Majesty in respect of the foresaid intimation and that the Commissioners of the Equivalent do thereupon become bound in manner foresaid hereby Statutes Enacts and Declares That

upon issuing the Proclamation of Council above set down the said African and Indian Company shall cease and be dissolved And the said Company being thereby dissolved Her Majesty with advice and consent foresaid hereby simpliciter Discharges the proprietors subscribers of the said stocks of the Company their heirs and all others whom it may concern of all action instance and execution on account of the sums subscribed for and not paid in Together with the Contracts bonds or obligations whereby the said subscribers were bound to the Company with all Acts of the Directors calling for any moiety of the subscription money not paid and all diligence that has followed or may follow thereupon And sicklike Forasmuch as the foresaid capital stock and interest and debts are appointed to be refunded in full satisfaction of all the Company or any particular proprietor can pretend on account of the foresaid company stock management or interest thereof Therefore Her Majesty with advice and consent foresaid Statutes and Declares That the dead stock hail debts and effects actions and Execution belonging to the said Company in general, or to the proprietors any ways concerning the said Company shall belong to her Majesty and her Royal successors in the same manner as the same did belong to the said Company and to the said proprietors and which are appointed to be brought in and made effectual by the said Commissioners of the Equivalent and to be applied to the same ends and uses as the other sums mentioned in the said fifteenth article With the burden nevertheless in the first place of three hundred pounds Sterling hereby appointed to be paid out of the price of the house and pertinents lying in Edinburgh and other effects belonging to the said Company to the said Directors for their pains and attendance and to enable them to give rewards to servants and bestow other incident charges in making up and perfecting the said accounts And which sum of three hundred pounds Sterling is to be divided by the said Directors as they shall see just and sicklike with the burden in the next place of such sums as this Parliament has appointed by deliverance or order to be paid out of the hail dead stock to Gentlemen officers and others who went to Darien or their friends for their faithfull services And the debts due to James Montgomery William Arbuckles James Waterspeon and William Thomson extending to two hundred and fifty eight pounds four shillings eight pennies Sterling And the said Directors or at least three of them are hereby strictly Required to give in full and compleat Inventories of all debts and effects belonging to the Company in general to the said Commissioners of the Equivalent at their first meeting With certification, that in case of faultie, Letters of homing shall be directed at the instance of the said Commissioners against the said Direc-

tors for that effect for doing whereof the said Commissioners are hereby authorized.

ACT concerning the Publick Debts.

- 97 OUR SOVEREIGN LADY Considering that by the fifteenth Article of Union the Publick Debts of this Kingdome as shall be adjusted by this present Parliament are appointed to be payed out of the Equivalent of Three hundred and nynety eight thousand eightie fyve pounds ten shillings and out of the Increase of the Customs Duties and Excysse above the present value which arys in Scotland during the tyme of sevine years Together with the Equivalent which shall become due upon the improvement thereof in Scotland after the said term And also out of all other sums which according to the Agreement forsaide may become payable to Scotland by way of Equivalent for what that Kingdom shall hereafter become lyable towards payment of the Debts of England Therefore Her Majestie with advice and consent of the Estates of Parliament Declares Statutes and Ordains That such Debts onlie as are due to the Civil List or Army since the twentieth day of May 1st vjth eightie nyne or such other Debts as shall be instructed to be Publick Debts in manner aftermentioned since the tyme forsaide shall be understood Publick Debts of this Kingdome payable out of the funds abovementioned And for the better settling the method and way of paying these Publick Debts Her Majestie with advice and consent forsaide Statutes Ordains and Declares that after allowance of the sum for Repairing the Losses which privat persons shall sustain by Reducing the Coyne of this Kingdome to the standard and value of the Coyne of England and after allowance of the sum of two hundred threttie two thousand eight hundred eightie four pound fyve shillings two thirds of one pennie Sterling which is found due for the Capital Stock Interest and Debts of the Companie trading to Africa and the Indies and after payment of two thousand pounds per Annum for the space of sevine years which by the forsaide fifteenth Article of Union is to be applied towards Incouradgeing and Promoting the Manufacture of coarse Wool within their shires which produce the Wool and after the allowance of the sum of
- allowed for the Charge of the Commissioners Secretaries and Accountants to the last two Treaties of Union conform to the Votes and Resolves of the Estates of Parliament the threttie one day of Janry last by past Then the overplus of the said Three hundred nynety eight thousand Eightie fyve pound ten shillings shall be equally dyvyded and the one half thereof applied to the payment of the Publick Debts upon the Civil List and the other half shall be applied to payment of the Debts due to the Army And in case the overplus of the said

sum of three hundred nynety eight thousand Eightie fyve pound ten shillings after the Deductions abovewritten shall not be sufficient to pay the said Publick Debts due upon the Civil List and to the Army Then and in that case the Increase of the Customs Duties Excysse and other Funds abovementioned shall be equally dyvyded and applied as and while payment of the said Publick Debts and that in manner followeing viz. that the one half of the said overplus of the said sum of Three hundred nynety eight thousand eightie fyve pounds ten shillings and Increase of Customs Duties Excysse and other Sums above-narrated shall be applied for payment of what is due to any who Represented her Majestie or the late King William and Queen Marie as their Commissioner for their Equipage and dayly Allowance And in the next place to the payment of the fees salaries and pensions of all who have served Her Majestie or the late King William and Queen Marie in any civil Post Office or Employment And what is resting of the money given to the Assemblies for defraying the yeaslie expenses of the Church and what is due to her Majesties Chaplains And the rest of the said one half shall be applied to the payment of all accompts pensions or other Debts due upon the Civil List since the twentieth day of May 1st vjth eightie nyne Declaring that the first and residue of the said remainder is to be applied for payment of what bygone allowances are due to the late Bishops or their Representatives and to the Poor on Her Majesties Charitie And the other half of the said overplus and Increase of Customs Duties Excysse and other Funds abovementioned which is ordained to be applied for paying of the Debts of the Army shall be payed and applied in manner following First for payment of what sums any officer shall instruct he hath debursed for Cloathing of his Regiment Troop or Company Next for paying to the severall officers in any Regiment Troop or Company that have served since the twentieth day of May 1st vjth eightie nyne of their respective personal pay yet resting unpaid Next for payment of all moneys which any Colonel or Captain of Independent Troops or Companies can instruct he debursed and laid out for the subsistence of his Regiment Troop or Company And lastlie for paying of Cloathing money due to the respective Regiments Troops or Companies Providing allways that Cloathing money shall be easily understood due where the severall Colonells & Captains of Independent Troops or Companies did truly furnish Cloathing conforme to the severall Establishments And because there are severall publick debts since May 1st vjth eightie nyne due by the Nation which doe neither fall under the Civil or Military List Therefore her Majestie with advice and consent forsaide Does hereby Impower and Re-queyre the Commissioners of the Equivalents after

payment of the Debts above preferred to take into their Consideration all such Claims and to pay such of them out of the forsaidd funds as shall be Instructed to be just Debts of the Nation And it is hereby Declaired That everie officer his aligney or others deryveing right from him shall have good title to Claime his owne particular share of the Debt found due to the army And to the effect that all perſones having right and title to the Debts due either upon the Civil List or to the army may have readie access to obtain payment of their respective Debts as they are ranked above Her Majestie with advice and consent forsaidd appoynts the Lords of Her Treasurie betwixt and the first of May next to draw up one account of the saids Debts standing out due to the Civil List and army to be given in to the Commissioners to be appoynted for Dispoſeing of the Equivalent and to give Certificats ſubſcribed by two of their number to each perſon having right to any of the said Debts either upon the Civil List or to the army Containing the ſum of the Debt and the books out of which it is Extracted And It is hereby Declaired that Dilligence shall be granted upon the said Certificat against the Commissioners to be appoynted by Her Majestie for dispoſeing the Equivalent in ſolidum as is allowed by Law upon bills of Exchange Providing always the said Commissioners for the Equivalent shall have ſufficient Caſh in hand for payment of the said Debts for which Dilligence shall be done according to the severall Ranks abovementioned And it is hereby Declaired It shall not be leisum to the said Commissioners to ſuſpend any Charge upon ſuch Certificat upon pretence of their not having Caſh in hand to anſwer under the pain of a fifth part more of their reſpective ſums Charged for without any modification If at Diſcuſſing the Suspendion it shall be found they had ſufficient Caſh in hand.

ACT Salvo Jure Cujuslibet read, and it being again read over, it was voted and approved, and touched with the Royal Scepter by her Majesties high Commiſſioner in the usual manner.

ACT Salvo Jure Cujuslibet.

98 OUR SOVEREIGN LADY taking to Consideration That there are severall Acts of Ratifications and others paſt and made in this Seſſion of Parliament in favours of particular perſons without calling or hearing of ſuch as may be thereby concerned or prejudged Therefore Her Majestie with advice and content of the Eſtates of Parliament Statutes and Ordains That all ſuch particular Acts and Acts of Ratification paſt in manner forsaidd shall not prejudice any third party of their

lawfull rights nor of their actions and defences competent thereupon before the making of the ſaid particular Acts and Acts of Ratification And that the Lords of Seſſion and all other Judges of this Kingdome shall be obliged to Judge betwixt parties according to their severall rights ſtanding in their perſons before the making of the ſaid Acts All which are hereby expounded and declared to have been made Salvo Jure Cujuslibet Excepting always from this Act Salvo, the Gifts granted to the Burghs of Dundee Aberdeen & other Burghs for the Impositions therein mentioned according to the full extent thereof as paſt in this preſent Seſſion of Parliament.

THEN His Grace Her Majesties high Commiſſioner made the following ſpeech.

My Lords and Gentlemen,
THE Publick Buſineſs of this Seſſion being now over, it is full time to put an end to it.

[The Commiſſioner Speech]

I AM perſwaded that we and our Poſterity will reap the benefit of the Union of the two Kingdoms, and I doubt not, that as this Parliament has had the honour to conclude it, you will in your ſeveral Stations recommend to the People of this Nation, a grateful Senſe of Her Majesties Goodneſs and great Care for the Welfare of Her Subjects, in bringing this important Affaire to Perfection, and that you will promote an univerſal deſire in this Kingdome to become one in Hearts and Affections, as we are inſeparably joyn'd in Intereſt with our Neighbour Nation.

My Lords and Gentlemen,
I HAVE a very deep Senſe of the Aſſiſtance and Reſpect I have met with from you in this Seſſion of Parliament, and I ſhall omit no occaſion of ſhewing, to the outmoſt of my Power, the grateful Remembrance I have of it.

THEN the Lord Chancelour by order of her Majesties high Commiſſioner Adjourned the Parliament to meet at Edinburgh the twenty ſecond day of April next and Declaired the ſame to be Adjourned.

THE Queens Majesty Declares this Parliament current, and Adjourns the ſame to the Twenty Second Day of April next to come, Ordaining all Members of Parliament, Noblemen, Commiſſioners from Shires and Burghs, and all others having Intereſt to attend at Edinburgh that day at Ten a Clock, And that there be no new Elections in Shires or Burghs except upon the Death of any of the preſent Commiſſioners.

Act of Adjournment

APPENDIX.

MINUTES OF PROCEEDINGS IN PARLIAMENT;
WITH SOME OTHER PAPERS.

MDCCII—MDCCVII.



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APPENDIX.

MINUTES OF THE PARLIAMENT OF QUEEN ANNE, HOLDEN AT EDINBURGH JUNE IX, M.DCC.II.

Tuesday June 9, 1702.

PRAYERS said.

THE Duke of Hamilton immediately thereafter craved to be heard & tho desired by the Lord Chancellor to sit till His Majesties Commission was read & the house constituted yet perfited & said that for eviling of counsels he had a paper to read which paper he read as containing the reasons of his withdrawing & thereupon & upon his withdrawing took instruments but without giving in his paper.

THEREAFTER the Clerk Register & severall of the members declared that they adhered to the Duke of Hamiltons paper & also took instruments & withdrew.

THE Queens Commission to James Duke of Queensberrie to be her Majesties High Commissioner to this Session of Parliament read.

ROLLS called.

THE Earl of Mar protested for the precedence of all the Earles ranked before him in the Rolls of Parliament.

THE Earl of Morton protested for the precedence of all the Earles ranked before him in the Rolls of Parliament.

THE Earl of Fife protested against the calling of the Earl of Arble before him in the Rolls of Parliament.

THE Earl of Leven protested against the calling of the Earl of Callander before him in the Rolls of Parliament.

BY order of the Lord High Commissioner one of the Clerks of Parliament & Sefion & Clerk to her Majesties peaceable in respect of the Clerk Registers withdrawing tendered the oath of

allegiance to the Lord Chancellor who did swear & sign the same with the assurance & took the oath of Parliament And then all the Clerks of Parliament & Sefion did swear the oath of allegiance & signed the same with the assurance & gave their oaths de fidel administratione.

THE Earl of Melvill Lord President of the Privie Council & the Earl of Oxford & the other Nobility called up by order of the roll at different tymes took the oath of allegiance and signed the same with the assurance & took the oath of Parliament. And in the same manner the Barons & Commissioners for Burghs.

A LETTER from her Majestie to my Lord Commissioner appointing My Lord Montgomery to sit & vote in this present Session of Parliament as Lord High Treasurer read And the Lord Montgomery took the oath of allegiance & signed the same with the assurance & took the oath of Parliament.

A COMMISSION to William Marques of Armandale under the great Seal to be Lord Privy Seal read & ordered to be recorded who took the oath of allegiance & signed the same with the assurance & took the oath of Parliament.

A COMMISSION to James Earl of Seafeld under the great Seal to be one of the principall Secretaries of State & a Letter from Her Majestie to My Lord Commissioner appointing the said Earl to sit & vote in this Session of Parliament as Lord Secretary read & the Commission ordered to be recorded.

THE Patents under the great Seal Cresting Archibald Earl of Argyle Duke of Argyle, & Robert Earl of Lothian Marques of Lothian & William Earl of Armandale Marques of Armandale & James Viscount of Seafeld Earl of Seafeld & John Lord Carmichael Earl of Hyndford were read & ordered to be recorded.

THE Duke of Argyle the Marques of Lothian & the Earls of Seafeld & Hyndford took the oath of allegiance & signed the same with the assurance & took the oath of Parliament.

A

John Sharp of Hoddam Commissioner for the shire of Dumfries & Mr John Stewart of Sorbus for the shire of Wigton & now elected in place of the two former members deceased took the oath of allegiance and signed the same with the assurance & took the oath of Parliament.

John Seydmore Commissioner for the shire of Dundee & Mr Alex^r Ogilvie for the shire of Banff in place of the two former members deceased took the oath of allegiance & signed the same with the assurance and took the oath of Parliament.

TWO Commissioners the one to George Moore of Culrain & the other to David Sutherland of Kinnaird being presented from the shire of Sutherland the same were admitted to the Committee to be appointed for controverted elections.

THE Queens most gracious Letter to the Parliament presented by Her Majesties High Commissioner read.

THEN Her Majesties High Commissioner made a Speech to the Parliament.

THEREAFTER the Lord Chancellor made his Speech to the Parliament.

A MOTION being made for printing Her Majesties Letter, His Grace the Commissioners Speech & the Lord Chancellors Speech the same was ordered accordingly.

[THE Speech of his Grace James Duke of Queensberry, &c. Her Majesties High Commissioner, to the Parliament of Scotland, on Tuesday the Ninth Day of June 1702.

My Lords and Gentlemen,

THIS being our first Meeting in Parliament, after the loss of our late glorious Sovereign, we cannot forbear to condole his Death, with the most tender and sincere Expressions of Grief and Sorrow: He was the great Deliverer of these Nations, the Defender of the Protestant Interest, and the Support of the general Liberty of Europe; you have so often testified your Sense of his great Actions, by your dutiful Acknowledgements, that I need not insist, for while Religion and Liberty are in any value, King William's Memory shall be in perpetual Honour.

Nothing could repair this Loss, and compose our Minds, but her Majesties happy accession to the Crown, who from her Infancy has given the most undenyable Proof of her Affection to the Protestant Religion, against the strongest and most insinuating Temptations: And it is a great Blessing that we have a Queen with such Principles of the Royal Blood and Line of Scotland, and especially a Princess who has been amongst us, and has a particular regard for us.

The first Acts of Her Majesties Government were ready and reasonable Encouragements and Assistance to Her Allies, in protection of the Treaties made by the late King, to unite & animate Europe against the exorbitant and insupportable Power of France, so that Her Majesties zeal for the true Religion, Her steady & evident Purpose to protect all Measures for advancing the Glory and Interest of Her Kingdoms, and for the Defence and Security of Her Allies, with that unparallelled Goodness, that appears in all Her Resolutions and Actions, do promise us all Happiness under Her most auspicious Reign.

Her Majesties Letter to the Parliament, gives all Her Subjects of this Kingdom, the most desirable Assurance of Her firm Resolution to protect our Religion, Liberties and Laws, and particularly the Presbyterian Government as now established, and this Her good Mind, Her Majesty thought fit to signify by you to Her People, knowing that this loyal Parliament did establish our

present happy Settlement, and hath ever shewed a firm zeal to maintain the same, and by calling you together, Her Majesty hath afforded you this early Opportunity to congratulate Her Affection and Entry to the Royal Government, and to make Her such Offers of Duty as are necessary for the Support of Her Authority and your own Preservation.

The present just and necessary War which Her Majesty was obliged to declare in all Her Dominions in pursuance of the Treaties made by the late King, does require sufficient Supplies for the Maintenance of such Forces, as are needful for the Security of the Government and the publick Safety of the Nation.

There is nothing can contribute more to the interest of the Protestant Religion, and the security of the present Constitution of the Government, than an Union betwixt the two Kingdoms of Scotland and England: It was amongst the last things recommended by the late King, and the first proposed by Her Majesty to the Parliament of England: You see how concernedly Her Majesty recommends it to you, and you all know how far the Parliament of England hath advanced in this matter, by empowering Her Majesty to name Commissioners to treat with such as shall be empowered from this or any subsequent Parliament of this Kingdom.

I can assure you from my proper Knowledge, that there appears at this time a greater Disposition in the English Nation towards an Union, than could ever be discovered formerly, which is a very great Encouragement; And I hope you will give them suitable Returns.

My Lords and Gentlemen,

It has pleased Her Majesty to honour me with this high Trust to represent Her Royal Person, as her Commissioner. If Her Commands had left place for my Excuses, I had reason enough to decline so weighty an employment; But the experience I have had of your kindness and regard for me, while I was formerly employed in this Trust, and my own sincere intentions to serve Her Majesty, and my Country, to the utmost of my power, are the principal encouragements I have in this undertaking; Therefore I resolve to maintain Her Majesties Authority, and answer that confidence, she has been pleased to repose in me, with all loyalty and frankness. And I hope from your prudence and zeal for the Government, that Her Majesty shall receive satisfaction, and the Nation advantage.]

[THE Speech of Patrick Earl of Mar, Lord High Chancellor to the Parliament of Scotland, on Tuesday the Ninth day of June 1702.

My Lords and Gentlemen,

I HAD but too confidently hoped that I should never have occasion to speak from this place to you under such circumstances.

This Kingdom has lately got to face a wound in the Head, that it is impossible but the whole Body, and every Member of it, must have a deep scathe and be feelingly affected with it.

God has called from us our great Deliverer, a good, a wise, a just and an heroic King, to the glory for which he was fitted; He went to fields of joy, and left us in a full measure of grief.

Never did People stand in greater need than we of a powerful and cordial consolation, and the merciful God has been pleased reasonably to give us the most feasible one that our hearts could imagine or wish for, by setting our Sovereigns Queens Arms, whose right it is upon the Throne, who has given so full proof in the whole course of her life, of her sublimity in and fidelity to the Protestant Religion, as may convince us that there is a blessing from on high about her.

Her Majesties most gracious Letter, and his Grace my Lord Commissioners his discourse upon it, are so full and plain, that they need no commentary or illustration; So that there is little left for me to say.

Only I would entreat you to call to remembrance the great Dangers this Nation was in fourteen years ago, the great Deliverance it met with by the hand of our late King of ever glorious memory; the great benefits and advantages which it has enjoyed in the thirteen years of his auspicious Reign by the excellent Establishment of our Religion, Laws and Liberties upon the sure and solid foundation.

I entreat you likewise to consider, that Her sacred Majesty now our Sovereign gives us its express assistance of Her firm resolution to maintain and protect us in the full possession of our Religion, Laws and Liberties, and of the Presbyterian Government of the Church, as at present established; and that Her Majesty will aim at nothing more than the preferring and securing to us the enjoyment of the advantages we got by our deliverance from Popery and arbitrary Power, and having our ancient Rights and Privileges restored to us, that every one will rely upon it, and rest assured who is a sincere Protestant and duly affected with the goodness and favour of God in ordering and accomplishing the happy Revolution.

After the royal word given of a person of so known probity as Her Majesty is, it may be thought unnecessary to add any thing; Yet I must say it cannot be but a great satisfaction to us to see that the interest of Her Majesty and Her People are united to confirm Her Majesty in her wise and gracious resolution; And that Her Majesty adheres to the Alliance made by, and follows the methods wherein Her Majesties glorious Predecessor was necessarily engaged for preserving the Liberties of Europe, for supporting the Protestant Religion, for maintaining the interest of Her own Kingdoms, and for restoring the Indignity offered against Her Majesty & them by the French King, in his owning the pretended Prince of Wales as King of Her Majesties Dominions.

An other clear evidence of Her Majesties gracious intentions towards us, is, That she is so disposed to contribute Her utmost endeavours for accomplishing an Union of Her two Kingdoms into this Island, and considers it as a thing necessary for the security and happiness of them both.

My Lords and Gentlemen,

I am confident when you have duly perused Her Majesties Letter, and his Grace your Lord Commissioners discourse, That all jealousies, jealousies and animosities will fly away, and you will be disposed to receive your Sovereigns Meetings with loving hearts, and resolve to set and give a kind dutiful and sensible return by complying to all what Her Majesty has proposed in all the parts of it, nothing being required by Her Majesty of us, but what is evidently necessary for our own security and happiness.

Her Majesty having so earnestly recommended to you the providing competent Supplies for maintaining such a number of Forces as may be necessary against the designs of her and our Enemies, it is certainly requisite that we effectually do it so, as her Majesty may be supported to the utmost of the Nations power in prosecuting the War in which Her Majesty, her Kingdoms and her Allies are engaged.

If our actions in this juncture shall be such as her Majesty does hope and expect, it will tend to our everlasting reputation, a foundation will be laid of that firm union and true understanding between her Majesty and her People as will advance the happiness of both, and be of vast advantage both to our honour and to our interest, by engaging us in the hearts and good will of our Sovereigns and of our Neighbours in her Dominions.]

MOVED that one Act be brought in next Sederunt of Parliament for Recognising Her Majesties Royall authority & Her Majesties Convention oath with the attestation by several of the Privie Council of her taking the same were read.

ORDERED that the Draught of one Act be brought in next Sederunt of Parliament for Recognising Her Majesties Royall authority.

MOVED that one Act be brought in next Sederunt of Parliament for Securing the Protestant Religion & Presbyterian Church Government as now established which was ordered accordingly.

MOVED that one Act be brought in authorising the appointment of a Pall conform to the desire of the Commission of the Generall Assembly which was ordered accordingly.

MOVED that the Commission be appointed And agreed that there be four Commission, one for the Security of the Kingdoms consisting of some of each state, a second for Contraverted elections consisting of five of each state, a third for drawing an answer to Her Majesties Letter consisting of one of each state, and a fourth of the lyke number for revising the Minutes.

ORDERED that the members prepare their lists for the several Commissions to be elected next Sederunt of Parliament.

THE Lord Chancellor by order of Her Majesties High Commissioners Adjourned the Parliament till Thursday next at ten a clock.

MARCHMONT Cancellar. I. P. D. Pat.

Thursday June 11, 1702.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

DRAUGHTS of the following Acts viz. Act Recognising her Majesties Royall authority, Act for Adjourning the Session, Act Declaring the present meeting of Parliament to be a lawful meeting of Parliament, Act for securing the true Protestant Religion & Presbyterian Government, and Act for a National Pall all read for the first tyme.

HER Majesties most gracious Letter to the Parliament presented by Her Majesties High Commissioners in answer to the Address from the Parliament in relation to the Company trading to Africa & the Indies & concerning the Union with the Kingdoms of England read and ordered to be printed & recorded And the drawing of one answer thereto remitted to the Committee to be named for drawing an answer to her Majesties Letter read the former Sederunt.

ORDERED that the several States of Parliament agree & make elections of the Committees appointed by the last Sederunt whereupon the states having separated returned & reported their several elections as follows viz.

FOR the Security of the Kingdoms Of the state of the Nobility The Earl of Melville Lord President of the Privy Council the Duke of Argyll the Marquess of Lothian the Earls of Mar, Lauderdale, Leven & Hyndford and Viscount of Stair Of the state of Barons Sir Robert Sinclair of Stevenson Sir John Swinton of that ilk Sir Francis Montgomery of Gifford John Crauford of Kilsbirny Sir Colin Campbell of Abercrombie Adam Drummond of Megginch Sir James Elphinstoun of Logie Denon Forbes of Culoden & Sir James Malville of Halkid And of the Commissioners for Burghs John Anderson for Glasgow Sir

Archibald Mure Sir James Sessell St David Dalrymple St Alexr Ogilvie St John Hamilton St Hew Dalrymple Mr Robert Stewart & St Alexr Home.

FOR *contraverted elections* Of the Bate of the Nobility The Earles of Buchan Glencairn & Kintore the Viscount of Tarbet & Lord Forbes Of the State of Barons William Marlon of Preston-grange Robert Pollock of that ilk Sir Colin Campbell of Arbrin-glass St John Despard of Midver & Robert Reid of Baldevie And of the Commissioners for Brough John Mole for Ains Sir Andrew Home Mr John Murray Mr William Johnston & Mr Robert Farles.

FOR Drawing and answer to Her Majesties Letter The Duke of Argyle Mr Francis Montgomery of Giffen & Sir Hew Dalrymple

AND for revising of the Minutes The Viscount of Tarbet Sir Caline Campbell of Aberuchill & Sir David Dalrymple.

A MOTION being made that a supplic be granted to Her Majesty for maintaining of the forces for security of the peace of the Kingdoms And it being also moved that effectfull courtes be taken for securing the coasts & trade of the Kingdoms & lykeways for securing the peace of the Highlands And siclike it being moved that that part of her Majesties Letter concerning the Union with England be taken into consideration

THE said motions were all remitted to the Committee for Security of the Kingdoms.

ORDERED that the Committee do meet in the usual place to morrow at Nyne a clock.

THE Lord Chancellor by order of Her Majesties High Commissioners Adjourned the Parliament till to morrow at ten a clock.

MARCHMONT Chancellor. L. F. D. Par.

June 15, 1700.

PRAYERS said Rolls called.

MINUTES of the last Sederunt read.

ACT Recognising Her Majesties Royall authoritie read the second tyme & voted & approved nemine contradicente.

ACT Adjourning the Session till the first of July next read the second tyme & voted & approved.

ACT for Securing the true Protestant Religion and Presbyterian Government read the second tyme.

Sir Alexander Bruce Commissioner for the Brough of Sasquhar having said upon the reading this Act that the Act of Parliament establishing Presbyterian Government did contain things inconsistent with the essence of the Metarchie he was thereupon called to the Bar & not giving satisfaction he was ordered to withdraw And the question being put Expell him out of the Parliament or Not it Carried in the affirmative nemine contradicente And a warrant was ordered to the Brough of Sasquhar to elect a new Commissioner in his place.

THEREAFTER the Act being again read was voted & approved nemine contradicente.

ACT declaring the present meeting of Parliament to be a lawfull & free Meeting of Parliament was read the second tyme & voted & approved nemine contradicente.

UPON information that some Advocats had met to draw & sign an Address concerning the meeting of Parliament or other publick matters warrant was granted to Masters to cite the Dean of Facultie & Advocats to appear before the Committee for Security of the Kingdoms the morrow at ten a clock in the forenoon & to bring with them the said paper each of them who hath, or had, or fraudfully have put away the same as they will be answerable at their highest perill.

THE Act for a Nationall Fast the second Thursday of July next read the second time and voted & approved.

THEN the above Acta viz. Act Recognising her Majesties royall authoritie Act Adjourning the Session Act for securing the true Protestant Religion and Presbyterian Government Act declaring the present meeting of Parliament to be a lawfull and free Meeting of Parliament and Act for a Nationall Fast were all by her Majesties high Commissioners touched with the finger in the usual manner and ordered to be published & printed.

THE Committees appointed to meet to morrow at ten a clock.

THE Lord Chancellor by order of her Majesties high Commissioners Adjourned the Parliament till Tuesday next at ten a clock.

MARCHMONT Chancellor. L. F. D. Par.

June 16, 1700.

PRAYERS said Rolls called.

MINUTES of the last Sederunt read.

THE report of the Committee for Security of the kingdom read viz. It is the opinion of the Committee for security of the kingdom that a resolve be made in Parliament to grant sufficient supplies to Her Majesty for maintaining forces, repairing forts & garrisons and providing arms & ammunition for guarding the coasts & trade, for securing the peace & quiet of the Highlands & generally for defence & security of the Kingdoms.

MOVED that a Committee may be appointed for revising the accounts of the money given & laid on by the former Sessions of this Parliament.

AGREED that a Committee be appointed for that end & that there be three of each side & that the members bring in their LIE next Sederunt.

THE said report being again read was voted and approved.

REPORT from the Committee of Security anent the affair of the Advocats remitted to them that they had called the Dean of Facultie & whole Advocats whereof about seventy had declared they gave no warrant to the Dean of Facultie to subscribe the paper called the Address & twenty of them refused to answer the question & that the Committee had caused the said referees meet themselves to appear before the Parliament this day and ordered Her Majesties Advocats to prepare and exhibit a charge against them.

HER Majesties Advocat exhibited the said charge which being read the said Advocats that had enacted themselves were called & the charge read to them.

THE Dean of Facultie for himself & in name of the others called craved a competent tyme to answer the libell it being complex.

HER Majesties Advocat declared that the defenders should have a copie of the libell & instructions thereof with a list of the witnesses & craved that one copie given to the Dean of Facultie should be sufficient for him & the rest.

TO which the defenders agreed. But thereafter Her Majesties Advocat declared he would give a copie to each of them but that the documents should be put in the Dean of Faculties hands to serve for him & the rest which was agreed to & ordered to be enacted.

ORDERED that the defenders give in their answers to the charge on Tuesday next with continuance.

ORDERED that the Committee for drawing the answers to Her Majesties Letters doe meet to morrow morning and prepare draughts for the Parliament.

THE other Committees appointed to meet to morrow at ten a clock.

THE Lord Chancellor by order of Her Majesties High Commissioners Adjourned the Parliament till Thursday next at ten a clock.

MARCHMONT Cancellor. I. P. D. Par.

June 18, 1702.

PRAYERS said Bells called.

MINUTS of the last Sederunt read.

WARRANT craved by & granted to Her Majesties Advocat for giving witnesses in this Charge at his instance against the Dean of Facultie & Advocats refusing to answer & shied before the Parliament.

REPORT from the Committee for Security of the Kingdom viz. It is the unanimous opinion of the said Committee that a supply be granted to Her Majesties five seven months Cefs in one year for maintaining of forces, repairing forts & galleons, & providing armes & ammunition, & maintaining of frigats for guarding the trade & coasts And likewise it is their unanimous opinion that the said Cefs shall be continued to her Majesties for the ends foresaid for one year & a half making up in all ten months & a half's Cefs payable in the said year & a half beginning the first annuall payment at the terme of Candlemas 17th viz^t & three years read.

THEREAFTER the draught of one Act upon the same subject brought in from the said Committee & read the first tyme.

A DRAUGHT of a Letter from the Parliament to Her Majesties brought in from the Committee read & being again read by paragraphs was voted & approved.

ORDERED that the severall Estates of Parliament separate & make election of the Committee for revising the accounts of money laid on by the former Sessions of this Parliament as was

appointed by the last Sederunt Whereupon the Estates having separat themselves returned & reported their severall elections as follows viz. Of the State of the Nobility The Earles of Galloway Northesk, & Lord Boyle, Of the State of Barons S^r Robert Sinclair of Steirling John Crauford of Kilbirnie & Duncan Forbes of Collesden And of the Commissioners for Brugh & James Smollet S^r Jehu Hamilton & M^r William Johnston.

THE Committees appointed to meet to morrow at ten a clock.

THE Lord Chancellor by order of her Majesties High Commissioners Adjourned the Parliament till to morrow at eleven a clock.

MARCHMONT Cancellor. I. P. D. Par.

June 19, 1702.

PRAYERS said Bells called.

MINUTS of the last Sederunt read.

ACT sent the Supply read a second tyme & after some debate the vote being fixed Approve the Act as brought in from the Committee or Not and Carried in the affirmative.

ORDERED that at the next Sederunt of Parliament the members concerned bring in lists of such Commissioners of Supply as they desire to be added to the number.

DRAUGHT of one Act for an Union betwixt the Kingdoms of Scotland & England brought in from the Committee for Security read a first tyme & ordered to ly on the table.

RECOMMENDED to Her Majesties high Commissioners the transmitting of the Parliaments Answer to Her Majesties.

PETITION by James Earl of Morton sent his right to the Isles of Orkney & Schetland read and a draught of a deliverance recommending the Earles case to her Majesties read voted and approved.

ORDERED that the recommendation now made with the recommendation from the Parliament 1698 be presented to Her Majesties by the Secretaries of State.

ACT sent the Supply of ten months and a halfs cefs upon the land rent touched by Her Majesties High Commissioners with the doctee in the usual manner.

THE Committee appointed to meet on Monday at ten a clock.

THE Lord Chancellor by order of Her Majesties High Commissioners Adjourned the Parliament till Tuesday next at ten a clock.

MARCHMONT Cancellor. I. P. D. Par.

June 25, 1702.

PRAYERS said. Bells called.

MINUTES of the last Sederunt read.

William Almon Commissioner for the Burgh of Banburgh elected by warrant of Parliament in place of Sir Alexander Bruce took the oath of allegiance & signed the same with the assurance & took the oath of Parliament.

A LETTER from her Majesty to the Parliament read & ordered to be printed.

A REPRESENTATION of the heritors & others upon the oath of Lochrym for removing the said oath against privaters read & Remitted to the Privie Council to do in the manner represented what they shall judge necessary for the said effect.

ACCORDING to the order of the former Sederunt of Parliament bills were brought in of such Commissioners of Supply as were desired to be added to the number & being read in Parliament were approved & leave given to bring in more bills at next Sederunt of Parliament.

DRAUGHT of an Act assent the Highland Judiciary brought in from the Committee of Security read a first time.

DRAUGHT of an Act concerning the Union betwixt the Kingdoms of Scotland & England read a second time & ordered to lie on the table till the next Sederunt of Parliament.

THE Dean of Facultie & Advocats appointed to appear & answer this day were called, & they appearing and Her Majesties Advocats charge against them read, they moved they might have Advocats to assist whomupon they were allowed seven to assist them in their defense and in their defense having proposed peremptory defenses & then recurring to dilators and a debate arising if this should be allowed it was agreed that the defenders be heard both upon their dilator & peremptory defenses & that the Advocate make answer to both before the Parliament give their judgement in the case Then both dilator & peremptory defenses were read & after a long hearing on both sides the defenders renewed And the Question was put Shall the dilators be Repell them and carried Repell.

THEREAFTER the Question was put if the voting that the Dean of Facultie should sign in name of the Facultie in a matter extrinsec to their ordinary Administrations and his signing accordingly be relevant to Inferre any arbitrary punishment or Not and Carried in the affirmative.

THE further infolding in the Charge continued till the next Sederunt of Parliament.

THE Lord Chancellor by order of Her Majesties High Commissioners Adjourned the Parliament till Thursday next at ten a clock.

MARCHMONT Chancellor. I. P. D. Par.

June 25, 1702.

PRAYERS said. Bells called.

MINUTES of the last Sederunt read.

Archibald Douglas of Cavers one of the Commissioners for the shires of Roxburgh being absent the former Sederunts of Parliament Took the oath of allegiance and signed the same with the officer and took the oath of Parliament.

MORE Lists of Commissioners for Supply read in Parliament & approved.

ORDERED that in printing of the Act for the Supply the quotas of Inverness and Nairne be rectified conform to the tenor of *see* Act of Parliament 1690 now produced which is the rule of their payment and whenshy it is appointed that twenty six pounds Scots be deduced from the Quota of oats payed monthly by the shire of Nairne and be added to the Quota of oats payed monthly by the shire of Inverness.

DRAUGHT of the Act concerning the Union betwixt the two Kingdoms of Scotland and England As also the Draught of a Letter from the Parliament to her Majesty expressing their confidence that in the Treatie of the said Union her Majesty will have a gracious regard to the maintaining of the Presbyterian Government in this Church were both read And the Question being put Approve the Act and Letter Read or Not Carried in the affirmative.

BEFORE calling of the rolls upon the said vote Walter Stuart Commissioner for the Burgh of Liddisghow Declared that he did dissent from the said vote in respect that by no clause in the Draught of this Act the Commissioners to be named were limited or hindered from treating about the reintroduction of Presbytery albeit the same be abolished by the Oath of Right and craved the same might be recorded and thereupon took instruments & George Macraeff of Breckie one of the Commissioners for the shire of Fife Adhered to the dissent.

THE Act for the Judiciary in the Highlands read a second time & voted & approved.

THE Act enabling her Majesty to appoint Commissioners for the Union betwixt the two Kingdoms of Scotland & England As also the Act for the Judiciary in the Highlands were touched with the Scepter by her Majesties High Commissioner in the usual manner.

THE further infolding in the charge at her Majesties Advocats instance against the Dean of Facultie and certain Advocats continued till the next Sederunt of Parliament.

THE Lord Chancellor by order of her Majesties High Commissioners Adjourned the Parliament till Saturday next at ten a clock.

MARCHMONT Chancellor. I. P. D. Par.

June 27, 1702.

PRAYERS said. Bells called.

MINUTES of the last Sederunt read.

MOVED that when the Act concerning the Union shall be printed the Letter from the Parliament to her Majesty relative thereto be also printed which was ordered accordingly.

SOME more Commissioners of Supply were added & being read were approved.

DRAUGHT of an Act for abjuring the pretended Prince of Scotland commonly called the pretended Prince of Wales and now taking upon him the title of King of Scotland read and moved that a first reading be made thereupon.

MOVED that the Act being of great importance might be on the Table till the members had further consideration thereof And after much debate which of the motions should be received and how the vote should be stated Agreed that the State of the vote should be Mark a first reading upon the Act, or 1st on the table, and carried Mark a first reading.

THE charge at her Majesties Advocates influence against the Dean of Faculty & certain Advocats continued till the next Sederunt of Parliament.

THE Lord Chancellor by order of Her Majesties High Commissioners Adjourned the Parliament till Tuesday next at ten a clock.

MARCHMONT Cancellar, I. P. D. Pas.

June 30, 1702.

PRAYERS said Bells called.

James Brodie of that ilk one of the Commissioners for the Shyre of Elgin being absent the former Sederunts of Parliament took the oath of allegiance & signed the same with the assurance and took the oath of Parliament.

MINUTE of the last Sederunt read.

THE Dean of Faculty & the Advocats conversed with him being called and the Interpleger in the cause of the twentie third infant read to them they were ordered to withdraw And it being moved & debated Whether to proceed further against them before the Parliament or to Remit their case to some of the Justices,

HER Majesties High Commissioners and the Estates of Parliament Ordered the process as it stands to be remitted to the Privy Council to be further proceeded in before their Lordships as they should see cause.

THEREAFTER Her Majesties high Commissioners made the following Speech.

My Lords & Gentlemen,

The cheerfulness & unanimity of your proceedings in this Session of Parliament, in Recognising her Majesties Royal Authority, Securing the Protestant Religion & Presbyterian Government and Expanding the other Acts that have been past for her Majesties service and the good and safety of the Kingdom, will, I am persuaded be very acceptable to Her Majestie & satisfying to all Her good Subjects and I doe assure you is very obliging to me.

But I must regrette that when I was expecting we should have parted in the same happy manner, a proposal which I had some ground to think was laid asyde was offered the other day to my surprise as well as that of Her Majesties other Ministers which occasioned some debate and difference in the house.

My early engaging and firm adherence to the present establishment is so well known that none can doubt my readiness to enter into all measures for Her Majesties service and securing our happy settlement according to the Claim of Right and I am confident that you are all of that mynd.

Since then we are all perfectly the same as to our dutifull and faithfull adherence to Her Majestie and that the Claim of Right is our unalterable Scuritie I judge it fit for Her Majesties service & your own interest to prevent further comit & debate amongst persons I know to be so intircly well affected to Her Majestie and for whom I have all imaginable honour, to dismis this Session of Parliament.

We have had no particular Acts or Resolutions that doe require an Act Salvo And I doe render yow hearty thanks in Her Majesties name for the loyaltyes yow have testified by your publick acts And which I shall be carefull to report to Her Majestie And shall only recommend to yow to let the COUNTRY know the gracious assurances Her Majestie hath been pleased to give us and to dispose them to their duty and to comply with Her Majesties Royal Intentions for their own wellthe & happiness And then I doe in Her Majesties name and by her Authority Adjourn this Parliament till Tuesday the Eighteen day of August next & declare the same to be Adjourned.

MARCHMONT Cancellar, I. P. D. Pas.

THE Lord Chancellor by order of Her Majesties High Commissioners Adjourned the Parliament to meet at Edinburgh upon Tuesday the Eighteen of August next & declared the same to be Adjourned.

MINUTES OF THE PARLIAMENT OF QUEEN ANNE, HOLDEN
AT EDINBURGH, MAY VI, M.DCC.III.

May 6, 1703.

PRAYERS said.

HER Majesties Commission to James Duke of Queensberry for representing her Royall person in this Session of Parliament was read by the Lord Clerk Register and ordered to be recorded.

THE Rolls called.

THE Earle of Forfar protested in name of the Marquess of Douglas that the calling of any others in the Rolls of Parliament before him may not prejudice him of his first vote in Parliament.

THE Earle of Forfar protested also in name of the Earle of Sutherland against the calling any Earles before him in the Rolls of Parliament.

THE Earle of Erroll protested against the calling any Earles before him.

THE Earle Marischall protested against the calling any Earles before him.

THE Earle of Mar protested against the calling any Earles before him.

THE Earle of Morison protested against the calling any Earles before him.

THE Earle of Eglington protested against the calling of the Earle of Glencairn before him.

THE Earle of Finlay protested against the calling the Earle of Argy before him.

THE Earle of Leven protested against the calling of the Earle of Caithness before him.

THE Lord Justice Clerk protested in name of the Lady Lovat against the calling of any Lord before the Lord Lovat.

THE Laird of Glasgow protested against the ranking of any shires in the Rolls of Parliament before the shire of Perth.

THE Laird of Cavers protested against the calling any other of the barons representing the shire of Roxburgh before him who is the most ancient Baron and against the Lord Clerk Register and Lord Lyon for altering the order of their Commission wherein he is first returned.

THE Lord Anstruther for the shire of Fife protested against the ranking of any other shires in the Rolls of Parliament before the shire of Fife.

THE Laird of Dunboig protested against calling the Laird of Balfour before him who is son to an ancient Lord.

Hugh Montgomerie Provost of Glasgow protested that the order of the Rolls that is now called might not prejudice the rank of the Burgh of Glasgow.

Sir John Erskine of Alva protested that the calling of him as burgess of the burgh of Branksford might not prejudice him of his choice to represent the shire of Clackmannan if his Commission from that shire shall be sustained and preferred.

THE Laird of Leach for the Burgh of Inverkeithing protested against the calling of any other Burgh before Inverkeithing.

UPON calling the Rolls there being several questions moved about double elections and objections against elections from some shires and burghs it was agreed to proceed to constitute the House and to qualify the interested members and then to resume the consideration of these questions before the voting of any other business.

AFTER calling of the Rolls the Court of Parliament was Fenced in the usual form by the Lyon King at Arms the words thereof being read by the Lord Clerk Register Whereupon the Lord Bayle Lord Thomsone Deput took instruments in absence of her Majesties Advocates.

HER Majesties Gift and Commission in favour of James Earle of Seaford to be Lord High Chancellor read and ordered to be recorded.

HER Majesties Gift and Commission in favour of William Marquess of Annandale to be President of her most honourable Privy Council read and ordered to be recorded.

HER Majesties Gift and Commission in favour of John Earle of Tullibardine to be Lord Privie Seal read and ordered to be recorded.

HER Majesties Gift and Commission in favour of George Viscount of Torbet to be one of her Principall Secretaries of State for this Kingdom As also a Letter from her Majestie to my Lord Commissioner appointing the said Viscount to have the seat and vote of Secretary of State for this Session of Parliament both read and ordered to be recorded.

HER Majesties Gift and Commission in favour of Sir James Murray of Philipburgh to be Lord Clerk Register read and ordered to be recorded.

HER Majesties Gift and Commission in favour of Mr Roderick Mackenzie of Prestounhall to be Lord Justice Clerk read and ordered to be recorded.

THE Lord Chancellor took the oath of allegiance and subscribed the same with the assurance and then took the oath of Parliament all administered to his Lordship by the Lord Clerk Register. And the Lord Clerk Register took the same oaths and subscribed the oath of allegiance with the assurance administered to him by the Lord Chancellor: After which all the other Nobilitie Officers of State and Commissioners from Shires and Burghs five by five together in their order took the oath of allegiance and oath of Parliament and subscribed the allegiance and assurance.

HER Majesties Letter to the Parliament was read first by the Lord Clerk Register and thereafter read again by one of the ordinarie Clerks.

THE Lord High Commissioner made a Speech to the Parliament and the Lord Chancellor another both which Speeches with her Majesties Letter to the Estates were ordered to be printed.

[THE Speech of his Grace James Duke of Queensberry, As Her Majesties High Commissioner to the Parliament of Scotland, on Thursday the Sixth day of May 1703.

My Lords and Gentlemen,

HER Majesty has been graciously pleased to give ample and frequent assurances to maintain and protect the Religion, Laws and Liberties of this Her ancient Kingdom, and the perfect Constitution of the Church; If any thing be wanting for the safe and satisfaction of Her Majesties good Subjects, I am faithfully instructed and impowered in what may be thought expedient to be proposed for that end.

The close conjunction of the two Monarchies, which in their turn have design'd to subvert Europe and enslave our Religion, made it just and necessary for Her Majesty, to be engaged in the War; and Her early appearance, gave life and vigour to the Confederacy, and particular encouragement to the Protestant Favourites and States: God has hitherto blessed the arms of Her Majesty and Her Ally's with glorious success both by sea and land; so that there is a stop put to the Victories, and a check given to the encroaching Power of France.

It cannot but be great satisfaction to us, to be under the benign Government of a Protestant Queen; We enjoy the comforts of Peace, and feel neither the effects of Tyranny, nor the disorders of War, in which so many are involved; But we ought not to be too secure, and it were to tempt our Enemies to form designs, or make insults against us, if they see us in no condition of defence.

All Her Majesty proposes to you, is for your selves, without mingling any particular concern of Her own; It is to continue the provision for the Forces on the Establishment, and to furnish and repair the Forts and Castles, which is so necessary, that I cannot doubt of your ready compliance with Her Majesties desires: And your cheerfulness in it, will be very acceptable to Her Majesty, desirable to the World, and a great evidence of your loyalty and affection, which will add much to the value of what you offer.

The decay and present low condition of Trade, requires your present and special consideration; Her Majesty on Her part is willing to concur with you in any thing that may contribute to encourage and revive it, either by making new Laws, or amending the present ones.

My Lords and Gentlemen,

It has pleased Her Majesty to honour me with a character to represent Her Royal Person in this Session of Parliament; I am very sensible of the great weight and difficulty which do attend that Trust, but my encouragement is from the confidence I have of Her Majesties goodness, in believing my sincerity and zeal for Her Service, and that in Her Royal Willness, She is so careful of Her People, that I am not charged with any thing that can be construed to be against the interests of the Kingdom, which gives me assurance of your hearty concurrence, and I shall very faithfully report what Services are done by every Person to Her Majesty and the Nation.]

[THE Speech of James Earl of Seafield, As Lord High Chancellor in the Parliament of Scotland, on Thursday the 6th of May 1703.

My Lords and Gentlemen,

HER Majesties Accession to the Throne of Her Royal Ancestors, is the great happiness of all Her Majesties Dominions; She has ever truly adhered to the Protestant Religion, and may justly be called the Defender of the Protestant Interest in Europe; and all who have had the honour to have more immediate access to Her Majesties Person, or who have duly considered the whole steps of Her Majesties Government, must be convinced, that it is Her Majesties chief design to make all Her Subjects happy.

You have heard Her Majesties most gracious Letter, and His Grace my Lord Commissioner his Speech, and it must certainly give you who are the Representatives of this Kingdom, concerned by Her Majesties Authority, great satisfaction, that Her Majesty does give you full assurance of Her Royal Resolution, to maintain Her People in the possession of their Religion, of their Laws and of their Liberties; and has also frequently promised Her Protection to the Government of the Church; But if any thing be yet needful for the safe, contentment and satisfaction of Her Majesties Subjects, Her Majesty has given full instructions, as my Lord Commissioner has signified; So that nothing is wanting on Her part, and nothing is proposed or demanded by Her, but what is necessary for the Security and Prosperity of this Kingdom.

Her Majesty is engaged in a most just and necessary War, for the Defence of the Liberties of Europe, against the formidable power of the French King; and as we see to be thankful to God for the Success Her Majesties Arms have had, so we ought to give Her Majesty all the support and assistance in our power, it being so necessary for our own Defence; And all that Her Majesty demands, is, That you provide for your own Security, by giving such Supplies as may be further necessary for maintaining Her Majesties Forces, and repairing and providing for the Forts and Castles, the doing of which will be a convincing proof of that intire Union and Confidence, which is betwixt Her Majesty and Her People, and will be the most effectual means to disappoint the Designs of our Enemies, and to preserve the Peace and Tranquillity we now enjoy.

The Trade of this Kingdom does deserve your particular Consideration, the advancing and improvement of it is the only mean to increase the Wealth and Riches of this Nation, and in the doing of which, you have full assurance of Her Majesties concurrence; Our Manufactures are very much improved, & ought to have all encouragement, but we have almost no Foreign Trade, and all our Towns and Incorporations are thereby much impoverished. You have now an opportunity of doing what you shall think necessary in this matter, either by amending Laws that may be prejudicial to Trade, or by making new ones, or reviving such as are in disuse.

My Lords and Gentlemen,

Seeing Her Majesty's chief care is to make all Her Subjects happy and contented, let us therefore in compliance with Her Majesty's just demands, cordially and unanimously concur to support Her Majesty's Authority and Government, to advance Religion and true Piety, to discourage Vice and Immorality, to promote and improve Trade, and to do every thing that is necessary for the Honour, Interest and Security of this Kingdom, that so all may be concluded that comes before you, to the satisfaction of Her Majesty, and the good and welfare of Her People.]

THEN the draught of an Act for Recognizing and Adverting her Majesty's authority and her undoubted right and title to the Imperial Crown of this Kingdom was presented by His Grace the Duke of Hamilton and read and ordered to be marked as read for the first time.

AFTER which the Lord Chancellor by order of the Lord High Commissioner Adjourned the Parliament till Tuesday next at ten a clock.

SEAFIELD Chancellor. L. P. D. P.

May 11, 1703.

PRAYERS said The Rolls called.

THE Minutes of the last Seisner read.

THE Estates of Glenasmole, Home, Galloway, Kinross, Kintor, Aberdeen, Melvill, and Marchmont, the Viscounts of Stormont and Tiviot, the Lords of Forbes, Salween, Colvill and Halls, and Sir James Stewart her Majesty's Advocate took the oath of allegiance and oath of Parliament and subscribed the allegiance and assurance.

Sir John Lauder of Fountainhall William Morrison of Prestongrange Duncan Forbes of Culloden Alexander Duff of Brack and the Laird of Brodie as Commissioners for Shyres David Chrystie Mr James Melvill Robert Johnston William Colton George Macerick and Sir William Houston as Commissioners for burrows in like manner took the oath of allegiance and oath of Parliament and subscribed the allegiance and assurance.

HER Majesty's Gift and Commission in favour of the Lord Boyle to be Lord Treasurer Deput was read and ordered to be recorded.

THE Act for settling the Orders of the Parliament house read and Copies thereof ordained to be affixed on the doors and other places according to custom.

THE consideration of three questions which related to controverted Elections was refused and the double Election for the shyre of Clackmannan considered and both the Commissioners elected were allowed to fee & interchange each writ & instructions as should be founded upon for either parties and diligence allowed to Sir John Erskine against the Clerk of the Election and others hereunto to be reported the day of May instans.

THE double Elections of Sir George Suety of Ballgown and the Laird of Oronsaye younger for the shyre of East Lothian was considered and both ordered to produce and allowed to fee all writs to be founded upon in the competition to be farther considered by the Parliament at the next meeting.

THE double Elections of the several Commissioners for the shyre of Berwick considered and their respective objections and

answers with the writs to be founded on for instructing thereof ordered to be given in and sent in the Clerks hands by the parties concerned against the next sitting of Parliament and then either determined in plain Parliament or resolved to a Committee.

A WARRANT given to the Barons and freeholders of the shyre of Selkirk to Elect another Commissioner for that shyre in place of Sir James Murray of Philiphaugh now promoted to be Lord Clerk Register and to meet for that effect upon Tuesday the eighteenth current.

THE double Election of the several Commissioners for the shyre of Lanrick considered and the Commission from that shyre in favour of the Lairds of Lamington Jarvie Wood Skelton younger and Alkenhead unanimously sustained and they took the oath of allegiance and oath of Parliament and subscribed the allegiance & assurance accordingly.

WARRANTS upon Petitions in order to the obtaining Protections granted for citing the creditors of Sir Archibald Cockburn elder of Langton William Cockburn now of Cockburn son to the deceased James Cockburn sometime Goldsmith in Edinburgh and Patrick Stiel winner there.

THEN the Lord Chancellor by order of my Lord High Commissioner Adjourned the Parliament till Friday next at ten a clock.

SEAFIELD Chancellor. L. P. D. P.

May 14, 1703.

PRAYERS said The Rolls called.

THE Minutes of the last Seisner read.

THE Lords Sempie, Elphinstowne, Forrester and Ballenden Sir John Houston of that ilk the Laird of Blackhall younger & Alexander Gordon of Gortie Commissioners for Shyres, took the oath of allegiance and oath of Parliament and subscribed the allegiance & assurance.

THE Controversie moved the Commissions of Sir Robert Sinclair of Longbourne and Sir John Hume of Blackader for the shyre of Berwick being past from they took the oath of allegiance and assurance.

Mr Robert Stewart of Tillicoultry having chosen to represent the shyre of Bute and Sir John Erskine of Alva to represent the Burgh of Brechin rather than to insist upon their controverted Commissions for the shyre of Clackmannan both took the oath of allegiance and oath of Parliament and subscribed the allegiance and assurance.

THE Laird of Cairnes having insisted on his Protestation against the Lord Register and the Lord Lyon for altering the order in the Returns of the Elections for the shyre of Edinburgh offered in this and former Elections where the Lairds of Cairnes were chiefs The Lord Clerk Register was ordered to search in the Records of Parliament how the Lairds of Cairnes when formerly elected with Knights Burghs to Represent that shyre were in use to be ranked in the Rolls and to report.

THE consideration of the controverted Election for the shyre of Haddington between Sir George Suttie and the Laird of Oronsaye younger was of course of parties continued to the first sitting of Parliament next week.

THE consideration of the double Elections for the shyre of Berwick continued of consent to the same day.

MOVED that the objections made against the Elections for the shyre of Drumfriis might be considered And is required neither the objectors nor any having their names present to insist the consideration thereof was let fall.

THE Consideration of the contravened Elections for the shyres of Aire and Dunbarton continued And all parties appoynted to produce their severall writers for instructing or answering the respective objections against the first sitting of Parliament next week that the Parliament might then determine With certification if they produced not that no farther tyme should be allowed for producing thereof.

THE contravened Election for the shyre of Berwick in favours of the Laird of Pollock of that ilk and the Laird of Orkintowne younger with the severall objections against these freeholders who voted for either pairtie being considered the objection against Houston elder of Johnston was sustained there being nothing produced to instruct his freehold Then the objection against the tounes of Paisley (first being a Burgh of Burrows) was sustained in favour of a freehold yet since no burges could be deluged far that and therefore the incorporation could have no vote in the election of Burrows) was considered And the heads having acquiesced to sustain the vote the objection was past then by the pairtie and allowed to be withdrawn After which the objections against Scrymgeour of Cathcart and some others who had voted for Orkintowne younger being sustained the Consideration in favours of the Laird of Pollock was preferred And accordingly he took the oath of alledgeance and oath of Parliament and subscribed the alledgeance and assurance.

THE composing Commissioners for the respective shyres of Linlithgow and Orkney were ordained to produce & interchange such writs as they were to found upon in their severall competitions to be sent by either pairtie concerned in order to the determining thereof the first sitting of Parliament next week With certification if they fulgied no farther tyme should be allowed them &c.

James Sinclair of Stenopeter one of the Commissioners for the shyre of Cathness was ordained to instruct his having right to vote in the Election of Commissioners to the Parliament from that shyre against the same day with the lyke certification.

THE Protestation against the Election of the Laird of Strenndrie for the shyre of Fyfe and grounds thereof being considered his Election was found null as being made without the previous intimation at the head Burgh of the shyre required by Law And accordingly his name was ordained to be left out of the Roll and a Warrant granted to the freeholders of that shyre to meet for a new Election on Tuesday the 25th of this month.

THE composing Commissioners from the Burghs of Haddington Kirkcaldie Arbroath and Durnock Ordained to Informe amongst their severall cafes and to produce their respective instructions to be considered the first sitting of Parliament next week With certification that no farther tyme shall be allowed for doing thereof.

THE Lord Chancellor by order from her Majesties High Commissioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellor. I. P. D. P.

May 15, 1703.

PRAYERS said The Bells called.

THE Lord Advocate protested for the Lord Register & himself that the calling of the Lord Treasurer Deput in the Rolls before the Lord Register and him with regard to his being a Peer might not prejudice them of their just rank and precedence.

THE Minutes of the last Session read.

THE Formale subjoyned to the Act of Parliament in November 1700 for preventing the growth of Papery as it was subscribed by the Lord Scrymgeour and attested by the Earle of Eglington and her Majesties Advocate two of the Lords of her Majesties Privy Council being read The Lord Scrymgeour was ordained to take and subscribe it again in Parliament and he took and subscribed it accordingly.

[THE Oath of Francis Lord Scrymgeour taken by order and in presence of Parliament.

I Francis Lord Scrymgeour, do from my heart, profess and declare before God, who searcheth the heart, that I do deny disown and abhorre the tenets and doctrines of the Papal Romish Church, viz. the supremacy of the Pope and Bishop of Rome over all pastors of the Catholick Church, his power and authority over Kings Princes and States, and the infallibility that he pretends to either without or with a general Council, his power of dispensing and pardoning, the doctrine of transubstantiation, and the corporal presence, with the Communion without the Cup in the sacrament of the Lords supper, the alienation and sacrifice professed and practised by the Popish Church in the Mass, the invocation of Angels and Saints, the worshipping of Images statues and reliques, the doctrine of supererogation indulgences & purgatory, and the service and worship in one unknown tongue All which tenets and doctrines of the said Church I believe to be contrary to and inconsistent with the written word of God And I do from my heart deny disown and disclaim the said doctrines and tenets of the Church of Rome as in the preface of God without any equivocation or mental reservation but according to the known and plain meaning of the words as to me offered and proposed So help me God.

Scrymgeour.
SEAFIELD Cancellor. I. P. D. P.]

IT being moved that the Act presented by the Duke of Hamilton for procuring and asserting her Majesties authority might have a second reading Her Majesty Advocate offered to the consideration of the Parliament an additional Clause to the Statutory part of the Act viz. that it should be treason to quarrell her Majesties right and title to the Crown or her exercise of the government thereof from her actual entry to the same And after reading upon the addition the vote was Sisted, Proceed or Delay the consideration of the amendment and second Proceed.

IT was thereafter moved that in place of those words proposed by her Majesties Advocate the following words might be added viz. that it should be treason to quarrell her Majesties right and title to the Crown or her being in the exercise of the government thereof conform to the Claim of Rights And thereupon the vote stood Whether the first or the second clause should be added It carried that the first should be added And then the Act with the first additional clause was put to the vote and approved.

THE *Refuse* of a Petition for the Earle of Home Craving a Warrant to cite Sir Patrick Home Advocate to compare before the Parliament for discharging a Protestation for removal of Law taken upon his obtaining a Decree of the Lords of Council & Session against the said Sir Patrick was granted.

WARRANTS on Petitions in order to the obtaining Protections granted for citing the Creditors of Mr William Gordon of Belconnie Advocate and Mr John Rochan Clerk to the High Commission for valuation of tacks &c.

THE Lord Chancellor by order from her Majesties High Commissioner Adjourned the Parliament till Wednesday next at ten a clock.

SEAFIELD Chancellor. I. P. D. F.

May 19, 1703.

PRAYERS said The Rolls called.

THE Lord Bae and Mr John Fringle of Haining Commissioner for the Shire of Selkirk in place of Sir James Murray of Philipburgh new Lord Register took the oath of allegiance and oath of Parliament and subscribed the allegiance and assurance.

THE Minutes of the last Sederunt read.

THE Act for recognising her Majesties authority was touched with the *scripter* by the Lord High Commissioner in the usual form.

THE Earle of Home presented the draught of an Act and offer of a supply to her Majesty for the ends therein contained.

THE Marques of Trenchbuck presented an Overture for a Resolve of Parliament That before all other business the Parliament might proceed to make such conditions of government & regulations in the Constitution of this Kingdom to take place after the decease of her Majesty and the ains of her body as shall be necessary for the preservation of our religion and liberties both which papers were read in order as they were presented & ordered to ly on the table.

THE consideration of the controverted Elections for the Shire of East Lothian betwixt Sir George Suttie and the Lord of Ormiston younger was resumed and the objection against Home of Gensheils who had voted for Sir George that his return did not bear his lands extended to the Twenty marks of old extent mentioned therein as distinct from the few ductie in the *Raddeals* conforme to the Act of Parliament 1681 was sustained. The objection against Count of Dryburghford and other of these who voted for Sir George was put from and the objection against Ogilvie of Popplehill (that howbeit his writs constitute a Ten pound land yet he has not right to such one part thereof as office to a Fourtie filling land within the Shire of East Lothian with the answer to it viz. That unless it were proven he was detached thereof that so much of his land lay in the Shire of Berwick as leaves not such a proportion thereof in East Lothian as office to a Fourtie filling land he ought still to have his vote) being considered The parties objected against was called and he offering that he had still remaining within the Shire of East Lothian more of the Ten pound land in the Return produced for him than office to a Fourtie filling land there was a conjunct probation allowed to either parties against Popplehill having fill in his possession within the Shire of East Lothian a fifth part of the Ten pound land contained in the Return produced according to the several proportions thereof lying in both Shires and diligences granted for that effect against the first sitting of the Parliament

next week With certification that no farther time should be allowed. Then the objection against Hephern of Bensington vote with the answer made thereto being considered After some reasoning thereupon The vote was stated Proceed to determine or Remit to a new Election and it was carried Proceed After which the vote was again stated Sustain the objection or No and carried No.

A PETITION for the Lord Rothe presented and ordered to be read the next sitting of Parliament.

THE Lord Chancellor by order from the Lord High Commissioner Adjourned the Parliament till Fryday next at ten a clock.

SEAFIELD Chancellor. I. P. D. F.

May 21, 1703.

PRAYERS said The Rolls called.

THE Patent given in by King James the Seventh in favour of Charles Earle of Dunmore for the title and dignity of one Earle &c. being read and ordered to be recorded he took the oath of allegiance to her Majesty and oath of Parliament and subscribed the allegiance and assurance.

THE Minutes of the last Sederunt read.

ORDERED that the actions upon the Protestation for removal of Law taken by the Laird of Fousie against the Lord Gray be heard first of privat business.

MOVED that Sir George Suttie might administer his Commission by proving that the Laird of Beaumont truly voted for him at his election notwithstanding of what is contained in the last Minutes relating to that objections Whereupon he was allowed a diligence for addressing his witnesses to that effect against the first sitting of Parliament next week.

THE Petitions for the Lord Rothe went the altering of the common road about his house in the country in favour of his parking and police was read and granted and a new way appropriated to be made at sight of the Commissioners of Supply for that shire.

A PETITION for Adam Cockburn of Ormiston late Treasurer Deput Craveing that his Grace and the Estates of Parliament may lay down such rules for enquiring into the mismanagement of the funds imposed by Acts of Parliament as he may hope to see these accounts discharged in his own time read and ordered to ly upon the table.

A MOTION made by the Marques of Atholl Lord Privie Seal that the accounts of all Bonds given by Parliament during the last Session and how the same were applied be laid before the Parliament or any Committee or Commission thereof to examine and report was agreed to and ordered to be insert in the Minutes.

A REPRESENTATION for Sir George Suttie relating to the vote of House of Gensheils was read and rejected.

A WARRANT granted for citing the creditors of Major Alex Stevenson in order to his obtaining a Protection.

THE like Warrants granted in favour of Robert Hamilton eldest son to William Hamilton of Withaw and Captain Alexander Cockburn second son to Sir Archibald Cockburn of Langtoun.

THE consideration of the Elections yet in contravention for the Shire of Berwick resumed but afterwards at the desire of the parties continued till next sitting of Parliament.

THE consideration of the contraverted Elections betwixt Sir Alexander Home of Castlemains the Laird of Kilbride and Sir William Cunningham of Cunninghamland for the shire of Ayr was resumed And the objection against Baid of Merkland that he was not qualified to vote in the shire of the Act 1691 was sustained in regard there was nothing produced to instruct his freehold.

THE objection against Doctor Dickson that he was husband to a liferenter and not to one heirless was insisted in And after reasoning the vote was staid Sustaine the objection or No and carried Scintine.

THE objection against Cathcart of Guinech was repelled The objection against Mitchell of Dalhian that he had not subscribed the assurance was sustained The objection against McGoun of Nether Sierston was repelled that he having removed after he was qualified he returned not to give his vote until the parliament was declared.

THEN the objection against Cunningham of Robertson founded on his having a Protection was sustained And thereupon Kilbride being found to have the plurality of legal votes was preferred and admitted and took the oath of allegiance and oath of Parliament and subscribed the allegiance & assurance.

THE consideration of the contraverted Elections betwixt the Lairds of Kilmaronock and Laft on the one part and Mr James Campbell of Portkill and George Napier of Kilmahew on the other was resumed and the objection against Kilmahew that he is not appeared heir by virtue of his predecessors infirmity but by virtue of one bond of sale whereon no infirmity followed and his grandmother in petition was sustained The objection against Campbell of Carnock younger and James Grant of Placerden that the first was not present and the last not infirm was sustained The objection against Campbell of Reichen that he was neither infirm himself nor appointed heir to any who was infirm was sustained in regard there was no sufficient production made for instructing his predecessors right in the terms of Law The objection against Garschore of that ilk that he was only appointed here and not in petition as such but as Administrator to his son having right by a disposition from the grandfather who had been infirm was repelled as not instructed And thereupon the Lairds of Kilmaronock and Laft were admitted as duly elected and took the oath of allegiance and oath of Parliament and subscribed the allegiance and assurance.

THE Lord Chancellor by order of Her Majesties High Commissioners Adjourned the Parliament till Monday next at ten a clock.

SEAFIELD Chancellor. L. P. D. P.

May 24, 1703.

PRAYERS said The Rolls called.

THE Minutes of the last Parliament read.

A PETITION for Sir Thomas Wallace of Craigie craving he might be allowed by taking the oath of allegiance & subscribing the same with the assurance to qualify himself for his employment as an Advocate read and granted and he was allowed to qualify before the Lords of Session.

Sir George Bruce of Colinton Sir Peter Wedderburn of Gelford and John Hay of Letham witnesses adduced for administering

the Commission from the shire of East Lothian in favour of Sir George Suttie of Balgon were called to prove that William Hepburn of Beaufort truly voted as he had subscribed to the said commission and gave their oaths thereunto in presence of Parliament Upon advising whereof the vote was staid If Sir George Suttie had by the witnesses adduced administered his commission by proving that Beaufort truly voted for him at his election Yes or No and carried No.

MOVED then that the probation adduced to instruct that Ogle of Popfhill had dill in the shire of East Lothian a fifth part of the ten pound land contained in his retour might be advised and thereupon the vote staid If in this case the probation should be allowed by the real men Yes or No and carried No.

A PETITION for Sir George Suttie founded upon new documents relating to Gumbelshills having right to vote at his election read but the matter represented thereon not being instructed the elements for the Laird of Ormskirk younger were found of equal number to such as were duly qualified of those who had elected Sir George Suttie And thereupon a Warrant ordered for a new election of a fourth Commissioner for East Lothian and the freeholders appointed to meet for that end on Tuesday the first of June next.

THE instrument & protestation taken by Sir Thomas Kilpatrick of Cloburn & his son against the elections for the shire of Dumfries was read & after hearing the parties upon the objections contained therein and the answers they were allowed to be withdrawn.

THE Lord Chancellor by order of her Majesties High Commissioners adjourned the Parliament till Wednesday next at ten a clock.

SEAFIELD Chancellor. L. P. D. P.

May 26, 1703.

PRAYERS said The Rolls called.

Robert Douglas of Strenay being duly elected Commissioner for the shire of Fyfe took the oath of allegiance & oath of Parliament & subscribed the allegiance & assurance.

THE Minutes of the last Parliament read.

ORDERED that when the Rolls are called for a vote of Parliament all the members stand upright in their places & give their votes audibly and that none presume to answer for another.

MOVED that the Act for the Supply be considered in order to a first reading.

MOVED that the remaining contraverted elections might be determined for the more full representation of the Estates before any further procedure in the Supply.

MOVED that the Overture given in by the Marquis of Tweedall for a Resolve to make their conditions of Government and regulations in the Constitution of the Kingdom to take effect after the decease of her Majestie and the heirs of her body which might be necessary for securing Religion and Liberty be taken to consideration as being of greater import to the Nation than any other matter now lying before the Parliament And the date of a vote thereafter offered in these terms viz. Proceed to the reading an Act for a Supply Or to the making an Act or Acts for securing our Religion Liberty and Trade before all other business

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And after long debate on these several motions and state of the vote successively the debate was delayed of consent to the next sitting of Parliament.

THEN the Lord Chancellor by order of her Majesties high Commissioners adjourned the Parliament till Friday next at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

May 28, 1705.

PRAYERS said The Rolls called.

THE Manner of the last Sederunt read.

Sir Patrick Hume and Sir John Swintoun desiring to be admitted Commissioners for the shire of Berwick since the controversy about their elections was agreed There was a Petition read for Simon Marjoribanks of Dedrigs and several freeholders in that shire craving they might not be received because such agreements could not prejudice the privilege of the freeholders who had right to choose a new Commissioner when their votes came to be found equal in any election or that any Commission became void as had happened in this case by the Label of Jerviswood accepting another commission for the shire of Lanark though he had more votes than both these Commissioners at his election for the shire of Berwick Upon trying of which Petition The vote being divided Admit both these Commissioners or No it Carried that both should be admitted and they took the oath of allegiance and oath of Parliament & subscribed the disengagement and abstinence.

[UNTO his grace James Duke of Queensberry her Majesties high Commissioners and honorable estates of Parliament

The representations of Simon Marjoribanks of Dedrigs & several of the barons and freeholders of the shire of Berwick

Sheweth

THAT when at the last elections of Commissioners for that shire the Lairds of Langhorne Blackader & Jerviswood being elected by the plurality of the electors to serve as three of the saids Commrs and there being an equality of votes for ope three of those who stood for that election whereby it could not be determined but was debatable which of the rest who stood in competition should make the fourth But Jerviswood having been elected for one ope shire & made his choice to serve for that shire thereby there became two vacancies in that shire and there being four who stood in competition therefore the issue by a reference is determined in favour of Sir Patrick Hume and Sir John Swintoun the petitioners doe humbly conceive that one of the persons who was elected by the plurality of votes having made choice to serve in one ope shire the vacancy y^e could not be supplied by determination upon a reference of those who stood in competition for a fourth commissioner but ought to have gone back to the shire for a new election and likewise understanding that those to whom the reference was made have rejected severals of the votes of the freeholders in that shire who have good right to vote as they have always done in former elections since by the said roll made by commissioners authorized by the Lords of Session to be the rule of settling the taxations according to the said extent in that shire their said extent is by the said Commissioners found far to exceed a Rente filling land which the act of Parlia allows sufficient to give a right to vote and that they have constantly borne bur-

den of all taxations since conforme to that rule which serves to be the most authentick document for clearing old extents whereby all taxations were payed and that this commission and reports y^eof is regist in the publick register and a reg^r book thereof extant in the Parlia house as the copies of ope decreets and of the same authentic Therefore the said barons humbly conceive that this their right of electing for which they have borne burden and payed very dear continually since the date of the said roll cannot be taken away from them unheard by any such reference of theirs (who had no power to submit or subject their right to such a tryall) nor determination thereon and that they may be clear in their right to vote in elections in times coming It is humbly desired that your grace and high Court of Parlia would allow them to be heard on the defence of their said right and that no members chafin in this matter without their knowledge or consent should be received admitted or allowed to represent them and your grace and honorable estates of Parlia^s order.

Alex^r Hay.

Etr 23 May 1705.

Her Majesties high Commissioners & the Estates of Parlia^s having heard this Petition they advise as follows y^eof.

SEAFIELD Chancellor. I. P. D. P.]

A PETITION by Mr Rodger Hepburn craving he might be allowed to take the oath of allegiance and afterwards for enjoying his employment as one Advocate granted & he allowed to swear and subscribe the same before the Lords of Session.

A PETITION for the disbanded Officers relating to their Arrears and Subsidies read and appointed to be brought in and considered the first sitting of Parliament next week.

THE former dayes debate was resumed.

RESOLVED that the Parliament will proceed to make such Acts as are necessary or fit for securing our Religion Liberty and Trade before any Act for Supply or any other business whatsoever.

THE draught of an Act for security of the Kingdom was read and the draughts of the several Acts following were presented and read viz. An Act ratifying the first Act of the first Session of the last Parliament and of new creating & declaring that all Acts past in the several Sessions thereof be obeyed as laws, An Act declaring that after the death of her Majesty and sire of her body all officers civil or military in this Kingdoms formerly conferred by our Kings shall ever after be given by the Parliament by way of Ballot, An Act declaring that after the death of her present Majesty and following sire of her body no person coming to the Crown of Scotland being at the same time King or Queen of England shall as King or Queen of Scotland have power to make peace or war without consent of Parliament, An Act allowing the importation of all sorts of wines & other foreigne liquors, An Act for securing the true Protestant Religion and Presbyterian Government All which were ordered to lye on the table.

THE Lord Chancellor by order of her Majesties high Commissioners Adjourned the Parliament till Tuesday next at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

June 1, 1703.

PRAYERS said The Rolls called.

THE Minutes of the last Sederunt read.

THE Petition of the disbanded Officers delayed until the Act for a Supplice come to be further considered And in the mean time the Clerk of the Thesaurie ordered to prepare & fute an abstract of the fute and of the arrears due to the ferevall regiments to which the Officers belonged.

THE draught of an Act for a Tolleration to all Protestants in the exercise of Religious worship read.

A REPRESENTATION by the Commissioners of the late General Assembly against the Tolleration read.

THE draughts of the following Acts were then given in & read viz. An act in fivours of the Royal Burghs An act allowing the exportation of worst lamb skins An act continuing the prohibition of exporting English or Irish wool to the next Session of Parliament An act against the measuring & faling of Woolfen and Linnen cloth An act against a triennial Parliament An act incapacitating persons having perfumes not assessed to officers all officers in the army & those employed in the customs to have vote as members of Parliament in inspecting of publick burdens An act in fivours of the Company trading to Africa & the Indies An act against Lesting makers & Standers And an act for deliverie of wool by weight all which were ordered to lye on the table.

John Cockburn of Ormeikoun younger being elected Commissioner for the shire of East Lothian took the oath of allegiance & oath of Parliament & subscribed the allegiance and assentance.

MOVED that the Act for security of the Kingdom be considered in order to a first reading.

MOVED that the Act for securing the true Protestant Religion & Presbyterian Government be first considered.

MOVED that the Act for ratifying the first Act of the Parliament 1689 turning the Meeting of the Estates into a Parliament be considered before any other.

MOVED that before any procedure in the consideration of these Acts the reasoning controverted elections be determined for the fuller constitution of the Parliament & thereupon the vote being futed Proceed to consider the acts or to determine the elections & Carried that the acts should be considered.

THE Act for securing the true Protestant Religion and Presbyterian Government read & ordered to be marked a first reading.

THEN the vote was futed Whether the Act for security of the kingdom which was first read or the Act for ratifying the first Act of the Parliament 1689 which was next read should be first considered & it Carried that the first read should be first considered.

THE Act for security of the kingdom read & ordered to be printed.

THE draught of an Act for adjourning the Session read And the vote being futed Mark a first reading or No it Carried No.

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Thursday next at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

June 3, 1703.

PRAYERS said The Rolls called.

THE Minutes of the last Sederunt read.

PETITION for Thomas Viscount of Tervist relating to the Clothing money and arrears of his royall regiment of Dragoons read & delayed until the Act for the Supplice be further considered.

PETITION for Patrick Steill vintner read.

PETITION for the Magistrates of Lanrick relating to their bridge built over Clyde near that burgh read.

PETITION for Major Alex^r Stevenson read.

THE first day the Parliament Hall fit after the next week appointed for taking all these Petitions & other private business to consideration.

A WARRANT granted for citing the Creditors of the Laird of Clackmannan in order to his obtaining protection.

THE draught of an Act defying what Crymes are bailiable given in and read and ordered to lye on the table.

THE Act for securing the Protestant Religion and Presbyterian Government being again read the first part of it for security of the Protestant Religion was unanimously acquiesced in without a vote and the last part about Presbyterian Government being considered there was an exception added of the allowances given to Ministers qualified in the termes of the 27 Act of the 5 Sess: of King Williams Parliament & then the whole Act put to the vote & approved.

THE Act for the Tolleration being again read it was moved that her Majesties Letter to the Privie Council about the preschers of the Episcopall persuasion might be laid before the Parliament and the said Letter being accordingly brought in and read was immediately returned to the Clerk of Privie Council.

THE Act for security of the Kingdom read again & ordered to be marked a first reading but not to pass until it be yet twice read & considered.

THE Act for ratifying the first Act of the Parliament 1689 turning the Meeting of the Estates into a Parliament read & ordered to be marked a first reading.

THEN the severall Acts about the conferring of offices the making of peace & war & the impetration of wyynes &c. were read & these three Acts ordered to be printed.

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Monday next at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

June 7, 1703.

PRAYERS said The Rolls called.

THE Minutes of the last Sederunt read.

THE Act for ratifying the first Act of the Parliament of King William & Queen Mary read for the second time and the first

part of it approving the turning the Meeting of the Estates into a Parliament acquitted in And after some debate on the last part declaring that it shall be treason to impugn or endeavour by writing malicious & advised speaking or other open act or deed to alter the Claims of Right the vote was stated Proceed or Delay & carried Proceed Then that part of the Act being read again the vote was stated Approve the Act or Not & carried Approve.

THE Lord Chancellor by order of her Majesties high Commissioners Adjourned the Parliament till Wednesday next at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

June 9, 1705.

PRAYERS read The Rolls called.

THE Minutes of the last Parliament read.

THE draught of an Act enjoying the assurance given in and read.

THE draught of an Act against the imposing of any other oaths & declarations than those already appointed by Law given in and read.

MOVED that the remaining contraverted elections be determined or a day appointed for that end and the next day the Parliament shall be appointed to consider the same accordingly.

RESOLVED that the Committee for inspecting the publick accounts be named successively after discharging the elections.

MOVED that the Petition given in for the Laird of Moriston might be read and thereupon ordered that Sir James Cockburn be cited by getting a full Copy of the Petition with the report to which it refers to Compare and be ready to answer the first sitting of Parliament next week.

Sir David Dalrymple allowed upon the petition of Doctor George Oswald to plead for the Doctor against the granting protection to Mr John Buchan.

THE Draught of an Act in favour of the burgh of Elgin toward the completing of their harbour at the mouth of the River of Leith read and ordered to lye on the table.

THE Act for security of the Kingdom read and considered.

THE draught of an Act for revivifying the second Act of the third Parliament of King Charles the Second read And after reasoning thereon the vote was stated If the Act should be ranked a first reading or should lye on the table and Carried that it should lye on the table.

THEN the consideration of the Act for security was resumed And after reasoning on some clauses thereof the further consideration of the Act was continued to the next sitting of Parliament.

THE Lord Chancellor by order of Her Majesties high Commissioners Adjourned the Parliament till Fryday next at ten a clock

SEAFIELD Chancellor. I. P. D. P.

June 11, 1705

PRAYERS said The Rolls called.

MOVED that the Laird of Melburn might be admitted Commissioner for the Burgh of Darroch since the competing Commissioner had withdrawn his Commission And after some debate about the admitting him it was agreed that whatever might be legally objected against him by a party having interest should be removed at any time even after his admission and the vote stated Admit in those terms or Not carried Admit It was then moved that he having been once Papist might take the Formula subjoined to the Act for preventing the growth of popery which he did desiring it might be insert in the Minutes that he owned his being Protestant severall years before that Act and thereafter took the oath of allegiance & oath of Parliament & subscribed the said Formula with the allegiance & assurance.

[FORMULA taken and agreed in Parliament by John Vreghart of Melburn.

I John Vreghart of Melburn, do sincerely from my heart profess and declare before God who searcheth the heart That I do deny, disown and abhorre the tenets and doctrines of the Popal Romish Church, viz. The supremacy of the Pope and Bishop of Rome over all prelates of the Catholick Church, his power and authority over Kings Princes and States, and the infallibility that he pretends to either without or with a General Council, his power of dispensing and pardoning, The doctrine of Transubstantiation, and the corporal presence, with the communion without the Cup in the Sacrament of the Lords supper, The adoration and sacrifice professed and practised by the Popish Church in the Mass, The invocation of Angels and Saints, The worshipping of images, crosses and reliqs, The doctrine of supererogation, indulgences & purgatory, And the service and worship in one unknown tongue: All which tenets and doctrines of the said Church I believe to be contrary to, and inconsistent with the written word of God. And I do from my heart deny, disown & disclaim the said doctrines and tenets of the Church of Rome as in the presence of God without any equivocation or mental Reservation But according to the known and plain meaning of the words as to me offered & proposed. So help me God.

John Vreghart.
SEAFIELD Chancellor. I. P. D. P.]

THE Minutes of the last Parliament read.

PETITION for Archibald Marquis of Douglas craving a warrant for citing the Earl of Forfar to assist upon his protestation for revocle of Law against him read & at the Earls request allowed to be taken & answered the next sitting of Parliament.

AGREED that an Overture for an Act in favour of the town of Glasgow A Petition by the Delegates of the Woollen & Silk Manufactures & an Overture for an Act in favour of the shire of Culhous be all considered the first sitting of Parliament for giving business.

MOVED that the Petition of the Laird of Moriston be granted desiring that her Majesties Advocat Sir Gilbert Elliot & Sir David Cuninghame albeit members of Parliament may be allowed to plead his cause against Sir James Cockburn & their Advocats allowed to plead for him accordingly.

PETITION for Anna Cockburn for making up the tenure of heretofore writs read & agreed that the report of her cause be received and considered the first Sederunt of Parliament for private business.

THE contraverted Election betwixt Lisa^s General Ramsay of Curdick & Thomas Sharp of Houslees for the shire of West Lothian called And the objections against Houslees electors being first infold in be past from the votes of John Macfarlan Alex^s Olen the Laird of Balasney younger & John Hamilton of Pansphorhouse It was objected against Mr James Hamilton of Baughey that his Lady's freehold extended to no more than a thirty shilling land of old extent the being one of two heirs portions to a brother who though he was once infold in a five pound land was afterwards demold of a forty shilling land so that the Lady had right to no more than the equal half of the remaining three pound land. 2^d The Lady not being infold could not as appeared heir give right to her husband to vote as a freeholder To which it being answered that the demanding the brother of forty shilling of his five pound land was not objected at the election & therefore is not now receivable in Parliament. 3^d The general terms of the Act 1681 gave the right of election to the husband of an appeared heir as well as to that of a freeholder infold The vote was listed Suftein their objections or No & carried Suftein It was objected against Robert Johnston of Strathoun that he was only appeared heir to an annuallist & not to a proprietor And it being answered that his father had infold in a freehold in the terms of the Act 1681 It was replied that his charter produced infolded not a forty shilling land of old extent And replied that it contained a third part of a land which was infolded by an older charter produced to be of yearly extent twenty four pound & a mark land which ought to be preferred to be of old extent The vote was thenupon listed Sufstains or Repell the objection & carried Repell It was then objected against John Hamilton of Grange that not being infold he could have no vote as appeared heir to his father because there were children of his elder brother. 2^d Though his Jus apparetive were not questioned he was not in possession without which his apparetive gave him no right of election And it being answered that his brothers children were declared spurious by Decree of the Judge competent and that he truly was in possession It was replied that he could not prefer as heir to the freeholder his infold his father being demold by adjudication in the year 1671 & the legal now long since expired the rents were frequent by Decree of the Lords in the hands of a factor for the behoof of the adjudgers And there being severall writs produced for infolding the reply the Advocats for Grange were allowed to see them till next sitting of Parliament.

THE Lord Chancellor by order of her Majesties high Commissioners Adjourned the Parliament till Monday six at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

June 14, 1795.

PRAYERS said The Rolls called.

THE Minutes of the last Sederunt read.

AGREED that the contraverted elections be considered next sitting of Parliament before any other business whatsoever.

PETITION by the Lord Advocat for a warrant to cite Robert Johnston of Strathoun & others in order to approving the tenor of left writs read and the warrant granted.

MOVED that the Lord Register make his report from the Records how the Laids of Cavers when elected with Knights Barons to represent the shyre of Roxburgh were in use to be ranked in the rolls And agreed that the report be considered the next sitting of Parliament and Sir William Ker of Greenhead allowed to see it in the next tyne.

PETITION for Mr William Hog of Harrode desiring certain privileges for his Woollen manufactory read and ordered to ly on the table.

PETITION for George Lockhart Merchand in Glasgow for a recommendation of his case to her Majesty and the Lords Commissioners of the Treasury read & the desyre thereof granted.

PETITION for James Oliphant of Langtoons relating to the Survivance of the first office which shall be vacant amongst the six ordinary Clerks of Session read and ordered to ly on the table.

THE desight of an Act prohibiting Butchers to be graziers read and ordered to ly on the table And thereupon it was recommended to the Lords of Session to regulate the prices of wine & viwers within the town of Edinburgh.

MOVED that an Overture for the better employing the poor offered by Doctor Hew Chamberlaine be considered And the consideration thereof delayed till the first sitting of Parliament for private business.

PETITION by Alex^s Nisbet for enabling him to perfect his book of Heraldrie read and ordered to ly on the table.

AGREED that the Act in favours of the Town of Glasgow be considered the next sitting of Parliament.

PETITION by the managers of the Woollen & Silk Manufactory read and delayed until the condition of the trade of the Nation be considered.

THE summons for liberation & protection raised by Mr William Gordon against his creditors being called in common form and Sir William Hope of Balcombie the only comparing creditor having consented with that quality The power was ordained to be libent and his protection granted conditionally That if at any time he or any of his bonding out or establishment should molest the said Sir W^m in the peaceable possession of the lands of Balcombie the protection in so far as concerned Sir Williams interest should ipso facto become void & null.

THE desight of an Act relating the tyne of comparing in summons & other legal executions within the Dyre of Cathness read & ordered to ly on the table.

ORDERED that unless the Earle of Forfar answers to the petition of the Marquess of Douglas be given in the next sitting of Parliament the desyre of the petition be granted.

THE action for Breach of Law at the instance of the Laird of Powrie against the Lord Grey called and debated by the Advocats for either party at full length in advysing of which debate it being moved That the Lords of Session should be de-loyed to judge in the cause as having pronounced the decree in question It was put to the vote If the Lords of Session who were members of Parliament could be de-loyed in the cause Yes, or No, And carried No. It was then moved That in order to the decision the vote might be stated in these terms viz. If the Afflye 6th lybelled fell under the disposition & clause of warrant in favours of Powrie Yes or No. And it being moved thereupon that the vote might rather be stated in the words Adhuc &c. or

K

After the decree It was put to the vote Whether the First or the Second state should be voted and carried the Second.

THE Lord Chancellor by order of her Majesties High Commissioner Adjourned the Parliament till Thursday next at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

June 17, 1703.

PRAYERS G44 The Bells called.

THE Minutes of the last Parliament read.

THE warrant for citing the Earle of Forke *conform* to the petition of the Marquis of Douglas granted.

THE consideration of the cause perused by the Laird of Powry against the Lord Grey being resumed, the decree of the Lords of Session was read and the vote *stated* Adhere or Alter the decree, carried Adhere.

PETITION for the Earle of Melvil for changing the high way about Melvil house in favour of his planting and *enclaves* read and the *decre* thereof granted, and the new way ordained to be made at fight of the Justices of Peace for the Shire of Fife.

THE Act formerly offered in favour of the burgh of Glasgow read.

RESOLVED that these Acts that are offered in favour of particular burghs be considered the first sitting of Parliament for private business.

PETITION by William Cochran of Fergallie for *see abatement* of his tack duty of the Pole tax read and ordered to lye on the table until the Committee for inspecting the publick accounts be seated.

PETITION by Captain Beffwell and other officers and fessmen who served on board her Majesties ship the Royal Mary complaining of abuse of the publick faith by the said William Cochran in keeping up their pay and *assent* force of their Arrears read and he ordained peremptorily to make answer therein the next sitting of Parliament for private affairs.

RESOLVED that the petition for the Laird of Moriston be considered the first sitting of Parliament for private affairs.

A WARRANT granted upon a petition offered by John Calder of Craigforth for charging Master Alexander Hoggins Advocate to *infert* in his depending action for recovery of law against him and Master Hoggins *ordained* to answer it the first sitting of Parliament next week With certification &c.

THE consideration of the Elections for the Shire of West Lothian resumed and the objection and reply against John Hamilton of Grange *infert* in; After *advysing* the same, and the answers and *depleys* made therein with the ways produced for instructing thereof, the vote was *stated*, *Sustain* or *Repell* the objections and carried *Sustain*. The objection against George Dallas of Parkley that he instructed not his right to twenty *filling* Land of old extent, distinct from the few dewens, nor to Lands *lyable* in publick burdens for five hundred pounds of valued rent, And the answer being considered with six extracts from the valuation books of the shire *bearing* the Lands to be valued to five hundred and two pounds, the objection was *repelled* without a vote The objection against Master Thomas Rig of Riggard that he was

but an *adjudge* not in possession, the Lady Catharine being in possession of the Lands and *splitting* the rents And the answers being considered with the instructions the objection was *sustained* without a vote.

THE Lord Chancellor by order from her Majesties High Commissioner Adjourned the Parliament till Saturday next at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

June 19, 1703

PRAYERS read The Bells called.

THE Minutes of the last Parliament read.

MOVED that the Minister for the seventh current, *insert* the Act Ratifying the *transacting* the Meeting of the Estates into a Parliament be amended so as to *enforce* which happened at the reading thereof, And thereupon ordered that the clause of that Act Declaring it high treason to quarrell *irregun* or *endeavour*, by *wryting* malicious and *advised* speaking or other open act or deed, to alter or *innovate* the Claims of Right or any article thereof, be *infert* at full length in the said Minut, and that it be reprinted accordingly.

THE controverted Elections for West Lothian being again called, Sir Walter Pringle as Advocate for Lieutenant General Ramsay put from the objection against Sir John Hamilton of that ilk And the objections against the Electors of the Lieutenant General being *infert* in he put from the vote of Patrick Dundas of Frieslandie The objection considered against Robert Brown of Colinton, that he was only a singular *successor* in a *superioritie* and not in possession, with the Answer that being *infert* as *superior*, his vassals possession ought in law to be accounted as his possession, The vote was *stated* *Sustain* or *Repell* the objection and carried *Repell*. The objection against Andrew Paterson of Kirkcurn that he stood not *infert* in a *feudie* *filling* Land of old extent, nor in a Land of 400 pounds valuation being considered with the answer that he was *infert* and in possession of more than a third part of the Barony of Rathgave, which was returned as a ten mark Land of old extent, Upon *advysing* the instructions of the Answer The objection was *sustained* without a vote The objection against John Birnie of Drumcroft that he stood not *infert* in a *feudie* *filling* Land, And the Answer that he was *infert* and in possession of more than a third part of the ten mark land of Drumcroft, The old extent of which was offered to be instructed by an extract of the Taxt Roll in the year 1613, And it being replied that he could not have a third part of the said ten mark Land, the hall being valued to a thousand and pounds and his Lands only to two hundred and fiftie pounds, And displayed that the thousand and old pounds valuation comprehended one other Drumcroft, which was a part of the Barony of Barbockly, and no part of that Drumcroft recorded as a ten mark Land in the Taxt Roll, parties *prosecutors* were ordered to *infert* therein against the next sitting of Parliament.

RESOLVED that the Act for Security of the Kingsome be further considered the next sitting of Parliament before any other business whatsoever, And then the remaining objections at the Election for West Lothian be *differt*.

THE Lord Chancellor by order of Her Majesties High Commissioner Adjourned the Parliament till Tuesday next at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

June 22, 1703.

PRAYERS said The Rolls called.

THE MISTS of the last Sederunt read.

ORDERED that all writs to be founded upon for either parties or voters at the coming Elections for West Lothian be given to the Clerk of the Competition betwixt ten and eleven a clock to-morrow to the said either parties procurators may have inspection thereof before the next sitting of Parliament. With certification that the said contraverted Election shall be then determined peremptorie.

THERE being four several Overtures in form of Acts for security of the Kingdoms presented and read, Her Majesties Solicitors were allowed to cause print their Overtures that Copies thereof might be delivered before Thursday next at ten a clock for the information of the members.

THE Act against Lesting makers and flandersers read and ordered to be marked a first reading.

THE Draught of an Act and Commission of Parliament for inspecting the publick Accounts presented and read.

OVERTURE in form of an Act for the more effectual payment of the Drawback of Customs imposed upon exported victuals presented and read.

THE draught of an Act against Copper Coin read.

THE draught of an Act against Coalgrubers read.

AGREED that the two Actions for remedy of Law, the one at the instance of Robert Hepburn against George Sety, and the other at the instance of John Colclander against Master Alexander Hepburn, be heard next sitting of Parliament for private business.

ANE other draught of an Act for a Commission to Examine the publick Accounts read.

THE draught of an Act in favours of the Inhabitants of the Isles of Orkney and Zetland read.

THE draught of an Act on the report of a Committee for making up the tenor of burnt writs in favours of Anna Cockburn read and ordered to be marked a first reading.

THE Petition for the burgh of Lasek read again, And the petitioners ordained to consider on the Customs related to in the Petition.

OVERTURE in form of an Act against the alienating prisoners for debt, and are other for Exportation of Pork, and a third for preventing the dilatory Carving of salmon presented and ordered to be read the next sitting of Parliament.

AGREED that the Overtures prepared by the Laird of Stoneywood for improving Woollen Manufactories be read the next sitting of Parliament.

THE Act prohibiting Butchers to be Graders read again and ordered to be marked a first reading.

ANE Overture for exporting sheep skins and lamb skins read and ordered to lye on the table.

THE Lord Chancellor by order of Her Majesties High Commissioners Adjourned the Parliament till Thursday next at ten a clock.

SEAFIELD Chancellor. I. F. D. P.

June 24, 1703.

PRAYERS said The Rolls called.

THE MISTS of the last Sederunt read.

THE consideration of the Customs mentioned in the Petition for the burgh of Lasek given in.

THE contraverted Elections for West Lothian being called, and the objection against the vote of John Hanning of Drumcraik insisted in, The Advocats for both parties were heard thereon, and the writs produced to verify their respective allegations considered, And then the vote stated Sustain or Repell the objection, carried Sustain, After which Thomas Sharp of Houshoun, being found legally elected, took the oath of allegiance and oath of Parliament, and subscribed the allegiance and assentance.

ORDERED that the Earle Marishall and six Members of Parliament as shall please to attend him, Doe meet in the Parliament house at eleven a clock in the forenoon the first day of intervall of Parliament and consider how the house may be best fitted for the accommodation of the members, and make a report thereon at the next sitting of Parliament.

ANE Overture in form of an Act Resolving the thirteenth article of the Regulations 1698 read and ordered to lye on the table.

PETITION for the burgh of Culteris relating to the Rent of the said burgh read and ordered to lye on the table.

PETITION for the Hereturs in the shires of Inverness and Ross against Duncan Forbes of Calloden relating to the Exempt of Acquiescence between within his Lands of Farintosh, read, and he ordained to see and answer the Petition the second day the Parliament shall sit next week.

MOVED that the objection against James Sinclair of Stenroper as Commissioner for the shire of Caithness might be considered, and thereupon the Advocats for the objectors & for him being called, It was alledged for Stenroper, that the objection could not be received unless there were some freeholders from that shire present to insist in it or some legally summoned from a party having interest for that effect, And there being a mittive Letter from Sir William Dumbie of Hemphills one of the freeholders to Master Robert Frazer produced and read giving him warrant to insist in the objection, and one order alledged upon from the Mists of the fifteenth commanding Stenroper to produce the writs for instructing his freehold, the Advocats for Stenroper craved to see the mittive Letter, till the next sitting of Parliament, Whereupon the vote was stated Proceed or Delay and carried Delay.

RESOLVED that the Parliament proceed to discuss the remaining contraverted Elections at their first sitting. And the next thereafter proceed to consider the Act for security of the Kingdoms.

ORDERED that all the Acts marked a first reading be printed.

THE Lord Chancellor by order of Her Majesties High Commissioners Adjourned the Parliament till Saturday next at ten a clock.

SEAFIELD Chancellor. I. F. D. P.

June 25, 1703.

PRAYERS said The Rolls called.

THE Minutes of the last Sederunt read.

AGREED that the action at the Laird of Merlins instance against Sir James Cockburne be first heard, the first day the Parliament shall proceed upon private business.

RESOLVED that the Earle Marischall report next the sitting of the house for the better accommodation of the Members be taken the next sitting of Parliament.

ORDERED upon a complaint against one M^r Sinton Ensigne in the foot guards that he and the witnesses present at his alleged challenging Sir Robert Dickson of Invermark and David Sutherland of Kinnaird for voting against the Lieutenant General Burray in denying the debatable elections of West Lothian be cited to compare the next sitting of Parliament promiscuously.

THE Petition for the burgh of Lanerk with the concurrence of the Customs to which it refers read and ordered to be read again the next sitting of Parliament.

OVERTURE in form of an Act for making the Elections of Commissioners to Parliament in the shires of Shyre and Stewartrie yearly at the Michaelmas head Courts read and ordered to lie on the table.

THE objection against James Sinclair of Stenporter Commissioner for the shyre of Caidness considered and the instrument taken thereupon at his election read. And the Advocats for and against him being called and heard the Answer founded on the defects of a mandat was insisted in viz. That the Letter was not formally dated wanting the place at which it was subscribed nor mentioned the name of any Mandatary who should be liable in the penalty of Law in case he subscribed in the objection, howbeit both a place and a name be written upon the Letter. And that his right was a Charter and Saime upon an Affidavition in the power of his father, disposed of his elder brother with a provision of substitution to him. By virtue whereof he being in possession as heir to his brother had right to Elect and be Elected. And it being replied that the Letter was both sufficiently dated and directed to M^r Robert Fraser, who stated himselfe liable for the penalty in the terms of the Act 1681, And that the appearance in this case (supposing the possession) could give no such right being only heir or apparent heir to a brother who himselfe was only a singular successor in the Affidavition and never infest in the Lands adjudged, So that he was neither apparent heir to a freeholder infest nor infest himselfe on the singular title. After advising the vote was stated, Sumin the Commissioners or Remit to the Shyre to Elect one either. And carried Bonit.

THE contraverted Elections for the Stewartrie of Orkney called. And the Advocats for either pairtie being heard. The objection was made against the Elections of Sir Archibald Stewart of Burray and Alex^r Douglass of Egghaw. That there was no legal Instrument for ordinating the freeholders. And it being answered That the Election was made at the Michaelmas head Court and so needed no previous Intimation. And replied That there was never a Michaelmas head Court held in Orkney. And duplied That the Act of Parliament regarding the Annual Elections at the Michaelmas Court was sufficient both for a warrant and intimation of the present Election. And triplicated That the constant custom of Orkney was to hold the first Court after Michaelmas on the second day of November. And therefore this Election being at Michaelmas, cannot be understood to have been at the

Michaelmas head Court. And quadruplied That the Act of Parliament makes the Michaelmas head Court to be the first Court after Michaelmas day. And this Election having been made upon Michaelmas day must be understood to have been as it ought in Law to be the first Court after Michaelmas. The minutes of the Court of Election, and the instruments and protestations taken thereat with a protestation taken thereafter against the Clerk of the Court were then read. And the vote stood Sustain or Repell the objection. And carried Repell. After which Sir William Craigie of Gairnie and Henry Graham of Bridenches having withdrawn their Commissions and offering to object against Egghaw as being incapable to Elect or be Elected, And there being no further objection against Sir Archibald Stewart he was admitted as legally elected and took the oath of allegiance and oath of Parliament and subscribed the allegiance and observance accordingly.

THE Lord Chancellor by order of Her Majesties High Commissioner, Adjourned the Parliament till Tuesday next at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

June 29, 1703.

PRAYERS said The Rolls called.

THE Minutes of the last Sederunt read.

RESOLVED that the remaining contraverted Elections as well that of the Laird of Egghaw for the Stewartrie of Orkney as those for the Burghs of Haddingtoun, Kildale and Aberbrothock be determined immediately after adjourning the Act for security of the Kingdom without the intervening of any other affair whatsoever.

THE complaint against Ensigne Sinton being called he was brought to the bar. And the names of the witnesses adduced for proving the grounds of the Complaint with the Interrogatories whereupon they were to be examined read in his hearing. After which the witnesses were called and deposed. And the Complaint being found not proven by their testimony the Ensigne was absolved.

THE Lord Chancellor by order of Her Majesties High Commissioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

June 30, 1703.

PRAYERS said The Rolls called.

THE Minutes of the last Sederunt read.

PETITION by the Lord Belhaven and Sir Alexander Ogilvie both in custody by order of the Lord High Constable being read wherein they acknowledged their fault, by unbecoming expressions, and other unwarrantable behaviour in the house. And presented Her Majesties High Commissioner and the Estates might be pleased to pardon their offence and that they might be restored to their seats as members of Parliament, Her Majesties High Commissioner signified from the throne, that since the petitioners had made such humble confession and given such satisfaction for their offences, He would not stand in the way of what favour the Estates might incline to shew them, Whereupon the Lord High Constable was ordered to cause the officers of his Guard to bring the petitioners before Parliament, And they being accordingly

brought to the bar, and craving pardon of his Grace and the Estates for their offence in the terms of their Petition, the desire thereof was granted.

PETITION by Sir Alexander Dalnashoy of that ilk read and ordered to ly on the table till next sitting of Parliament.

THE Petition for the burgh of Lazerik read and the desires thereof granted for any seven years from this date.

A WAERAND granted to Sir Gilbert Elliot for closing the Minister and Heritors of the paroch of Ashkirk to infill in their action for remaid of law against him With certification.

THE Act for making up the tenor of burnt writs in favours of Anna Cockburn read a second time then put to the vote and approved.

THE Act about Leasing makers and danderers being read a second time with the several Acts of Parliament to which it refers was after reading upon fust of these Acts put to the vote and approved.

ORDERED that a book published by the title of Historic Anglo-Scotia, by James Drake M. D. and dedicated to Sir Edward Symour containing many false and injurious reflections upon the sovereignty and independency of this Crown and Nation, be burnt by the hand of the common hangman at the west Crufe of Edinburgh, at eleven a clock to morrow, And the Magistrates of Edinburgh appointed to see the order punctually executed.

THE Lord Chancellor by order of Her Majesties High Commissioners Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellor. I. P. D. P.

July 1, 1705.

PRAYERS said The Bolls called.

THE Minutes of the last Sederunt being read The Earle Marischall protested that what is mentioned in these Minutes relating to the exercise of the Lord High Comptrolers office, might not prejudice his right as Earle Marischall, since he had the jurisdiction, as to delinquencies committed within the doors of the house conform to his ancient rights, and although his wryts were not new at hand, to infract his right, he would not fall in due time to clear both his right and possession, whereupon the Earle of Erroll protested his right and possession might remayne intire, and not be interrupted by such a protestation founded upon the production of no right nor document to infract the Earle Marischalls ever having possessed any such jurisdiction.

THE Act for Security of the Kingdome being read, It was agreed that the Act should be considered, paragraph by paragraph, And the first paragraph being accordingly read, the farther consideration of the Act was continued till the next sitting of Parliament.

THE Lord Chancellor by order of Her Majesties High Commissioners, Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellor. I. P. D. P.

July 2, 1705.

PRAYERS said The Bolls called.

THE Minutes of the last Sederunt read.

THE consideration of the Act for security being resumed the vote was stated If the Parliament should first Consider of the Meeting of the Estates or where the Government should be lodged, during the intervall before their meeting, And carried that the meeting of the Estates should be first considered, And there being some progress made therein, the farther consideration of the Act was continued till the next sitting of Parliament.

THE Lord Chancellor by order of Her Majesties High Commissioners Adjourned the Parliament till Monday next at ten a clock.

SEAFIELD Cancellor. I. P. D. P.

July 5, 1705.

PRAYERS said The Bolls called.

THE Minutes of the last Sederunt read.

THE Act for Security of the kingdom farther considered and a clause added excluding Papists from being members of the Meeting of the Estates mentioned in the Act And after long reasoning upon some other motions & amendments the consideration thereof was continued till the next sitting of Parliament.

THE Lord Chancellor by order of her Majesties high Commissioners Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellor. I. P. D. P.

July 6, 1705.

PRAYERS said The Bolls called.

THE Minutes of the last Sederunt read.

THE consideration of the Act for security being resumed a clause was offered in wrytting that no English man nor foreigner, having a Scots title and not having an Estate of twelve thousand pounds yearly rent within this Kingdome, shall in the event forefald have place and vote in the Meeting of Estates, And after reasoning thereon The vote was stated, Add the clause or Not, But before asking the vote the Marquess of Athole Lord Privie Seal protested in behalf of himself and all other Protestant Peers who shall adhere to his protestation, That the Excluding of the English, who are Scots Peers from sitting and voting at the Meeting of the Estates, after Her Majesties decess shall not be a preparative ar be any wayes prejudiciall to the undoubted right of all Scots Protestant Peers their sitting and voting in all Parliaments and Conventions in time coming, And accordingly, the Earles of Erroll, Marischall, Mar, Marston and Sir David Cunningham in name of the Earle of Glencairn shewt, the Earles of Howe, Strathmore, Kelly, Lauderdale, Aberdeen, Dumroir and Raglan, the Lord Secretary of State and Viscount of Starmount adhered to the protestation, And thereafter the Marquess of Annandale Lord President of the Council, the Duke of Argyle & the Earl of Kinnearn protested that the vote might not be prejudiciall to the priviledges of the Peers of Scotland, whither they be Scotsmen or English or to their peerage in any sort There the vote was asked and Carried in the affirmative.

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MOVED that an oath be insert in the Act to be taken by the members of the Meeting of Estates, And accordingly the form of sue oath was presented in writing to maintain the true Reformed Religion and the Claim of Right, which being read and considered After debate the vote was stated Proceed or Delay and carried Proceed, And then after some further debate, It was Agreed that nothing shall be moved concerning an oath to be insert in this Act until all the other clauses of the Act be adjusted.

THE Lord Chancellor by order of Her Majesties High Commissioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellor. I. P. D. P.

July 7, 1703.

PRAYERS said The Rolls called.

THE Minutes of the last Sederunt read.

THE Act for security farther proceeded in, and a further clause being read, It was moved that such Limitations as shall be thought necessary be put upon the farcefore might be considered & after some reasoning about these Limitations in general, there was a particular clause offered in writing, That this Kingdom shall not be engaged in any war, or continue in the same, but by advice and consent of Parliament, and that all treaties wherein this Nation may be concerned, be managed and transacted by natives thereof consistent and instructed by advice and consent of Parliament or Privie Council, in the intervall of Parliament, and accountable thereto After reading whereof, and a long debate thereupon The vote was first stated in these words, Insert any Limitations upon the farcefore in this Act. Yes or No, And being thereupon stated in these words, Add the clause except peace or war in this Act, Yes or No, The vote was asked, Whether the First state, or the Second state should be voted And carried that the First state should be voted, Which first state being then put to the vote It carried in the negative.

THE Lord Chancellor by order of Her Majesties High Commissioner Adjourned the Parliament till Fryday next at ten a clock.

SEAFIELD Cancellor. I. P. D. P.

July 9, 1703.

PRAYERS said The Rolls called.

JAMES HAMILTON of Aikenshead as one of the Commissioners for the Shyre of Lanerk, took the oath of allegiance to her Majestie and oath of Parliament and subscribed the allegiance and assurance.

THE Minutes of the last Sederunt read.

MOVED that there be a resolve of Parliament that after the Act for security of the Kingdom is adjusted and voted, and the controverted Elections mentioned in the former resolve are considered, the Parliament will take into consideration and determine a Motion now lying upon the table concerning the power of making peace and war, preferable to all other matters and motions, nothing to intervene, And after debate The vote was stated in these words, Resolve or Not, And thereupon stated in these words, Make the resolve, or Proceed upon the Act, And the question put Whether the First state or the Second should be voted, It carried that the First state should be voted, Then the question put, Resolve or Not was Carried in the affirmative.

THE Act for security farther proceeded in, and some clauses being added, It was considered if the heir of her Majesties body, or the farcefore declared were in under age, how long in that case, a Regencie should continue, And after reasoning upon the question, If it should terminate when the heir or farcefore attained the age of seventeen years compleat or should continue until their age of tennie one years compleat The vote was stated Seventeen or Twentie One, and carried Seventeen years compleat.

THE Lord Chancellor by order of her Majesties High Commissioner Adjourned the Parliament till Monday next at ten a clock.

SEAFIELD Cancellor. I. P. D. P.

July 12, 1703.

PRAYERS said The Rolls called.

THE Lord Bannockburn took the oath of allegiance to Her Majestie and oath of Parliament, and subscribed the allegiance and assurance.

THE Minutes of the last Sederunt read.

THE Act for security farther proceeded in, and the time and manner of the Regencie to be settled by the Meeting of the Estates, in the events provided for in the Act being considered, It was moved that the time during which the Regent or Regents to be named by the Estates were to continue might be determined, And the question being put, If that time should be now determined or Remitted to the Meeting of the Estates The vote was accordingly stated, Determine or Remit And carried Remit, After which some other clauses of the Act were adjusted.

THE Lord Chancellor by order of Her Majesties High Commissioner Adjourned the Parliament till Wednesday next at ten a clock.

SEAFIELD Cancellor. I. P. D. P.

July 14, 1703.

PRAYERS said The Rolls called.

THE Minutes of the last Sederunt read.

THE Act for security proceeded in And it being moved that the clause empowering the Meeting of the Estates to declare a farcefore to the Crown of the Royall Line, and of the Protestant Religion might reserve the Addition of these words viz. of the true Protestant Religion as by Law established within this Kingdom It was also moved, That the matter being of such import, the consideration of that part of the clause might be delayed till the next Sederunt, Whereupon the vote was stated, Proceed or Delay and carried Proceed, After which the question being first stated, Add to the clause or Not, It was moved that the state might rather be, Add these words to the clause, or Reft upon the security by the Commission oath, And the vote being asked, Whether the First state or the Second state should be voted Carried that the Second state should be voted Then the vote was asked in these terms Add to the clause or Reft upon the security by the Commission oath, And carried Reft upon the security by the Commission oath.

THE Lord Chancellor by order of Her Majesties High Commissioner Adjourned the Parliament till Fryday next at ten a clock.

SEAFIELD Cancellor. I. P. D. P.

July 16, 1703.

PRAYERS said The Bells called.

THE Minutes of the last Sederunt read.

PETITION of the Lady Edingburgh against the Laird of Powrie presented and ordered to lie on the table till next sitting of Parliament.

THE Act for security proceeded in, and a clause offered in write providing the facevise to be named by the Meeting of the Estates (in the event mentioned in the Act) be not the facevise to the Crown of England, unless that in this Session of Parliament there be such conditions of Government settled and enacted as may secure the Honor and Independence of the Crown of this Kingdom, the Freedom Propriety and Power of the Parliament, and the Religion, Liberties and Trade of the Nation from the English or any Foreign Influence, And upon debate if the clause should be added to the Act, The vote was stated Proceed *Order* on the consideration of this clause in this Act *Yes or No*, And carried Proceed And accordingly after some further consideration of the clause The Lord Chancellor declared that the matter not being ripe for a vote and that it was now late it might be Marked in the Minutes, that the Parliament should reserve the further consideration of the clause before any other business next Sederunt And then by order of her Majesties High Commissioner Adjourned the Parliament till Tuesday next at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

July 20, 1703.

PRAYERS said The Bells called.

THE Minutes of the last Sederunt read.

MOVED by some Lords & other members That the protest taken on Friday last against the Adjournment of the Parliament as a breach of privileges & interruption of their reasoning may be marked in the Minutes It was declared by the Lord Chancellor that there was no manner of design by that Adjournment to trench upon the privileges of Parliament But it being then late and sundry of the members pressing for a delay the Adjournment followed. But it was expressly declared that the debate was to be resumed the next dyet of Parliament Upon which declaration the said Lords and other members were satisfied and declared they had no other intention in using that protestation but singly for conservation of the privileges of Parliament Whereupon the Parliament resolved to proceed where they left.

THE Lord Chancellor by order of Her Majesties High Commissioner Adjourned the Parliament till to-morrow at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

July 21, 1703.

PRAYERS said The Bells called.

THE Minutes of the last Sederunt read.

A WARRANT granted on the Petition of the Lady Edingburgh for citing the Laird of Powrie to infill in his action for rescind of law against her with the usual certification.

THE Act for security proceeded in, And the clause offered in write and proceeded upon the former Sederunt being further considered a new clause was offered, Providing that after her Majesties decess, without heirs of her body, the same person shall in no event be capable to be King or Queen of both Kingdoms of Scotland and England, unless a free Communion of Trade, the freedom of Navigation, and the Liberty of the Plantations be fully agreed to, and established by the Parliament and Kingdoms of England, in favour of the Kingdoms and subjects of Scotland, at the sight and to the satisfaction of this or any ensuing Parliament of Scotland or the said Meeting of the Estates, After reading whereof It was moved that the house might be regulate and the several members appoynted to take their proper seats, Whereupon the vote being stated Proceed in the Act, or to the Regulation of the house carried Proceed in the Act, And accordingly after long reasoning on the two clauses under deliberation, The question was first stated Add both clauses to the Act, *Yes or No*, And being therefor stated Proceed or Delay, The vote was asked, Whether the First state or the Second should be put to the vote; And carried that the Second state should be put to the vote Then the question being voted Proceed or Delay It carried Delay.

THE Lord Chancellor by order of her Majesties High Commissioner Adjourned the Parliament till Fryday next at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

July 23, 1703.

PRAYERS said The Bells called.

THE Minutes of the last Sederunt read.

THE Act for security proceeded in, And a clause offered comprehending both the clauses which were formerly under consideration, And there being one other Draught offered of the same clause with some alteration, After much debate upon these clauses the vote was at length stated Proceed or Delay and carried Delay.

THE Lord Chancellor by order of her Majesties High Commissioner Adjourned the Parliament till Monday next at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

July 26, 1703.

PRAYERS said The Bells called.

THE Minutes of the last Sederunt read.

THE Act for security proceeded in, And the Draughts of the two clauses offered the former Sederunt given in by the respective members with some variations, And it being moved That the question might be stated, Whether the First or the Second clause of these two should be considered, After some debate, The vote was accordingly stated First or Second, And Carried that the First clause should be considered, Whereupon an Amendment being offered to the first part of the clause, it was agreed to without a vote, And an Amendment offered to the second part of the clause being in lyke manner acquiesced to, the clause was adjusted in the terms following viz. Providing allways that the same be not the successor to the Crown of England, unless that in this present Session of Parliament and any other Session of this or any ensuing Parliament, during her Majesties Reigns, there be such conditions of Government settled and enacted as may secure the

honour and sovereignty of this Crown and Kingdoms the freedom frequency and power of Parliaments the Religion, Liberty, and the Trade of the Nation, from English or any foreign influence, With power to the said Meeting of Estates to add such further Conditions of Government as they shall think necessary the same being consistent with and notways derogatory from those which shall be enacted in this and any other Session of Parliament during Her Majesties Reigne And further but prejudicial of the generality forehid It is hereby specially Statute Enacted and Declared that it shall not be in the power of the said Meeting of Estates to name the Successor of the Crown of England to be Successor to the Imperial Crown of this Reolme, nor shall the same person be capable in any event to be King or Queen of both Reolms, unless a free Consentation of Trade, the freedom of Navigation and the liberty of the Plantations be fully agreed to and established by the Parliament and Kingdoms of England to the Kingdoms and subjects of Scotland at the sight and to the satisfaction of this or any ensuing Parliament of Scotland, or the said Meeting of the Estates, And then the vote was stated Add the clause to the Act or No, But before asking the vote, the Marquis of Argyll Lord President of the Privy Council, and the Duke of Argyll for themselves and all that should adhere to them, Declared their dissent to the clause and thereupon took Instruments Defying their dissent should be marked, To which dissent the Earles of Crawford, Lauderdale, Leven, Kintore, Melville and Haydon, the Lords Blythburgh and Robt, the Laird of Prestoungrange, Sir Gilbert Elliot, the Laird of Cavers, Master Francis Montgomery, Sir James Campbell, Sir Patrick Johnstone, Walter Stewart of Pardovan and Hugh Montgomery, adhered.

THE Viscount of Tarent Lord Secretary in lykmaner Declared his dissent from the clause in so far as it might derogate from the freedom and privileges of Parliaments or Meetings of the Estates in their legal established constitution by the Laws of the Kingdoms, And the vote being thereafter asked Add or No was Carried in the affirmative.

THE Lord Chancellor by order of Her Majesties High Commissioners Adjourned the Parliament till Wednesday next at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

July 28, 1703.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

THE Act for security proceeded in, And a clause offered, Declaring that the Estates should not nominate the Successor in the event contained in the Act during some days after their first meeting, Which being considered The question was first stated, If the number of these days should be Twentie, or Thirty, And thereafter it being moved, that the question might rather be stated, If the days should be Thirty or Sixty The vote was asked Whether the First state or the Second should be put to the vote And carried that the First state should be put to the vote, Then the vote being asked whether Twentie or Thirty days, called Twentie After which it was acquiesced to without a vote, that these twentie days being elapsed the Estates shall proceed to make the said nomination with all convenient diligence.

THE Lord Chancellor by order of Her Majesties High Commissioners Adjourned the Parliament till Friday next at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

July 30, 1703.

PRAYERS said The Rolls called.

THE Minuts of the last Sederunt read.

AN Act of the Consentation of the General Assembly for a day of fasting and humiliation over the Kingdoms offered and read, Appointing application to be made to the Parliament for settling the Civil faction thereto, And accordingly the Draught of an Ordinance of Parliament Appoynting the said Fast to be observed the last Thursday of August next was given in and read and agreed to without a vote.

THE Act for security proceeded in and a clause offered declaring it high treason to administer the Coruscation oath, or be witness to the administering thereof but by appointment of the Estates of Parliament in manner mentioned in the Act, or to Own or Acknowledge any person as King or Queen of this Reolme in the respective events mentioned in the clause until they have Sworn the Coruscation oath, and Accepted the Crown on the terms of the Claim of Right, and the other conditions to be settled in this or any ensuing Parliament, or asked in the said Meeting of the Estates, and be thereupon desired and admitted as above, Which clause was acquiesced to, But it being moved that there be a clause declaring the said crime irreversibill without consent of Parliament The vote was stated If that clause should be added Yea or No and Carried in the affirmative.

IT was then considered Whether the Government should be lodged for the interval of time betwixt the decess of the Sovereign and the elapsing of the next twenty days thereafter in such members of the Estates as should happen to be in Edinburgh or come to it for the tyme, Or in the Privy Council of the then last decessed King or Queen, And the vote first stated, Whether in the Estates or in the Privy Council, And being thereafter stated, Whether in the Estates jointly with the Council or in the Estates alone, The Marquis of Montrose protested for himself and in name and behalf of all the Peers of this Kingdoms, who should adhere to his Protestation that no vote to be put shall in any manner of way prejudice the said Peers in their native and undoubted right, And dissented from the prelat vote in so far as it might derogate thereto And thereupon asked instruments, Which Protestation was adhered to by his Grace the Duke of Hamilton, the Marquis of Tweeddale, the Earles Maclellan, Rothes, Barbara, Home, Strathmore, Roxburgh, Haddington, Selkirk, Hagles, and Marchmont, the Viscounts of Stormont and Towie, and the Lords Hantyre, Berthoun, Colville and Kinross, Robert Dundas of Arncliffe protested for himself and in name of the Barons and freeholders of Middlethan, whom he had the honour to represent, and in behalf of any other Ayres of this Kingdoms whose representatives shall think fit to adhere to his Protestation that no clause to be voted and insert in the Act for security of the Kingdoms shall in any manner of way prejudice the legal and undoubted right and privilege of the said Ayres or their lawful representatives And dissented from the prelat vote in so far as it might derogate to the said right & privilege of the Commissioners for Ayres, Whereupon he asked instruments Which Protestation was lykeways adhered to by Sir Robert Dickson of Inverclyde, the Laird of Curwath, Sir John Leader of Forresterhall, the Laird of Selkirk, the Laird of Dirlston, Sir Robert Sinclair, Sir John Home, Sir John Swinburn, Sir Patrick Hesse, Sir William Kerr of Greenhead, William Bennet younger of Grouth, the Laird of Lamington, the Laird of Jerridwood, the Laird of Stevenston younger, the Laird of Aikenhead, Master William Cochran of Kilmarnoch, Sir Humphrey Colquhoun of Lusk, John Grahame of Killmar, James Grahame of Bathgryne, Robert Bello of Powchess, Thomas Sharp of Houshoun, John Hadden of Glasgow, Sir Patrick Mus-

try of Auchtermure, William Oliphant of Gelf, Mungo Crahan of Gorthie, Sir Thomas Burnet of Leyes, Alexander Gordon of Pitrop, William Seton of Pitmedden, James More of Stonywood, the Lairds of Grant elder and younger, the Laird of Edinweck, the Laird of Balfour, Major Henry Bellour of Dunbeig, Robert Douglas of Southbrody, Master James Carnegie of Phinheaven, James Halberton of Pitcar, David Graham of Finroy, Alexander Duff of Bracco, Sir George Sinclair of Clyth, the Laird of Brody, Robert Dunbar of Gangehill and John Bruce of Kinross. Alexander Welfen of Athlery Commissioner for the burgh of Saint Andrews protested for himself and in name of all the Burghs of this Kingdom whose representatives shall adhere to his protestation That no such vote or act should prejudice the said burghs of their just and legal title and privilege and disengage from the present vote in so far as it might derogate to the said legal right title and privilege of the Commissioners for burghs and thereupon he took instruments Which protestation was adhered to by Alexander Robertson, Patrick Bruce, Sir John Archibald, James Spils, Alexander Duff, Francis Melville, Sir Andrew Home, Sir James Hackett, George Smith, Robert Kellie, Master John Lyon, George Brody of Airth, George Home, Mr James Bellan and Master Alexander Arbuthnot, After which protestations The vote was asked Whether the first or the second state should be voted And carried that the second state should be voted Then the vote was asked Whether in the Estates jointly with the Council or in the Estates alone and Carried in the Estates jointly with the Council.

THE Lord Chancellor by order of Her Majesty High Commissioner Adjourned the Parliament till Monday next at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

August 2, 1708.

PRAYERS said The Rolls called.

THE Minutes of the last Sederunt read.

THE Lord High Commissioner signified to the Estates that in regard a great many of the Commissioners from the Royal Burghs were to meet in the Convention of Burghs this week at the Burgh of Glasgow he thought fit to Adjourn the Parliament for some days & accordingly the Lord Chancellor by order of the Lord High Commissioner Adjourned the Parliament till Saturday next at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

August 7, 1708.

PRAYERS said The Rolls called.

THE Minutes of the last Sederunt read.

THE clause settling the Administration for the interval of the twenty days next following the death of the Sovereign being further considered and adjusted An additional clause was offered bearing Thirty of the said members of the Estates and members of the former Council to be a quorum, the plurality being shewn of the Estates, who were not of the former Council And thereupon the vote listed Add the said clause or No, But before asking the vote, the Earle of Mar protested for himself and all who should adhere to his protestation that this vote might not prejudice the Powers of their birthright by excluding them from sitting at any time amongst the members of Estates and Councils that are to meet during the interval because of their being members of the Privie Council that was at the Queens or

Kings death and thereupon took instruments Which protestation was adhered to by the Marquis of Annandale Lord President of the Privie Council, the Marquis of Atholl Lord Privie Seal, the Earles of Crawford, Marston, Glencairn, Eglington, Wigton, Kelly, Galloway, Finlaid, Lewis, Belmaris, Kintore, Dunmore, Melvill and Hyndford, the Lords Forbes, Elphinstoun, Belle and Bellesden.

THE Laird of Kilbiny in like manner protested for himself and all that should adhere to his protestation against the clause as prejudicial to the privilege of the state of Barons, and that it might not be drawn in consequence as a precedent to the prejudice of that Estate and thereupon took instruments Which protestation was adhered to by the Laird of Cavers, Master Francis Montgomery and Master William Dalrymple.

Sir Patrick Johnston also protested that the vote might not prejudice the Privie of Edinburgh for the time he being usually a Privie Counsellor and thereupon he took instruments After which protestations the vote was asked Add the clause or No, And carried in the affirmative.

MOVED that a clause be selected ordaining that all Commissions granted to the Officers of State Lords of Treasury and Exchequer, President of the Privie Council and all other Civil Commissioners that are now granted during pleasure, shall by the death of the King or Queen reigning become null and void excepting Sheriffs Sheriffs and Justices of the Peace in their respective bounds And after debate the question was first listed Add the clause or No And being thereupon stated in these words, viz. Whether the Commissions of the Officers of State shall fall at the death of King or Queen or continue until the Meeting of the Estates The vote was asked Whether the first state or the second state should be voted And Carried that the first state should be voted Then the vote being asked Add the clause or No was Carried in the affirmative.

THE Lord Chancellor by order of Her Majesty High Commissioner Adjourned the Parliament till Tuesday next at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

August 10, 1708.

PRAYERS said The Rolls called.

THE Minutes of the last Sederunt read.

THE Act for Security proceeded in, And a clause offered ordaining all Protestants Hereticks and all burghs within the Kingdom forthwith to provide themselves with fyre armes for all the fencible men who are Protestants in their respective bounds of the house proportioned to a bullet of fourteen drop weight running, And that the said hereticks and burghs discipline and exercise their said fencible men once in the month at least Upon which after long debate, The vote was stated Add the clause to the act or No And carried in the affirmative.

A CLAUSE then offered ordaining all Commissions of officers in the standing forces above Captains to be null in the time and event mentioned in the clause And that all Captains and Lieutenants of companies and troops which belonged to officers above Captains continue their several commands without retreating the same further than their companies and troops till further orders from the Estates or Committee in the interval and requiring all officers and soldiers in dayly pay at the said time to continue in or upon to their quarters and garrisons, and not

to remove from thence but by order foretold, under the payne of treason, And there being *another draught* of the clause offered providing that in the said event all officers having military Commissions and their Contributions and all holders of whatso-ever degree shall be absolutely at the disposal, and under the subjection of the said Committee in the intervall or of the Estates when once met, and that no officer or soldier remove from their quarters where they shall be for the tyme without orders from the said Committee or Estates or pretence to disobey the commands of the said Committee or Estates, under the payne of treason The vote was first after *some debate*, And the first or the second draught of the clause, And carried that the first draught of the clause should be added.

THE Lord Chancellor by order of Her Majesties High Commissioners Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

August 11, 1705.

PRAYERS said. The Rolls called.

THE Minuts of the left Sederunt read.

THE Act for Security proceeded in and a clause offered to be subjected to the former clause for arming the forcible men, bearing that the said Heritors shall take the oath of allegiance and assuance, As also appointing such Heritors or forcible men as are subject of payne when required to take the Formula, in the act one thousand seven hundred and one years in presence of the Sheriff or any other judge, within whose jurisdiction they reside, which was agreed to without a vote, And thereafter a clause was ordered to be added, Refraining Calling and Annulling the fourteenth act of the Session of Parliament one thousand six hundred and nyntie six years, and all other Laws and Acts of Parliament in so far as they are inconsistent with this act, And thereupon it being moved that the second act of the Parliament one thousand six hundred and eightie one years, Affording the right of Succession might be expressly refuted, After debate the question was at length put to the vote If the act one thousand six hundred and eightie one years should be refuted expressly or by the general clause, And carried that it should not be refuted expressly but by the general clause Then the vote being assid Proceeded to approve the hail act or Delay carried Delay.

THE Lord Chancellor by order of Her Majesties High Commissioners Adjourned the Parliament till Fryday next at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

August 15, 1705.

PRAYERS said. The Rolls called.

THE Minuts of the left Sederunt read.

THE Act for security read voted and approved.

PETITION by Alexander Lord Blayney read intreating that his Grace her Majesties High Commissioners and the Estates might accept of his Submission and most humble Acknowledgement of the indecent and undutifull Expressions uttered by him in presence of Her Majesties Advocat against his Grace Her

Majesties High Commissioner contained in a subscribed Complaint exhibited against him thereunto by her Majesties Advocat for which he was in custody by order of the Lord High Constable, Upon reading of which Petition the Lord High Constable was ordered to cause bring the petitioner to the bar, that the Earle Marischall might cause bring him to the bar to the end he might there kneeling beg pardon of his Grace the Lord High Commissioner and the Estates for his said offense to pay a fine of fyve thousand pounds and to continue in custody until this fine be payed, or a valid bond given to the Cash-keepers for the payment thereof, And the Lord Blayney being filed at the bar the Lord Chancellor returned the order of Parliament, And by warrant of her Majesties High Commissioners declared that his Grace was pleased to dispense with the petitioner making his acknowledgment kneeling, To which the Estates having agreed, The Lord Blayney gave obedience to the rest of the sentence and was thereupon dismissed and allowed to take his place.

THE Lord Chancellor by order of Her Majesties High Commissioners Adjourned the Parliament till Monday next at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

August 16, 1705.

PRAYERS said. The Rolls called.

THE Minuts of the left Sederunt read.

MOVED that the controverted Elections not yet decided be now determined And accordingly the objection against Alexander Douglas of Eggleston one of the Commissioners for the Stewartrie of Orkney was intred in And after debate by the Advocats for and against him the objections being paid fine he took the oath of allegiance and oath of Parliament and subscribed the allegiance and assuance and was admitted accordingly.

THE competing Elections betwixt Alexander Edgar late Provost and William Mucall present Provost for the burgh of Haddington being called and the Advocats for either partie heard, The Minuts of the Town Court at the Election of Alexander Edgar were read And after some debate the vote stood Admit of Alexander Edgar as lawfully elected, Yea or No, was Carried in the affirmative And he thereupon took the oath of allegiance and oath of Parliament and subscribed the allegiance and assuance and was admitted in lyke manner.

THEN the Lord Chancellor by order of her Majesties High Commissioners Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

August 17, 1705.

PRAYERS said. The Rolls called.

THE Minuts of the left Sederunt read.

THE Lord Clerk Register having informed the Parliament that Captain John Bewell who Competed with James Oswald as Commissioner for the burgh of Kirkcaldie had taken up his Commission James Oswald took the oath of allegiance and oath of Parliament and subscribed the allegiance and assuance and was admitted.

THE controverted Elections betwixt John Huchefon proffert Provelt, and Patrick Stephen late Provelt for the burgh of Aberdeen being called. The Advocates for either partie were heard, and the severall protestations against their respective Elections being read. After some debate the vote was stated. Sustain the Commission in favours of Provelt Huchefon or Remit to the burgh to make a new Election. And carried against the Commission.

THE draught of the Act sent the making peace and war read and ordered to be marked a first reading.

THE Lord Chancellor by order of her Majesties High Commissioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellor. I. P. D. P.

August 18, 1703.

PRAYERS said. The Rolls called.

THE Minutes of the last Sederunt read.

THE Act sent peace and war further considered. And there being a clause offered declaring that the Act should not be understood to impede the Sovereigns of this Kingdoms to raise and employ the subjects thereof for suppressing any insurrection within the Kingdoms, or Repelling any Invasion from abroad according to former Laws. After reading thereof It was moved that the narrative of the Act might be first considered. And thereupon the vote was stated. Whether the narrative or the clause should be first considered. And carried that the clause should be first considered. And then the clause being considered and amended was agreed to be added without a vote.

THE Lord Chancellor by order of Her Majesties High Commissioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellor. I. P. D. P.

August 19, 1703.

PRAYERS said. The Rolls called.

THE Minutes of the last Sederunt read.

THE Act sent peace and war proceeded in, And severall clauses offered relating to the manner of managing treaties of peace, and there being an alteration offered adapting it to a clause leaving every thing relating to treaties of peace alliance and commerce to the wisdom of the Sovereign with consent of the Estates of Parliament, who shall declare the war. After some debate the vote was stated. Approve or Alter. And carried Alter. Then another additional clause being offered and read sent the bringing forces unto, or transporting forces forth of this Kingdoms for foreign service without consent of Parliament. The consideration thereof was delayed.

THE Lord Chancellor by order of Her Majesties High Commissioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellor. I. P. D. P.

August 20, 1703.

PRAYERS said. The Rolls called.

THE Minutes of the last Sederunt read.

A WARRANT granted for Electing a new Commissioner in place of David Chryff deceased for the burgh of Dyrtst on Monday next.

THE Act sent peace and war being read a second time, the question was stated. Approve the Act or Not, and being put to the vote was Carried in the affirmative.

THE draught of an Act and Commission for examining the publick Accounts given in and read and ordered to be marked a first reading.

ANOTHER draught of an Act to the same purpose given in and read, and both these draughts ordered to be printed for information of the members.

AGREED that the number of the Commissioners be fyve of each date and that no person who can be accountable be chosen a member of the Commission.

AN Overture by way of Act sent the qualifications of the members of Parliament read & given in and ordered to ly on the table.

THE Lord Chancellor by order of Her Majesties High Commissioner Adjourned the Parliament till Monday next at ten a clock.

SEAFIELD Cancellor. I. P. D. P.

August 22, 1703.

PRAYERS said. The Rolls called.

THE Minutes of the last Sederunt read.

MOVED that the members of the Commission of Parliament for examining the publick Accounts be chosen in plaine Parliament and not by the Estates seperately. But after some debate thereupon It was acquiesced in that they should be chosen by the Estates seperately conform to the former estate.

THE Draught of the said Act and Commission which had received a first reading read again. And after severall Amendments It was put to the vote and approved.

THE Lord Chancellor by order of Her Majesties High Commissioner Adjourned the Parliament till Wednesday next at ten a clock.

SEAFIELD Cancellor. I. P. D. P.

August 25, 1703.

PRAYERS said. The Rolls called.

THE Minutes of the last Sederunt read.

THEN the Estates seperated and choosed fyve of each Estate to be Commissioners for examining the publick Accounts, which were reported in Parliament as follows viz. the Earles of Galway, Northesk, Beloeuss, and Darnley, and the Viscount of

wight not prejudice the privilege of the Royal Burghs nor the rights of any Incorporation or person therein who are not heard before the passing of the act And thereupon asked in presence which protestation was adhered to by Robert Inglis Alexander Robertson for Perth, John Scrimgeour for Dundee, John Allan for Aberdeen, Lieutenant Colman John Erskin for Stirling, Alexander Watson for Saint Andrews, Hugh Montgomery for Glasgow, John Mure for Ayr, Alexander Edgar for Haddington, James Oswald for Kirkcaldy, Robert Johnston for Dumfries, Master Alexander Cunningham for Inverig, Walter Scott for Jedburgh, William Colman for Wigton, & James Halket for Dumfries, Robert Scott for Selkirk, & James Smollet for Dumfriesshire, Robert Kellie for Dunbar, Archibald Skene for Peebles, Sir Alexander Ogilvie for Banff, Master William Johnston for Annes and Donald Campbell for Inverness. Then the whole Act was put to the vote and approved.

THE Lord Chancellor by order of her Majesties High Commissioners Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Chancellor. I. F. D. P.

August 31, 1703.

PRAYERS said The Rolls called.

THE Minutes of the last Sederunt read.

AN Overture in form of Act for a Manufactory of Lams, Fustelane and Earthen ware read and ordered to be backed a first reading.

THE draught of an Act for encouraging shipping and seamen read and ordered to ly on the table.

THE Act for the more effectual Execution of the Laws prohibiting the Importation of Irish or other viennal and Irish cattle &c. read again, And the clause for punishing the transgressors under the degree of Heretics by depriving them to be transported for recruits beyond sea being considered The vote was asked Approve or Alter the clause and carried Approve Then a clause against the Importing Irish horses being considered The vote was asked Allow the Importing of Irish horses till next Session of Parliament Yes or No, And Carried in the negative, After which the Act received three further Amendments and was at length read as amended put to the vote and approved.

THE Lord Chancellor by order of Her Majesties High Commissioners Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Chancellor. I. F. D. P.

September 1, 1703.

PRAYERS said The Rolls called.

THE Minutes of the last Sederunt read.

THE draught of an Act discharging the Disposition of all foreign Wool and the making or wearing any Woolen Cloth above the price of seven pence four shillings per Elm read and ordered to ly on the table.

THE draught of an Act for revising an Act pass in the 13th Parliament of King James 6. against Mines and Minerals read and ordered to ly on the table.

PETITION by Master William Black Advocate relating to his Woolen Manufactory at North mills of Aberdeen read and thereupon the said Manufactory by a vote and deliverance of Parliament entered with the ordinary privileges, And the Commissioners of Supply in the shire empowered to Impose yearly a thousand pounds there year to year for five years on the Land rent of the shire for breeding up boyes in manner and for the ends mentioned in the Petition.

THE Act against the prohibition of Exporting English or Irish wool till the next Session of Parliament read again And after much debate The vote being asked Proceed or Delay carried Delay.

THE Lord Chancellor by order of her Majesties High Commissioners Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Chancellor. I. F. D. P.

September 2, 1703.

PRAYERS said The Rolls called.

THE Minutes of the last Sederunt read.

PETITION by the proprietors of the Woolen manufactory at Mafellburgh desiring it might be declared a Manufactory, with the ordinary privileges read and granted.

THE Petition by William Hog of Harrode in behalf of his Woolen manufactory of Harrode to the same purpose read again and granted.

THE Act for continuing the prohibition of Exporting English and Irish wool till the next Session of Parliament being read again A clause was offered to be added allowing sheep skins and lamb skins with wool upon them to be exported till next Session of Parliament, And after some debate thereon the Act was considered paragraph by paragraph, And the narrative with the clause continuing the prohibition of Exporting English and Irish wool to the next Session of Parliament inclusive put to the vote and approved Then the general clause to discharge the exporting any kind of wool being read The question was stated if the clause allowing the Export of skins with wool upon them should be added thereto, Yes or No, And carried in the affirmative, After which it being moved that an Additionall duty might be imposed upon all skins to be exported, and some Carries exhibited for hindering other wool to be exported together with that upon skins The question was thereupon first Stated Proceed or Delay And thereupon stated Approve the Act as it stands or No And the vote being asked Whether the first or the second question should be voted Carried that the first question should be voted And then the vote being asked Proceed or Delay carried Delay.

THE Lord Chancellor by order of Her Majesties High Commissioners Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Chancellor. I. F. D. P.

September 3, 1703.

PRAYERS said The Bells called.

THE Minute of the last Sederunt read.

PETITION by the Lady Edinglaidie against the Laird of Powrie read and ordained to be seen and answered the first day in which the Parliament shall think fit to proceed upon private business, And the Lord Advocate Sir David Dalrymple and Sir David Cunningham allowed to plead for the petitioner in her cause mentioned in the petition.

PETITION for George Dundas relating to his franchise for a protection offered and all parties and their procurators in both these Causes ordained to be ready and attend the said next dyet of Parliament for private business.

THE Act about the Exporting of wool further proceeded in. And a clause offered to regulate the manner of Exporting skins with wool on them read, It was Agreed to without a vote that no skins with wool on them be exported from any place in this kingdom excepting three parts only, two of which three to be appointed in the Western Coast and one in the Firth And the vote being asked Whether the port of Leith or that of Berwick should be appointed for the Firth. It carried Berwick's. Then the vote was asked Whether New Port Glasgow or Ayr should be appointed for the adjacent parts of the Western Coast And carried New Port Glasgow After which the vote was asked Whether Dunfermlie or Kirkcaldie should be appointed for the more southerly parts of the said coast And carried Dunfermlie.

THE Lord Chancellor by order of Her Majesties High Commissioners Adjourned the Parliament till Monday next at ten a clock.

SEAFIELD Cancellor. I. P. D. P.

September 6, 1703.

PRAYERS said The Bells called.

THE Minute of the last Sederunt read.

THE Earle of Marchmont desired that he might be allowed to withdraw an Overture by way of Act which had lately been presented by him, and was appointed to lay upon the table, but had not yet been read, The which desire was granted, And the Clerks were appointed to give back the overture.

THEN his Lordship presented an other Overture by way of Act which was read And the question being put, If the said Overture should be marked in the Minute or Not It carried in the negative.

PETITION by the Earl of Crawford about the Armes due to him and his Regiment being read It was moved that the petitioners call be remitted to the Lords Commissioners of her Majesties Treasury and that he have a 50 of execution at the instance of his Creditors for the debts mentioned in the Petition till the next Session of Parliament which was agreed to.

RESOLVED that the next day the Parliament shall meet be intirely belloved on discussing private cases without the interweaving any publick affair whatsoever.

THE Petition of Alexander Nisbet about his book of Hereditary read again and his case recommended to the Lords Commissioners of Her Majesties Treasury.

PETITION by the Mealmengers at Leith read and the Magistrates of Edinburgh appointed to make answer thereto the next Siting of Parliament presumptive.

[PETITION for David Forbes and others.

UNTO his Grace her Most high Commissioner and the right honourable the estates of Parliit. The petitioners of David Forbes & James Maile, and other meal sellers and retailers thereof in Leith, for themselves, and in behalf of the heverors of the northern Shires and others in Scotland, whose meal, oats, bear, and other grain [sic] usually brought to the port of Leith,

Humbly Sheweth

THAT where the meal mangers in Leith, have been in use past memory of man, to buy the north country victuall and ginnell and retail the same at Leith, or otherwise to take the charge thereof to be ginnell or left, and sold on the heverors their own threat and account, and that free of any exaction or impost by the town of Edinburgh, True it is, That of late the town of Edinburgh has thought fit to challenge an impost as doe out of each bag or peck of meal, and for each bell of what is imported to Leith in bulk, at the rate which they say, meal pays of customs in the market of Edinburgh viz. as comes to four shilling Scots per bag, and for giving colour to this sort of exaction the meal mangers are every other host or turn, convened before the Bailies, as alleged firstellers and registers, and thereupon summarily imprisoned till they redeem themselves by payment of fyne from 6 lre Scots to 40 lre Scots the man name or lets either exacting themselves to compare & give their oath, upon what number of pecks or quantities of victuall in bulk, they doe from time to time sell, vend, or any way retail, that custom may be accordingly payed thereof which at 4 Sh. the bagg as said is, enhances the meal mangers whole profits, This breids the sheer dam at importation, customs payed to the town of Edinburgh at exportation out of the town of Leith, cuts for the selletts of the town of Edinburgh, and cuts for bread, quarters to sealdiers, and other executive burdens imposed by Edinburgh on us, if not remitted will oblige them to pay lets for the victuall so imported to Leith, or otherwise, that the importers and heverors themselves must bear the burden and expensis of the said impost and customs, which considering the great bulk of north country victuall that arrives at the port of Leith may amount to many thousand merks a year of a new devyded burden upon the said heverors, Therefore, and seeing that is no law warranting such an impost or exaction besides that it deadens vivres

It is humbly hoped, his Grace her Most high Commissioner, and the honourable estates of Parliament, will by their deference hereupon, discharge the town of Edinburgh's exacting any such impost or custom on account of whatsoever meal, oats or bear imported into the harbour of Leith and solded lofed and retailed there and your petitioners shall ever pray.

William Dippie
D F.

Ed: 6th Sept 1703.

Her Majesties high Commissioner and the Estates of Parliament having considered this petition they ordain the magistrates of the town of Edinburgh to do & answer the same at the next Sederunt of Parliit.

SEAFIELD Cancellor. I. P. D. P.]

PETITION by Robert Martin of Borthnath relating to his tack of the *Esaye* in Aberdeenshire road and delayed till the Parliament appoint the funds for maintaining the forces and other publick expences.

[TO his Grace Her Majestys High Commissioner and Right Honourable the Estates of Parliament, Robert Martine of Borthnath, late Tackman of the Additional Inland Excise in the Shire of Aberdeen, imposed by Act of Parliament 1693.

Humbly Sheweth,

THAT where upon my entrie upon the said tack, I met with certain discouragements and difficulties, by reason of Edicts printed and published in that Shire, whereof I do only here take notice, for your Grace and Lordships information, but without any designe of complaining upon the makers thereof, by which Edicts declaring the three pence upon the pynt to be no better than twenty shilling upon the boll, and discharging the Brewers of the non-entries they had incurred, I was prejudged to that degree in the subject of my tack, that I could not make up the duty without my indifible loss & ruin, which case being brought before the Lords of his late Majesties Privy Council, their Lordships did find that I had sustained the forefild damages, but thought fit to affluide the Commissioners of the Shire, and only to recommend it to their care to fee the force made up, if possible betwixt and the tenth of September then ensuing, which day was purposely set that in case of my disappointment in the Shire, which truly happened by reason of the change and break of Brewars, I might have my recourse to the Parliament, which was then to meet the eight of the said month of September; which recourse I accordingly made, and thereupon obtained an Act of Parliament dated the eight of October 1696 years, wherein having laid forth my damages to the Parliaments satisfaction, they recommended me to the late King, for reparation of my losses, in such way and manner as His Majesty in His Royal bounty should think fit, as the said Act of Parliament herewith produced bears. Upon which Recommendation, and specially as this ground, that the principal Tackman had advanced & computed for the whole tack duty without any abatement upon my said account, I having petitioned His Majesty, obtained His gracious Letter to the Lords of his Majesties Theſaurie, requiring them to examine and take trial of my said losses, and to report, that his Majesty might signify his further pleasure therein, as a double of the said Letter (whereof the principal is in the Theſaurie) dated the first of March 1699 years, bears, Which Letter being presented to their Lordships, they were pleased to examine my accounts of my intromission with the said Excise, by which it appeared that I fell short of my tack duty, in the sum of Ten thousand nine hundred and thirty nine pounds as my loss: for which I was recommended by the Parliament to His Majesty, and thereupon the said Lords of Theſaurie found that I had sustained damages in the prosecution of my said tack, upon the grounds mentioned in the Report. And therefore they did again lay my losses before His Majesty to be required in such manner and way as He in His Royal bounty should think fit, as their Report of the date the third day of April 1699 years, herewith produced, bears, which Report being accordingly laid before His Majesty, and His Majesty being also informed that the Pound upon which the said losses were sustained, was fully as accepted for, and I still left under legal diligence and distress, His Majesty by His second Letter dated the nineteenth of April 1701, thought fit to remit the matter to the care of the Lords of the Theſaurie, authorizing and requiring them to take such ways for my satisfaction out of the funds yet undisposed of, as might effectually spare my relief, or in case that could not be done, that they should lay the matter before the Parliament as a deficiency for the said abovementioned, as a copie of the said Letter

(whereof the principal is in the Theſaurie) herewith produced bears. Which Letter being likewise presented to their Lordships; they after consideration thereof, and in compliance with his Majesties pleasure, in respect there was no first undisposed of, out of which they could order my relief, thought fit to lay my said losses before the High and Honourable Court of Parliament, as a deficiency for the said fund, as the said Act of Theſaurie of the date the first day of January 1701, herewith produced, testifies. Likas, in profection thereof, I did prepare my Representation for the Parliament that met the said month of January 1701, but by reason of the thong of publick business, I could have no access to a hearing, all private business as is well known being then laid aside, so that now indeed is the first opportunity that I have had for laying my case before the Estates of Parliament with the forefild Recommendations granted upon it.

And seeing your Grace and Lordships may plainly perceive how from the beginning, without the least fault or neglect upon my part, I did incur the said damages, And that both the Lords of his Majesties Privy Council and the Estates of Parliament and the Lords of the Theſaurie upon the late Kings forefild Letters, have again and again found that I ought to be relieved thereof: It being evident that I was only subjected thereto, throw my being Tackman of a subject that fell short, notwithstanding of my utmost diligence, for the causes above-repented, and that it is further certain that the principal Tackmen, to whom I and my Customers are inevitably liable, having payed up and counted for the whole tack duty without any abatement, in regard that before hand they had completed their payments, This burden that still lies upon me is manifestly a deficient fund, which the Estates of Parliament can only make good, according to the forefild Recommendations, and which it is impossible for me to bear without being sunk and ruined.

May it therefore please your Grace and Lordships, in consideration of my said afflicted case which comes plainly to this point, that I having become Sub-tackman of an Excise which proved deficient without my fault, and the Tackmen having accepted to the Theſaurie, but leaving the burden intirely upon me, I ought and only can have my relief as of a deficient fund from the Parliaments Justice in manner above demostred, to have compassion of my said distress: and finding my forefild loss to be clearly a deficient fund, to appoint and ordain my remedy when the funds shall be considered, and new Supplies granted in this Parliament, This being not only most just but no other way possible for my reparation; without which, and that upon a publick account, I must be infallibly ruined.

Recommendation of Parliament in favour of Robert Martine of Borthnath.

AT Edinburgh, the eight day of October one thousand six hundred and ninety six years, Annet the Petition presented to his Majesty's High Commissioner and the Right Honourable the Estates of Parliament, by Robert Martine of Borthnath, late Tackman of the additional Inland Excise in the Shire of Aberdeen, imposed by Act of Parliament one thousand six hundred and ninety three, Humbly shewing, That where, upon the Petitioners entrie into the said tack, he did meet with such discouragements and difficulties by reason of Edicts printed and published by a certain number of the Commissioners of Excise in Aberdeenshire; on whom, though the Petitioner intended not to complain, yet he must take leave, for his Grace and their Lordships better information, to represent, That by their Edicts declaring the three pence on the pint to be no better than twenty shilling upon the boll, and by their backwardness to give the Petitioner the concurrence that might have been expected from persons in their trust, the Petitioner was prejudged irreparably to that degree, that

he is short more than Nine thousand pounds of the tack duty he owes to the principal Tackmen, which he can never pay without his own loss and ruin: Whereby it happened, that the Petitioner was necessitated (much against his mind) to lay his case before the Lords of his Majesty's Privy Council, who were satisfied that he had sustained damages; but in regard that the said Commissioners being offended, did likewise recommend the Petitioner, and that the matter could not be brought to any other accommodation, the Lords of Council by their Sentence in August last, adjointed both the said Commissioners and him himself; But with all, recommended it seriously to the said Commissioners to consider his said damages, and to do therein as they should see cause; and that betwixt and the tenth of September last, as the Sentence of the Privy Council produced with the said Petition bears. Whereupon the Petitioner did address himself to the said Commissioners but all the answer he got was, That they were ready in obedience to the said Recommendation to give the Petitioner any assistance, was in their power to uplift the deficiency of the said Excise; and that this was all they could do in the matter. Whereby the Honourable Court of Parliament was evidently observed, First, That the Lords of Privy Council were satisfied that the Petitioner had sustained damages on the account foretold. Secondly, That for the Petitioner's reparation, they seriously recommended him to the foretold Commissioners of the Shire; and further did limit them to the tenth of September last; which it is known was done, that in case the Petitioner got not in that time redress from the Commissioners, he might apply to his Grace and their Lordships who were then to meet the eight of the said month. Terrio, That the Petitioner has gotten no redress, nor can he expect any from the said Commissioners, it being certain, that the damage that the Petitioner sustained was both by the encouragement the Brewers got to refuse just entries as well as assessments; and likewise by breaking of many through these contents that are now utterly despoiled. So that in all humility, the Petitioner must protest before his Grace and their Lordships, That notwithstanding of the utmost diligence and pains the Petitioner has taken in this matter, unless this Honourable Court of Parliament find some relief for him, he must sink under the foretold burden, there being visibly no other relief for him. And therefore, craving his Grace and their Lordships in consideration of the premises, and that it were in effect an hardship, which the equity of this Honourable Court will never allow, that a poor man should be innocently ruined for his service offered to the Government, to take cognition of the Petitioner's foretold heavy and irrecoverable losses, and to provide such remedy and relief, as his Grace and their Lordships should in justice and equity think fit, as the said Petition bears; Which being read in presence of, and considered by his Majesty's High Commissioner and the Estates of Parliament, they have recommended, and hereby Recommend the Petitioner to his Majesty for reparation of his losses in such manner and way as his Majesty in his Royal Bounty shall think fit. Extracted forth of the Records of Parliament by me Alexander Gibson of Dornie one of the Deputy Clerks thereof, as having consideration for that effect, from Charles Earl of Selkirk, Esq. Clerk to the Parliament, and to his Majesty's Councils, Registers and Rolls.

Al. Gibson.

Copy of the King's Letter to the Thesaurer, in favour of Robert Martine of Barmess.

Superscribed, WILLIAM R.

RIGHT trust, An. We having received a Petition from Robert Martine of Barmess recommended to us by our Parliament, for reparation of losses he sustained when he was Tackman of the Additional Excise of the Shire of Aberdeen, from the first of June 1695, to the first of May 1703, and the loss that he hath suffered being reprobated to us to be about the sum of Eight hundred pound Sterling, wherein he hath fallen short of his tack duty. We do hereby require you to examine and take trial of

his said losses, and to report the same to us, that We may signify Our further pleasure therein: And so We bid you heartily farewell. Given at our Court at Kensington, the first day of March 1698, and of Our reign the 5th year.

By His Majesty's Command,
Counterigned, TULLIBARDINE.

Extract Report, the Lords of His Majesty's Thesaurer, in favour of Barmess.

AT Edinburgh, the third day of April one thousand six hundred and ninety nine years. Anent the Report by the Commissioners of his Majesty's Thesaurer, anent the losses sustained by Robert Martine of Barmess, Baring, That where it having pleased his Majesty by a Letter under His Royal hand dated the first of March, one thousand six hundred and ninety eight years, to require the said Commissioners of His Thesaurer, to examine and take trial of the losses sustained by the said Robert Martine, while he was Tackman of the Additional Excise of the Shire of Aberdeen, from the first of June one thousand six hundred and ninety three years, to the first of May one thousand six hundred and ninety five years which he represented to be about the sum of eight hundred lb. Scot. wherein he was fallen short of the tack duty. In obedience to his Majesty's command, the said Commissioners have seen and examined the accounts exhibited to them by the said Robert Martine of his foretold tack duty and interventions, whereby, and by his tack produced, it appeared that his tack duty during the said space extended to forty one thousand five hundred twenty seven pounds fifteen shilling seven pence Scots, and that on the other part he collected out of the said Shire of the said Excise, during the said space, as by a particular account drawn to them has testified, thirty eight thousand five hundred eighty eight pounds six shilling eight pence; But his expenses in collecting being extraordinary, through the oppositions and difficulties that he met with, as is aforementioned, and amounting to eight thousand pounds Scots, there rests of balance, wherein he fell short of his tack duty, ten thousand nine hundred thirty nine pound eight shilling eleven pence, which sum he reckoned as the sum of his losses, for which he was Recommended by the Parliament to His Majesty, by their Act dated the eight of October one thousand six hundred and ninety six, in regard that upon a trial before the Lords of His Majesty's Privy Council, They found that he had sustained damages in the prosecution of his said tack, by reason that the Commissioners of Excise of the said Shire had published and printed Edicts whereby they declared that the Additional Excise of three pence on the pint of ale, was no better than twenty shilling on the butt, which was considerable under rating, and likewise neglected to appoint Office and Diligents as they ought to do, and discharged the Non-carries that the Brewers had incurred; for which cause, albeit the said Lords of Privy Council did again remit, and specially recommended the said Robert Martine to the said Commissioners of Excise for some reparation; yet all the answer he obtained from them, being, that they offered him their ordinary concurrence, which the change of Brewers and other accidents which had happened in the space of two or three years was of no value, and could take no effect, the said Robert Martine was necessitated to lay his case before the Parliament, where after considering his complaint exhibited to the Lords of Privy Council, with their procedure therein; and particularly, though they found the said Robert Martine had sustained damages on the occasions and the grounds aforesaid, yet for good reasons moving them, they adjointed the said Commissioners, the Estates of Parliament did therefore grant the foretold Act and Recommendation to His Majesty for reparation of the said Robert Martine's losses, all which appeared to them by the foretold Act of Council and grounds thereof, and by the foretold Act of Parliament all produced in their presence. They did with all festivity

again lay the said Robert Martine his losses before His Majesty, to be repaired in such manner and way, as His Majesty in His Royal bounty should think fit. Sic subscriptus, MARCHEMONT Chancelier, QUEENSBERRY, ANNANDALE. Extractum de Libro Thesauri per me.

Copy of the Kings Letter to the Treasury in favours of Burnbrae.

Ut superscribitur, WILLIAM R.

RIGHT truly and right well beloved Cousine and Counsellour, Right truly and intirely beloved Cousine and Counsellour, Right truly and well beloved Cousine and Counsellours, and Right truly and well beloved Councillors, We greet you well. By Our Letter of the first of March 1698, We required you to examine and take tryal of the losses sustained by Robert Martine of Burnbrae, Sub-tackman of the additional Kestle of the Shire of Aberdeen, from June 1693 to May 1696, in order to his reparation, which was recommended to us by our Parliament, in return to which Letter we have your report, whereby his losses are stated to Ten thousand nine hundred thirty and nine pounds Scots, and laid before Us to be repaired in such manner as We should think fit. And We being informed that the Fund upon which the said losses was sustained, is fully accounted for, and the said Robert Martine yett left under the legal diligence and distress of the principal Tackman: We have therefore thought fit to remit the matter to your care, Authorizing and Enjoining you to take such ways for satisfaction of the said Tackman, out of the Funds yett undissipated, as may effectually openit his relief, or in case this cannot be done, that you lay the same before our Parliament, as a deficiency for the end abovesaid, and so we bid you heartily farewell. Given at our Court at Kensington the 19th day of April, and of our Reigne the 12th Year.

By his Majesties Command,

Sic subscriptus GABRIEL.

Extract Recommendation, the Lords of His Majesties Treasury, in favours of Robert Martine of Burnbrae.

AT Edinburgh, the first day of January, One thousand seven hundred and one year. The Lords Commissioners of His Majesties Treasury considering, that His Majesty by his Letter of the nineteenth of April last, making mention, that by a former Letter of the first of March One thousand six hundred and ninety eight; He required them to examine the losses sustained by Robert Martine of Burnbrae, when Sub-tackman of the Additional Kestle of the Shire of Aberdeen from June One thousand six hundred and ninety three, to May One thousand six hundred and sixty five years, in order to his reparation, which had been recommended to His Majesty by the Parliament: And that in return to that Letter, his Majesty had their Report, whereby his losses are stated to Ten thousand nine hundred and thirty nine pound Scots; to be repaired in such manner as his Majesty should think fit. And that his Majesty being informed, that the Fund upon which the said losses were sustained, was fully accounted for, and the said Robert Martine left under the legal diligence and distress of the principal Tackman, Therefore his Majesty thought fit to remit the matter to the said Lords their care, requiring them to take such ways, for satisfaction of the said Tackman, out of the Funds yett undissipated, as might effectually openit his relief; or in case this cannot be done, that they should lay the same before the Parliament as a deficiency for the end abovesaid, as the said Letter bears. And there being no Fund undissipated, out of which they could order satisfaction to the said Tackman for the said Robert Martine his relief: The said Lords therefore in compliance with his Majesties Will signified to them by the said Letter, do hereby lay the said Robert Martine his losses before the Parliament as a deficiency for his relief, and the end abovesaid. Sic subscriptus, MARCHEMONT, Chancelier, ARGYLE, AD. COCKBURN, F. MONTGOMERIE. Extractum de libro Thesauri per me.

Edinb: 6: Septis 1708.

Her Majesties high Commissioners and the estates of Parli: having

Considered this petitione They declare they will take the same to their consideration when the Parli: proceeds to the funds for the forces and the arrears due to the same.

SEAFIELD Chancellor, I. P. D. F.]

THE Act in favours of the Shyre of Caithness read again.

THE Lord Chancellor by order of Her Majesties High Commissioners Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Chancellor, I. P. D. F.

September 7, 1708.

PRAYERS said The Bells called.

THE Minutes of the last Sederunt read.

THE Petition by Sir Alexander Dalnair of that ilk for a relief of his fathers custom for Henry Leggat late Collector of the Cels in the Shyre of Mid Lothian who at the desyre of the Commissioners of Supply in the Shyre for the time had furnished certain quantities of corn straw and hay to the forces in the year 1691 read again and it being moved and Agreed to that no singular favour in Lasse within the Shire since the said cymes could be lyable to any such relief The vote was asked Grant the desyre of the Petitioner with that quality or Not and Carried in the affirmative.

PETITION by Sir George House of Kells and partners relating to the Act of Exaction granted by delivrance upon a petition in favours of the Earle of Crawford read and the vote asked Adhere to the said delivrance Yes or No carried Adhere.

THE Petition by the Hensons of the Shyres of Inverness and Ross with the Answers for Duncan Forbes of Colledin read relating to an Act of Parliament obtained by the said Duncan in the year 1690 taxing the yearly excise of Aquarite known in his Lands of Fochish to four Hundred marks yearly And after debate the vote being stated Refused the Act in so far as concerns the Excise or No Carried in the negative But the effect of the Act was restricted of consist to the growth of the said Lands annually.

PETITION by Sir William Douglas shewt his arrears and some reparation for the loss of his estate in France read and the petition thereupon Recommended to the Lords Commissioners of the Treasury for his arrears and to the Queens Majesties for the said reparation.

THE draught of the Act for a manufacterie of Lame Parrells and Earthen waile in favours of William Montgomery and George Lind read for the second time put to the vote and approved.

THE Action at the instance of the Laird of Moriston against Sir James Cockburn to declare the truth of certain bonds in the Defendants perior for the behoof of the pursuers father called And the Advocates for either party heard The cause was remitted in Remo quo to be discussed summarily before the Lords of Session.

THE Action at the instance of the Earl of Home against Sir Patrick Home for inflicting upon his protestation for remission of Law against the Earl called and the Advocates for either party ordained to be ready and infill in their several actions the next dyet of Parliament for private business After which the vote was asked Whether the Parliament should at their next meeting proceed upon Publick or upon Private business and Carried they should proceed upon Publick business.

[MINUTES in the Presence The Earle of Home & Mr James Home of Ayrton his son ag^t Sir Patrick Home absent

Actores Dalrymple et Hamilton of Bangour
Alter as

Dalrymple for the perfors requested his libell and craved that Sir Patrick Home might infill in discussing his protest for remission of law with certifications that if he faille the protest may fall and become null it being taken after extending of the process demit.

Home alledged that the perfors process is not full & returned as is appoynted by the act of Parli^t 1695 regulating the procedur of process before the Parli^t and that to partie is bound to answer quhill he first fa & returne the process.

Dalrymple answered that he opposes his process bearing ass outgiving and the first was accordingly given in to Sir Patrick lodging but his servants had fa march airt as to give it back without a wryten returne albeit Sir Patrick or some in his name can not give their oath of calumny but they truly saw it & gave it back without a returne and returnes are only needful before the session where implements are required. ^{2^{da}} Sir Patrick having cited the Earle and his son on his protest for remission of law in order to discuss it & the day of comparance being elapsed he ought presently to infill in his process otherwise the Earle & his son ought to have protestation against him for not infilling Lykens Sir Pat. is a member of the house & knew his process was to be called the first dyet for private business.

Home replied that by the act of Parli^t 1695 all process before the Parli^t must be sein & returned in common forme before they can be infilled in and it is most calamitous that Sir Pat. or any in his name did ever fa the process nor can his being a member of the house preclude him from inductive legules which allows him to fer the process in common forme And as to the ^{3^{da}} alledgeance Andured that albeit the perfors has raised his process on his protest yet the same not being done quhill he was cited by the Earle & his son to infill He cannot proceed in his process quhill first the Earle & his son give out that process to fer and answer & that Sir Pat. will infill in his or not as he shall find convenient.

1 Sept^r 1708.

Her Majties High Commissioners and the Estates of Parli^t having adyerted the debate they ordain Sir Patrick Home to be ready to infill in his process ag^t the Earle of Home & his son upon his protest for remission of law or to answer at the instance of the ad Earle & Mr James his son in y^e process ag^t the ad Sir Patrick and y^e upon the next dyet of Parli^t for private affairs perscrutable And in the mean tyme allows Sir Patrick to se Mr James & the Earles process in the clerks hands.

SEAFIELD Cancellor. L. P. D. P.]

THE Lord Chancellor by order of Her Majesties High Commissioner Adjourned the Parliament till Thursday next at ten a clock.

SEAFIELD Cancellor. L. P. D. P.

September 9, 1708.

PRAYERS said The Rolls called.

THE Minutes of the last Sederunt read.

THE draught of an Act containing certain Limitations on the succession to the Crown of this Kingdome followinge before of her Majesties body offered But before reading It was moved that the Parliament might proceed to discuss the Act relating to the Exporting English and Irish wool and not say that *ajlye* to begin the consideration of any new overtures.

MOVED that the proceedings of the Commissioners in the Treaty for the Union with England be laid before the Parliament and thereupon It was ordered that the progress and advancement in the said Treaty be laid before the Parliament next Sederunt, And declared by a vote of Parliament that the Commission granted for the said Treaty is terminat and extinct And that there shall be no new Commission for treating of an Union betwixt the Kingdoms of Scotland and England without consent of Parliament.

THE Act containing the prohibition to Export English and Irish wool proceeded in and a clause offered appoynting all packs of skins with wool upon them to be sealed by the several Collectors at the three ports of export and to pay a certain duty which was read, And thereupon the vote was asked If the duty should be Five or Eight of the hundred of the value of the pack And carried Five And then the clause agreed to be added to the Act And before voting the Act, Sir Patrick Johnston and Robert Inglis in name of the town of Edinburgh and the rest of the Royal Burghs protested that the Act nor any thing therein contained might not prejudice the right and privilege of the Royal Burghs and their free ports, And particularly the burgh of Edinburgh and burghes thereof of their right of free ports and privileges of export belonging thereto conform to their Charters and Infirmments thereof And thereupon entered their dissent and Craved the same might be Marked Which protestation was adhered to by Alexander Robertson, John Scrimgeour, John Allardys, Collinell John Ariffin, Walter Stewart, Alex^r Watson of Aithney, Hugh Montgomery, John Maure, James Scott, Robert Johnston, Alexander Duff of Denmar, Sir John Ariffin, Master James Melvill, Alexander Cunningham, Walter Scott, William Colvins, Sir Andrew Home, Sir James Smellie, Archibald Shiels, Sir Alexander Ogilvie of Foulis, Mr William Johnston, Alexander Edgar, Daniel Campbell, James Bethen, John Handbrier, who all protested for their several burghs to the effect abovesaid After which the Act was put to the vote and approved.

PETITIONS by Collinell George McGill, Collinell George Hamilton and Lieutenant General George Ramsay craved allow to be seen and answered against the next sitting of Parliament.

THE Lord Chancellor by order of Her Majesties High Commissioner Adjourned the Parliament till 14 narrow at ten a clock.

SEAFIELD Cancellor. L. P. D. P.

September 10, 1708.

PRAYERS said The Rolls called.

THE Minutes of the last Sederunt being read The Lord Secretary protested that the delayance on the petition of the Harems of Inverness & Ruth in favour of Duncan Forbes of Culloiden might not prejudice her Majesties interest in the annexed pro-

people of the Esqueto that it might neither operate an extension of nor addition to the acts in favour of the said Duncan Forbes nor import any monopoly in prejudice of the petitioners or others and that it might not derogate from nor prejudice any obligation upon the said Duncan to any third or person as accords of the Law And thereupon asked instruments.

THEN Her Majesty High Commissioner made a Speech to the Parliament in manner following.

My Lords and Gentlemen,

It was with great uneasiness to me that I was forced to be silent yesterday, when so many did appear earnest, that I should speak. I have all the inclination in the world to give you full satisfaction But I thought that I might not be to pretend to give the Royal Assent or to declare my instructions in Parliament which I had made known to many noble and worthy members, besides the Queens Servants.

Now that these instances are let fall and that you have proceeded to other business to testify how willing I am to give you contentment in any thing that's in my power I tell you freely That I have recovered Her Majesties pleasure and am fully empowered to give the Royal Assent to all the Acts voted in this Session excepting only that act intitled Act for Security of the Kingdoms (you may easily believe that requires her Majesties further confirmation) At the same time her Majesty expects that you will mind your own safety in making necessary provisions for the troops upon the present establishment And that you will put the trade and customs on that foot that the civil list may be supported And I import your Lordships to finish these as quickly as possible that this Session may be put to a speedy and happy conclusion.

IT was thereupon moved that there may be one Address of Parliament to her Majesty humbly intreating that her Majesty may be pleased to give the royal assent to the said Act And after some debate upon that motion The vote was stated Addressed or Proceed to other business and carried Proceed to other business.

THE Lord Chancellor by order of her Majesties High Commissioner Adjourned the Parliament till Monday next at ten a clock.

SEAFIELD Chancellor. L. P. D. P.

September 13, 1703.

PRAYERS said The Bells called.

THE Minute of the last Sederunt read.

THE Lord Pittgo took the oath of allegiance and oath of Parliament and subscribed the allegiance and assurance.

IT being moved that the draught of the Act offered the 19th current by the Laird of Salomon for certain Limitations on the Successor to the Crown failing heirs of her Majesties body might be considered It was proposed that the Parliament might conform to their vote on the 23^d past proceed upon further overtures for trade And thereupon the question being voted Whether the Parliament should proceed on the said Act for Limitations or upon the Overtures for trade It carried that they should proceed on the Overtures for trade.

THE Act for allowing the Importation of all wines and foreign Liquors read And after long debate the question was stated Approves the first clause allowing the Importation of all sorts of wines and other foreign liquors or Not But before voting The Marquis of Tweeddale protested for himself and in name and be-

half of such as should adhere to his protestation that this act allowing the Importation of French wines and brandie ought not to pass as being inconsistent to her Majesties inconsistent with the Grand Alliance wherein she is engaged and prejudicial to the Honour, Safety, Interest and Trade of this Kingdoms And therefore desired his Protestation might be marked and inset in the records of Parliament And thereupon asked instruments. To which protestation adhered His Grace the Duke of Hamilton, the Marquis of Montrose, the Earls of Erroll, Marcell, Rothes, Home, Strathmore, Banchory, Haddington, Selkirk and Raglan, the Viscount of Stormont, the Lords Sempie, Blodys, Forrester, Bagnish, Elbank, Bellhaven, Colville and Kiernard, Robert Dundas of Arncliffe, Sir Robert Dickson of Inveresk, George Lockhart of Cornwall, Andrew Fletcher of Saltoun, William Nisbet of Dielestone, John Cockburn younger of Ormiston, Sir Robert Stables of Longformacus, Sir John Home of Blackader, Sir John Swinton of that ilk, Sir Patrick Home of Remosa, Sir William Ker of Greenhead, William Stewart of Grubis, William Baillie of Lamington, George Baillie of Jerviswood, John Sinclair younger of Strathmore, James Hamilton of Aikethead, Mr William Cochran of Kilmaronack, Sir Humphrey Colquhoun of Laity, Sir John Hesketh of that ilk, John Graham of Culter, James Graham of Buchlyvie, Robert Ballo of Powhatch, Thomas Sharp of Haddington, John Hadfield of Glenzie, Sir Patrick Murray of Auchtermuchty, William Oliphant of Gull, George Graham of Gorthie, Sir Thomas Burnett of Layne, Alexander Gordon of Pitlochry, John Udny of that ilk, William Seaton of Pittenwey, James Mair of Stonywood, Ludovick Grant of that ilk, Hugh Rofs of Kilmaronack, Sir William Auchterley of that ilk, David Beith of Balloch, Major Henry Balfour of Dunblay, Robert Douglas of Strathmole, Major Patrick Lyon of Auchtermuchty, James Halliburton of Pizar, David Graham of Pitlochry, Alexander Duff of Boscon, James Brody of that ilk, Robert Dunbar of Gungahill and John Bruce of Kintore, Commissioners for Shyres, Alexander Robertson, Alexander Welford, Alexander Edgar, George Eddon, James Oswald, Patrick Bruce, Sir John Auchterley, Sir John Erskine, James Spide, Francis Mollison, Sir James Hackett, George Smith, Robert Kelly, Mr John Lyon, George Brody, Sir Robert Auchterley, Major John Cameron, George Home, Mr James Beith, John Beith, Mr Alexander Arbuthnot, Commissioners for Burghs. Then the vote was asked Approve the clause or Not And carried in the affirmative.

THE Lord Chancellor by order of Her Majesties High Commissioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Chancellor. L. P. D. P.

September 14, 1703.

PRAYERS said The Bells called.

THE Minute of the last Sederunt being read Sir John Lauder of Farnhill delayed his Adhering to the Marquis of Tweeddales protestation made the last Sederunt might be marked.

THE Act allowing the Importation of wines and foreign Liquors was proceeded in And a clause being offered to declare that any Noblemen or Barons may in return for effects of their native product exported by them on their own risk Import wines for their own use free of all Customs Excise or other duty And that if they sell the same they shall lose that privilege thereafter and be fined in fyve thousand marks whereof the half to the informer There was another clause offered Relieving to the Peers and Barons the Great Inamities and Freedoms from Customs for wines which they had by the 231 Act 15 Parliament King Ja: 6: And after debate the vote being asked Whether the

first clause or the second clause should be added. It carried that the second clause should be added. Then a clause was offered obliging the Importer to instruct his having exported of the product of this Kingdom to the value of the Wine and Liquors Imported and Confiscating the wine and Liquors Imported above the value of the Export whereupon the vote was asked. Add the clause to the Act or Not. And carried in the negative. After which the Act was Put to the vote and approved.

THE Lord Chancellor by order of Her Majesty High Commissioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

September 15, 1703.

PRAYERS said The Rolls called.

THE Minute of the last Sederunt read.

THE Act appointing thirty days to be the time for legal execution within the Shire of Caithness read and ordered to be marked a first reading.

PETITION by the Earle of Breadalbin Craving to be heard before passing of the Act as being prejudicial to his Jurisdiction in that Shire read. And the petitioner allowed to see the act and to give in his particular reasons against it before the second reading.

THE Act in favour of the Queens vassals and tenants within the Isles of Orkney and Zetland read and ordered to be marked a first reading.

PETITION by Colonnell George McGill desiring the Recommendation of the Estates to her Majesty and the Lords Commissioners of Her Majesties Treasury for relieving him of a debt contracted for Cloathing his Regiment read and granted.

MOVED that the Act for Limitations on the Succession to the Crown falling heirs of Her Majesty be considered.

MOVED that the Act for a Supplice receive a first reading. And after long Debate on these motions, It was Agreed that the Parliament should next Sederunt proceed upon Overtures for liberty.

THE Lord Chancellor by order of Her Majesties High Commissioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

September 16, 1703.

PRAYERS said The Rolls called.

THE Minute of the last Sederunt read.

THE following Acts received the Royall assent viz. Act for securing the true Protestant Religion and Presbyterian Government, Act Ratifying the turning the meeting of the Estates into a Parliament, Act assent Looming makers and Bundeers, Act for proving the terror in favour of Anna Cockburn, Act assent peace and war, Act assent the publick Accounts, Act assent Butchers, Act in favour of the Company trading to Africa and the Indies, Act discharging the Importation of Irish victuall, Act continuing the prohibition of Exporting English or Irish wool till the next Session of Parliament inclusive, Act in favour of William Montgomery and George Lind for a manufacture of Lasse Porcelain and Earthen ware, Act allowing the Importation of wines and other foreign Liquors After which Her Majesties High Commissioner made a speech to the Parliament as follows.

My Lords and Gentlemen,

We have now pass'd several good Acts for our Religion Liberty and Trade, which I hope will be acceptable to all her Majesties good subjects, I with you had also given the Supplies necessary for the maintaining of her Majesties Schoon, and preserving the peace and safety of the Kingdom, But since I hope this may be yet done in due time, and that besides some questions and difficulties are fallen in that in all probability you can have no time now to determine, And that withall it is at Her Majesties shewd have time to Consider upon some things that have been laid before her, And that we may know her mind therein more perfectly a short Recess appears at present to be necessary and that this Parliament be Adjourned for some time, And therefore I have ordered My Lord Chancellor to Adjourn this Parliament until the tenth day of October next.

THEN the Lord Chancellor by order of Her Majesties High Commissioner Adjourned the Parliament till Tuesday the tenth day of October next.

SEAFIELD Chancellor. I. P. D. P.

MINUTES OF THE PARLIAMENT OF QUEEN ANNE, HOLDEN
AT EDINBURGH, JULY VI, M.DCC.IV.

July 6, 1704.

PRAYERS said.

HER Majesties Commission to John Marquis of Tweedall for representing Her Royal person in this Session of Parliament was read by the Lord Clerk Register and ordered to be recorded.

ROLLS called.

THE Earle of Perth protested in name of the Duke of Douglas that the calling of any other in the rolls of Parliament before him may not prejudice him of his first vote in Parliament.

THE Earle of Forth protested also in name of the Earle of Southwell against the calling any of the Earles before him in the rolls of Parliament.

THE Earle of Murray protested against the calling any Earles before him.

THE Earle of Fynington protested against the calling the Earle of Glencairn before him.

THE Earle of Findlater protested against the calling the Earle of Arble before him.

THE Lord Rofs protested against the calling the Lord Kiplingie, touns before him.

HER Majesties gift & commission in favours of Mr James Johnston to be Clerk Register was read and ordered to be recorded And he thereafter took the oath of allegiance and subscribed the assent with the affurance and took the oath of Parliament.

PATENT creating the Marquis of Douglas Duke of Douglas read and ordered to be recorded.

PATENT creating the Marquis of Athol Lord Privie Seal Duke of Athol read and ordered to be recorded.

PATENT creating the Viscount of Tarbet Lord Secretary Earle of Comarrie read and ordered to be recorded.

PATENT creating the Viscount of Stair Earle of Stair read and ordered to be recorded.

PATENT creating the Viscount of Roxberry Earle of Roxberry read and ordered to be recorded.

PATENT creating the Lord Boyd Earle of Glasgow read and ordered to be recorded.

PATENT creating St James Stewart of Bute Earle of Bute read and ordered to be recorded.

PATENT creating Charles Hope of Hopetoun Earle of Hopetoun read and ordered to be recorded.

PATENT creating John Crawford of Kilbride Viscount of Garmock read and ordered to be recorded.

PATENT creating St James Pringle of Carrington Viscount of Pringle read and ordered to be recorded.

THE Duke of Argyle the Earles of Glencairn, Bute and Hopetoun the Viscounts of Dupline Garmock and Pringle with the Lord Torphichen took the oath of allegiance and subscribed the assent with the affurance and took the oath of Parliament.

John Murray of Struan one of the commissioners elected for the shyre of Perth in place of the deceased Oliphant of Gask and James Sinclair of Stenfor one of the Commissioners elected for the shyre of Cathness took the oath of allegiance signed the assent with the affurance and took the oath of Parliament.

WARRANT given to the burrows and freeholders of the shyre of Edinburgh to meet on Tuesday next being the eleventh current to elect one other commissioner for that shyre in place of St James Pringle now promoted to be Viscount of Pringle.

WARRANT granted to the burrows and freeholders of the shyre of Linlithgow to meet on Tuesday come eight dayes being the eighteenth current to elect one other commissioner in place of Charles Hope of Hopetoun now promoted to be Earle of Hopetoun.

WARRANT granted to the burrows and freeholders of the shyre of Air to meet on Wednesday come eight dayes being the nineteenth current to elect a commissioner in place of John Crawford of Kilbride now promoted to be Viscount of Garmock.

WARRANT granted to the burrows and freeholders of the shyre of Bute to meet on Wednesday come eight dayes being the twentieth current to elect another Commissioner in place of St James Stewart of Bute now promoted to be Earle of Bute.

HER Majesties Commissioner acquainted the Parliament that he had a Letter from Her Majestie to them but in respect many of the members were not yet come to town he thought it more proper to delay preferring of the Letter till the Parliament were more fully assembled which he hoped would be next dyet and that then they would proceed to business.

AFTER which the Lord Chancellor by order of the Lord High Commissioner Adjourned the Parliament till Tuesday next at ten a clock in the forenoon.

SEAFIELD Cancellor. L. P. D. P.

July 11, 1794.

PRAYERS said. Bells called.

MINUTES of the last Sederunt read.

THE Lord Register did take the oath de fidei administratione in the usual manner.

THE Duke of Sutherland did take the oath of allegiance and subscribed the Oath with the assurance and took the oath of Parliament.

MOVED that Alex^r Buchan now served & returned heir to the late Lord Halyburton may be marked in the rolls of Parliament conforme to his precedence.

ORDERED that the writs produced for infracting thereof may lie in the Clerk's hands that the members may have inspection thereof.

HER Majesty's Letter to the Parliament presented by her Majesty's Commissioner read:

HER Majesty's Commissioner made his speech to the Parliament and the Lord Chancellor did also make his speech both which speeches with her Majesty's Letter to the Estates were ordered to be printed.

[THE Speech of his Grace John Marquis of Tweeddale, &c. Her Majesty's High Commissioner to the Parliament of Scotland, on Tuesday 11 July 1794.

My Lords and Gentlemen,

YOU have heard the Queen's Gracious Letter, Her Majesty therein expresses such a concern for the good and welfare of this Nation, and gives such unquestionable proofs of it as prevents even your wishes. I do not in the least doubt, but when you duly consider the import of this Letter, you will be all of the same mind with me; that it is now in our power to make our selves and our posterity happy.

Such indeed are Her Majesty's gracious condescensions, that in order to obtain what is for our Good, we need only propose it, provided you do it, as no doubt you will, with the regard and deference that are due to so gracious a Sovereign, and that in your demands, you keep within just and reasonable bounds, and ask nothing, but what is in Her Majesty's power to grant.

If there be any thing yet wanting for the better securing our Religion, and the perfect Church Government, as now by Law established, or for the suppressing of Vice & encouraging of Virtue if any Grievances be to be redressed, & new Laws found necessary, as I doubt not but there will, for rectifying of abuses crept into your Constitution or Administration of the Government, or any part of it, whether it be the Policy, or Justice, or for removing all Encroachments upon the Sovereignty or Liberties of this Nation, and the securing and preserving these latter and invaluable to our selves and our posterity; I am fully empowered and instructed, not only in all these matters to give you what reasonable satisfaction you can demand; but likewise in any thing may be proposed, for improving of Learning, the advancing of Trade, and encouraging Manufactures: So that in effect nothing hath escaped Her Majesty's care, that can in any way contribute to make you a flourishing and happy People, She restoring the Welfare, Peace, and Prosperity of Her Subjects the only way to Her own Greatness and Happiness.

And yet as if all this were too little, Her Majesty extends Her care for you further, in recommending to you, as you have heard,

the settling the Succession in the Protestant Line; and this Her Majesty recommends to you, with all the earnestness She is capable of, as that which is absolutely necessary for securing to your selves, and transmitting to your posterity, your Religion, and Liberties, or whatever else you have, or can have that is valuable. Since Her Majesty can have no concern in this, but the interest of her People, which does so evidently require the settling of the Succession, & the settling of it at this time; that I hope no true Protestant and lover of his Country will, when he hath seriously thought on it, find just ground to oppose it.

Her Majesty having thus done Her part, and in a manner so good and generous, and evidently disinterested; it remains that we shall not to do ours, by letting go this great opportunity (which if now lost, may possibly never be recovered) to deliver this Nation from the incertainties and hardships that it hath been under ever since the Union of the Crowns, and which of late have grown heavier upon it.

Her Majesty hath also recommended to you the Supplies that are wanting for the purposes mentioned in her Letter, which I need not repeat; for these there are none here, who are not convinced of the necessity of them, and who will not heartily concur in giving of them, notwithstanding the low circumstances the Country is in at present; especially since Her Majesty allows you to inquire into the misapplications of former Funds given and appropriated by Parliament, and to take such course as may prevent the like for the future.

One thing more I have to add, and that is concerning the business of the Flat, of which so great noise hath been made in our neighbour Nation: Her Majesty hath allowed me to enquire you, that in due time the whole matter shall be laid before you, and that She hath given the necessary orders for having both the persons that have been examined in England, and the papers that relate to that affair sent hither. Her Majesty doubts not but your inquiries into this Flat, or any other practices of the like nature, will end in your laying down solid measures for preventing of them, or the fatal consequences of them in time to come: And as to any questions or contents that may arise upon such inquiries amongst you; Her Majesty hopes, that you will manage them with all the temper and moderation that the nature of the thing will allow.

My Lords and Gentlemen,

I have spoke long, contrary to my very cool inclination, and therefore I shall only add in a word as to my self, that I am very sensible of my unfitness for so great a trust; But since such is Her Majesty's pleasure, I'll do my best; and I shall esteem my self very happy, if I can in any way contribute to bring matters to a settlement in this Nation. It is a great encouragement to me, I must own it, that the present opportunity, in a manner, enables me to give, at the same time, the greatest proof that I can ever hope to give, of my duty to Her Majesty, my love to my Country, and my respect to Parliaments, in particular to this Honourable meeting.]

[THE Speech of James Earl of Seaford Lord High Chancellor to the Parliament of Scotland, on Tuesday 11 July 1794.

My Lords and Gentlemen,

YOU have heard Her Majesty's most gracious Letter, and what his Grace my Lord Commissioner hath been pleased to add; which do fully lay before you the weighty and great reasons for which Her Majesty hath called you together, at this time; and you must all be convinced, that the chief design of Her Majesty's Government, is to advance the Happiness and Welfare of Her People, and to protect them in the full possession and enjoyment of their Religious and Civil Liberties.

Her Majesty doth with a very tender and affectionate concern, lay before you the danger of divisions and animosities; and recommends to you to employ your thoughts for promoting what is for the security and advantage of the Kingdom: And you cannot but be sensible, that our divisions must encourage our Enemies abroad, to form designs to disturb the peace and tranquillity we now enjoy; and therefore, ye will, no doubt, make use of this opportunity, to convince all, that this Nation is fast and firm in their loyalty to her Majesty; and that all Her good Subjects will constantly support Her Government.

Her Majesty doth with great earnestness recommend the setting of the Succession to the Crown in the Protestant Line, as what would be the surest foundation for the security of your Religion and Liberties, and will contribute greatly to the advancement of the Protestant Interest every where; and this being of so great consequence, it is not to be doubted, but that you will think this the fit opportunity for taking it under your consideration, while we have the advantage of being convened in Peace under Her Majesties Protection, and can deliberately consider what is the most probable means for the future, to secure and preserve all that is valuable to us; and for your further encouragement, you have heard how her Majesty hath given full Instructions to Her Commissioner to grant such Conditions of Government, with regard to the Succession, as can reasonably be demanded, for securing of the Sovereignty and Liberties of this Kingdom; so that nothing is wanting on Her Majesties part that is necessary for the establishment and Security of this Nation.

You know that Her Majesty is engaged in a most just and necessary War, for the defence of the Liberties of Europe, which makes it necessary that Supplies be given for maintaining the Forces, for repairing the Forts and Garrisons, for providing the Magazines with Arms and Ammunition, and for maintaining the Fleets which have proved so useful for the guarding of your Trade; All these being by no means needless, it is not to be doubted, but that you will readily comply therewith: It is to be regretted, that the Nation is in so low a condition, but what we give is necessary for our own defence, and will circulate within the Kingdom; And Her Majesty doth freely allow of taking inspection of the Funds that have been given by Parliament, and appropriate for the publick use, and will take care that what shall be now given, shall be duly applied.

Her Majesty hath given frequent assurances of her resolution to maintain the Established Government of the Church, and hath recommended to you to fall upon effectual means for discouraging of Vice and Immorality, and for encouraging true Piety and Religion, and providing for, and employing of the Poor.

The Trade of the Kingdom doth also deserve your serious consideration, for the advancement of which, and the improvement of the Product and Manufactures of the Kingdom, Her Majesty gives you assurances of Her ready concurrence.

My Lord Chancellor has acquainted you that the Plot which has made so great a noise here and in our neighbour Nation shall be laid before you with all its evidence; and it is not to be doubted, but that you will take care to do therein, what is necessary for the discouraging of bad practices, which may tend to disturb the peace and quiet of this Kingdom, and in all your proceedings in this matter, that you will avoid animosities, and make it your principal care to provide for the publick Security and Peace.

My Lords and Gentlemen,

I shall conclude with recommending to you again the serious consideration of what Her Majesty has so earnestly recommended; and that ye will improve this opportunity, which God hath given you, for securing to your selves, and transmitting to your posterity your Religion and Liberties, which will certainly be for your honour and happiness, and will render you equally acceptable to her Majesty and to all her Subjects.]

THE EARL of GRENVILLE Lord Secretary made a Speech to the Parliament which was ordered to be printed.

[THE Speech of George Earl of GRENVILLE Lord Secretary, to the Parliament of Scotland, on Tuesday July 11. 1793.

My Lord Chancellor,

ALBERT this Seat wherein it has pleased Her Majesty to place me, does allow, or rather oblige me to say something on this occasion, yet my Lord High Commissioner and Lord Chancellor have said so fully and so well, as I may justly fear what I can say will prove a diminutive addition; but I shall speak little, and (if I can remember) I shall not repeat. My Lord, should all Her Servants be silent, the actions, the sayings, the whole train of Her Majesties Government, and the happy effects thereof do speak loudly, that if ever Prince or Sovereign have devoted themselves to God and their Country, without flattery or hyperbole, we may truly say, that our most gracious Queen hath; All may hear, and those who have the honour to attend Her Majesty, must see, that her time, her care, her pleasure, her leisure, her treasure, yes her very health and life, are sacrificed every day, and almost every time of the day, to actual exercises of devotion to God, or administration of Government to Her People; and we may bless God, that by His Blessing on her endeavours, all and every one of her Subjects do partake of the fruits of the Royal Sacrifice; pay, and all the best part of Europe beside that is her Majesties Confederates, and Her and their Enemies do feel with grief what we feel with satisfaction: And tho her Majesty has many Demands under her Royal Care, and more Confederates; yet She cares not any of our particular concerns and we partake in our full capacity of these happy effects. We are with many others engaged in a great, but (to fall conviction) necessary War, the effects whereof are dreadful and painful not only in expense and soldiers (which all must affect) but the sight of people slaughtered like beasts in our streets and houses, to see our towns on fire, our women ravished, our sacred things profaned, and many other dismal effects of war and rapine, which almost all others feel and see; We (thanks to God, and under Him to his Vicegerent our Queen) do only hear of. My Lord Chancellor, this we ought, and I doubt not we do remember and consider. My Lord, this is not offered as an Eulogy or Panegyric on her Majesty; She is far above what I can say, but it is an antecedent to the following disquisition.

And as this of Her care of us, and zeal for us, is evident, so it is no less true, that the Queen sits higher than we do, or ought to do on this Throne, as She does also on the Throne of her other Dominions. And farther, we know, that She is one of the Heads and highly Sanctus, in all the great Confederacy; wherein Her Majesty is, if not the Chief, yet a Principal, and from this both reason and discretion oblige us to conclude that She will be very much faster, and more clearly into the actions, designs and practices of Her and our Enemies, and in the conduct, and in what directs and moves our allies than is possible for us to do; who both stand lower, and are hindered in our energies within narrower spheres: Therefore, as in all matters, so especially in points of fact, we are bound to rely on her information and her judgment more than on our own, since what we can but conjecture, is obvious to her certain knowledge; and if we should fall (as I confidently hope we will not) into the indifference, to oppose our conjectures to her knowledge, that could not miss of dire effects, and readily meet with losses to our selves.

Her Majesties Royal Letter, My Lord Commissioner his Grace, and my Lord Chancellor have plainly laid before us matters of great importance; Her Majesty is very express in what She proposes, her reason and attachment is as plain and express as the confusion; I hope the two motives I gave for believing, and consequently for obeying her Majesty are also plain and concluding.

My Lord Chancellor, the honour of being her Majesties Secretary, obliges me to oblige and remove as asperion on the Queens Majesties candor & honour (if any such information be made) which is, that some would persuade others to believe that the Queen has a secret will in the affair now before us, contrary to her express Will, revealed and declared by Her in her Royal Letter. My Lord, I am persuaded She does hate that poison in Theology, and I am certain She does so in her Politics; and the reason of my certainty in this, is, that Her Majesty did command me, and I think her other Servants, expressly to assure this House, that nothing in her Service could please her better than if they should believe and obey Her in what she proposes in her Letter; and nothing can displease Her more than to do otherwise.

My Lord, both old customs and good manners oblige us to begin with her Majesties Letter, and in its method, if my soul and duty on this subject have drawn me in to speak more than I intended, or perhaps needed, I beg the House's pardon; but since my hand is in, and that I neither like nor love to speak oft, I shall only add my earnest and humble wish for these two things, 1st That the Orders of the House may be strictly observed, for by that much those will be saved, and many inconveniences prevented; and the not doing of this will disgrace this great Court. The second is, that we may redouble one another with kindness and civility, let our force fall on the subject which we oppose, or the measure which we reject, and by no means on one another persons: Would to God we were always unanimous, but that seldom, if ever, was in so numerous a Court, or Council; But when we differ, will we argue the better by our being angry? No.

Impossi in animis.

Will we convert others to well by making them angry, as by a mask conceals in arguing? Does spite add force to reason? or does it produce that content which we endeavour to obtain? No, for our own sakes, and for the honour of our reasonings, let us argue and reply with calmness. I have oft regretted to see good reasoning lost, or at least ineffectual in great measure by the heat in arguing, and I will say, it was a pity, for the Members of great Courts etc where may, in the opinion of many, speak better language than those of this do; yet they do not speak better facts. And besides their motives to calm reasoning, this ought to determine us all against it, to wit, That neither our best, nor our self-pleasing arguments, are what will determine any debate. The Law of Order, the Constitution, Statutes, and necessity, gives the faculty of concluding to the whole of this House; and all we can say must be submitted to what this whole House will approve, or to what the major part will agree in; And therefore, much reasoning and all heats, will, on many accounts, be profitably forborn. I conclude with this assertion, which I think evident without dispute, that, as the Union of Britain is apparently its greatest political good; so, as certainly, and by the infallible rule of contraries, a division of Britain is its greatest evil. And then, it is a necessary consequence, who ever is not for the Union of Britain may be concluded an Enemy to it.

Concordia crescat, Discordia res dissolvatur.]

THE Act and Orders to be observed in the Parliament house read and copies thereof ordained to be affixed on the doors and other places according to custom. And the Lord Chancellor did intimate to the members to put the said orders to execution as they would be enforceable.

THE double elections of the Laird of Falgoun and Patrick Macleod of Cambochie for the Stewardry of Kirkcubright in place of the deceased Murry of Bruchton appeared to be heard the next meeting of Parliament.

ACT Adjourning the former Session to the first of November next read and put to the vote Mark a first reading or Not, and Carried in the affirmative.

THE Lord Chancellor by order of My Lord High Commissioner Adjourned the Parliament till Thursday next at ten a clock.

SEAFIELD Chancellor. L. P. D. P.

July 13, 1794.

PRAYERS said Rolls called.

MINUTE of the last Session read.

THE Lord Duffin who was absent the last Session of Parliament took the oath of allegiance and subscribed the same with the assent and took the oath of Parliament.

THE Laird of Cavers renewed his protestation made the last Session of Parliament against the calling any other of the barons representing the Shyre of Renfrew before him be being the most ancient baron and returned first in the commissions.

Sir James Paulin of Collingwood one of the Commissioners for the barons of the shyre of Edinburgh newly elected in place of Sir James Primrose new presented to be Vicount of Primrose took the oath of allegiance and signed the same with the assent and took the oath of Parliament.

John Forbes of Culloden Commissioner elected for the shyre of Nairn in place of the deceased Duncan Forbes of Culloden took the oath of allegiance and subscribed the same with the assent and took the oath of Parliament.

ACT Adjourning the Summer Session to the first of November next read for the second time and voted and approved And then touched with the scepter by Her Majesties Commissioner in the usual manner.

THE double Elections for the Stewardry of Kirkcubright called and a petition from some of the freeholders read moving to be heard against both the competing Commissioners and upon the illegality & unreasonableness of the informations made by the Stewart dispute with the protest taken by Murry of Burnhead and the parties and their procurators being heard It was put to the vote Sustaine the intimation or Resist and carried Resist And Tuesday came a fortnight appointed for a new Election and a warrant granted for the same to the Stewart dispute there consisting to convene the freeholders and barons for that effect.

RESOLVE proposed by the Duke of Hamilton that this Parliament will not proceed to the nominations of a faccutor until we have had a previous Treaty with England in relation to our Commerce and other Concerns with that Nation read and ordered to lye on the table And after some debate thereon It was agreed that the next dyet of Parliament they will in the first place resume the consideration of this resolve.

THE Lord Chancellor by order of Her Majesties high Commissioner Adjourned the Parliament till Monday next at ten a clock.

SEAFIELD Chancellor. L. P. D. P.

July 17, 1704.

PRAYERS said Bells called.

Sir Harry Innes younger of that ilk Commissioner elected for the shire of Elgin in place of the deceased Robert Dunbar of Grangehill did take the oath of assent and subscribed the same with the aforesaid and took the oath of Parliament.

MINUTE of the last Sederunt read.

THE Duke of Hamilton moved that the resolve given in by him might be referred unto consideration And being read after some debate thereon another resolve was presented by the Earle of Rothes and read in this tenor "Resolved that the Parliament will goe in the first place unto the considerations of such conditions and regulations of government as may be proper to rectifie our constitution and vindicate and secure the sovereignty and independencie of the Kingdome and then the Parliament will take into their consideration the resolve offered for a treaty previous to a nomination" And after debate upon both the said resolves moved that both the said resolves may be conjoynd in this manner viz. "Resolved that this Parliament will not proceed to the nominations of a factor for until we have had a previous treaty with England for regulating our commerce and other concerns with that Nation And further it is resolved that this Parliament will proceed to make such limitations and conditions of government for the rectifications of our constitution as may secure the religion liberty and independency of this Nation before they proceed to the said nominations" And after resolving thereon the quæstion was stated Proceed to the two resolves Joyntly or Separately and carried Joyntly And thereafter put to the vote Approve the two resolves Joyntly or Not and carried Approve.

MOVED by the Duke of Atholl Lord Privy Seal that her Majesty having been graciously pleased to signify by her Commissioner that the examinations of the plot should be laid before the Parliament that his Grace the Lord Commissioner would be pleased to write to her Majesty to send down the persons who were witnesses and all the papers relating to that plot as soon as possible that that affair might be examined to the bottom and those who were unjustly and falsely accused might be vindicate and those who were guilty might be punished according to their deservings.

THE Lord Chancellor declared by order of the Lord Commissioner that his grace had wrote and would again write to Her Majesty to send down the said evidences relating to the plot as soon as possible.

THEN the Lord Chancellor by order of Her Majesties Commissioner Adjourned the Parliament till Wednesday next at ten of the clock.

SEAFIELD Chancellor. I. P. D. P.

July 18, 1704.

PRAYERS said Bells called.

MINUTE of the last Sederunt read.

THE draught of one act for two months supply payable at Larches six with the draught of another act for securing free voting in Parliament presented by the Duke of Hamilton read Another draught of one act presented by the Lord Justice Clerk blank in the sense but declared by his Lordship to be for fourteen months supply payable in two years commencing from Whitunday last read and all the said acts ordered to ly on the table.

RESOLVE presented by the Duke of Hamilton "that this Parliament will proceed to make such limitations and conditions of government for the rectifications of our constitution as may secure the religion liberty and independencie of this Nation and that they will name Commissioners to treat with England for regulating commerce and other concerns with that Nation previous to all other business except one act of two months supply first of all to be granted for the present subsistence of her Majesties forces."

MOVED that the Commissioners appointed by the last Session of Parliament for inspecting the accounts of the publick funds give in their report againe the next dyet of Parliament to ly on the table that any of the members may have inspection thereof.

MOVED that there be one act brought in for securing against a popish succession.

MOVED that the Parliament may returne one answer to Her Majesties most gracious letter and the same remitted till the next dyet of Parliament.

PETITION the Earle of Sutherland and the Laird of Grant mentioning a remit from the Lords of Session and craving a warrant to cite the Lords of Treasurie and others for reapplication of the poine money read and ordered to ly on the table till the said remit from the Lords of Session to the Parliament be produced.

THE Lord Chancellor by order of the Lord High Commissioner Adjourned the Parliament till Friday next at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

July 21, 1704.

PRAYERS said Bells called.

MINUTE of the last Sederunt read.

ACT of dissolution from the Crown of the free duties of Bute and others therein mentioned in favours of James Marquis of Montrose read and the Earle of Bute craving to be heard for his interest Ordered that a first reading be made on the act and Her Majesties Advocate and the Earle of Butes procurators appointed to be heard before a second reading.

MOVED that one order for levying money in the paroch of Ormonod may be assumed as illegal and one attested double thereof being read After debate thereon the further considerations thereof delayed to the next dyet of Parliament and the Subscriber of the order and commander of the party and others concerned ordered to be cited.

[WARRANT for Citing Robert Rutherford.

HER Majesties high Commissioner and Estates of Parliamt Having Considered a Motion made in Parliamt for Continuing as illegal an Order subscribed by Robert Rutherford for levying money in the Paroch of Ormonod for benefite of trade They hereby give Order and Warrant to maces to Cite the said Robert Rutherford Subscriber of the said Order and the Commander of the party Executor thereof and all others Concerned to appear before the Parliament on Tuesday next With Certification &c.

SEAFIELD Chancellor. I. P. D. P.]

We have enquired into all the Extraordinary funds granted in the several Sessions of his Majesty King William's Parliament, as of Hearth money, Pole money and Tonnage.

We have examined the Accounts of the Admiralty, and enquired into the condition of the Kingdom in relation to Stores and Magazines.

We have listed the Arrears due to the Army as likewise all the publick Debts Which Accounts we humbly presume to lay before your Grace and Lordships in such a method as we judge may with the most ease give you a view of the Publick Management during the foresaid time.

THE FIRST ACCOUNT of Supply and Inland Excise from 24th of March 1689 to 1st May 1690 was given in by Sir James Oswald then General Receiver The Charge whereof is as follows.

CHARGE	Scots Money L ^{rs} s. d.
1 st Per a List of Rents given up by John Drummond and James Maxwell to the Sir Sir James Oswald preceeding February 1689	- 468485 18 -
2 nd Per 4 months Supply - - - -	23523 6 8
3 rd Per $\frac{1}{2}$ of a years Inland Excise from 1 st Febr ^y to 1 st Novem ^r 1689 - - - -	281905 4 -
4 th 1 st 5 months Inland Excise from 1 st Novem ^r 1689 to 1 st May 1690 - - - -	153226 10 8
5 th 1 st the Inland Excise of these Hyges and Burghs that were in Collection from 1 st Novem ^r 1689 to 1 st Novem ^r 1690 - - - -	10326 - -
	<u>1203448 19 4</u>

DISCHARGE

1 st By money paid to the forces - - - -	1045873 2 -
2 nd By $\frac{1}{2}$ of a years Deficiency of Inland Excise in Argyleshire - - - -	3994 4 -
3 rd By Exemptions of Mortified Lands and of thair belonging to the Lords of the Session - - - -	4864 13 4
4 th By the Accountants Salary - - - -	5000 - -
5 th By Rents of Inland Excise and Supply - - - -	155208 13 -
6 th Balance due by the Accountant - - - -	9346 2 -
	<u>1205448 19 4</u>

OBSERVATIONS upon this Account

1st That the Rents given up by John Drummond and James Maxwell extending to the sum of L^{rs} 468485: 18 as above were paid in, But the Account was never filed before the Lords of the Treasury Yet the sum was audited by Lords Auditors and a balance found resting to them of L^{rs} 2450: 1.

2nd That ther was paid to the Duke of Hamilton and the Earle of Melvill his Majesties Commissioners to the Parliament, To their Attendants And for necessary to the Secretary's Office L^{rs} 89109 as p the Treasury's Accounts and the Minutes of our Committee dated the 19 October 1703.

3rd That the sum of L^{rs} 1800 was paid Sir Alex^r Bruce of Broochall for services done But we could not come to the knowledge of what these were.

4th That the sum of L^{rs} 16558 : 4 was paid for provisions to the English forces.

5th That the sum of L^{rs} 1740 was paid to the Earle of Leven and Town of Montrose for levying Summs to the English service.

6th That the $\frac{1}{2}$ of a years deficiency of Inland Excise by the Hyge of Argyle as is mentioned in the Discharge was remitted to the heritors of that Hyge by a Letter from the King.

7th That all the other Articles of the Discharge are fully instructed.

8th That the 5th and 6th Articles of the Discharge are carried to the subsequent account.

THE SECOND ACCOUNT of Supply and Inland Excise from the first of May 1690 to the 1st of February 1691 was given in by Sir James Oswald and James Dunlop then General Receivers.

CHARGE

1 st Per ye Rents of Supply and Inland Excise as p preceeding account - - - -	155208 13 -
2 nd By Balance of the forfild account selling by the said Sir James - - - -	5643 2 -
3 rd By 2 months Cuts - - - -	877056 18 4
4 th By 3 months Cuts more - - - -	216000 - -
5 th By 9 months Inland Excise from 1 st May 1690 to 1 st Febr ^y 1691 - - - -	220158 8 -
6 th By the Inland Excise of severall Hyges under Collection from 1 st May 1690 to 1 st February 1691 - - - -	87380 16 8
7 th By money remitted from England for the service of the English forces then in Scotland - - - -	48000 - -
8 th Balance due to the Accountants - - - -	31420 13 -
	<u>1205548 6 -</u>

DISCHARGE

1 st By Cash paid to the forces and otherways by the Treasury's Orders - - - -	£861735 4 6
2 nd By allowances to Charles Murray of Hadden and Young of Leary - - - -	16854 - -
3 rd By allowances to the Collectors of Inland Excise in Aberdeenshyre - - - -	829 11 4
4 th By Provisions furnished to the forces - - - -	238809 6 4
5 th By payments allowances and rents as p particular account - - - -	136969 1 4
6 th By the Inland Excise of Argyleshyre - - - -	14471 2 6
7 th By the Accountants Salaries as General Receivers and Commissioners of the army - - - -	12300 - -
	<u>1205548 6 -</u>

OBSERVATIONS on this Account

1st That ther was paid to the Earle of Melvill his Majesties Commissioner to the third Session of Parliament and to Sir William Lockhart collector L^{rs} 65063: 18.

2nd That the fourth Article of the Discharge is instructed by a particular account But we find many articles in the said account overcharged.

3^d That there were allowances given to the Collectors of the Supply for L^{ts} 46580 By his Majesties Letters to the Treasury.

4th That there was resting by *fool's* flyers of their Cels and Escaye the fees of L^{ts} 78152 which was never carried to any subsequent account.

5th That the 3 months Cels imposed by the second act of the 2^d Session of Parliament E. W. & Q. M. was not applied according to the design for which it was granted viz. for payment of the debts due to the Country and the arrears to the army.

6th That the Accountants in their Charge have omitted to state the fractions of Cels being L^{ts} 400.

7th That the Balance of L^{ts} 51469 : 13 was resting to Sir James Oswald and James Dunlop. But we find that afterwards they received L^{ts} 28633 : 1 Whereby there is still resting to them of the said Balance the sum of L^{ts} 22836 : 11 : 9.

THE THIRD ACCOUNT of Supply and Inland Escaye from 1st Feb^r 1691 to the 1st of Feb^r 1692 was given in by Sir George Hamilton and Sir Robert Anstruther General Receivers.

CHARGE	Scots money L ^{ts} s. d.
1 st For 3 months supply - - - -	350055 18 -
2 nd For Inland Escaye from 1 st Feb ^r 1691 to 1 st Feb ^r 1692 - - - -	525055 12 -
3 rd For the Inland Escaye which was in Collection from 1 st Feb ^r to 1 st Nov ^r 1691 - - -	14867 5 -
	<u>704629 5 -</u>

DISCHARGE

1 st By Subsidies to the forces from 1 st Feb ^r 1692 to 1 st Jan ^r 1692 - - - -	575894 16 -
2 nd Per his Majesties Warrants - - - -	54890 - -
3 rd Per the Treasury Warrants - - - -	28530 7 -
4 th Per Deficits - - - -	65457 5 -
5 th Per Expenses for Charles Murray's Suspension - - -	180 - -
6 th Per interest of £11411 : 13 : 1 dec. - - -	1540 9 -
7 th Balance due by the Accountants - - -	225 11 -
	<u>704629 5 -</u>

OBSERVATIONS on this Account

1st That the 5th and 6th Articles of the Discharge should not have been allowed.

2nd That the 4th and 7th Articles are carried to the subsequent accounts.

3rd That all the other Articles of this Discharge are sufficiently instructed.

THE FOURTH ACCOUNT of Supply & Inland Escaye from 1st February 1692 to the 1st of May 1693 was given in by Sir George Hamilton and Sir Robert Anstruther.

CHARGE

1 st Per Supply and Escaye resting in February 1692 - - - -	68437 5 -
2 nd Per Balance of the preceding account - - -	218 16 -
3 rd Per Inland Escaye resting by Bond - - -	112 7 -

4 th Per 24 months Supply at Cardenas's 1692 - - -	186035 6 -
5 th Per 24 months Supply at Larches 1692 - - -	180353 6 -
6 th Per 24 months Supply at Cardenas's 1693 - - -	180358 6 -
7 th Per 15 months Inland Escaye - - -	455000 - -
	<u>1657788 6 -</u>

DISCHARGE

1 st By money paid to the forces and otherways - - -	1007488 15 -
2 nd By rents of Supply and Inland Escaye - - -	49447 8 -
3 rd By Balance due by the Accountants - - -	502 9 -
	<u>1057785 6 -</u>

OBSERVATIONS upon this Account

1st That there was paid in to the Duke of Hamilton his Majesties Commissioner to the Parliament 1692 the sum of L^{ts} 18000.

2nd That the Accountants were allowed L^{ts} 189 of postage for advancing the 61 foin.

3rd That the Accountants had an allowance of L^{ts} 1800 as postage of L^{ts} 72000 paid to Bailie Brand for arms notwithstanding that by their Contract with the Treasury they were to have postage only for what they advanced for the use of the forces.

4th That the Accountants had an allowance of L^{ts} 600 for expediting their Commission as Commissioners of the Army.

5th That the Accountants had L^{ts} 240 allowed them for sending posts through the Country to stop the giving of Corn and Straw to the Troops that they had considerable Gallies for that effect.

6th The above-mentioned sum of rents being L^{ts} 49447 : 2 was never carried to any subsequent account. Only the Lords of the Treasury allowed Sir George Hamilton to collect the fees of L^{ts} 90478 : 10 But there was never one stated account for the said Rents.

7th That the fiscal Balance of L^{ts} 502 : 9 was deposited by the Accountants in the hands of Sir Thomas Moncrief but never accounted for.

THE FIFTH ACCOUNT of Supply and Inland Escaye from the 1st of May 1693 to the 1st of October 1693 was given in by Sir James Oswald and Sir Alexander Bruce General Receivers.

CHARGE

1 st For 18 months Supply - - - -	1898400 - -
2 nd For 23 months Inland Additional Escaye - - -	560000 - -
3 rd For 28 Months Inland Annexed Escaye - - -	840000 - -
4 th For Levy Money for 1620 foot soldiers - - -	28300 - -
5 th For the Inland Escaye of the flyer of Argyle from 1 st Novem ^r 1692 to 1 st November 1694 - - -	5082 11 -
	<u>3277882 11 -</u>

DISCHARGE

1 st For Payments made to the forces and otherways - - - -	2212507 9 -
2 nd For Extraneous precepts - - - -	861307 10 -
3 rd For Rents of Supply and Escaye - - -	115387 6 -
4 th Balance due by the Accountants - - -	37540 6 -
	<u>3277882 11 -</u>

OBSERVATIONS on this Account

1st That ther was given to the Duke of Hamilton and the Marquis of Tweeddale his Majesties Comissioners to the Parliament 1695 and 1695 lb 47400.

2^d That ther was the sum of lb 86032 put in the hands of Sir Thomas Morrice (in which is included the 902: 9 as the balance of ye 4th account) who discharged himself of a palet thereof viz. of lb 30509: 6 applied for the payment of arrears to some officers by the King's and Treasury's warrants But the remainder viz. lb 55122: 15 was wholly exhausted by fees and pensions to the Civil List.

3^d That ther was given to Captain W^m Arskine lb 2235 over and above what was due to him of a bargain of Arms.

4th That ther was p^d out by the Lords of the Treasury upon my Lord Neill Campbell's account lb 1318: 4 over and above what was due to him as Governor of Dumbarton Castle.

5th That ther was a Balance of lb 26714: 10 charged upon Boyle of Kilmarnock new Earle of Glasgow and his partners as the remainder of their tack duty of Inland Additional Keyes. But we have found this cleared by a posterior acct as p the Committee minute 18 January 1704.

6th That ther was a Balance resting by Sir Thomas Kennedy of his tack duty of the Inland additional Keyes amounting to lb 80750 But the same is cleared by a posterior account as p the Committee's minute 18 January 1704. In this account of Sir Thomas Kennedy's we observe that ther was given to him an abatement of his tack duty of lb 8000. 2^d That ther was an allowance given to the Dyce of Argyle of lb 20414: 16. 3^d That ther was a fee given to Sir Thomas for lb 28500 until the determination of two processes before the Lords of the Session. 4th That when these processes are ended Sir Thomas will have lb 28464 to pay in to the Treasury. 5th Ther was also in this account lb 12960 given to Sir Alex^r Bruce of Broomhall.

7th Upon the said 2^d Account We Observe That the Accountants ought an allowance of lb 6900: 7 as the paymange of lb 243140: 7 which should not have been allowed paymange being only due according to their Contract out of the precepts drawn for the forces.

8th That the Balance of the Account viz. lb 37540: 6 was resting by the Accountants together lykewyse with lb 19000 more received from Sir Thomas Kennedy which they charge themselves with being in all lb 46540: 12 But that afterwards by a posterior account they had cleared themselves of lb 34359: 4 So that ther remains still a Balance due by them of lb 12140: 8 as p the Committee's minute 18 January 1704.

In the said posterior account given in by Sir Alex^r Bruce of Broomhall we find that ther was lb 56144 lent to the Duke of Queensberry and that his Grace's bond lyes still in the Treasury for the same.

The Charge and Discharge of Sir Alex^r Bruce's account has been examined but not filed in the Treasury.

THE SIXTH ACCOUNT of Supply and Inland Escayes from 1st October 1694 to 1st May 1697 was given in by Sir James Oswald and James Dunlop General Receivers.

CHARGE

1 st P ^r 6 months supply	- - - -	452198	14	-
2 ^d P ^r 3 months supply	- - - -	216099	6	-
3 ^d P ^r 4 months supply	- - - -	238188	8	-
4 th P ^r 22½ months Inland Escayes	- - - -	969900	-	-
5 th Balance due to the Accountants	- - - -	10823	11	-
		<u>1961911</u>	<u>19</u>	<u>-</u>

DISCHARGE

1 st By payments made to the forces and other-wise	- - - - -	1270846	-	-
2 ^d By money paid to the Master master	- - - - -	4738	-	-
3 ^d By Extraneous precepts	- - - - -	6739	6	-
4 th By a part of the Tack duty of the Keyes detained by my Lord Belhaven and his partners extending to	- - - - -	273346	13	-
		<u>1961911</u>	<u>19</u>	<u>-</u>

OBSERVATIONS on this Account

1st That ther was the sum of lb 21000 given to the Laird of Jarvievaod then receiver of his Majesties Rents to enable him to pay a precept drawn by the Lords of the Treasury for the School of the Earle of Tullibardin His Majesties High Commis-sioner to the Parliament 1695.

2^d That ther was lent to ye late Duke of Argyle lb 9437: 4 for which his Grace's bond is still lying in the Treasury.

3^d That ther was given to Col^lonel Hamilton lb 2400 as a reward for his raising recruits in this Kingdom for the English Service.

4th That ther was given to Sir Archibald Murray of Blackburne lb 7332 for Repairing the Castle of Edinburgh. The accounts wherof were to be given in to the Treasury with an attestation from my Lord Leven showing that the sum of lb 2600 of the said lb 7332 had been profitably expended in Reparations But we have seen no such attestation though Blackburne has instructed that all the money he received was exhausted by payments made to workmen and others.

5th That ther was lent to Col^lonel Hamilton for raising Recruits lb 586 for which his bond lyes in the Treasury.

6th That ther was an allowance of lb 21680 given to the Accountants for Stabling 2 Regiments of Dragoons for 2 months which sum includes 18d. p diem more for every horse than they had agreed upon with the Treasury.

7th That ther was an allowance given to the accountants of lb 1200 for the loss of a Bark tho the article was not instructed.

8th That ther was an allowance given to them of lb 4716: 15 as his Majesties part of Supply in Orkney and Zetland tho the article was not instructed.

9th That ther was an allowance given to them of lb 57770 for Stabling the horse guards whilst upon the English Establishments.

10th That the fourth article of the Discharge is not fully cleared by my Lord Belhaven and his partners except as to the sum of lb 37379 given down by the Lords of ye Treasury upon the account of legal allowances But as to the remainder we are of opinion that the ther was an act of Parliament in his Lordships favours yet he is therly only stated in a Compt and reckoning with the Treasury.

11th That the Accountants in their Charge have omitted the Fractions of Cels which amounts to lb 1500: 6.

This Account was filed in the Treasury the 7th of March 1699.

THE SEVENTH ACCOUNT of Supply and Inland Excise from the first of May 1697 to the 1st of May 1699 was given in by Sir George Hamilton and partners.

CHARGE

1 st 1 st 18 months supply	-	-	-	1696000	-	-
2 nd 1 st 12 months Inland Excise at 4d p pint	384000	-	-			
3 rd 1 st 18 months Inland Excise at 6d p pint	699600	-	-			
4 th From Private House and partners	-	-	60000	-		
			2339600	-		

DISCHARGE

1 st 1 st Payments made to the forces and the Admiralty	-	-	-	960000	7	-
2 nd 1 st Extraneous precepts	-	-	-	167904	7	-
3 rd 1 st Rents of Inland Excise and abatement as p accounts	-	-	-	74158	6	-
4 th Balance due by the Accountants	-	-	840	-		
			2298500	-		

OBSERVATIONS upon this Account

1st That there was £48600 paid to the Admiralty for procuring Ships of War and clearing the houses notwithstanding that the Fole 1695 was wholly appropriated for that end.

2nd That the Accountants had an allowance of £6152 for foraging the horse guards during the fitting of the Parliament in which from there is included 159 p diem for each horse more than what they had agreed upon with the Treasury so that they had 18 p for each horse p diem.

3rd That they had also an allowance of £6544: 30 for foraging the said Guards from 1st of September 1696 to 15th October thereafter.

4th That there was an allowance given to the Accountants of £4000 for foraging some horses over and above the number they had agreed upon with the Treasury the number of horses nor the time they were foraged is instructed.

5th That there was £12000 lent to the Duke of Queensberry for 6th his Graces bond lies in the Treasury so that his Grace is in all £2 to the publick for £42144.

6th That there was an abatement of £518000 given to the tackmen of the 4d. excise upon the pint anno 1698.

7th There was given up in the Discharge £56104: 5 rising of supply & excise by several Shyres and Burghs But there is only £28504 carried to any subsequent account So that £28104: 5 is still resting by the tackmen of the Excise and others.

8th That there was an abatement of £56000 given to the tackmen of the 6d. excise upon the pint anno 1696.

9th That the Accountants in their Charge have omitted the fractions of supply that make the sum of £2400 still resting by them.

This Account was fitted and discharged to the Accountants by the Treasury upon the 20th of February 1700.

THE EIGHT ACCOUNT of Supply and Inland Excise from the 1st of May 1699 to the 1st of May 1701 was given in by Sir George Innes and partners.

CHARGE

1 st 1 st 14 months Supply	-	-	-	1008000	-	-
2 nd 1 st 9 years Inland Excise	-	-	-	616000	-	-
3 rd 1 st Rents of Excise as p preceding account given in to the Accountants by Sir George Hamilton and Fergussen	-	-	-	35000	-	-
4 th 1 st Balance resting by Sir George Hamilton			2004	-		
5 th Balance due to the Accountants	-	-	19608	11	-	
			1678608	11	-	

DISCHARGE

1 st 1 st Payments made to the forces accounting to	-	-	-	1647860	10	-
2 nd 1 st Extraneous precepts	-	-	-	28538	8	-
3 rd 1 st Exemptions of Supply	-	-	-	2800	15	-
			1678608	11	-	

OBSERVATIONS upon this Account

1st That the Accountants have charged themselves with no more of the Excise than they received viz. £616000 But the Excise being at that time farmed by Hallie Menzies for £640000 p annum there is resting by him to make up the complete tack duty for two years £634000 as p the Committee's minute 25 January 1704 where are inserted the reasons of the Deficiency.

2nd That there was given to the late Dr of Acadie for private Intelligence £582.

3rd Lykenyde to Major General Ramsay for private Intelligence £51800.

4th To the Accountants £12360: 16 for foraging the horses belonging to the troop of Guards from 15th May to 20th September 1700 In which from there is included 15 p diem more than they had agreed upon with the Treasury.

5th That the Accountants had an allowance of £569: 3 upon the account of the diminution of the goats of Cofs in Perthshire which they should not have had because the diminution of the valuation of Perthshire increased that of Fife and Kinross.

6th That the Accountants in their charge omitted the fractions of Cofs which amount to £1840.

This Account was fitted and discharged to the Accountants upon the 3rd of March 1702.

GENERAL OBSERVATIONS upon the Fonds of Supply & Excise from the year 1699 to the year 1701.

1st That there was granted in the first Session of King William's Parliament during the said Interval 38 months Cofs which extends to £8396000 But that some Shyres and Burghs had their Quotas thereof remitted to them by his Majesties warrants.

2nd That the Tack Duties and Collections of Excise did amount to £2463858: 14: 8 But this sum was not all brought in to the Treasury, by reason of Deficiency allowances and abatements.

3rd That the said Deficiency allowances and abatements which are mentioned in our Observations extend to £2756003: 2 Besides many others which we puffed over because pretended to as

legall allowances and deductions upon the account of Manufactories Castles and Garrison &c.

4th That the frequency of granting statements to Tacklers of the Exchequer did give great encouragement for overbidding in rans, which we leave to the Effects of Parliament to determine whether or not this tended to the oppression of the Ledges.

5th That the sums mentioned in our Observations as given upon the account of provisions to the English forces and for raising recruits to their service extending to 18 88468 : 4 is over and above the 45000 remitted from England we having found the said sum expended for their behalf as p the Thefnrie accounts.

6th That the fault found given to his Majesties High Commissioner and others of the Civil List from 1690 to the 1695 extend to 18 10060 : 18 But we leave it to the honorable Estates of Parliament to Consider how far these can be called misapplications since there was no direct appropriation of the Exchequer for the use of the army until the Parliament 1695 for first that time we find nothing advanced for the behalf of the Civil List except the sum mentioned in our first observation upon the said account which is repaid in pt of a balance due to Sir James Oswald and James Dunlop in the second account.

May it Please your Grace and Lordships

Having laid before your Lordships all the accounts of Supply and Island Exchequer from the 11th of Apryle 1689 to the 6th of May 1701 we beg leave to represent that here we are obliged to close our report as to these funds By reason the books of accounts and other instructions relating to the supply and exchequer from the first of May 1701 to this present time are still in the hands of the General Receivers and Commissioners of the army and not as yet stated before the Right Honourable the Lords of the Treasury But we acquaint your Lordships that we have given all necessary orders to the said these books and instructions may be in readiness to be laid before you so soon as it is your pleasure to call for them and in the meantime we proceed to give your Grace and Lordships an account of the extraordinary funds as the Hearth money Pole money and Tunnage after the same method we observed in the Supply and Exchequer.

ACCOUNT of the Hearth Money.

The first extraordinary fund granted since the 11th of Apryle 1689 was the Hearth money by Parliament K. W. and Q. M. session 2^d act 8th Which fund was by the said act directly appropriated for paying the Debts due to the Country and the arrears to the Army being 540 for each parish in the Kingdom to be paid in at Candlemas 1691 without exception or exemption of any but the hearths of Hospitals and of such poor as lived upon the charity of the parishes. For the bringing in thereof Mr James Melvill of Calsingray was made principal Collector with power to him to name his subcollectors for whole intermissions he should be lyable as p his bond as priest and the Earl of Leven as Caise lying in the Treasury.

The CHARGE of the Hearth Money

1st By payments made to him and his Subcollectors from Several Byrns as p particular account

151921 8 =

DISCHARGE

1st By payments made by him to the forces upon the Treasurers precepts as p above

137533 9 =

2nd By the Subcollectors Salaries conform to the Lords of the Treasurers Establishment

7008 3 =

3rd Balance due by Calsingray

7979 16 =

151921 8 =

OBSERVATIONS on the Hearth Money.

1st That Calsingray in his Accounts has stated 8677 hearths belonging to Hospitals and poor people living on charity, as to which there can be no objections these being excepted in the Act.

2nd That he has stated 12587 hearths deficient in their payments But over and above that number there was a whole parish deficient in the Byre of Aik. The whole lands pertaining to the parish of Murray. The whole lands pertaining to Grant of Bishes. The whole lands pertaining to the Lord of Calder. The whole parish of Clack. The whole lands pertaining to the Laird of Dunnagallo. Lykenwyle the houses of Rothelay Kinross Leidingston and Pickle.

3rd That he has omitted to state the charge of hearths in the Byres following viz. Dundee Kinross Rofs Cromarie Nairn Elgin and the shewards of Orkney and Zeland But acknowledges to have received 18 6430 : 3 in point of the hearth money of the Byres of Rofs Dundee Elgin Nairn Cromarie Orkney and Zeland. The subcollectors of these Byres not having given in their Books nor depozed upon the same.

4th That after he had stated his account with the Treasury the subcollector of Elgin and Nairn gave in his Books to the Treasury wherein he makes the number of the hearths of that Byre to extend to 8146 hearths Lykenwyle that the subcollector of Kinross gave in his books wherein the hearths of that Byre extend to 2038 But did not depose upon the verity of his list nor never counted with the Treasury.

5th That there was no books produced by the subcollectors of the Byres of Dundee Rofs Cromarie Orkney and Zeland.

6th That of the sum of 18 137533 : 9 mentioned in Calsingrays Discharge there was 18 106001 : 9 applied for payment of the arrears due to the forces whereas by the act of Parliament it should have been applied for payment of debts due by the army to the Country in the first place. Lykenwyle out of the forced 18 137533 : 9 we find the sum of 18 88458 paid for satisfying the forces then funding which we hastily conceive was employed also by the Lords of the Treasury contrary to the design of the act.

7th That the Balance of 18 7979 : 16 mentioned in the Discharge was paid up, or at least that there were precepts drawn upon Calsingray for the same we having seen these precepts marked in the Thefnrie books. But because sufficient documents were not produced for instructing that the persons to whom the Balance was payable had received the same Therefore we allowed the Earle of Leven a Diligence for recovering any writs that were wanting to instruct the said payments as also to bring in all the Collectors who had not depozed upon the verity of their books nor counted for their intermissions.

ACCOUNT of the Pole Money 1695.

By the Parliament 1695 Act 9. Pole money was granted for paying the Debts due to the Country and arrears to the Army from the 1st of Novemb^r 1689 to the first of February 1691 and strictly appropriated for that end.

The Lords of the Treasury set the same in Tack to my Lord Rofs Sir John Cochran of Ochilvie Sir Robert Stewart of Allenbank Sir George Hamilton of Barrinton Sir James Oswald of Fingelstan Baillie James Graham William Connalson of Brownhill and James Dunlop Collector being 3 principal tackmen bound to the publick in solidum for a Tack Duty of 18 88000 payable at two terms viz. at Candlemas and Whitsunday 1695.

These 8 principal Tacksmen were afterwards joyned wth 14 copartners being in all 22 tacksmen and accordingly they proceeded in the management of the Pole But because of the difficulties occurred as then in the taking thereof the Estates of Parliament anno 1695 Act 31, thought fit to turn the tack into a Collection so that the said 22 tacksmen became thereafter lyable only as Collectors and accountable for their intrusions. In the same act the Parliament appointed Commissioners to determine in all things relative to this Pole whereupon the said Commissioners according to a power given them did set the Pole in tack a second time to my Lord Selkirk the Laird of Grant Sir John Houston of that ilk and Sir Robert Dickson of Sornberg for a Tack duty of £8 500000 whereof the Laird of Jerviswood is made General Receiver.

The said Commissioners after they had ordered full payments to be made to the Country they reported their proceedings to the Parliament 1698. Whereupon it was resolved back to them to judge in all the difficulties they had found during their Commission with a Parliamentary power But matters not being fully ended by then there was a new Commission appointed by the Parliament 1704 and instructed likewise with the same power. The Lords and others of the second Commission thought fit to break the second Tack of the Pole and turn it again into a Collection the 22 abovesmentioned tacksmen being still lyable as Collectors.

CHARGE of the Pole money 1695 upon the Collectors

Collected of pole money by the said Collectors	291376	£	-
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DISCHARGE

1 st Paid in to Jerviswood General Receiver	-	223705	10	-
2 ^d Allowed to Collectors for their Expenses by the second Commission of Parliament	-	18000	-	-
Balance due by the Collectors	-	-	58679	16
	291376	£	-	

OBSERVATIONS on the Pole 1695

1st That the breaking the second Tack of the Pole was an act to the Nation but a loss to the Army.

2^d That the said sum of £8 223705: 10 paid in to Jerviswood was duly counted for by him being exhausted upon precepts from the Thesaurer and the first Commission of Parliament except as to £5 4550: 6 still in his hands.

3^d That the Country looking upon what was owing by the army to be a desperate debt such disadvantageous transactions were made as the half of what was owing came to be lost, besides several sums are yet owing to the Country which are neither paid nor transacted.

4th That the Balance due by the Collectors viz. £5 58679: 16 was by the second Commission of Parliament ordered to be put in the hands of Archibald Houston their Clerk and now by our order transferred to Walter Biddel our Clerk which at present is the only fund remaining for payment of the arrears due to the army from the first of November 1689 to the 1st of February 1691.

May it please your Grace and Lordships

We humbly Represent that the we are invested with a parliamentary power to divide the said Balance yet finding several difficulties in the Dividend we must apply to your Lordships for advice to determine after what manner it must be done And for the more ease to your Lordships or any other Commissioners whom you shall appoint We presume to acquaint you that there are schemes of a Dividend in the custody of our Clerk which when Considered by your Lordships we hope will give some light in this matter.

ACCOUNT of the Pole 1695.

This Pole was granted by the Parliament 1695 for providing ships of war and maintaining them for the defence of the Coast with a complete number of land forces After this Pole had been in Collection for a year the Lords of the Treasury let the same in tack to John Campbell of Knockinch principal tacksmen and to Hugh Cunningham and others his partners for the sum of £8 275000.

CHARGE of the Pole 1695.

1 st The Tack duty of the Pole	-	-	-	£8 275000	-
Balance due to the tacksmen and partners				16350	-
				291350	-

DISCHARGE of the Pole 1695.

1 st By Cash given in to the Admiralty	-	-	237120	-
2 ^d By 7 p ^{cs} allowed Sir James Oswald for collecting £8 175000	-	-	-	12064
3 ^d By the Embezzlements of Collectors	-	-	-	16596
4 th By the Quadruples of the Pole of the army	-	-	-	17760
5 th By the Pole of the Episcopall Clergy	-	-	-	6000
6 th By allowances to Collectors	-	-	-	2400
7 th By Loss of money cryed down	-	-	-	250
				256380

OBSERVATIONS on the Pole 1695.

1st That the third Article viz. the Embezzlements of Collectors is not intimated, and supposing it were, yet we are of opinion the tacksmen and his partners were bound to the publick for the whole tack duty tho the whole Collections had been embezzled.

2^d That the Quadruples of the army should not be allowed since their pay was in the hands of the Commissioners and since the Treasury must be considered as the common debtor.

3^d That there should be no allowance for the Pole of the Episcopall Clergy unless their number were instructed considering that none but the Episcopall ministers in Edinburgh were excepted all other ministers being liable in their Pole as Gentlemen.

4th The £8 2400 mentioned in the Sixth Article of the Discharge was not instructed except alterly the sum of £8 200.

5th That this Pole having been for a long time under Collection has occasioned a considerable loss in the interest.

6th That whereas the tacksmen pretend to a Balance of £8 16350 as is mentioned in the Charge, they will be indebted to the publick in £8 25376 until the said Observations be cleared, which will appear more clearly by our Minute 11th Feb^r 1704 and by the Minute of our Committee 17 Decem^r 1703 and these of the 1st January 1704.

ACCOUNT of the Pole Money 1698.

Two Poles were granted by the Parliament 1698 for clearing the arrears due to the land and sea officers as likewise to the forces belonging to the ships of war, with preference to those to whom any clashing money was due before 1691.

The said two Poles were set in task by the Lords of the Treasury and Exchequer to William Cochran of Fergulise and his Co-assistants for a Task Dewty of lb 241200.

CHARGE of the Pole 1698.

For the Task Dewty - - - - - 845000 - -

DISCHARGE

1st P^y Payments made upon precepts from the Treasury - - - - - 135628 16 -

2^d P^y Payments made to the summen in part of their arrears - - - - - 9500 - -

3^d Balance due by Fergulise - - - - - 38077 4 -
811990 - -

OBSERVATIONS on the Account of the Pole 1698.

1st That the first Article was fully instructed and applied to the aids and uses for which the said Poles were granted but no preference given upon account of the cloathing moneys.

2^d That the Fergulise does Discharge himself of the sum of lb 9000 paid to summen yet by examining his accounts we find not above lb 7200 had been paid to them which he being questioned upon, acknowledged that because he had obliged himself to pay up the remainder, he had inserted that Article in his Discharge.

3^d That said Complaints were made upon Fergulise by the summen as having obliged many of them to grant recruits for the whole of their arrears whereas they received but the half.

4th That the Balance of Fergulise's account viz. lb 38077 4 is still resting by him but in order to his exoneration there was a Memorial given in by him now in our clerks hands wherein he represents his grievances and the reasons of his deficiency.

ACCOUNT of the Tonnage.

By an unprinted act since 1695 there was 160 imposed upon each tun of foreign ships trading in this Kingdom and 40 Scots on the tun of each Scots ship above 12 tons burden.

This Imposition commenced the 1st of August 1695 being appropriated for carrying on an account of the ancient and present state of this Kingdom and a Geographical description thereof by Captain Sleser and John Adair and was to be supplied by the Collectors of the Customs who were made liable for their Omissions as well as their Intrusions.

Upon the 1st of Septem^r 1698 the Parliament did by a new Act reduce the Imposition of 160 p tun on foreign ships to 80 Scots p tun for encouraging those who would export Coal and raised the forlaid Imposition to 260 p tun to be exacted from all other foreign ships arriving in this Kingdom upon the account of any other trade.

This new Imposition with the above mentioned 40 on our own shipping was continued 5 years to be applied for keeping up the three frigates belonging to the Government and for maintaining a Professor of Law at Edinb^g in so far as there should be an Overplus in the Tonnage more than what should be found due to John Adair & Cap^t Sleser.

CHARGE of the Tonnage upon the Collectors from 1st August 1695 to 1st Febr^y 1698

By Collections - - - - - 81530 - -

DISCHARGE

For printing pressen types paper and other charges for promoting the Geographical Description of this Kingdom by John Adair - - - - - 12840 - -

To Cap^t Sleser - - - - - 4800 - -

To Sir Archibald Saintclair and Hugh Brown - 8500 - -

Balance resting by the Collectors - - - - - 300 - -

81190 - -

This is the best account we can give your Lordships of the Tonnage until the year 1698 for the nothing has been wanting in our part to the making up of a more exact charge upon the Collectors by considering the Report books belonging to the feild Customs houses and the books of the Lights of May island. Yet our inducements hath hitherto been unsuccessfull however we have good reason to think that if this fund had been rightly managed it had turned to a much better account.

We have succeeded no better in our Inquiry into the sums from the first of February 1698 to the first of Septem^r 1700. Only by a modest competition, and with respect to the first charge we apprehend that at least the sum of lb 40000 ought to be charged upon the Collectors. But we hope there will be such measures laid down by Sir Andrew Hume now General Collector of that fund as will prove effectual for giving your Lordships satisfaction.

We shall likewise represent to your Lordships that fear of our number did visit Mr Adair's work who told us it was far advanced and deserved encouragement.

We next proceed to give your Lordships an account of what money was paid in to the Admiralty.

The ACCOUNTS of the Admiralty given in by Hugh Cunningham

CHARGE upon the Admiralty.

1st By Cash received out of the Pole money and otherways - - - - - 237568 - 9

2^d From Sir Andrew Myrleton p the Treasury's precept in Sir George Hamilton's account - 48000 - -
285568 - 9

DISCHARGE

1st For providing ships of war and maintaining the same with other necessaries thereto belonging 278558 - 9

2^d Given to Sir Andrew Myrleton - - - 18000 - -
285558 - 9

OBSERVATIONS on the Accounts of the Admiralty.

1st That the first Article has been considered by a particular account and found fully instructed and applied for the uses of the Admiralty.

2^d That the lb 12000 mentioned in the Discharge as given to Sir Andrew Myrleton he retained the same for advancing lb 35000 of the Treasury's precept mentioned in the Charge.

3^d That considerable Arrears are owing to the summen amounting to the sum of lb 84000 or thereabouts.

May it Please your Grace and Lordships

We are sorry that a report to fall and satisfactory cannot be made to your L^{ds} concerning the Stores and Magazines as we

could wish because we never could come to an exact knowledge of what provisions of Arms were in the Kingdom upon the 11th of Apryle 1693.

Your Lordships will see in the Minute of our Committee dated the 18 day of June 1704 how far our Inquiry went in the Records of the Treasury and other accounts as to this matter and be pleased to know that six of our number visited the Castle of Edinburgh who reported to us that they found the soldiers and great guns in very good order and that the present state of the Magazines deferred very much your Lordships consideration Among particular account of the fire being in the custody of our Clerk.

We likewise acquaint your Lordships that besides such arms as are in good condition we found 5000 find of old arms which might be improved very much to the advantage of the Nation.

The next thing we find ourselves in duty bound to acquaint you with is that tho the standing forces since the year 1693 were paid as completely according to the Establishments Yet by the Check Master Rolls *fully* by the Magistrats of the places where the soldiers were made it is evident that for the space of those years therefore the foot regiments and companies were seldom or never complete but deficient in considerable numbers.

We cannot positively affirm who must be answerable to your Lordships for these abuses the Master Master General being now out of the Kingdom who we doubt not is able to inform your Lordships better of this matter than we can Only in all humility we must represent that this deserves your Lordships consideration that a right method may be taken upon for preventing the like in time coming.

We will now give your Lordships an account of what arrears are owing to the army from time to time and will shew you to it an abstract of such clear debts and debts that are still owing to the publick by the particular tackmen and collectors named in the preceding accounts.

ACCOUNT of Arrears due to the Army for cloings and clothing money from the first of November 1693 to the 1st December 1700.

Resting to the Army from the 1 st Novemb ^r 1693	
so 1 st Feb ^r 1691	874477 10 9
From the 1 st Feb ^r 1691 to 1 st Feb ^r 1693	107828 17 -
From 1 st Feb ^r 1693 to 1 st January 1698	171594 2 -
From 1 st January to 1 st July 1698	45510 9 -
From 1 st July 1698 to 1 Decemb ^r 1700	627132 2 -
	<u>£1338278 05 9</u>

OBSERVATIONS upon the Arrears due to the Army

1st That if the forces had been paid according to their numbers as they were intitled a far less sum had been owing to them.

2^d That the Establishments were Encreased from time to time and no ways proportionable to the funds appropriated by the Parliament.

3^d That the Deficiencies Allowances and Abatement in the Tack Dutys of Excise gave occasion to the abovementioned arrears.

ACCOUNT of what is owing to the publick of the Cofs, Excise, Hearthmoney, Polltaxmoney, and Tunnage since the year 1690, to 1700.

Rests of Cofs and Excise as p our observ ⁿ in ac ^t	
2 ^d account	78192 - -
By the fractions of Cofs omitted in 2 ^d acc ^t	400 - -

By the Rests of Cofs and Excise as p Discharge of 4 th account	49847 - -
By Sir Thomas Munro's ^t to account of the Civil list	33128 10 -
By Sir Thomas Kennedy of his Tack Duty of Excise	22954 - -
By Broomhall as the balance of the 5 th Account	15140 8 -
By the Duke of Queensberry's bonds	42144 - -
By the late Duke of Argyle's bond	9437 4 -
By Colonel Hamilton's bond	583 - -
By the fractions of Cofs omitted in 6 th Account	1500 6 -
By rests of Cofs and Excise not carried to any subsequent acc ^t as p our Observation on the 7 Account	20104 5 -
By fractions of Cofs omitted in the 7 th Account	2400 - -
By Bailie Menzies & Cap ^t Wood of their tack duty of Excise	54800 - -
By the fractions of Cofs omitted in the Eight Account	1846 - -
By the Collectors of the Pole 1693	52079 16 -
By Jerviswood of the Pole money 1693	4339 16 -
By the tackmen and partners of the Pole 1693 until 4 articles of their accounts be instructed	95375 - -
By the tackmen of the Pole 1693	38077 4 -
Total of rests extends to	<u>745065 9 -</u>

Beside these Debts owing to the Publick there will be considerable sums resting out of the Hearth money and Tunnage these Rests not being brought as yet to any distinct Charge.

May it Please your Grace and Lordships

We have now put a close to our Report and hope that your Lordships will Excuse us if any mistake be found in it or if we have not answered the Expectations of this honourable House in any point of our Commission.

By order and warrant of the Commission

NORTHESK L. P. C.]

July 25, 1704.

PRAYERS said: Rolls called.

THE Earle of Cathness who was absent the last Sessions of Parliament took the oath of allegiance and subscribed the same with the aforesaid and took the oath of Parliament.

John Brubain younger of Bishopston newlie elected one of the Commissioners of the barons for the shyre of Air in place of John Crawford of Kilbrink promoted to be Viscount of Garrock took the oath of allegiance and subscribed the same with the aforesaid and took the oath of Parliament.

John Stewart of Kinnbrinlich newlie elected one of the Commissioners of the barons for the shyre of Bute in place of Sir James Stewart of Bute promoted to be Earle of Bute took the oath of allegiance and subscribed the same with the aforesaid and took the oath of Parliament.

Mr John Montgomerie of Wrie newlie elected one of the Commissioners of the barons of the shire of Linlithgow in place of Charles Hope of Hopetoun proceeded to be Earle of Hopetoun took the oath of allegiance and subscribed the same with the assentance and took the oath of Parliament.

MINUTE of the last Sederunt read.

THE act of Supply again taken into considerations and the Act of Security being offered as a clause to be added to the act of Supply read and after debate thereon The following resolve was offered by the Lord Bots "Resolved that the Parliament will proceed to grant two months Supply for subsisting her Majesties forces and as soon as the act of Security now read has got the myll about will give four months Supply more."

AND then a second resolve presented by the Earle of Buchburgh viz. "Agreed and resolved that there be a first reading marked on the act of Security and that both this act and the act for the Supply be without being further proceeded on until his grace her Majesties Commissioner receive instructions as to the act of Security it being then free to the Parliament to proceed to the acts justly or as they shall think fit" And after reasoning on both the said resolves The question was stated Approve the first resolve presented by the Lord Bots or the second resolve presented by the Earle of Buchburgh And carried Approve the second And the act of Security being read a first reading was ordered to be marked thereon.

MY Lord Commissioner and the Estates of Parliament appointed the next dyet of Parliament for discharging priest business.

AGREED that previous to all other business the act of dissolution in favours of James Marquis de Montrose be taken into consideration.

PETITION Doctor Chamberlaine craving a warrant to cite his Creditors in order to a protection read and the dayre thereof granted.

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Thursday the third of August at ten a clock.

SEAFIELD Cancellor. I. P. D. P.

August 5, 1704.

PRAYERS said Bells called.

COMMISSION Alex^r M^rMc of Polgown newlie elected one of the Commissioners for the Stewarrie of Kilsyth being presented It was objected that the election being on the first of August he had very quickly come up and that there is ground to believe his Commission was contrawasted After debate thereon he was admitted But it was declared that all persons were free to object against the said Commission notwithstanding of his said admission And thereupon he took the oath of allegiance and subscribed the same with the assentance and took the oath of Parliament.

MINUTE of the last Sederunt read.

IT being moved that the Act of dissolution in favours of James Marquis de Montrose might be read for the second time The Earle of Bute declared that he not being cited he did not vote himself a Contradictor and entered his Protestations for saving his private right which was admitted and ordered to be recorded And thereafter the Act was read And after reasoning and several

assentances made on the Act It was put to the vote Approve or Not and carried Approve.

PETITION the Earle of Sutherland and Laird of Grant Craving the Process depending at their instance against the Lords Commissioners of the Treasurie might be remitted to be discussed before the Lords of Session read and the Commissioners of the Treasurie allowed to see and answer again the next dyet of Parliament and ordered that then this petition and answer be taken into considerations.

PETITION the Dutches of Buchburgh against the Earles of Melvill and Leven and Mr James Melvill of Halhill Craving a dyet may be appointed for hearing her cause against them and that Sir David Dalrymple may be allowed to plead the cause The Earle of Leven desired to see and answer the said petition And it being put to the vote Appoynt a day for hearing or to see and answer It carried Appoynt a day for hearing And the second dyet of Parliament next week appoynted for that effect And Sir David Dalrymple allowed to plead for him.

THE Complaint the Earle of Buchburgh against an illegal order for quartering appoynted to be heard after the Dutches of Buchburgh made the second dyet of Parliament next week.

THE next dyet of Parliament appoynted for considering the report from the Commissioners appoynted by the last Session of Parliament for inspecting the accounts of the publick funds and declared the Parliament will then consider the petition given in by the Duke of Atholl and the officers of his late regiment The petitions of Lieutenant General Ramsay The petition for the Viscount of Teriot The petition for Colonel George M^rGill The petition for the officers of the army and garrisons who went there clearing and clothing The petition for Lieutenant Colonel John Hepburne The petition for Captain Thomas Hay The petition of the disbanded officers The petition for the Corporalls in the independent troupe of horse Petition the Marquis of Lothian Petition John Auchinclossy Petition Sir William Douglas Petition the relief of Captain Alex^r Dundee Petition Captain David Lindsay and all other officers Petitions relating to arrears.

PETITION Frances Countess Dowager of Seaforth Craving an alimnt read and the Creditors of the Earle of Seaforth allowed to see and answer.

PETITION the said Frances Dowager of Seaforth Craving a warrant for letters to summon Kenneth M^rKenzie and others therein mentioned in order to the making up of a weost read and the said Kenneth M^rKenzie and others allowed to see and answer.

[PETITION Frances Countess Dowager of Seaforth.

UNTO His Grace John Marquis of Tweeddale &c. Lord High Commissioner to the Parliament of Scotland and to the Right Honourable the Estates of Parliament Humble sheweth and sheweth Frances Countess Dowager of Seaforth That where I being daughter to the Marquis of Powis in England was in the year 1st of eightie nyne married to the Earle of Seaforth and brought with me for portion Six thousand pounds Sterling which with the consent that the Earle and I should be continued in the Marquis my fathers house for three years (y^ehus de facto was was continued freely and honourable for five years) was a rich and opulent fortune for which the decess^t Earle and his friends did agree by articles That I should have one thousand pounds Sterling yearly of joynture be way of annuity payable in London Paris or Brussells, For implement whereof there was a Disposition of the said joynture annuity payable out of the Estate of

Sesfort Drawn in Scotland by advices of the best Lawyers and surveyed and Granted by the Countess of Sesfort older in whole person since preferable appryings of the Estate all therein named were acted. And upon this Disposition to advyffly and folemnly drawn I was laiffet under the great seal. But though the Conditions of the marriage were thus sealed and that the marriage ensued and a fine and a daughter were pomeute thereof yet when the Earle dyes in the year and that I ought to have got poffessions of my Joynture there was none found to answer or so much as to regard me so that in the space of upwards of two years all that I recovered for myself or children was fifteen pound Sterling whereby I being constrained to pursue actions of paying the ground and for mault and dasties before the Lords of Session I three unexpectidly met with two Interdicts call in vij. And adjudications by Prestonhall Lord Justice Clerk and another by Mr Robert Blackwood merchant who both objected against my Joynture settlement That it was a non habente in so far as it did not appear that the Old Countess Dowager had any right to the fersaid appryings founded on as the Ground of the said Joynture settlement, and for fortifying this alledgeance there is a Reductions sife offered and repeated I being thus surpysed that I a stranger who had brought to explet a portion and was become the mother of the familie should meet with such a diffynitionment be the denying and withdrawing the moidkoples of my foverty whereof I never was nor pproprie could be master, having repeld intire confidence in the faith and honour of the persons I dealt with especially of the Countess Dowager my mother in law and the author of my said settlement I am constrained to take a day to produce the rights wanting and having taken out a Diligence against the Countess Dowager her authors and severall other persons who thereupon made faith as to the having of the fids appryings and conveyances thereof whereupon my Joynture right is founded as said is, all that I could obtaine was that Though the Appryings and Infulements therein with the Dispositions thereof made to the Trullies mentioned in my settlement might be extant, yet all these rights having been conveyed to Kenneth McKenzie of

for the Countess Dowagers behalf and who either at the first time Demanded himself a Disposition in her favours or granted a backband for that effect. The having of the said Disposition and backband was denied and none were found to cure the having of it whereby sife it be certain That for any thing that appears the old Countess be still and only in poffession yet I was frustrate and could not prove in terminis the said Countess Dowager her right and power to have made the said settlement and thus I was postponed and left no visible remede save one action to prove the same both tedious and uncertain. Be true the Lords of Session pencevering how I was postponed and what hard measure I met with by the chaffesting of papers even by my own authors and such in whom I might justlie had confided Did upon my application appoint me one shilling of fyve hundred pound Sterling from year to year for two years. But such is still the fildom opposition I meet with that now after two years there is scarce one year of the said alimant payed And that very payment hath been full of costle and expenfive to me in using peryndings of the ground and being necessitate to apply for the assistance of her Majesties force, and yet notwithstanding meeting with deforcements byfides other hindrances call in my way that I can feeble and clearely say I have fered nothing of the said first years alimant. This being my only remede I can expect in from your Grace and Right Honourable Estates of Parliament to whom I the rather apply that the Old Countess hath sife given in a protest before the Lords of Session for remede of Law to her Majesties and Parlia. ment And seeing that George Earle of Cromartie is the only Trullie now on lyfe who conveyed the fersaid appryings in favours of the said Kenneth McKenzie and that the said Kenneth McKenzie who was Trullie for the Old Countess of Sesfort is also on lyfe and that it is both in his power and he is also

obliged in law to renew the Deed whether a Disposition or Backband that he granted to the said old Countess for demoting himselfe of the fids appryings conveyed in his person and by vertue whereof the said old Countess made the fersaid Joynture Settlement in my favours It is evidentlie necessarie that I have actions furnished to me against the said Kenneth for renewing the fersaid Deed as he hath been already required to make up what is left or abstracted as said is As also that I the young Countess have warrant to cite the said Earle of Cromartie who both can give light and also can supply what may be wanting in the said conveyance As also to cite all such persons as may be the havers conveyors or abstracters of the fersaid appryings and their conveyances It being manifestlie a great and extraordinary hardship that I a stranger bringing with me such an equient portione and obtaining such a solemn settlement for a Joynture after having been married and sife brought forth children and lived in my married estate to the satisfactions of all concerned should now upon the Death of the Earle my husband be whollie frustrate of my Joynture and plainlie eluded by the abstracting of wrytes which I fearely believed had been in all safety in my authors hands and who still possesses the Estate so that now I am in hazard to be related to the greatest extremities and therefore the said Kenneth McKenzie ought and should be decreed to make up and renew the fersaid deed lost and abstracted as said is and being so made up and subscribed to give the same or at least an authentick Extract thereof to me for security of my said Joynture As also George Earle of Cromartie principal Secretarie of State Isabell Countess Dowager of Sesfort and all others who had have or who have put away the said appryings and conveyances thereof ought and should be decreed to Exhibit the same or at least orders ought to be given to the Sheriff of the shyre to secure the Charter chart of the said Estate which now seems to be abandoned and such futher directions given for the opening and inspecting thereof as your Grace and Honourable Estates of Parliament shall find reasonable to the effect I may not be perpetually excluded from my Joynture by keeping up and abstracting of the said wrytes that are so necessarie for the prosecution thereof Herefore I beseech your Grace and Right Honourable Estates of Parliament for Letters to Summon the said Kenneth McKenzie George Earle of Cromartie Isabell Countess Dowager of Sesfort and the persons following vij.

who any wayes had have or have put away the said appryings and conveyances thereof to Compare before Your Grace and Lordships at a certaine day to hear and use the said Kenneth McKenzie Decreed and Oblained by Decree of Parliament to make up and renew the fersaid Deed lost and abstracted as said is and being so made up and subscribed to give the same or at least an authentick extract thereof to me for security of my said Joynture and the said George Earle of Cromartie Isabell Countess Dowager of Sesfort and the other persons fassidie who had have or have put away or destroyed the said Appryings and Conveyances thereof to hear and see themselves Decreed by Decree furth to exhibit the same and to hear and see orders given to the Sheriff of the shyre to secure the Charter chart of the said Estate which now seems to be abandoned and such futher Directions given for the opening and inspecting thereof as the Parliament shall find reasonable to the effect fersaid according to justice in common forme and your Grace and Lordships answer.

Ed^d 3^d August 1704.

Hee M^{rs} high Commissioner & pe Estates of Parlia^t having heard this petition allow Kenneth McKenzie & o^r wth mentioned to see & answer the same.

SKAFFIELD Camellus, L. P. D. P. J.

PETITION Alex^d McDonald of Glengairie Craving the Garrison may be removed from his house of Invergarie & the Parliament to modify and determine a sum to be paid to him in reparation of his losses and damages read and her Majesties Advocate allowed to fee and answer again the second dyet of Parliament next week.

[UNTO his Grace Her Majesty's High Commissioner, and the Right Honourable the Estates of Parliament.
The Petition of Alexander McDonald of Glengairie.

Humbly Sheweth,

THAT whereas, in the Year 1681, the Government having thought fit, by reason of some Troubles then in the Country, to plant a Garrison in the Petitioners House of Invergarie, whereby the Petitioner was not only deprived of the use of his Property, but likewise very much diminished in his other Interest, his Lands adjacent thereto having been laid waste, throw the disorderly Carriage of the Soldiers to the Tenants Inhabitants thereof, and the Woods growing on the said Lands of a considerable value entirely cut down and destroyed, in so much that, by Occasion of the said Garrison, the Petitioner has been diminished in the Sum of an Hundred and Fifty Pounds Sterling yearly since the said Year 1681, besides the Loss of his House, which is likely to become altogether Ruinous and Uninhabitable, through want of due Care and Reparation: And tho the apparent Cause of planting the said Garrison hath long ago ceased, all that Country being still peaceable and quiet, in due Obedience to Authority, without the least Apprehension of Disturbance or Commotion, yet the Petitioner continues under the forefild Loss and Inconvenience in his Interest and Property, without any Redress; And, as the Claim of Right prohibits the putting of Garrisons in private Mens Houses, in time of Peace, without their Consent, or the Authority of Parliament, so, in what ever manner the Government would find needful or expedient, to make use of the Property of private Subjects, as the Exigencies of Government might require, yet, in all Law and Equity, that should be upon equivalent Satisfaction given to the Parties thereby diminished.

May it therefore please your Graces, and the Right Honourable Estates of Parliament, upon Consideration of the Premises, to obtain the forefild Garrison to be removed from the Petitioners said House of Invergarie, and to modify and determine a certain Sum to be paid to the Petitioner, in Reparation and Satisfaction of the Losses and Damages sustained by him in his Property and Interest in manner forefild, and appoint the said Sum to be paid out of Her Majesty's Customs at Inverness by the Collectors thereof.

And your Petitioner shall ever pray.

Alex^d McDonald.

Ed^d 3^d August 1704.

Her Majesties High Commissioner & ye Estates of Parliament having heard this Petition Allow her Ma^{ty}s Advocate to see & answer the same.

SEAFIELD Cancellor. L. P. D. P.]

PETITION Sir James Stewart of Goodness her Majesties Advocate Craving a day may be appointed for hearing his cause against Johnstone of Strathoe read and the second dyet of Parliament next week appointed for that effect after the Dutches of Buccleugh and Earle of Rutshingham.

ACT for more effectual payment of the Commissioners of Justiciary their Salaries read and ordered to lye on the table.

PETITION James Bayne wright Craving reimbursement of a sum of money advanced be him for finishing the Palace of

Halyrudshouse read and the time ordered to be considered after the report of the Commission for auditing the Accounts.

ACT in favours of a Maiden Hospital erected by the Merchants of Edinburgh with one other act in favours of a Maiden Hospital to be erected by the Incorporations of Edinburgh read and a first reading ordered to be marked on both the said Acts.

ACT discharging the importing of Irish butter and cheese read and a first reading ordered to be marked thereon.

THE Controversied elections of the Shyres of Roß and Clackmannan ordered to be discussed the next dyet of Parliament after report of the Commission for auditing the Accounts.

ACT in favours of the shyre of Caithness read and a first reading ordered to be marked thereon.

ACT for draining Lochs and Marshes read and a first reading ordered to be marked thereon and the same ordered to be printed.

THE process The Laird of Clackmannan against his Creditors ordered to be heard the second dyet of Parliament next week.

PETITION James Oliphant of Langton against Mr Ro^d Alexander read and refused leaving the petitioner to insist in any action competent to him before the Judge Ordinary as accords.

REPRESENTATION for the Merchants of Edinburgh against all wearing of Silk read & the Silk manufactories allowed to see and answer the first dyet of Parliament next week.

[UNTO his Grace John Marquess of Tweeddale, &c. Her Majesty's High Commissioner, and Honourable Estates of Parliament,

The Representation of the Merchants of Edinburgh.

Humbly Sheweth

THAT there are many Laws and Acts of Parliament, standing for the Encouragement and Advancing of the Manufactories of this Kingdom; And the Manufactories are Endow'd with many Privileges and Immunities, and what is most proper to be manufactured in Scotland, is Prohibited to be Imported; As are all Cloaths, Stuffs and others made of Wool; Because, as to such, the Nation it self is provided with the whole Materials and Workmen; And such Manufactories are the means of Increasing and Maintaining Thousands of People very honestly and profitably, who otherwise would be Beggings.

And such has been the care of our Parliaments and Government, to raise and improve our own Product and Manufactories thereof, that they have denyed no reasonable Encouragement; And have Discharged the Importation of all Manufactured Wool, even including Silk, Hair and Cotton; And in the matter of Wool, the Laws have taken good Effect, so that our Woollen Manufactories, are very greatly Improved.

But as to the others; Its humbly Represented to Her Majesties High Commissioner, and the Honourable Estates of Parliament, that the Laws have no ways answered the Design, or obtained the End, for which they were made; which was to Curb Prodigality, Improve our own product and Manufactories thereof, and Discourage all Foreign Import; For albeit, the Importation of the Manufactories of Silk, Hair and Cotton are Discharged, and sufficient Penalties inflicted: And thereby the Merchants and Retailers effectually restrained therefrom; Yet he evident from practice and experience, that Foreign Silks of all sorts, and Stamped Calico, and Linen, was never more frequently worn, and that of the Silks covered under the pretence,

that (by a few Looms) Silks are Manufactured at home; Whereas, Hundreds of Silks are worn, for one Silk made in the Kingdom, and as to their very particulars, the Laws are in Defiance through universal transgression.

From whence is evident, that under the covert and pretext of Manufacturing Silk at Home, the Trade of Silk from Abroad, is carried on by Unfreemen, Strangers and Scoundrels, of mean fortunes, and desperate, who run the Silk Stuffs free of Duties and all publick Barriers, and Sell them clandestinely, to the Ruine of the Merchants and Retailers, the Disfouagement of Youth bred to Trade, the Destruction of the Royal Revenues, and Subversion of Trade in general. And which is still worse, the hindrance of that Export of our own produce, formerly made by Merchants who traded that way, and draining the Kingdom of Money; for all Scoundrels only deal with Money in Specie.

There can be no profit from manufacturing Silk in Scotland, Because I am. We have no Silk; Silks There are but very few kinds employed about it, and those brought from abroad. Silks are notoriously known, that our few Silk Manufactures were erected and carried on, by importing the Web ready wrought; so that nothing remained but the single Weaving, thereby to entitle it as a Web of Scots Manufacture. And 4th. The supporters of these few Silk Manufactures, drive a plain monopoly; in taking the benefit of the privileges of Manufactures, and of the whole Retailing Trade also, which ought still to be separate.

The case being thus shortly Represented; Its humbly moved to His Grace and Honourable Elders of Parliament, That being Manufactures of Silk here, can be of no benefit to the realm above; But only a pretext and covert for carrying on the destructive Smuggling Trade, and depriving Her Majesty of a considerable Duty, arising from the lawful Trade thereto, And that our prodigality is heightened by extravagant prices; That therefore, all Stuffs of Silk, Hair and Cotton be totally prohibitive to be worn, or otherwise allowed to be imported paying Duties, as shall be thought meet for the Nations advantage, for the Prohibition against Importing Silks, while they are allowed to be worn, will never answer the end and design: And that all Stamped Collars and Stamped Linen without reserve, be peremptorily Discharged to be Imported or Worn, being the Commodity most prejudicial to the Woolen Manufactures; And the only thing hurtful to, and hindering the comfort of all sorts of Woolen Manufactures.

EP 3 August 1794.

Her Most High Commissioner & pe Elders of Parliament having heard this Petition Allow ye Silk Manufactory to see & answer ye same at the first dyet of Parliament.

SEAFIELD Chancellor. I. P. D. P.]

ACT discharging the exporting of Woolen manufactures and allowing the exportation of Wool presented and ordered to be passed.

THE Lord Chancellor by order of Her Majesties high Commissioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

August 4, 1794.

PRAYERS said Rolls called.

THE Lord Bergh who was absent the last Session of Parliament took the oath of allegiance and subscribed the same with the assurance and took the oath of Parliament.

ANOTHER Commission for Patrick Murdoch of Candoulen newly elected one of the Commissioners for the Stewartry of Kirkcubright presented and the Commission moved betwixt this Commission and the Commission given to Paterson After reasoning it was agreed that the matter should be remitted intire to be proceeded in the first dyet of Parliament next week and Paterson of Candoulen declared that he would not vote till the case was determined.

MINUTE of the last Sederunt read.

PETITION the Earl of Sutherland and Laird of Grant against the Lords Commissioners of the Treasury and a further delay being Craved the first dyet of Parliament was appointed for considering the same previous to all other business and in the mean tyme the Lords Commissioners allowed to see and answer the same.

MOVED that the Act nominating perfumes to be Commissioners to treat with England might be again read in order to have a first reading marked thereon Likewise moved that the Act of Security might have a second reading And after reasoning it was put to the vote Proceed this day to the Consideration of the Report of the Commission for auditing the Accounts of the publick funds or to one of the two publick acts now proposed and Carried to one of the two publick acts, Thereafter put to the vote Proceed to Consider the act for nominating perfumes to be Commissioners to treat with England or to Consider the Act of Security and Carried to the act nominating perfumes to treat with England And the said act being read a first reading ordered to be marked thereon and the act ordered to be printed.

THE Lord Chancellor by order of the Lord High Commissioner Adjourned the Parliament till to morrow at ten of the clock.

SEAFIELD Chancellor. I. P. D. P.

August 5, 1794.

PRAYERS said Rolls called.

THE Lords Belmerino and Hentyre took the oath of allegiance and subscribed the same with the assurance and took the oath of Parliament.

MINUTE of the last Sederunt read.

MOVED that a day be appointed for nominating Commissioners to be insert in the Act and Commission of Treaty with England Likewise moved that the Act of Security might be read the second time And after reasoning Agreed that the next dyet of Parliament be appointed for nomination of the said Commissioners and the second dyet of the week after the next week for a second reading of the said Act and Commission and in the mean time to proceed to the Acts of Security and Supply.

ACT of Security read the second time And after advising before voting of the said Act the Marquis of Annandale moved his protestation made last Session of Parliament against passing the said act and Craved that his dissent might be marked.

THE act was put to the vote Approve or Not and carried Approve.

NEXT dyet of Parliament appointed to consider the report of the Commission for auditing the accounts of the publick funds after the naming of the Commissioners to be insert in the Act and Commission of Treaty with England.

THE Act of Supply for six months sets out of the land sent to be given to the Queen for the ends and payable at the terms therein mentioned read the second time And after some debate and amendments made thereon It was put to the vote Approve the said Act or Not and carried Approve nemine contrahente.

ORDERED that the Noblemen and Commissioners for shires and other members concerned bring in lists of Commissioners of Supply next dyet of Parliament and if they do not That the Lord Register fill up the Commissioners formerly named in the last act of Supply.

THE Petition the Earle of Sutherland and Laird of Gresh with a Representation given in by the Commissioners of Thesaurie read And after hearing her Majesties Advocate and Solicitor for the Queens interest It was put to the vote Remit the cause to be discussed before the Lords of Session or Refuse the same to be considered in plain Parliament and that a day be appointed for that effect and carried Remit.

BEFORE the said vote The Marquis of Arundale Earle of Marchmont and M^r Francis Montgomerie gave in their protestations against the same and Caved the same might be recorded and that they might have extracts thereof And the Laird of Gresh younger protested in the contrary.

ACT of Dissolution of the feu duties of Bute and other rents affect to the keeping of the castle of Dunbarton and the Constabularie thereof Act for the Security of the Kingdoms The act of Supply all touched with the Scepter by her Majesties Commissioner in the usual manner.

THE Lord Chancellor by order of the Lord High Commissioner Adjourned the Parliament till Tuesday next at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

August 8, 1704.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

LISTS of Commissioners of Supply for the shires following presented by the several members concerned the titles and subscribers read viz. Edinburgh Haddington Berwick Roxburgh Selkirk Tweeddale Lerwick Wigton Ayr Dumfries Bute Renfrew Linlithgow Perth Kinross Cromartie Argyll Naes Fyfe Angus Banff Kircudbright Cathness Orkney Caithnessman and Refs And the matter continued till the next dyet of Parliament that such of the members as had not given in their lists may give them in and any additional lists given in may be seen betwixt and that time.

MOVED that the Parliament proceed to name the Commissioners to be insert in the Act and Commission of the Treaty with England and that the Estates asperit to choose them conform to customs Moved that the said Commissioners be chosen in plain Parliament Likewise moved That the plot be inquired into and a day appointed for that effect After reasoning on the said last motion The following Resolve was presented viz. Resolved that the House of Lords Address to the Queen in relation to the nomination of their successor to our Crown and their execution of the plot in so far as concerns Scotland or Scotsmen was one under intermeddling with our concerns and one encroachment upon the independence honour and sovereignty of this Nation and that the proceedings of the House of Commons

were like those of good subjects to their Queen and good and friendly neighbours to Scotland After debate thereon moved that the first clause concerning the House of Lords might be put to the vote Likewise moved that the same may be delayed to be further considered And after reasoning It was put to the vote Proceed or Delay and carried Proceed And thereafter it was put to the vote Approve the said first clause or Not and carried Approve And then the second clause as amended viz. That the proceedings of the House of Commons in all their matters were like those of good and friendly neighbours to this Nation put to the vote Approve or Not and carried Not.

THE Lord Chancellor by order of the Lord High Commissioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

August 9, 1704.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THE rest of the Lists of the Commissioners of Supply with several additional Lists for the Shires following presented by the several members concerned the titles and subscribers read viz. Aberdeen Stirling Dumfries Sutherland Elgin Inverness and Kinross and the whole Lists adjusted.

MOVED that a day be appointed for examining the plot and agreed that first dyet next week be appointed for that effect And that such documents as were sent from London to the Council may be transmitted to the Clerks of Parliament and also that such declarations as had been taken here relating thereto be also laid upon the table.

ACT discharging the importing of Woollen manufacture and allowing the exporting of Wool and Skins read And after debate it was put to the vote Proceed or Delay and carried Proceed And a first reading ordered to be marked on the act.

THE next dyet of Parliament appointed for hearing the cause The Debates of Boecleugh against the Earls of Melville and Leven And after that the report of the Commission for auditing the Accounts of the publick funds And thereafter the controverted elections for the Stewarrie of Kirkcudbright Shires of Refs and Clerkmanman to be disfranchised.

THE Act of Supply ordered to be published and printed.

PETITION Lyall of Cairns for a Cloth manufactory read and ordered to lye on the table.

OVERTURE for ane Act anent Coal and Salt read and ordered to lye on the table.

ACT for the more effectual payment of the Commissioners of Justice their Salaries read and a first reading ordered to be marked thereon.

PETITION M^r Alex^r Hignis of Craigforth Craving a day may be appointed for hearing his process against John Calder of Craigforth read and the first dyet next week for private business appointed for that effect.

.....

[TO his Grace John Marquess of Tweeddale her Most High Commissioner, and the Right Hon^{ble} the Estates of Parliament

The Petition of Mr Alex^r Higgins of Craigforth Humbly Sheweth

THAT where in the Declaration of Trust at my instance against John Callender before the Lords of Session, the Lords upon the 17 of Decem^r 1697 Declared the Trust, But by a subsequent Interlocutor upon the 16 of June 1698 found it such a Trust as did not oblige the Trustee to except for the rents of the lands till redemption Whereupon I having protested for removal of law against the said second Interlocutor and the following Interloc^{or} relating thereto and by warrant cited Mr Callender before the then next Session of Parliament, and the process being then called seen & returned, the same was moved therein, and almost in every Session of Parliam^t thereafter as appears by the Minutes, but was never brought to a hearing tho' Informations has been frequently distributed in order to it.

May it therefore please your Grace & Hon^{ble} Estates of Parliament To appoint a certain diet for hearing your petitioners cause.

And your Petitioner, as in duty bound, shall ever pray &c.
Alex^r Higgins.]

ACT and Commission for visiting Universities and Schools read and a first reading ordered to be marked thereon.

ACT discharging importing of Irish butter and cheese read and a first reading ordered to be marked thereon.

ACT discharging importing of molasses read and a first reading ordered to be marked thereon.

ACT erect Justices of Peace read & ordered to lye on the table.

ACT for regulating banks of rivers waters and burns presented.

ORDERED that all the above mentioned acts be printed.

THE Lord Chancellor by order of the Lord High Commissioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

August 10, 1704.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THE Process The Dutches of Rutherford against the Earles of Melvill and Lorne and Mr James Melvill upon the Protestation taken by her for removal of law against the Interlocutors pronounced by the Lords of Session in the action of exhibition and reduction at her instance against the saids defenders being called and the Advocats for either party fully heard upon their dilations in the matter of the exhibition. The Parliament having advyced the debate upon the executions found the execution against Mr James Melvill at his lodging in Edinburgh null in respect he was neither personallie apprehended nor had lodged there fourtie dayes before the execution and allowed the execution against the said defender at his dwelling house in the countie to be yet seen in common form And having advyced the debate and the other defence that Mr James must be first called Sustained the dilator and found no Process against Mr James Melvill as a party be called.

THE Complaint the Earle of Rutherford against an illegal order for quartering appoynted to be heard next dyet of Parliament for private business.

THE Report of the Commission for auditing the Accounts of the publick funds presented and a part thereof read And it was resolved that whatever shall be determined upon the said report be insert in the Minutes and that the Parliament will further consider the said Report next dyet of Parliament previous to all other business.

ORDERED that Robert Rutherford and David Callender attend the several dyets of Parliament and likewise those concerned in the ballances of the above accounts.

ACT resulting to the Commissioners appoynted for stating the publick accounts all the difficulties that occur in their report with a parliamentarie power read and ordered to lye on the table.

THE Lord Chancellor by order of the Lord High Commissioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

August 11, 1704.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

ACT for the more effectual payment of the Commissioners of Justice their salaries read the second time and after several amendments made thereon It was put to the vote Approve or Not and carried Approve.

THE Parliament proceeded to consider the Report of the Commission for auditing the Accounts of the publick funds and having read the first four Accounts of Charge and Discharge with the observations thereon contained in the said report They sustained the first observation on the first account as to the first article of rents given up by John Drummond and James Maxwell And sustained the second observation And sustained the third observation relating to Sir Alex^r Bruce As to the fourth observation for provision for English forces They find and state the same as an article due by England As to the fifth observation The sum therein is likewise found due by England and ordered that the Clerk to the Treasurer produce the instructions of the said fifth article again the next dyet of Parliament As to the sixth observation Ordered that the instructions thereof be likewise produced to the Clerks to the Treasurer As to the seventh observation They sustain the same And as to the eight observation Find that the 6th and sixt articles are carried on to the subsequent account.

THE second account in the report read and ordained that the instructions of the first article of discharge be brought in the next dyet of Parliament As also the instructions of the second article And the third article sustained As to the fourth article Remitted to the said Commission to bring in a particular account of what is over rated As to the fifth article The Commission to report how it was allowed to the Accountants and by when next dyet of Parliament The consideration of the sixt article continued to the next dyet of Parliament to the end the Clerks of the Treasurer and Mr Dullay may give account thereof And the seventh article sustained.

AS to the observations on the said second account The fourth observation to be considered the next dyet of Parliament The fifth observation that the Clerks of the Treasurer give account how

it was employed and by whose order next dyet of Parliament The six observation The Parliament find the same therein still due as is acknowledged by Mr Dunslop As to the seventh observation continued to be further considered when the instructions of the former observations are brought in.

THE third Account in the report read and the first article of discharge sustained and the warrants of the second and third articles ordained to be produced The fourth article sustained as carried down to the next account And the fifth and six articles sustained as in the first observation thence And the Parliament find the seventh article is carried down to the subsequent account.

AS to the observations The Parliament sustain the fifth and sixth and find the fourth and seventh carried down to the subsequent account.

THE fourth Account in the report read and the articles of discharge with the observations thereon considered The first second third fourth and fifth observations sustained And as to the six observation Remitted to the Commission to consider the account given in by Sir George Hamilton and to report next dyet of Parliament And the seventh observation sustained.

AGREED that the Parliament will proceed on the Report of the Publick Accounts the following dyets of Parliament and go on therein till they be ended without interposing any other business whatsoever.

ORDERED that the Solicitor cause Cite all persons concerned mentioned in the report of the Commission by whom the several balances are alleged to be due.

[A WARRENT for citing the persons concerned in the publick accounts of the Natione

Edinburgh 14th August 1704.

HER Moste High Commissioners and Elders of Parliament having considered a motion made in Parliament for Citing all persons concerned in the publick accounts of the Natione They hereby Grant order and warrant to messieurs To cite Sir George Hamilton of Tulliallan Sir Robert Andriuther of Balcanis Sir Alex^r Bruce of Ecomhall Sir George Home late provost of Edy Sir Andrew Myrleton of Oger The Earle of Lerin The Lord Bels Sir John Cochran of Ochiltry Sir Robert Stewart of Aldenbank Ballie James Grahame mer^t in Edy William Cunningham of Broomhill James Dunlop mer^t in Edy The Lord Belhaven The Lord of Grant elder Sir John Houston of p^rlik Sir Robert Dickson of Sornbeg The Lord of Jerviswood William Cuthbert of Fergulie Sir Andrew Home Advocat Sir Thomas Kennedy of Givenshines Sir William Munro of Gladfines Sir Thomas Moncrieff Clerk to the Exchequer and all others concerned To appear before the Parliament onunday next with Certificates &c.

SEAFIELD Cancellar. I. P. D. P.]

AGREED that the further consideration of the plot case in after the saids accounts are ended.

THE Lord Chancelour by order of the Lord high Commissioners Adjourned the Parliament till Monday next at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

August 14, 1704.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THE Parliament proceeded to the further consideration of the Report of the Commission for auditing of the Accounts of the Publick Funds And the fifth account in the Report being read The consideration of the second observation thereon continued till the next dyet of Parliament and the Clerks of the Treasury ordered to instruct how the sum therein mentioned was applied, and to whom, and what money was paid out of the civil list to the army The third, fourth, fifth and sixth observations sustained Upon reading the seventh observation there was a petition presented by Sir Alex^r Bruce and his partners about his expenses and disbursements in supplying the army Craving that the same may be provided for out of the funds of the army And that it be Remitted to the said Commission to take in and settle his accounts read and ordered to lye on the table and the Clerk to the Treasury ordered to give an account thereof next dyet of Parliament As to the eight observation finds the same carried down to the subsequent account The sixth account in the Report read The first observation sustained The second observation carried on to the next account, The third observation The Clerks of Treasury ordered to give an account thereof The fourth fifth and sixth observations sustained The seventh observation The consideration thereof referred till the payment of the balance due to the accountants be considered The eight observation to be considered next dyet of Parliament The ninth observation That the decret of Exchequer for instructing thereof be produced next dyet of Parliament Tenth observation It was put to the vote Proceed to the consideration thereof or Delay and carried Delay The eleventh observation sustained.

THE Lord Chancelour by order of the Lord high Commissioners Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellar. I. P. D. P.

August 15, 1704.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

ACT continuing the Commission for auditing the Accounts of the Publick Funds read and a first reading ordered to be marked thence.

THE Parliament proceeded to the further consideration of the report of the Commission for auditing the accounts of the publick funds And the fourth account in the report being read the consideration of the first observation continued till the next dyet of Parliament to be considered The second and third observations sustained The fourth observation Ordered that the Act of Exchequer for instructing the articles therein mentioned be produced The fifth observation carried on to the subsequent account The sixth observation Ordered that the Act of Exchequer for instructing thereof be produced The seventh observation Carried on to the subsequent account The eight observation sustained The ninth observation Ordered that the three of Bels and Crumery adjust their quotas so as to make up the total.

THE eight Account in the report read The first observation continued till Sir William Menzies be heard after the consideration of this account is ended The second and third observations The instructions thereof to be produced and considered in Parliament

The fourth observation *faileth*. The fifth observation Ordered that Robert Rutherford and the accountants clear this article or be liable for it. The sixth observation That the firms of Robt and Company to adjust their quotas as to make up the total.

THE Parliament again proceeded to the Consideration of the first observation in this account in relation to Sir William Mordaunt And he being called Compared and presented an Information with a Petition both which were read And after hearing and debate the vote was flated If the tack set by the Lords of Treasury and Exchequer to Sir William Mordaunt and partners be a standing tack for the first two years Yea or Not and Carried in the affirmative.

THE Parliament declared they would proceed upon the Consideration of this affair next dyet of Parliament.

THE Lord Chancellor by order of the Lord High Commissioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

August 16, 1704.

PRAYERS said. Rolls called.

MINUTS of the last Sederunt read.

ORDERED that the orders of the house be put in execution against the members that are absent at calling the rolls.

OVERTURE for an act advancing and establishing the fishing trade, read and ordered to ly on the table and to be printed.

THE Parliament proceeded to the further consideration of Sir William Mordaunt's affair; & after hearing him and debate thereon It was put to the vote Whether he should pay at the terms following nine thousand pounds Sterling or five thousand pounds Sterling of his tack duty and Carried five thousand pounds Sterling payable at Martinmas and Candlemas next by equal portions And Remitted to the Commission of Parliament to be named to Consider whether the account given in by him be a true account, to be reported next Session of Parliament And in the mean time sists Execution for the remaining sum of his tack duty Before the said vote the Earl of Sutherland protested that whatever deduction of the tack duty was given to Sir William Mordaunt That the Parliament make it up as is more fully contained in his protest.

ORDERED that none of the Collectors or Taskmen appointed by him pay any sums of money to him that are not contained in the said account.

ORDERED that the Clerks of Treasury bring in a report how the army was payed during Sir William's tack.

THE Account of the hearth money read, The first observation *faileth*. The second observation, The Clerks of Treasury ordered to produce the Treasury books for instructing thereof. As to the third fourth and fifth Observations, The Parliament finds that whatever was payed in by Collecting conform to the fitted account with the Treasurer the Causeway cannot be liable therefor. And allows the twelve thousand heathis as deficient in regard the Collectors depared thereon before the Treasury and their bonds were ordained to be given up to them And as to the three perches and houses not given up, Ordered that the Collectors count for them before a Commission to be named And finds the Causeway only liable according to their intromission And Remits

to the said Commission to Cite before them such as were Collectors at that time and to inquire thereon. As to the Sixth observation Ordered that the Clerks of Treasury give in account next dyet of Parliament how the articles therein mentioned were applied and by whose order.

OVERTURE for an act amnt misapplication of funds given for maintenance of the forces, read, and ordered to ly on the table and to be printed.

THE seventh Observation, The Balance therein Remitted to the Commission to be named to be further considered by them.

THE Lord Chancellor by order of the Lord High Commissioner Adjourned the Parliament till Friday next at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

August 18, 1704.

PRAYERS said. Rolls called.

MINUTS of the last Sederunt read.

ACT continuing the Commission for auditing the accounts of the publick funds read for the second time and the further consideration thereof delayed till the next dyet of Parliament.

ORDERED that Sir William Mordaunt sign the account given in by him last dyet of Parliament.

THE Account of the Pole money the year 1698 read.

PETITION Katherine Hamilton relief of Captain Alexander Dunbar craving payment of arrears due to her husband with a Declaration and Content furnished by several officers in her favours read And after reasoning thereon It was put to the vote Grant the defence thereof for three hundred pounds Sterling in part of the arrears craved or Remit to the Commission and carried Grant the defence thereof for three hundred pound Sterling.

THE first observation *faileth*. The second observation *faileth* and the balance therein mentioned allowed to the Laird of Jerviswood As to the third observation After reasoning thereon It was put to the vote Whether to prefer the accounts flated due to the country or to the officers for their arrears to the balance of the said account and carried Prefer the officers for their arrears And the Parliament recommended to the Commission to be named to inquire into the undue transactions made amnt the accounts due to the Country and to report.

THE Parliament recommends to the Commission to be named to consider the arrears due to the garrisons of the Castles of Edinburgh Stirling and Dunrother to the effect that what was payed out by the several officers for subsisting their garrisons may be reimbursed to them.

THE fourth observation delayed till the next dyet of Parliament.

AGRIED that the Parliament discuss the accounts previous to all other business.

ORDERED that the Queens Advocate and Solicitor revise the Ratifications and Fairs to be put this Session of Parliament.

THE Lord Chancellor by order of the Lord High Commissioner Adjourned the Parliament till to morrow at ten of the clock.

SEAFIELD Chancellor. I. P. D. P.

August 19, 1704.

PRAYERS said Bells called & the absent members marked.

MINUTE of the last Sederunt read.

ACT for an additional representation of Commissioners of Burrows to the Parliament read & after reasoning It was put to the vote Mark a first reading thereon or lye on the table and carried Mark a first reading which was ordered accordingly and the draught ordered to be printed.

[ACT for an additional Representation of Burrows.

August 19, 1704.

OUR Sovereign Lady considering the largeness, extent and value of the Lands holden of Her Majesty by the Barons and Freeholders within the several Shires of this Kingdom; and that by reason of the creation of a great many new Nobility, the Representation of the Barons in Parliament is rendered less considerable. Therefore Her Majesty with advice and consent of the Estates of Parliament, Statutes and Ordinances, That in the next Session of Parliament, and in all Parliaments, Meetings and Conventions of Estates to be holden hereafter, the Barons and Freeholders of the Shires aforementioned, shall add to their former Representation one Commissioner for each, viz. The Shires of Edinburgh, Haddington, Berwick, Roxburgh, Lanark, Dumfries, Ayr, Perth, Aberdeen, Pife and Forfar, being the most considerable Shires of the Kingdom: And that for ever hereafter, when a Noblesman shall be created, a Baron shall be added to the Representation of the Shires.]

ACT for securing free voting in Parliament read and a first reading ordered to be marked thereon and that it be printed.

[ACT for securing Free-voting in Parliament, and for excluding Officers of the Army, &c.

FORASMUCH as it will be much for the Security of this Nation, that the Members of Parliament be at absolute Freedom in their voting, and that all occasions of tempting them to be any-ways biased in giving their Advice and voting in Parliament and Convention be obliterated. Therefore, Our Sovereign Lady, with advice and consent of the Estates of Parliament, prohibits and discharges all persons whatsoever, to give, offer, or promise to procure to be given to them any Office Civil or Military, or any other good Deed, directly or indirectly, by themselves or others, or threaten any of the said Members, in order to the giving of their Advice or Vote in Parliament or Convention, as to any matter that shall come before them, under the pain of Infamy and loss of Office, and to be for ever incapable of any publick Trust or Office in time coming, and to be fined in the sum of 10000 l*ib*. to be paid to the party discoverer, and who shall pursue and obtain the party guilty to be convicted; As also prohibits and discharges all Members of Parliament or Convention, to take, accept, or receive any Sum, or Sums of Money, Office, or any other good Deed whatsoever, directly or indirectly by themselves or others, upon the account of their giving their Advice or Vote in Parliament or Convention, as to any matter that shall come before them, under the same penalty as in the case above-expressed. And further, that any Member of Parliament or Convention that shall give, offer, or receive any Sum, or Sums of Money, Office, or other good Deed, upon the

account firstsaid, shall be expelled the House, and declared for ever incapable to sit and vote in Parliament or Convention, or to choose, or be chosen a Commissioner to the Parliament or Convention: And it is hereby declared, that it shall be lawful to any of the Judges to pursue the Contraveners of this Act, either before the Parliament, Lords of Privy Council and Lords of Session, Lords of Justiciary, or any other Judges competent for the said Crime, which may be proven by the Defendants Oath, or any other legal Probation: And further Statutes and Ordinances, that no Officers of the Army, Forts or Garrisons, Receivers or Collectors of the publick Revenues, Treasurers, Collectors, Surveyors, Collectors, or others concerned in the Customs or Excise, nor any other person having a Pension from Her Majesty during pleasure, shall be capable to be elected a Commissioner to represent the Barons or Burrows in Parliament; And in case any Member elected shall during the currency of this or any other Parliament, accept of any Commission to be Officer of the Army, Forts or Garrisons, or any Letter of Pension, or be Treasurer, or have any concern as Managers, Collectors, Surveyors, or other Offices about the Customs or Excise, or employed to receive the publick Rents and Revenues, upon the Acceptation thereof the said Commission to represent the Barons or Burghs, shall fall and become null and void, and the Barons or Burghs whom they represented, are hereby authorized to elect others to represent them in their place.]

PETITION Lieutenant Collanell Alexander Campbell of Fensh Crawing payment of arrears due to him read and ordered that Two hundred pound Sterling be payed him out of the first and readiest of the tack duty due by Sir William Mainmair on the account of his sabbis arrears and good service in Caledonia.

PETITION the Earle of Crawford Crawing relief of his engagements for the publick for cloathing his regiment and payment of arrears due to him read and ordered that Sir William Mainmair out of the first and readiest of the same due by him pay to the petitioner what he is engaged in for cloathing as shall be instructed before the Treasury or Commissioner to be named for auditing the publick accounts.

PETITION the Duke of Atholl and the officers of his late regiment Petition Marquis of Lenthian & the officers of the regiment of dragoons under his command Petition Viscount of Toring Petition Lieutenant General Bannoy and the officers of her Majesties regiment of foot guards Petition Collanell George McGill Petition Sir William Douglas Petition Lieutenant Collanell John Hepburne Crawing relief of their engagements for the publick for cloathing their regiments & payment of the arrears due to them Petition Captain Slezer Crawing relief for cloathing the artillery company all read and the several Petitions to be considered when the accounts comes in.

PETITION M^r Charles Campbell Crawing payment of arrears due to him read and ordered that one hundred pound Sterling be payed him to accept.

PETITION Captain B^r Taylor Crawing that a sum of money advanced by him for supplying the Garrison of Carthmar may be repaid him with interest read and remitted to the Commission to be named for auditing the accounts to inquire thereunto and to report.

PETITION the Lord Burgary Crawing a decree of the Commission of Parliament against the Pale to be suspended read and Sir John Cochran appointed to see and advise again the next dyet of Parliament but the Parliament refused to sit execution in the mean time.

PETITION Sir W^m Manners Craving detention of a sum of money for cloaths furnished by him to the Duke of Athole then Earle of Tullibardie his regiment read.

August 22, 1704.

PETITION Francis Courtes Drouger of Seaforth Craving one shilling read & after reasoning It was put to the vote Grant the prayer of the Petition Yes or No and Carried in the affirmative and five hundred pound Sterling granted to her of yearly allowance out of the estate of Seaforth during the dependence of the process before the Lords of Session.

MOVED that the Parliament Proceed to the acceptors of the publick funds Likewise moved that they proceed to the Act assent the Wool And after reasoning thereon It was put to the vote Proceed to the Wool act, or to the Accounts next dyet of the Parliament and Carried first to the Wool act and then to the Accounts previous to all other business.

MOVED that the Act and Commission for plantation of Kirks and valuation of Tithes be read in order to have a first reading marked thereon And after reasoning It was put to the vote Proceed or Delay and carried Delay.

THE Lord Chancellor by order of the Lord High Commissioner Adjourned the Parliament till Tuesday next at ten a clock.

SEAFIELD Cancellor. I. P. D. P.

August 22, 1704.

PRAYERS said Rolls called and the absent members marked.

MINUTS of the last Sederunt read.

IT was objected that in the principal list of Commissioners of Supply for the shyre of Darnbarous the Earle of Eglington is named in place of the Earle of Wigton. Agreed that the Earle of Wigton was the person intended and that in the list to be printed the Earle of Wigton's name be inserted.

ACT discharging importing of all Woolen manufactures and allowing the exporting of Wool read the second time There was a Petition presented for the Manufactories Craving to be heard by their Lawyers for their interests against passing the said act read And after reasoning thereon It was put to the vote Hear the Lawyers for the Manufactories or Not and carried Not And the act being again read with a paper containing reasons against the said act After debate It was put to the vote Allow the exporting of Wool or Not and carried Allow the exportation of Wool and agreed that all sorts of Wool be exported till next Session of Parliament inclusive.

A CLAUSE was offered to be added to the said act That there be a duty put on all the Wool exported After reasoning thereon It was put to the vote add the clause or Not and carried Not.

ANOTHER clause was offered to be added to the said act That all the Woolen manufactures of this Nation exported be free of all duty during the continuance of this act And after reasoning thereon It was put to the vote Add this clause or Not and carried Add And the further consideration of the act delayed till the next dyet of Parliament.

THE Lord Chancellor by order of the Lord High Commissioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellor. I. P. D. P.

PRAYERS said Rolls called & the absent members marked.

MINUTS of the last Sederunt read.

ORDERED that the consideration of the papers relating to the Pet come in immediately after the accounts and nothing to intervene.

THE act assent the Wool again read And put to the vote Approve of this act or Not and carried Approve.

ACT continuing the Commission for auditing the Accounts of the publick funds read the second time And after several amendments made thereon It was put to the vote Approve this act or Not and carried Approve.

THE Lord Chancellor by order of Parliament gave thanks to the Earles of Galloway Northesk Balcarnea Darnmore and Strain Robert Dundas of Arncliffe Sir John Lauder of Fountainhall John Hadden of Glasgow William Seton of Pinesden younger James Ogilvie of Boyne younger Collin Campbell M^r John Clerk M^r Douglas Stewart Sir David Caryngham and M^r Robert Fraser members of the said Commission for the exact diligence in their Report & allowed a gratification to four of their number being a Commission approved by the rest to whom there was a sum given to be distribute by them to their Clerk & the other servants.

PETITION Archibald Howatson wryter to the Signet Craving a gratification for his two years service as Clerk to the late Commission of Parliament read and he allowed to retain of the money in his own hands one hundred pound Sterling for his said service.

ORDERED that those who have claims to the respective funds and have not given in petitions be equally considered by the Commission with those that have given in petitions.

AGREED that all who are lyable to diligence for clothing their regiments and companies be speciallie taken into consideration by the Commission according to the appropriations by acts of Parliament.

PETITION Liewtenant Colonnell Campbell Craving payment of arrears read and remitted to the Commission to consider the specialities therein mentioned.

PETITION William Montgomerie wryter to the Earle of Seafeld Lord High Chancellor Craving payment of arrears due to his father read and ordered that one hundred pound Sterling be payed him out of the first and readiest of the Pelt money 1693.

PETITION the Lord Forbes Craving payment of arrears read and remitted to the Commission to consider the specialities therein mentioned and Liewtenant Colonnell James Bruce of Kermack and Liewtenant Colonnell Reid their cafes likewise remitted to the Commission.

[UNTO His Grace her Majesties High Commissioner and right Honourable Estates of Parliament
The Petition of William Lord Forbes
Humble Sheweth

WHEREAS his late Majestie King William in March 1697 gave Commission to me as Colonnell to command that regiment of

Dragoons, formerly contracted by this present Marquis of Lothian. According to I came from Flanders forthwith for Scotland and served as Colliwell of the said regiment while the disbanding thereof, &th was in the month of December in the said year 1697 when your petitioner was commanded north for reducing Simon Fraser of Berwick and his accomplices and liberating the Lady Douglas of Loval out of their hands, &th your petitioner effectually did, before the orders came for disbanding my regiment.

Your petitioner wants eight months half pay as Colliwell and Captain and the whole month of December's pay for himself and troop, &th extends by the Treasurer's Accounts to two hundred and fifty two pounds Sterling, and the commanding officers of each troop have already received pay^t of what is due to them for the said eight months. And your Petitioner as yet wants the full sum notwithstanding that I borrowed money at Inverness upon the account of the said expedition & service for &th money I am perfectly distressed by legal diligence. And it's the fitting of the Parliament & only protects me from the execution of the same and my debts will be asked unless your Grace & honorable Estates order my payment and prevent the same.

May it therefore please your Grace & the honorable Estates, To order my payment of the full Two hundred and fifty two pounds Sterling out of the first & easiest of the five thousand pounds Sterling payable by Billie Morrice being I am so distressed & the like favour having been granted to others, It being sufficiently known what great loss I am at otherways.

Father.

ED 23 Aug: 1704.

Her Majesties High Commissioners & the Estates of Parli^{mt} having considered this petition they in respect of the speciality within represented remit to the Commission for publick accounts to consider favourable the circumstances of the Petitioners case as is within represented.

SEAFIELD Cancellor. I. P. D. P.]

PETITION Major James Cuninghame of Aiket Craving payment of arrears read and remitted to the Commission.

[TO His Grace, John Marquis of Tweeddale, Her Majesty's High Commissioner, And the Right Honourable Estates of Parliament,

The Petition of Major James Cuninghame of Aiket Humbly Sheweth

THAT where your Petitioner being employed by the Company Trading to Africa and the Indies, went along with the first Ships to Caledonia, a Concellor, upon the Integrity, Deline, and Choice, of many of the best Quality, and universality of the whole concerned: And as is known to your Grace and Lordships, that the said Undertakers have the greatest difficulty, and leave their own private Affairs neglected, as particularly fell out in my case: For besides the neglect of my private Fortune, which I was obliged to intrust to others, there was due my self of Arrears the Sum of 145 lb. 10 Shilling Ster. And also to my Company which I submitted out of my own private Estate for the space of nine Months, the Sum of 470 lb. Sterling whereof I was made believe I would get payment, in order to discharge my private Debts: Upon which Encouragement, and the natural Inclination I have to serve my Country, and to oblige the Honourable Persons that dealt with me, I went along; and I am hopeful served to the satisfaction of all concerned, returned, and made my Report; and yet my said Arrears are still owing, though all the other Officers were paid up that engaged in that Voyage.

May it therefore please your Grace, and the Honourable Estates, to ordain me payment thereof; and for that effect

to give as much of the same payable by Sir William Manners; and to grant me Letters against him for that effect.

And your Petitioner shall ever pray.

ED 23 August 1704.

Her Majesties High Commissioners & the Estates of Parliament having heard & considered this petition Remit the same to the Commission.

SEAFIELD Cancellor. I. P. D. P.]

PETITION Elizabeth Maxwell spouse to Captain Robert Drummond and Jean Drummond his sister and having right from Captain Thomas Drummond also her brother Craving payment of arrears due to them read and remitted to the Commission and the case of Lieutenant John Murray in the Earle of Tullibardine late regiment likewise remitted to the Commission.

[TO His Grace, the Marquis of Tweeddale, Her Majesties High Commissioners, and the honorable Estates of Parliament, The Petition of Elizabeth Maxwell, Spouse to Captain Robert Drummond lately of the Lord Edinburgh Regiment, disbanded, and Jean Drummond his Sister, and having Right from Captain Thomas Drummond, also her Brother.

Humbly sheweth,

THAT there is due of Arrears to the said Captain Thomas Drummond, as Lieutenant in the late Duke of Argyles Regiment, from the 1st of Nov. 1689. to the 1st of January 1691. and as Captain therein, to the 1st of Feb. thereafter, the Sum of 214 lb. 17 sh. 2 d. Sterl. To which I the said Jean Drummond have Right by Affidavit, dated the 15th May 1701. at the said Captain his last going abroad, in the Service of the Scots-Company, trading to Africa and the Indies, for my Aliment and Subsistence, during his absence, and for payment of his Debts: Likewise, there are several Arrears due to the said Captain Robert Drummond; to which I the said Elizabeth Maxwell his Spouse have Right, for my Aliment and Subsistence; and for paying also his Debts: But cannot now state the same, in regard the Papers were left in the hands of James Hamilton, Clerk in the Customhouse, now deceased; whose Papers are not yet impounded. And being, that all the other officers who had been employed in the Service of the said Company have been specially noticed and readily paid of their arrears, as they made application for the same; And that the said two Captains are still abroad in the Companies service, and have been employed therein since the very first undertaking: And that your Petitioners Subsistence and aliment in their absence does very much depend upon the said arrears; and that a part also is allotted for paying the Captains debts, as said is.

May it therefore please your Grace and Honourable Estates of Parliament, upon consideration of the said Captains their constant Service to the said Company, and out of compassion upon your Petitioners in their absence, to order payment of what shall be found due to the said Captains to your Petitioners, for their aliment and Subsistence, according to their rights, and for paying the said Captains debts, and that out of any ready fund your Wisdom shall think fit; And your Petitioners shall ever pray.

ED 23 August 1704.

Her Majesties High Commissioners & the Estates of Parliament having heard & considered this petition They remit the same to the Commission.

SEAFIELD Cancellor. I. P. D. P.]

PETITION Lieutenant Alex^s Stirling Craveing payment of arrears read and remitted to the Commission.

PETITION Lieutenant Colonel William Hay of Park Craveing payment of arrears read and remitted to the Commission for the Publick Accounts to consider the petitioners case with that of his brother in Darien and the lossing of one of his brothers in Darien and another before Namore justice deserved.

PETITION Captain Thomas Hay Craveing a protection read and a warrant granted to cite his Creditors on twelve four hours warning.

PETITION Sir Alex^s Bruce of Broomhall and partners Craveing repayment of depensements for the army out of some proper funds read and remitted to the Commission for publick accounts this remitt neither sisting execution against him and partners or at his Creditors and partners instances against him for their relief.

[UNTO His Grace her Majesties high Commissioner and the right Honorable the Estates of Parliament.

The Petition of Sir Alexander Bruce and partners

Humbly Sheweth

THAT wee were the first Commissioners to the army who reduced the matter of forraging by Commissioners from the old burdensome and clamorous way of localities; The newness of the thing, and severall difficulties that occurred, rendered it very hard and brought us to a vast expence and loss before wee could accomplish it. Notwithstanding whereof, wee never had any allowance, nor the least allowance whatsoever further than the half pence allowed to us by the army, of such money as was actually payed to them by precepts from the Treasury, Albeit the Commissioners of publick accounts have by a mistake, except in their report, as if wee had got allowance also, of the penceage of some extraordinary precepts.

By our contract with the Lords of the Treasury, wee had right to the fourth penny or half penceage of the full pay of the Army current, during our being Commissioners, so that none of the funds could be drawn out of our hands, so long as they were any pay due to the army, without allowing us the full fourth penny. Notwithstanding whereof, there was about 30000 lib. Ster: which would have been applied to pay the army, and was due to them, but was diverted and employed to other uses, and wee thereby deprived of the half penceage thereof to which wee had right as laid in by our contract.

Wee furnished such forces as were payed from England, all other Commissioners got allowance for their forraging such forces, because they had not the penceage of their pay as they had of others, which was a supplement and succourment for the charges of the forraging. This was our case exactly, and yet wee have had nothing allowed us as others had.

Wee also furnished the troop of Guards (who were then also upon English pay) with hand meat at E.P. a whole Session of Parliament, which continued about four months. All other Commissioners have got allowance of 18 pence per day a horse, as appears by the report of the Commissioners of publick accounts: And yet wee have never got any allowance except of 4 pence per day though it be very well known that there was an extraordinary dearth of forrage that Session.

Wee having represented this matter to her Ma^{ty} the was graciously pleased by her royal letter to order the Commissioners of the Treasury to enquire into the truth of these things.

But their L^{ds} did consider that it was out of their power to give us any redress in the matter, in respect they had already assigned the whole funds which were in our hands.

And seeing by our industry, and to our great loss wee were the first that rendered the method of forraging, by Commissioners,

effectual; and that all our endeavors had been to no purpose if wee had not furnished these troops also who were payed from England and that wee were ordered so to doe by the Treasury who were sensible it was necessary for the service of the Government, and that the same hath been allowed to all other Commissioners, whose case was not by far so favorable as ours.

Wee doe therefore humbly beg and hope that your Grace and L^{ds} will consider this our so just and equitable case, and that ye will please to order, that the same, being debartments for the army, may be provided for, out of the funds of the Army And for that effect, that you please remit, to the late Committee of your last Session of publick accounts or to any other Committee you shall think fit to take in and state the accounts relating to the sd matter, and to determine in the same as they shall see cause. Al^s Bruce.

Ed^d 23 August 1704.

Her Majesties high Commissioner & pe Estates of Parliament having heard & considered this petition They remit pe same to pe Commission And it is declared that this remit does not sit execution ag^t him and partners or at his Creditors & partners instances ag^t him for their relief.

SEAFIELD Cancellor. I. P. D. P.]

PETITION Sir George Hamilton Craveing payment of hygone salaries due to him read and remitted to the Commission to consider his case and determine therein as they shall find just.

PETITION Cornet John Murray Craveing payment of arrears read and remitted to the Commission.

[TO his Grace the Marquess of Tweeddale, Her Majesties High Commissioner, and the Honourable Estates of Parliament,

The Petition of Cornet John Murray.

Humblly Sheweth,

THAT your Petitioner had the honour, during the late War, to serve as Adjutant and Cornet in the Regiment of Dragoons; first commanded by the Marquess of Lothian, and afterwards by the Lord Forbes; for which there is due to your Petitioner the Sum of two Hundred thirty seven pounds eleven Shill: Sterl; as two full Years pay as Adjutant; and Ninety two pounds sixteen Shill: 6d: money forebid for Arrears, which are clearly stated and allowed in the Treasury Books: And seeing all the Officers, both in that Regiment and Colonel Cunningham's, had the interest to recover the full Pay that was due to them, and that your Petitioner only had the misfortune to be overlooked; So that being situated in more particular circumstances, and his case being singular from all other Officers in the Army, he presses, with all duty and humility, to apply for your Grace and Lordships Justice and compassion.

Humblly beseeching, that your Grace, and the Honourable Estates of Parliament, may be pleased to order payment of two full Years Pay, and what Arrears are due to your Petitioner, out of those Funds which are appropriated for clearing the Arrears of the Army.

And your Petitioner (as in duty bound) shall ever pray, &c.

Ed^d 23 August 1704.

Her Majesties high Commissioner & pe Estates of Parliament having heard & considered this petition they Remitt pe same to pe Commission.

SEAFIELD Cancellor. I. P. D. P.]

PETITION James Maxwell John Drummond and James Dunlop have severally received Craving payment of the balance of an account due to them read and remitted to the Commission to consider the petitioners case and determine therein.

[UNTO His Grace, John Marquis of Tweeddale, Her Majesties High Commissioner, and the Right Honourable the Estates of Parliament,
The Petition of James Maxwell and John Drummond, late General Receivers,

Humbly Sheweth,

THAT your Petitioners having Commissions under the Great Seal to uplift His Majesties whole Revenues within this Kingdom, did continue in the exercise of their Office, until the Year 1689. At which time, it pleased the Convention of Estates, to Nominate James Oswald of Fingelton, to succeed to the said John Drummond, in receiving the Supply and Inland Excise, and paying of the Army, And at the same time, Ordered the said John Drummond to give in a List of the whole Supply and Inland Excise, relating at that time, which accordingly was done, the Sum thereof (as the said James Oswald hath computed for) amounting to 458433 pounds 16 shillings Scots, Whereby your Petitioners, without clearing their Accounts, were debared from uplifting any more Money.

In Anno 1698, there being Commission granted to audit the publick Accounts, your Petitioners stand and instructed their Accounts before the Lords Auditors, by Balance of which, there is due to them lib. 8499 1 lb. Scots Money; And being your Petitioner did advance this Money to the Army in Anno 1688, besides far greater Sums from time to time, for which are Acknowledgement of 1700 pound sterling was granted, The King having allowed 3600 pound sterling yearly, for Interest of their Advances, who paid the Army furnerly.

May it therefore please your Grace and Honourable Estates of Parliament to consider the Premises, and order effectual Payment to be made to your Petitioners, of the foresaid Balance of 8499 lib. 1 lb. Scots, and of the Amountment thereof since Anno 1688, and such a Sum as your Grace and Honourable Estates shall think fit for their other Advances to the Army; Seeing by their good Management there was 3700 lib. sterl. saved yearly to the Treasury.

And your Petitioner shall ever pray.

ED 23 August 1704.

Her Majesties high Commissioner & pe Estates of Parliament haveing heard & considered this petition Remitt to pe Commission to consider pe petitioners case.

SEAFIELD Cancellar. I. P. D. P.]

PETITION Isobell Kerr Lady Manderston Craving payment of arrears due to her deceased husband read and remitted to the Commission.

[UNTO His Grace, Her Majesties High Commissioner, and the Right Honourable the Estates of Parliament,
The Petition of Isobell Kerr Balck of the deceased Captain John Home of Manderston, and Elisabeth Home her Daughter,

Humbly Sheweth,

THAT your Petitioners Husband having from the year 1688 to his Death in May 1702, served his Country at Home and Abroad in the Wars, and acquitted himself honorably on all occasions, and particularly at his death in the Siege of Kalierwa

where he was killed, to the insupportable loss of your Petitioners, being on his life depended our Subsistance.

And whereas in all ages, persons who signalized themselves in the Service of their Country, and especially those who lose their Life for the same, are both honourably remembered, and care taken of their Relicts and Children; Your Petitioner humbly represents, that while the said Captain Home was in the Regiment commanded by the right Honourable the then Lord Strathmore, he had from the 22 of April 1699 to the last of March 1701 only Subsistance allowed him, so that for the space of 23 Months one Week 4 sh. sterl. per diem was stopped of his Pay, amounting to the Sum of 190 lib. 4 sh. sterl. as is stated in the Pay-masters Books herewith produced, which is still resting unpaid, and to which I the said Isobell Kerr have right by Disposition from my Husband.

May it therefore please your Grace, and the honorable the Estates of Parliament, to consider your Petitioners destitute Condition, and as an Act of Justice, to order the payment of my Husbands Arrears out of the first and readiest of the Funds laid on, or to be laid on, and being your Petitioners had no other Fund of Subsistance but her Husbands Pay; May it please your Grace in Commemoration of my Husbands good Services, to ordain an Annual Pension as shall be thought proper for our future subsistance. And your Petitioners shall ever pray.

ED 23 August 1704.

Her Majesties high Commissioner and the Estates of Parliament haveing Considered this petition They Remitt to the Commission for publick accounts to consider the same & to doe therein as they find just.

SEAFIELD Cancellar. I. P. D. P.]

PETITION the Dutches of Argyle Craving payment of arrears due to the late Daks of Argyle read and remitted to the Commission.

[TO His Grace, Her Majesties high Commissioner, and the right Honourable the Estates of Parliament,
The Petition of Elisabeth Dutches Dewiger of Argyle as having right to the Deceased Duke of Argyle her Husbands Arrears as Colonel to Her Majesties Horse-Guards, and the Remount Officers of the foresaid Guards,

Humbly Sheweth,

THAT where there being Twenty nine Months of Clearance and Clothing Money due to your Petitioners, and that from the first of January 1698, to the first of June 1700, continues to an Account subscribed by the Clerk of the Treasury herewith produced.

May it therefore please your Grace and Right Honourable the Estates of Parliament, to take the Premises to your consideration, and to order such Funds for payment of the said 29 Months Clearance and Clothing Money as your Grace and Lordships in justice shall think fit. And your Petitioners shall ever pray.

ED 23 August 1704.

Her Majesties high Commissioner & the Estates of Parliament haveing heard this petition they remitt to the Commission for publick accounts to consider the same and to doe therein as they find just.

SEAFIELD Cancellar. I. P. D. P.]

PETITION Captain James Stevenson Craving payment of arrears due to him read and remitted to the Commission.

[TO His Grace the Marquis of Tweeddale Her Majesty's High Commissioner And The Honourable Estates of Parliament

The Petition of Captain James Stevenson attesting Brigadier in the Regiment of Her Majesty's Guards

Humbly Sheweth

THAT your Petitioner not being in the terms of these Officers, who were disbanded after the peace of Ryswick is obliged to make his humble application to your Grace and L^{ty} by himself and with all duty and submission, represent, That your petitioner has served long and faithfully in his said station, during which time there is one hundred and forty two pounds two shillings Sterling due of clearance as the account herewith given in, and fully satisfied by the Treasurer Books will testify.

Your Petitioner being these three years out of Employment has brought his small stock to a very low state, and he has little or nothing but his Clearance to depend on for his support in time coming which he hopes and expects from the strict wisdom and justice of your Grace and the High Court of Parliament.

Wherefore your Petitioner humbly beseeches your Grace and the Honourable Estates of Parliament to take his particular case to consideration and to order payment of his said Clearance, out of the first and readiest Funds in being, or to be imposed for clearing the Arrears due to the Officers of the Army or otherwise to submit him till there be an occasion to provide him in her Majesty's service.

And your Petitioner shall ever pray.

B^d 23 August 1704.

Her Majesties High Commissioner & pe Estates of Parli^t having heard & considered this petition They remitt^t pe same to pe Commission.

SEAFIELD Cancellor. I. P. D. P.]

PETITION Sir William Hope of Balcanquhall Craving payment of arrears due to him read and remitted to the Commission.

[TO His Grace, John Marquis of Tweeddale, Her Majesty's High Commissioner, And the Right Honourable Estates of Parliament,

The Petition of Sir William Hope, late Deputy-Governor of the Castle of Edinburgh.

Humbly Sheweth

THAT having the Honour at the late Revolution, as Commanded an Independent Troop of Horse, belonging to the Shire of Fife, which I Cleaved immediately after their being Levied, upon my own private Credit; so that there is nothing to me, of my own proper Pay and Clothing Money for the said Troop, the Sum of 250 Pounds Sterling, conforms to a particular Account given in by me to the Honourable Commission appointed for Reviewing and Auditing the Accounts of the publick Funds. As also, Her Majesty having been pleased to dispose of my Commission as Deputy-Governor of the Castle of Edinburgh, in February was a Twelve Month, without having any Misbehaviour to lay to my Charge: At which time there was also due to me of Arrears, while I served in that Post, the Sum of 104 Pounds Sterling, which with the former Sum of 250 Pounds, amounts in all to the Sum of 444 Pounds Sterling. And it being most just and reasonable, being your Petitioner not only employed his private Credit for the Clothing of his Troop, but hath been also after a very singular and unprecedented manner turn'd out of his Em-

ployment, that he should be cleared of what is owing to him by the Publick.

May it therefore please your Grace, & Right Honourable Estates of Parliament, to take your Petitioner's unprecedented Circumstances under your Consideration, and to order, as you have been pleased lately to command to some other particular Officers, that the said Sum of 444 Pounds Sterling be paid in to your Petitioner, out of the 2000 Pounds Sterling payable by Sir William Mordaunt at Mortmain and Condition's next.

And your Petitioner shall ever pray.

B^d 23 August 1704.

Her Majesties High Commissioner & pe Estates of Parliament having heard & considered this petition they remitt^t pe same to pe Commission.

SEAFIELD Cancellor. I. P. D. P.]

ORDERED that all the officers that went to Caledonia have precedence out of the respective funds in which they are concerned.

PETITION James Bayne Craving payment of a sum due to him read The Parliament declared they would take this petition & the petitioners case to their consideration when they can conveniently and in the mean time recommended to the Lords of The Treasury to pay the petitioner yearly for his servant six hundred pound Sterling to be paid quarterly ay and while his case be taken into consideration.

PETITION Sir James Stewart her Majesties Advocate Craving a process of proving the same may be remitted to the Lords of Session to be by them cognosed and finally determined with a parliamentarie power read and remitted to the Lords of Session to determine in the said process summarie without shying the course of the roll.

PETITION Colonel Scipio Hill Craving payment of arrears due to him read and his case remitted to the Commission to be determined by them with that favour and dispatch which his pains and charge in coming twice to Scotland on that affair and his necessary residence in England does justify require.

PETITION Sir W^m Mainzie Craving to be excused of his task and tack duty upon payment of the five Thousand pound Sterling decreed by the Parliament to be paid at Mortmain and Condition's next read and the Marquis of Louthian and the officers of the army allowed to see and enforce the same the first Sederunt after to morrow and in the mean time remitt^t to the Commission the serenity of his accept.

PROPOSAL Doctor Chamberlaine and James Armour present a Lord Credit remitted to the Commission and to report.

[UNTO His Grace John Marquis of Tweeddale Her Majesties High Commissioner and the Right Honourable Estates of Parli^t The humble petitioners Hugh Chamberlaine and Doctor in Physick & James Armour merchants

Sheweth

THAT whereas your Petitioners in pe last Session of this current Parli^t did lay before this High and Honourable House the Consideration of a National Current credit for the Supply of money and the Relief of the Poor and for carrying on both foreign and domestick affairs.

Your Petitioners doth humbly pray that the Parliament would be pleased to appoint a select Committee strictly to examine both these Overtures & to discover how far justly or severely they may appear for the honour and profit of

this Kingdom (and to that end) and also in the general satisfaction of this Nation that they may remove all objections with y^e Answers and transact the whole proceedings in writings and in case the s^d Comity by reason of y^e shortness of this Session cannot be ready to make a report that they be authorized to sit from tyme to tyme during y^e intervall of Parli^t to Cognosce the same and Report it at the beginning of the next Session of this or any succeeding Parliament.

And y^e Petitioners shall ever pray.

Ed: 25 August 1706.

Her Majesties High Commissioners & y^e Estates of Parli^t having heard & considered this petition They remit y^e same to y^e Commissioners.

SEAFIELD Cancellar. L. P. D. P.]

PETITION Lord Burgay Craving a decret of the Commission of Parliament about the Pole with the answers thereto by the taxmen of the pole read and remitted to the Lords of Session to determine the cause necessarily with a parliamentarie power and in the mean time sisted execution.

THE Account of the Pole money the year 1698 read The first observation contained the taxmen instructing the verity of the imbursement before the Commission As to the second observation After hearing the taxmen lawyers and debate thereon It was put to the vote Allow the quadruples of the army in one article of the discharge Yea or Not and Carried in the affirmative And remitted to the Commission to state the extent thereof The third observation remitted to be instructed before the Commission otherwise not to be allowed The fourth observation read The allowance mentioned therein was refused.

ACCOUNT of the Pole money 1698 read.

ORDERED that the Commission take tryall of undoe transactions made by the taxmen collectors or any persons concerned in the publick funds with the countre or officers of the army and report next Session of Parliament.

THE second observation not allowed unless he instruct payment before the Commission The third observation remitted to the Commission to inquire thereinto.

PETITION Colonnell George M^g Gill representing that William Cochran of Ferguile taxman of the Pole 1698 had extorted from him a defalcation of Eight hundred and twelve pound Sterling as the twentie fyfth and eight parts of a one contained in a precept drawn by the Lords of Treasury for payment of clothing money and arrears read with other complaints of defalcations extorted from the souldiers and others of money due to them by the publick and severall abuses committed by him and his sub-collectors in collecting and giving out the said Pole.

ORDERED that the said William Cochran be carried to prison untill he find bail under the penaltie of twelve thousand pound Scots to compare to answer the complaints given or to be given in against him and the further consideration of this affair continued till the next dyet of Parliament.

[WARRANT for the imprisonment of William Cochran of Ferguile.

Edinb. 25th August 1706.

HER Majesties High Commissioner and the Estates of Parliament Order and Command the person of William Cochran of

Ferguile to be taken from the Bar by the Earle of Marischall or the Captain of his Guards and delivered at the door of the Parliament house to the Earle of Errol High Constable or to the Captain of his Guards and brought by them to the Tolbooth of Edinburgh therein to be kept prisoner by the Magistrates of Edinburgh and keepers of the said prison untill he find sufficient Caution to answer the severall Complaints already exhibited or to be exhibited against him for his retching and withholding a part of the money contained in the severall precepts drawn upon him by the Lords Commissioners of Her Majesties Treasury from the persons in whose favours they were drawn notwithstanding his taking receipts for the whole and to compare before the Parliament or any Commission or other Court to whom his case shall be remitted and to attend the severall dyets of his tryall throughout under the penaltie of Twelve Thousand pound Scots money for which these persons shall be a sufficient warrant.

SEAFIELD Cancellar. L. P. D. P.]

THE Lord Chancellor by order of the Lord High Commissioners Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellar. L. P. D. P.

August 24, 1706.

PRAYERS said. Rolls called.

MINUTS of the last Sederunt read.

MOVED that the Act for one additional representation of Commissioners for Barrons might be read a second tyme Likewise moved that the Parliament proceed upon the report of the accounts of the publick funds And after resuming Agreed that the accounts come left in And next to them the Plot Next thereafter the Act for one additional representation of the Barrons And then the Act for securing free voting in Parliament previous to all other business whatsoever and nothing to intervene.

MOVED that in regard both the contrawerted Commissioners for the fyre of Rols have found that they had equal votes Ordered that a warrant be granted to the sheriffrs of the said fyre to meet at Michaelmas next to make a new election of a Commissioner to the Parliament.

THE Parliament having taken to their farther Consideration the affair of Cochran of Ferguile Ordered that he be brought out of prison to the bar And after his being farther examined It was remitted to the Commission to take farther tryall of the Complaints made or to be made against him and to report And thereafter it was put to the vote Remit the determination of these Complaints in so far as they concern the interest of private party to the Commission or to the Lords of Session And carried Remit to the Session to be by them summarily decided.

IT was Likewise remitted to the Commission to inquire into all abuses committed by any of the receivers or their servants and to report.

ORDERED that the members that are present at calling the rolls and object from a vote without leave be fined as if they were absent the whole Sederunt.

THE fourth observation on the discharge of the account of the pole 1698 with the necessaries given in by Ferguile read And after resuming thereon It was put to the vote Allow the quadruples of the army in one article of the discharge Yea or Not and Carried in the negative.

ORDERED that the article in his Memorial that the books were not returned in due time from the several libraries mentioned be remitted to the Commission to inquire what damages he fulfilled thereby on the said account and what amount he should have therefore and what part of the balance he should retain in his hands and to fix execution for the said part and to report next dyet of Parliament.

ORDERED that he be sent back to prison and there continue as and while he find bail in the terms of the former ordinance And it is hereby declared that the said bill is only to continue to the next Session of Parliament inclusive.

MOVED that any preferences granted to the two Captains Drummonds upon the appropriated funds might not prejudice the officers private right to the said funds, and the further consideration thereof delayed.

AGREED that the Dutches of Buccleugh's petition come in the first Sederunt of Parliament for private business before all other private business.

THE Lord Chancellor by order of the Lord High Commissioners Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Chancellor. A. P. D. P.

August 25, 1704.

PRAYERS said Bells called.

MINUTS of the last Sederunt read.

THE Act in favour of the Commissioners of Justice The act for exporting of Wool and the Act concerning the Commission were tutched with the Scepter by her Majesties high Commissioners in the usual manner.

PETITIONE Mr Walter Smith minister of the Castle of Edinburgh craving payment of Seventy five pound Sterling owing to him free of postage and inviolable money read And remitted in the Commission for hyggons telling to him and to the Lords of Thesaurie as to what shall fall due to him in time coming.

THE Parliament having considered Sr W^m Douglas his representations They remitt him to the Commission as others in the like case and recommended him to the Queens Majestie to provide for him in consideration he had his estate in France forfeited for his religion & for the Nations cause.

THE process Captain Thomas Hay against his creditors called and none comparing a protection was granted to him till the next Session of Parliament inclusive.

THE process Patrick Skell against his Creditors called and none comparing a protection was granted to him till the next Session of Parliament inclusive.

PROCES George Daniels against his Creditors called and none comparing a protection was granted to him till the next Session of Parliament inclusive.

THE Account of the Tonnage read.

THE petitions Alex^r Nisbet read and recommended to the Commission for any fund can be found for him.

MEMORIALS for Mr Adair and Captain Sletzer with a petition for Sir Robert S^r Clair read and remitted to the Commission with preference to their respective interests conforme to the act of Parliament.

AS to the rests and imbursements of the tonnage remitted to the Commission to assist Sir Andrew Hume to make the imposition effectually and to bear any representation thereunto and recommended to the Lords of Thesaurie and Exchequer to reap the same with the burden of his hyggon salaries.

ACT for one imposition on foreign ships in favour of Mr Adair to bear his charge of finishing the maps and descriptions of the sea coasts and islands read with the report of the Commission concerning the payments made by him Ordered that in the act there be insert that he go on to perfect the sea maps in the first place and that the land maps and that the duty be twelve shilling on the ton and to endure for fyve years & then ordered a first reading to be marked on ye act.

THE Accounts of the Admiralty read The first alteration contained The second alterations remitted to the Commission to inquire thereunto and to report.

THE Parliament having heard that part of the report relating to the falsis monies with a petition presented by John Smith offering to discover the same And being called alleaged that Thomas Bruce generally master master had received one hundred pound Sterling and one man of each company of the regiment in the garrison of Insereochie to get their master bills completely given in which he offered to perse by Colonel Forbes and John Forbes agent to the regiment and of consent of Mr Bruce John Forbes was examined and he ordered to produce his books on oath before the Commission and remitted to them to meet to morrow at eight a clock to inspect the articles in the book and to call the said John Forbes Colonel Forbes or any other who was officers in that regiment and to state the whole articles relating to the said and the number of probations and by whom and to report to the Parliament.

PETITIONE the Earle of Marchmont Craving a ratification of a charter in his favour to be put read.

REMITTED to the Commission to inquire how far Kilmarnock and his partners were leud in their tack of the excise and to report.

ACCOMPT of the Arrears due to the army for cleavage and clothing money read.

OVERTURE for one act assent insupplying the funds read.

ACCOMPT of what is owing to the publick of the Cofe Excise Hearth money Pole money and Tonnage since the year 1698 to 1701 read The first three articles remitted to the Commission to inquire if there that were recoverers at that time received their balances and the Lords of Thesaurie ordered to raise processes against the deficientes The fourth article with the alderest given in for examining the same remitted to the Commission The fifth article remitted to the Commission As to the payment of the sums in the Duke of Queensberies and late Duke of Argyles funds remitted in the Commission to bear their defenses and to dryde amongst the officers who had right to these funds out of which their sums were borrowed what shall be found due As to Colonel Hamiltons bond the contents thereof cleared formerly As to all the fractions of oes omitted the quota to be kept up and the Collectors lyable & what is omitted in general remitted to the Commission to inquire thereunto and to report.

THE Parliament declared they would Consider Sir William Meinies petition next Sederunt.

MOVED that inquiry be made about the arrears of the tack duty of the Lord Balharrow tack. In the terms of the deliverance of Parliament thencein in his favour And the question being stated Whether to remit the same to be determined by the Lords of Exchequer or to the Commission of Parliament to make inquiry and report again the next Session of Parliament and oried Resout to the Commission.

THE Lord Chancellor by order of the Lord High Commissioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Concllar. I. P. D. P.

August 26, 1704.

PRAYERS said Bells called.

MINUTES of the last Sederunt read.

THE process the Laird of Clackmannan against his Creditors being called and none of them conspiring Protection was granted to him to the next Session of Parliament to be taken.

THE Ratification of a Charter in favour of the Earle of Marth being read.

THE Act for the inspection on all foreigne ships read the second tyme And after severall amendments made thereon it was put to the vote Approve or Not and oried Approve and tatched with the Signetur by her Majestys High Commissioner in the usual manner.

THE Parliament having heard the report of the Commission to whom it was remitted to inquire further into the Complaint given in by John Smith against the generall master master and they both being present John Smith craved that John Forbes agent to Colanell Hills regiment then in the garrison of Inverlochie might be examined on the interrogatories given in by him who being called was examined & thereafter the further inquiry in this whole affair both in that regiment & all the other regiments since that time the generall master master got his commission and all the master masters Deputes & agents for the regiments since the revolution remitted to the commission with power to them to call & examine witnesses & likewise to call for Papers Writers & Documents for clearing this whole matter and to report next Session of Parliament.

[DEPOSITION of John Forbes in place of Parl]

Edr 26 August 1704.

IN place of her Majestys high Commissioner & the Estates of Parl Compared John Forbes feoffee agent for Colt Hills Regim^t who being solemnly sworn examin'd & interrogat whether or not he sent his servant about the month of July 1699 to John Smiths house at the head of Grays clack in Edr the sd John being then lately a servant employed by the master master gill defending the sd John Smith to come up to him to speak with him which the sd John Smith did & when he came there whether or not the deponent did take the sd John Smith into a back room and offered him a sume of money in hand and that he should be repaid to his former post within a month or two If he would leave off his pursuit and whether or not Mr Bruce was in another roome of the sd house at the time Deputes That the deponent remembers not that ever he sent for Mr Smith to his house and that Mr Bruce never employed him to speak to Mr Smith in any point of this matter nor any other that he can remember in Mr Bruce name And being interrogat if he advised Mr Smith at any time to desert from his pursuit ag^t the master master Deputes That

he cannot be positive whether he did so or not And being Interrogat if he knows that Mr Bruce had received any gratification from the sd Regim^t for altering master Balles Deputes That he knows of no money nor gratification given to Mr Thomas Bruce himself since he was master master But that sometime after the controversy concerning the master Balles he did by order of Colt Hill pay in fifty pounds Sterling or thereby to Alex^r Bruce his brother And being further Interrogat about the sd Captain Thomas Bruce master master his getting the pay of a man per Company from the sd Regim^t Deputes that he paid for some months to the sd Alex^r Bruce ten shillings Sterling monthly from like company thereof and that he paid the sd money quarterly twice or thrice And deputes he has no books or accounts of the pay of the sd Regiment since of these books having been cancelled at disbanding that Regim^t & the rest being exhibited in a post between Lt Colt Forbes & some of the officers And this the truth as he shall see to God.

Jo Forbes.

SEAFIELD Concllar. I. P. D. P.]

PETITIONS Lieutenant Smith & Cornet Henry Montgomery craving arrears due to them read & remitted to the Commission.

[PETITION for Lieutenant James Smith

TO his Grace her Ma^{ty} high Commissioner and the Right hon^{ble} the Estates of Parliament

The Petition of Lieutenant James Smith

Humbly Sheweth

THAT where your petitioner hath served these several yeares bygone as Ensign and Lieutenant in the Garrison of the Castle of Edinburgh during which time there is due to me of Arrears the sume of one hundred and ten pound Sterling conform to the particular account thereof stated by Captain James Coult in the sd Castle of Edin^{burgh} herewith produced And it being just and reasonable that your petitioner be payed of what is due to him by the publick, for having no other means of subsistence for himselfe and family & the small credit I had being now failed, I am not only under legal distresses at the instance of my rigid Creditors but also under a heavy pressure of present want.

May it therefore please your Grace and Lords, to consider my case which is at present very hard and to appoint my pay^t to be made out of any find your Grace and Lords shall think fit, At least to remit my case to the hon^{ble} Commission that they may order my pay^t

And your Grace and Lord^s petitioner shall ever pray.

Ans Account of Clearance due to Lieut^t Ja^s Smith

Indie Due to him as Ensign 14 months viz Nole	£	sh.	d.
& Deliv 1695 & the year 1697 monthly	21	2	sh.
Inde " " " " " " " "	29	03	00
It: Due as Lieutenant six months in 1698 commencing in July the whole year 1699 & eleven months in 1700 at 21£ 16 sh. p month	Inde	81	04 —
Summa			
		110	12 —

I Captain James Coult in the Castle of Edin^{burgh} do hereby declare that the first months are due to James Smith in the different capacities of Ensign & Lieutenant in the Castle of Edin^{burgh} Wills & Girded in the sd Castle 23^d March 1704 Sic facte Ja. Coult.

Edr 26 August 1704.

Her Majestys High Commissioner & pe Estates of Parl^t having heard & considered this petition They remitt pe same to pe Commission.

SEAFIELD Concllar. I. P. D. P.]

[PETITION for Cornet Henry Montgomery]

TO the Lord High Chancellor of Scotland
May it please your Lordship

HAVING served as Cornet in the late Earle of Eglington's troop of Light horse from August 1689 to October 1690 and Living at a Distance from this place where I had not the fortune to wait daylie upon the meetings of the Disbanded Officers, By which I find I am neglected out of the list given in to the Parliament which I understand is marked to be inspected by the Commissioners of Parliament.

May it therefore please your Lord: to Consider the premises And procure your petitioner to be inserted in the said list having got neither Clearings nor Satisfaction for the furth months Except for the month of September 1689 And your L^{ds} Petitioner as in duty bound shall always pray &c.

H Montgomery.

Ed^d 28 August 1704.

Her Majesties high Commissioners & ye Estates of Parliament having heard & Considered this petition They resolve ye same to ye Commission.

SEAFIELD Cancellor. L. F. D. P.]

ACT sent the misapplying the publick funds read & a first reading ordered to be marked thereon & to be printed.

ACT for raising the Country read & a first reading ordered to be marked thereon & to be printed.

THE Parliament proceeded to take the affair of the Plot into Consideration: It was moved that since there is no sufficient documents but only copies of papers produced her Majesty be addressed to send to the next Session of Parliament the principall papers relating thereto And it was refused because contradictions that there be a draught of one Address brought in from the Parliament to the Queen to lay before the next Session of Parliament all the principall papers relating to the plot and to send the evidences perforce and whitherso to appear at the next Session of Parliament.

THE Lord Chancellor by order of the Lo. High Commissioner Adjourned the Parliament till Monday next at ten a clock.

SEAFIELD Cancellor. L. F. D. P.

August 28, 1704.

PRAYERS said. Rolls called.

MINUTES of the last Sederunt read.

ORDERED that the two Captains Drummonds have preference for their arrears as is contained in the Minutes of the date the tenneth third instant.

THE Address is to be sent to her Majestie read And after severall amendments made thereon It was put to the vote Approve or Not and carried Approve.

AFTER which Her Majesties High Commissioner made a speech to the Parliament as followes.

My Lords and Gentlemen

You have now sit long and I think you cannot complain that you have been cut short by frequent Adjournments or short Sederunts In this time more might have been done However some good Laws are past and one in particular which Gives sufficient Evidence of the Disposition her Majestie was in to have Gratified you in whatever was reasonable I advertised you long since that you had not much longer time to sit and this I cannot but say the time you have had since has been usefullie Employed yet if more dispatch had been made some of those good Laws which are before you might have passd But now I must tell you that I am not allowed to Give you any more time Her Majestie thinking a short recess necessarie at present So it will not be long before you have an opportunity of doing what still remains fit to be done for I can assure you no disappointment that Her Majestie has met with will in the least alter her gracious dispositions towards this her ancient Kingdom.

THE Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till the seventh day of October next.

SEAFIELD Cancellor. L. F. D. P.

MINUTES OF THE PARLIAMENT OF QUEEN ANNE, HOLDEN
AT EDINBURGH, JUNE XXVIII, MDCCV.

June 28, 1705.

PRAYERS said.

HER Majestys Commission to John Duke of Argyll for representing her Royall person in this Session of Parliament read by the Lord Clerk Register and ordered to be recorded.

ROLLS called.

THE Earle of Forfar protested in name of the Duke of Douglas that the calling of any other in the Rolls of Parliament may not prejudice him of his first vote in Parliament.

THE Earle of Forfar altho protested in name of the Earle of Sutherland against the calling of any other Earle before him.

THE Earle of Mar protested against the calling of any Earle before him.

THE Earle of Findlater protested against the calling of the Earle of Airy before him.

HER Majestys Gift and Commission in favours of James Earle of Seafield to be Lord High Chancellor read and ordered to be recorded. And then the Lord Clerk Register administered the oath of allegiance to him who swore the same with the assurance and took the oath of Parliament.

HER Majestys Gift and Commission in favours of Sir James Murray of Philiphaugh to be Lord Clerk Register read and ordered to be recorded. Thereafter the Lord High Chancellor administered the oath of allegiance to him who swore and subscribed the same with the assurance and took the oath of Parliament.

HER Majestys Gift and Commission in favours of William Marquis of Anandale to be one of the Principall Secretaries of State read.

AS altho Her Majestys Gift and Commission to Hew Earle of Lochness to be the other Principall Secretarie of State read and both Commissions ordered to be recorded.

HER Majestys Gift and Commission to David Earle of Glasgow to be Lord Treasurer Depute read and ordered to be recorded who thereafter swore the oath of allegiance signed the same with the assurance and took the oath of Parliament.

HER Majestys Gift and Commission to Adam Cockburne of Crimston to be Lord Justice Clerk read and ordered to be recorded who thereafter swore the oath of allegiance signed the same with the assurance and took the oath of Parliament.

CHARLES Earle of Erroll Lord High Constable and David Earle of Wemyss swore the oath of allegiance subscribed the same with the assurance and took the oath of Parliament.

Sir David Ramsay of Balmain one of the Commissioners elected for the Shyre of Kincairdine in place of the deceased Sir James Falconer of Fifehead swore the oath of allegiance subscribed the same with the assurance and took the oath of Parliament.

Sir Peter Hacket Commissioner for the burgh of Dundfermling and Mr James Stewart Commissioner for the burgh of Queensferry swore the oath of allegiance subscribed the same with the assurance and took the oath of Parliament.

MOVED that there being two Commissions presented last Session of Parliament from the Shyre of Clackmannan one for Andrew Burnside of Hartsrow the other for Mr Alex^r Abercrombie of Tulliboddie and Burnside being now dead Tulliboddie should be admitted.

MOVED that seeing there was a Competition betwixt these two Commissions there be a competent time allowed to acquaint the Barons and Freeholders of that Shyre for objecting against Tulliboddis Commission if they think fit and that before he be admitted And after some debate it was put to the vote Admit or Delay and carried Admit Tulliboddie thereafter swore the oath of allegiance subscribed the same with the assurance and took the oath of Parliament.

HER Majestys Commissioner acquainted the Parliament that he had a Letter from Her Majesty to them but in respect many of the Members were not yet come to Town he thought proper to delay presenting the Letter till the Parliament were more fully assembled.

AFTER which My Lord Chancellor by order of Her Majestys High Commissioner Adjourned the Parliament till Tuesday next at ten a clock in the forenoon.

SEAFIELD Castellar. I. P. D. P.

July 3, 1705.

PRAYERS said. Rols called.

A LETTER from her Majesty to the Lord High Commissioner read appointing Lord Archibald Campbell brother German to his grace to have the place and vote of the Lord High Treasurer in this Session of Parliament who swore the oath of allegiance subscribed the same with the assurance and swore the oath of Parliament and thereafter took his place.

James Black Commissioner elected for the burgh of Dyfart in place of George Eastree deceased swore the oath of allegiance subscribed the same with the assentance and swore the oath of Parliament.

Mr Roderick McKennie of Prestonshall commissioner elected for the burgh of Fortrose in place of Mr John McKennie of Afloat deceased swore the oath of allegiance subscribed the same with the assentance and swore the oath of Parliament.

MINUTES of the last Session read.

MOVED that Alex^r McKie of Falgown being admitted last Session of Parliament but he having of consent declared that he would not vote till the Competition between him and Patrick Murdoch of Camelon should be determined And being Camelon does not Consent to Compete he ought now to have his vote After some Debate it was agreed to that he should have his vote in Parliament.

THE Double Election of the Laird of Balnagown and Mr George McKennie of Inchevaline for the shyre of Rothes appointed to be considered next meeting of Parliament.

HER Majestys Letter to the Parliament preferted by her Majestys Commissioner and read by the Clerk Clerk Register.

HER Majestys Commissioner made his Speech to the Parliament as also my Lord Chancellor made his Speech to the Parliament.

MOVED by the Marquess of Annandale that her Majestys Letter to the Parliament with the Commissioners and Lord Chancellors Speeches to the Parliament be printed.

ORDERED that Her Majestys Letter with the Lord Commissioners and the Lord Chancellors Speeches to the Parliament be printed.

THEN the Lord Chancellor by Order of her Majestys High Commissioner Adjourned the Parliament till Friday next at ten a clock in the forenoon.

SEAFIELD Canobbis. I. P. D. P.

[THE Speech of His Grace John Duke of Argyle, &c. Her Majesties High Commissioner to the Parliament of Scotland, on Tuesday the Third of July 1705.

My Lords and Gentlemen,

HER Majesty has in Her most Gracious Letter expressed so much Tenderness and Affection towards the Nation, in assuring you, that She will maintain the Government as Established by Law, both in Church and State; And acquainting you that She has been pleased to give me full Power to pass such Acts as may be for the Good of the Nation: That were it not purely to comply with Custom, I might be silent.

Her Majesty has had under Her Consideration, the present Circumstances of this Kingdom, and out of Her extreme Concern for its Welfare, has been graciously pleased to Recommend to you two Expedients, to prevent the Ruins, which does but too plainly threaten us; In the first place, your settling the Succession in the Protestant Line, as what is absolutely and immediately necessary to secure our Peace, to root those Hints, which have with great Industry, and too much Success been fostered among us, and effectually disappoint the Designs of all our Enemies: In the Second, a Treaty with England, which you yourselves have shown so great an Inclination for, That it is not to be supposed it can meet with any Opposition.

The small part of the Funds which were appropriated in your last Meeting for the Army, are now at an end. I believe every

Body is satisfied of how great use our Frigates have been to our Trade, and it is fit to acquaint you our Ports are Ruinous, and our Magazines empty; Therefore I do not doubt but your Wisdom will direct you to provide suitable Supplies.

My Lords and Gentlemen,

I am most sensible of the Difficulties that attend this Post, and the Loss I am at by my want of Experience in Affairs; But I shall endeavour to make it up by my Zeal and Firmness in serving Her Majesty, and the great Regard I shall have to whatever may be for the Good of my Country.]

[THE Speech of James Earl of Seafield, &c. Lord High Chancellor to the Parliament of Scotland, on Tuesday the Third of July 1705.

My Lords and Gentlemen,

HER Majesty in Her most Gracious Letter, and My Lord Commissioner His Grace in His Speech, do propose their things to your Consideration, which are of the greatest Importance for the Security of your Religion and Liberties; And Her Majesty is most Willing to do all that is in Her Power to promote the Happiness and Prosperity of all Her Subjects.

For these ends, Her Majesty doth with great Earnestness continue to Recommend to you the Settlement of the Succession to the Crown in the Protestant Line, as the surest measure for preserving all that is valuable to you, with regard either to your Sacred or Civil Concerns: So long as this is delayed, the Enemies of Our present Establishment will continue their bad Designs, and be ready to take the first Opportunity to disturb the publick Peace. And when can you enter upon the Deliberation of this matter with greater Advantage than now, in Her Majesties own Time, and when you have Assurances from Her of all Encouragement, and that She is ready to Grant such Limitations and Conditions of Government, with regard to the Successor, as can be reasonably Propos'd, and will give Her Royal Concurrence in every thing that can make this Settlement Advantageous to this Nation.

Her Majesty doth also in Her Royal Letter, with great Concern signify Her desire to prevent all Differences that may happen betwixt this Kingdom and that of England; and proposes the only expedient in this matter, the setting on Foot a Treaty of Union, and of such other Matters and Concerns as may be for Her Majesties Honour, and the Good and Advantage of both Kingdoms. It is Unquestionably the Interest of both Nations, that they were more closely United, and that there were an entire Communication of Advantages and Privileges, and that they both had the same Interest, which would make this Union secure at Home, and Formidable Abroad; And you are assur'd of Her Majesties Royal Concurrence and Assistance to make this Treaty effectual, to the Mutual Advantage of both Kingdoms.

You will certainly think it Reasonable to Grant the needful Supplies for Maintaining the Forces, and the Frigates, and for the other Uses mention'd in Her Majesties Letter, these being so necessary now in the time of War, for the Support of Her Majesties Government, and for the Defence of this Nation, against the Attempts and Designs of Our Enemies.

My Lords and Gentlemen,

My Lord Commissioner being fully Instructed by Her Majesty in every thing that Concerns the Good of this Nation, You have the clearest and greatest Evidence of Her Majesties most Tender Care for the Happiness of Her People: I am therefore Hopful You will improve this most desirable Opportunity for promoting of Piety, for encouraging of Trade, for preserving of your Peace, and for doing all that may be for the mutual Satisfaction of Her Majesty and Her Subjects.]

July 6, 1705.

PRAYERS said. Rolls called.

WILLIAM Earle of Kilmarnock swore the oath of Allegiance subscribed the same with the Assurance and swore the oath of Parliament.

MINUTS of the last Sederunt read.

THE objections against Palgrave's Commission Appointed to be discuss'd next meeting of Parliament.

THE controverted Election of the Shyre of Rolv betwixt Ballingren and George Mackenzie of Inchcouler called, and their procurators being heard upon the objections against the president of the meeting as a nullity of the Election. The Parliament having Considered the debate it was put to the vote Sustain or Repell the objection, And carried Repell, After which Ballingren withdrew his Commission, And Inchcouler being preferred from the oath of allegiance subscribed the same with the assurance and swore the oath of Parliament.

THE Act containing the Orders of the House read, and the same ordered to be printed and affixed on the usual places according to custom.

ORDERED that the Clerk to the General Register of Sealsmen, and the Clerk to the Register of Hornings be allowed to be present at the meetings of Parliament.

ORDERED that her Majesties Solicitors be allowed to be present at the meetings of Parliament.

PROPOSALL presented by the Marques of Annandale that the Parliament go into the consideration of such Limitations and Conditions of Government as shall be judged proper for the next Succession to the Protestant Iyre, And that at the same tyme a Committee of Parliament be named to Consider the Condition of the Coyne of the Nation, and the state of its Commoitie or Trade, as to Export and Import, and to prepare and bring in the most proper Remedies and Regulations for that end.

RESOLVE presented by the Earle Marishall that this house before all other affairs, will make such Regulations of the Trade and Coyne of this Kingdome as may be most for the advantage of the Nation.

RESOLVE presented by the Earle of Mar that this house will proceed previous to all other business to take into their Consideration the Nations circumstances as to England and how to enter into a Treatie with them.

AFTER some debate these two questions were put Whether to proceed first to Consider Coyne and Trade or Limitations of Government, And carried to proceed first on Coyne & Trade, Next the question was put Proceed by way of Resolve or Overture & Carried by way of Overture.

THEREAFTER the Earle of Mar declared that since his motion was given in by way of Resolve he withdrew the same for the tyme.

THEN the Lord Chancellor by order of her Majesties High Commissioner Adjourned the Parliament till Tuesday next at ten a clock in the forenoon.

SEAFIELD Chancellor. I. P. D. F.

July 10, 1705.

PRAYERS said. Rolls called.

MINUTS of the last Sederunt read.

THE Controversed Election of the Shirewrie of Kirkcubright betwixt Palgrave and Carskolden called and their procurators being heard upon the objections against the legality of the meeting After some debate thereupon it was put to the vote Sustain the objections founded upon the want of a due intimation to the Barons and Freeholders of the Stewarrie or Repell and carried Repell. And having proceeded to the other objections the same were repell'd without a vote.

ORDERED that parties procurators should indite to Discuss the mutual objections against either parties Electors.

MOVED that they should yet have a Dyot appointed to them, for Disfranchising their objections and accordingly the twelfth six of this instant appointed for hearing them and Diligence of Consent granted to both parties for Recovering all Wryts which shall be necessary in Disfranchising the said Competitors.

PROPOSALL for supplying the Nation with money read and ordered to ly upon the table.

DRAUGHT of an Act Discharging the Importation and Wearing of Musins Caligoe and other foreign Linnen, read and ordered to ly upon the table.

DRAUGHT of an Act Discharging the Importation of victuall from Ireland read and ordered to ly upon the Table.

DRAUGHT of an Act Discharging the Importation of foreign Butter and Cheese read and ordered to ly upon the Table.

ORDERED that her Majesties Solicitors cause print these Overtures for Information of the members of Parliament.

RECOMMENDED to the Commission appointed for Publick Accounts to whom Doctor Chamberss proposall was Resisted last Session of Parliament to bring in the same next Sederunt.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Thursday next at ten a clock.

SEAFIELD Chancellor. I. P. D. F.

July 12, 1705.

PRAYERS said. Rolls called.

MINUTS of the last Sederunt read.

PROPOSALL by Doctor Hew Chamberlands anent a land credit read and ordered to be printed.

THE Draught of the Act discharging the Importation and Wearing of Musins Caligoe, and other Foreign Linnen again read And after some amendments upon the said Act a first reading ordered to be marked thereon.

THE Draught of the Act discharging all English Irish and Foreign Better and Cheefe again read And after some amendments a first reading ordered to be marked thereon.

THE draught of the Act discharging the Importation of victuall from England and Ireland againe read And after some reasoning thereon Ordered to lay upon the table.

ACT *Adjourning* the Summer Session to the first of November next read and put to the vote *Make a full reading or Not* and Carried in the negative.

THEN the Lord Chancellor by order of her Majestys high Commissioners *Adjourned* the Parliament till to morrow at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

July 15, 1705.

PRAYERS said Bells called.

MINUTES of the last Sederunt read.

THE draught of ane Act against the Importing of Molasses from foreign parts into this Kingdome read and ordered to lay upon the table.

THE draught of ane Act discharging the Importation of English or Irish tanned leather read and ordered to be printed.

THERAFTER the Parliament proceeded to the Consideration of the Draught of the Act Discharging the importation and wearing of Modish Caligoe and other foreign Linnen and after some amendments the farther Consideration thereof was delayed till next meeting of Parliament.

THE draught of the Act discharging the Importation of English or Irish Better or Chertie read the second tymes And after severall amendments it was put to the vote *Approve the Act or Not* and carried *Approve*.

THEN the Lord Chancellor by order of her Majestys high Commissioners *Adjourned* the Parliament till Tuesday next at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

July 17, 1705.

PRAYERS said Bells called.

George Menro Commissioner elected for the burgh of Irving in place of Mr Alexander Cunningham deceased Swore the oath of allegiance Subscribed the same with the assentance and Swore the oath of Parliament.

MINUTES of the last Sederunt read.

RESOLVE presented by the Duke of Hamilton that this Parliament will not proceed to the nomination of a recorder till we have had a previous Treaty with England in relation to our Commerce and other concerns with that Nation And farder it is Resolved that this Parliament will proceed to make such Limitations and Conditions of Government for the Rectification of our Constitution as may Secure the Liberty Religious and Independent of this Kingdome before they proceed to the said nomination and after Reasoning thereupon it was put to the vote *Approve the Resolve or Not* and carried *Approve*.

THEN the Lord Chancellor by order of her Majestys high Commissioners *Adjourned* the Parliament till Fryday next at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

July 20, 1705.

PRAYERS said Bells called.

MINUTES of the last Sederunt read.

THE draught of a Letter presented by the Marques of Tweeddale in answer to her Majestys Letter to the Parliament read.

DRAUGHT of ane Act for a Treaty with England presented by the Earle of Mar read.

ANE other draught of ane Act for a Treaty with England presented by the Marques of Lothian read.

DRAUGHT of ane Act about the way of choosing officers of State Privie Councillours and members of Exchequer and Thesaurie in take of her Majestys decessit without aine of her body to succeed to her presented by the Earle of Rothes read.

DRAUGHT of ane Act for Advancing and Establishing the Herring fishing in and about this Kingdome read.

ANE other Draught of ane Act about Herring and Whyte fishing read.

DRAUGHT of ane Act Discharging the Importation of Brandy and all Foreign Spirits read.

DRAUGHT of ane Act about the exportation of Woolle and Skins and Woollen yarns read.

ORDERED that these Acts be printed for information to the members.

REPORT of the Commissioners for Publick Accounts in relation to Doctor Chamberlons propoall read As also the Doctors propoall with the objections against the same and answers made to the objections all read And after reasoning thereon the farder consideration of the propoall was Delayed till the second Sederunt of Parliament next week.

THEN the Lord Chancellor by order of her Majestys high Commissioners *Adjourned* the Parliament till Tuesday next at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

July 24, 1705.

PRAYERS said Bells called.

THE Earle of Morton Protested against the Calling of any Earle in the House of Parliament before him.

HER Majestys Commission to James Duke of Queensberry to be Lord Privie Seal read and Ordered to be recorded who thereafter Swore the oath of allegiance Subscribed the same with the assentance and Swore the oath of Parliament.

MINUTES of the last Sederunt read.

MOVED that the Parliament proceed to the Consideration of the Draught of the Letter presented by the Marquis of Tweeddale in answer to her Majestys gracious Letter to the Parliament.

MOVED also that they proceed to the Consideration of their Acts relating to trade which are lying before the Parliament

And after Debate it was put to the vote Proceed to the Consideration of the Draught of the Letter presented or the Draughts of the Acts relating to trade and carried Proceed to the Consideration of the Acts relating to trade.

THEN the Parliament did proceed to the Consideration of the Acts for establishing and advancing the Herring fishing in and about this Kingdom And after some reasoning upon them A first reading ordered to be marked upon the Act presented by the Provost of Edinburgh Referring to any member to offer Clauses to be added to the said Act when the same comes to be under Consideration for a second reading.

THEN the Lord Chancellor by order of her Majestys high Commissioner Adjourned the Parliament till Thursday next at ten a clock.

SEAFIELD Chancellor. L. P. D. P.

July 26, 1705.

PRAYERS said Rolls called.

MINUTES of the last Sederunt read.

MOVED that this day being appointed for discussing the Controversed Election of the Stewards of Kirkcaldy betwixt Falgown and Cambloden the Parliament would now proceed to the consideration thereof And the same being called and parties procurators allowed to be heard It was objected by the procurators for Falgown that the Protestations taken by Cambloden against Falgown's election at the time of the Election were not legal in regard these Protestations bear not that there were Instruments taken thereupon in the Terms of the Act of Parliament 1681 made against Election of Commissioners to the Parliament And after Reasoning thereupon It was put to the vote Sustain the objection made against the Protestations taken by Cambloden or Not and carried Sustain the objection.

THERAFTER Cambloden withdrew his Commission whereupon Falgown was allowed to have his vote in Parliament.

DRAUGHT of an Act for appointing a Council of Trade read and Ordered to be printed.

DRAUGHT of an Act Dissolving Royal mynes from the Crown read and Ordered to be printed.

DRAUGHT of an Act for preserving the Game read and Ordered to be printed.

RESOLVED that Doctor Chamberlands preface and other Overtures relating to coyne be first under consideration and So decreit previous to all other business.

THEN the Lord Chancellor by order of her Majestys high Commissioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Chancellor. L. P. D. P.

July 27, 1705.

PRAYERS said Rolls called.

MINUTES of the last Sederunt read.

PROPOSALL for supplying the Nation with money by a paper Credit read And after reasoning & debate thereon it was agreed that the foregoing any paper Credit by an Act of Parliament was unfit for this Nation.

MOVED that the Parliament proceed to consider if it be convenient that the Current species within the Kingdom should be raised above what it passes for at present & after some debate it was put to the vote Proceed or Delay and carried Proceed.

THEREAFTER it was agreed that the raising of the current species above what it passes for at present is an unfit expedient for this Nation.

MOVED that this Parliament might appoint a day for taking to their consideration if it be fit that the value of the English minted money and Ducatons and other foreign species should be lowered And the same delayed till the Parliament return to consider the state of the coin of this Kingdom.

THEN the Lord Chancellor by order of her Majestys high Commissioner Adjourned the Parliament till Tuesday next at ten a clock.

SEAFIELD Chancellor. L. P. D. P.

July 31, 1705.

PRAYERS said Rolls called.

MINUTES of the last Sederunt read.

THE Draught of an Act and Commission for a Treatie with England read and moved that a first reading be marked thereon.

MOTION presented by the Duke of Hamilton that the Parliament proceed to the necessary Acts for Regulating our trade the Rectification of our present Constitution and the Limitations in the terms of the first Resolve And after Reasoning and Debate upon the Act and Motion it was put to the vote Proceed to Consider the Act for a Treatie or Proceed to Consider Limitations and carried Limitations.

THEN the Lord Chancellor by order of her Majestys high Commissioner Adjourned the Parliament till Thursday next at ten a clock.

SEAFIELD Chancellor. L. P. D. P.

August 2, 1705.

PRAYERS said Rolls called.

MINUTES of the last Sederunt read.

MOVED that the Parliament proceed to Limitations and in order thereto that the Draught of the Act sent the way of Choosing the officers of State in case of her Majestys decease without heirs of her body be read and that it have a first reading marked thereon.

MOVED that the Parliament proceed to Consider the Acts already presented which relate to trade And after debate it was agreed that the Act sent the Choosing of the officers of State be read.

A RESOLVE offered that the Parliament will proceed first to the finishing of all such Acts as shall be found necessary for the right regulation of the trade of this kingdom and next to the finishing the necessary Limitations and Rectifying our Constitution and that previous to any Act for a Treatie with England And after debate upon the Resolve a Proposal was made that it should be insert in the Minutes that the Parliament doth agree That in the first four ensuing Sederunts they will proceed to

Consider Acts in relation to Trade As likewise Agree that the next four Sederunts thereafter the Parliament will proceed to Consider Ratifications of our Constitution and Limitation upon the Successor and that an extraordinary business shall Intervene And after Debate it was put to the vote Whether approve the Resolve or Mark the Proposal in the Minutes and carried Mark the Proposal in the Minutes.

THEN the Lord Chancellor by order of her Majestys high Commissioners Adjourned the Parliament till to morrow at ten of the clock.

SEAFIELD Chancellor. I. P. D. P.

August 5, 1705.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THE Overture for one Act Prohibiting and Discharging the Importation of all manner of Merchandise and Commodities from England read.

OVERTURE for one Act assent the Coyrage of Copper Overture for one Act Discharging the victualing of Ships outward bound with Irish or foreign beef read As also the Overtures for the Acts following Act Discharging the Importation of Tobacco Act Discharging the wearing of Silk Stuffs Velvets and Stamped Calices Act Discharging the Importation of Starch and Powder made of Starch, Act for raising the Toldages as to the payers of fishes in Edinburgh Canarys and Leith all read and ordered to be printed for information of the Members.

MOVED That the Parliament proceed to Consider the Act for establishing and advancing Herring fishing upon which there is a first Reading already marked Moved also that the Parliament proceed to Consider the Draught of the Act appointing a Council of Trade And after Debate it was put to the vote Whether the Act for the Fisheries or Act Appointing a Council of Trade should be first considered And carried Act for the Fisheries And accordingly the same was read and proceeded on And after Debate upon the Clause Relating to the Browsing of Haggings with foreign salt It was put to the vote Allow of the Browsing of Haggings to be exported with white Salt Yes or Noe and Carried in the negative.

MOVED that the Petition by Mr George Campbell assent the Improvement of Salt be read And agreed that the same be under Consideration before finishing of this Act.

MOVED that a Clause be added Prohibiting the Importation of all English Salt and Agreed that the same should be likewise considered before the Act be finished.

THEN the Lord Chancellor by order of her Majestys high Commissioners Adjourned the Parliament till Tuesday next at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

August 7, 1705.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

ORDERED that the Overture for a Triennial Parliament be printed.

THEN the Act for the fisherie further proceeded on and Agreed that the premium of each fishing that shall be exported be nym pounds p left & five of Duty which makes ten pounds four shilling.

MOVED that there be an additional premium for encouraging both fishing and involving of Red herrings And after Debate it was put to the vote Whether the same should be in this Act or in a separate Act and carried in this Act And then agreed that Eighteen pence including the Duty be the premium for the left of both herring to be exported.

MOVED that the premium for Red herrings be twenty four pence Moved also that it be thirty six pence And after Reasoning it was put to the vote Whether Twenty four or Thirty six pounds and carried Twenty four pounds including the Duty as the premium of the left of Red herrings to be exported.

THE further consideration of the Act Delayed till the next Sederunt.

THEN the Lord Chancellor by order of her Majestys high Commissioners Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

August 8, 1705.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

PETITION for Captain Walter Lockhart of Kirkcubbin presented and a Bill of Execution granted to the Petitioner for the tyme contained in the Deliverance upon his Petition.

ORDERED That the Report of the Commission for Public Accounts be printed for Information of the Members.

[REPORT of the Commissioners appointed for stating and examining the Public Accounts.

UNTO His Grace John Duke of Argyll Her Majesty's High Commissioner And the Honourable Estates of Parliament

The Report of the Commission of Parliament Appointed for stating and examining the publick Accounts.

SINCE by the seventh act of the last session of Parliament it pleased the honourable Estates of this Kingdom to continue as their Commissioners for stating and examining the publick accounts and to ratifie the powers given as by the sixth act of the first session of this Parliament, As Likewise by the minutes of the last session to recant several other things to be inquired into, and reported to your Lordships Therefore that we may be the more enabled to give this honourable house a clear and satisfying account of their matters, We shall in the first place Acquaint your Grace and Lordships how far we have been able to bring our enquiry as to these things recommended to us by the forth sixth act of the first session of this Parliament, and left unfinished in our former report.

In the next place we shall endeavour to satisfy your Grace and Lordships as to what was recommended to us by the seventh act of the last session of Parliament, and therefore we shall subjoyn to every particular remit in your last minutes, such reports, as the nature of the things, the difficulties and obstructions we met with, in the Inquiry, would allow.

By the sixth act of the first session of this Parliament it was particularly recommended to us to consider the state of the pole money 1698, and to divide the sums that were lying in the hands of the Tarmen and Collectors, among those who had claims upon that fund.

In Pursuance of which We met upon the 20 of August 1704, and made up a Dividend in the terms of the act 9th Parliament 1693; Bringing all the several Regiments, Troops and Companies up to an equal foot, Yet by reason of the defect of the Muster Rolls in some regiments, and the want of them in others, we found it impracticable to assign to every particular officer his just proportion, Therefore we divided the said fund among the several Regiments, Troops, and Companies, and ordered the money to be paid to the Colonells, and other officers in Chief, they giving sufficient security to satisfy by just proportions the claims of every officer then in the army.

But we do with regret Repent to your Grace and Lordships that though much time has been spent on this subject, yet we have not as yet been able to make the said fund effectual for satisfying all the regiments, troops, and companies by the scheme of our Dividend, which now lies before this honourable house, For we found this business of the Pole, so industriously opposed by the civil management and conduct of the Tacksmen and their partners by their several protections, innumerable debates and mutual claims of one another about their expenses and collections that it hath been impracticable to us, to get all distributed so that the money might be brought in, But as to what sommes has been payed in to our Receiver, and how, and to whom we have disposed of these, we presume to refer your Lordships to a particular stated account herewith produced.

By the same Act it was likewise recommended to us to bring in a Report concerning the Treasury accounts of Cuts and Excise since the year 1689 which accordingly we did last session of Parliament bringing our report as to these publick funds down to May 1701 But since that time these accounts of Cuts and Excise lies still uncleared in the hands of the Commissioners of the Army and general Receiver, And we judged ourselves not empowered to call for, or consider any but such as had been stated before the Right Honourable the Lords of Her Majesty's Treasury.

By the seventh Act of the last session of Parliament it was particularly recommended to us to bring in an account of the Bullion Money, as to which we crave leave to refer to your Lordships that we found the accounts thereof in extraordinary confusion and that with great difficulty we could obtain any accounts at all, however such as we have seen we presume to lay before your Lordships by way of Charge and Discharge as we done in our former report.

CHARGE of the Bullion from November 1691 to 1st November 1704

Collected by Sir John Shaw of Greenock betwixt the 1 st November 1691, to 1 st November 1697. Instructed by an Aque fitted with the Levels of the Treasury upon oath	LIE	a. d.
	-	-
Item Given up by several Collectors according to their Books depozed upon from the 1 st November 1695, to 1 st November 1704	-	-
	-	-
Item by partial payments made by several of the Collectors to Daniel Stewart Receiver of the Bullion to an account, their Books not being cleared	-	-
	-	-
Sums of the charge upon the Collectors of the Bullion	-	-
	-	-

DISCHARGE

Primo By payments made to Sir Patrick Murray General Receiver of the Bullion by Sir John Shaw of Greenock	LIE	a. d.
	-	-
Secundo By payments made to Mr William Spence likewise by Sir John Shaw, from 1 st November 1691, to November 1696	-	-
	-	-
Tertio By other payments made to Mr William Spence as per his receipts upon books apaid from Novemb ^r 1696 to 1 st Jan ^y 1699	-	-
	-	-
Quarto By payments made to Daniel Stewart Receiver of the Bullion from 1 st January 1699 to November 1704	-	-
	-	-
Quinto Collected by Sir John Swinton and rest by his sons 1697	-	-
	-	-
Sums Collected and rest by Sir Robert Anstruther	-	-
	-	-
Sums of the Discharge is	-	-

OBSERVATIONS upon this Account.

1st That Sir Patrick Murray who received the £17750 above mentioned is dead, and we have not as yet come to the knowledge how the same was disposed of But have cited his Representatives to state and clear their Accounts.

2nd That Mr William Spence who received the second and third sums of the discharge entering in all to £131444 : 7 : 7 is likewise dead and his Representatives the cited have not cleared their Accounts before us.

3rd That Daniel Stewart who received the fourth sum mentioned in the Discharge has cleared his accounts and has instructed payments made by him conform to the Treasury's precepts amounting to the sum of £20405 : 10 : 2.

4th That the said sum of £20405 : 10 : 2 was paid by the Treasury's orders for the ends and uses to which the Bullion was granted by the 24th act Parliament 1686.

5th That there is a balance resting in Daniel Stewart's hands extending to £10181 : 12 : 6.

6th That since the year 1697 there are many Collectors of the Bullion at several parts of the Kingdom who tho' they have paid in some small parts of their Collections, yet have not charged themselves with the whole, as to which we presume to refer your Lordships to our committee minute dated the 16th of July instant.

7th To Conclude all We cannot but take notice that the confusion that has happened in this fund of bullion money, has been occasioned by not observing the methods laid down in the 24th act of Parliament 1686 for collecting and preserving the same, as particularly that the bullion money collected shall not be mixed with the other revenues, but put in a chest apart standing in the mint, having two locks and keys, whereof one to be kept by the Lords of the Treasury and another by the Generall of the mint.

Having given your Grace and Lordships a short account in relation to these things, particularly recommended to us by the above mentioned two acts of Parliament, We shall now endeavour to satisfy you, as to what your Lordships were pleased to result to us by your minute of the last session of Parliament,

which we presume to do by prefixing the minute in their due order, and subjoining thereto our several Reports.

Minute the 16 August 1704 Remitted to the Commission of Parliament to Consider whether or not the account given in by Sir William Menzies be a true account.

Report. We have made all the Enquiry into this matter that possibly we could, especially by taking the Depositions of Sir William his tackmen and collectors, as to the extent of their tack duties and collections, as likewise of the sums paid in by them to him, As also we examined them conform to Interrogatories lying in the Clerk's hands, particularly whether or not there were any double tacks, underhand dealings, promises or gratifications made for concealments, and upon the whole matter we make the following observations.

1st That Colin Alison who was Sir William's Sub-collector and Cashier for the Town of Edinburgh and Shyre of Mid Lothian gives up in the account wherein he has deposed an article of £8050 Lb Scots or thereby of Rents in the said town and Shyre, which Sir William did not give up in his account given in last session of Parliament, and the reason given by him therefore is, that he looked upon the said list of rents as irrecoverable, But we find Sir William added by a receipt to the said account the sum of 2400 Lb received by him before giving in thereof to the Parliament, and that since that time he acknowledges to have received the summe of £12000 And find that for the Remainder of the said £28000 Scots, he hath decreets against the brewers Tybule in payment thereof which he produces for his execution.

2nd That whereas he should have taken care to have sett sub-tacks during the first year of his management he on the contrary suffered the Shyre to be in collection because it seems he could not bring it up to the extent of his tack duty with any advantage to himself, But it appears plainly to us that more could have been made thereof then the collections amounted to.

3rd That notwithstanding of the exact inquiry we made into this matter yet we could not discover any double tacks, underhand dealings, promises or gratifications for concealments.

4th That the fillarys given by him to his Collectors and Surveyors seemed to be a little exorbitant amounting in some shires to near a fifth part of the whole Collection.

5th That he made default during the second year of his management for lesser sums then he received the year before by collections, which we judged to be ill management in respect that the second year of Sir William's Tack, was by far a year of greater plenty then the first, But as to all these we presume to refer your Lordships to a more full and particular account inserted in the minute of our Committee dated the 1st day of June To which is subjoined Sir William's answers that this matter may appear more clearly to your Lordships when stated with all the advantages and disadvantages that our observations and Sir William's answers can suggest.

We are obliged further to Report to this honorable house that tho' by a vote your Lordships declar'd Sir William Menzies's tack to be a standing tack and ordained him to pay in £10000 Sterling at Mortmain's and Candler's last by equal proportions, Yet he hath been so far from making any payments conform to your order that he withdrew and went out of the Kingdom near eight months ago In the mean time tho' your Lordships had not empowered us to do diligence against him, yet upon application made to the Treasury their Lordships ordered his tack to be registered together with burning and caption after the ordinary manner.

By the Minute of the same date, Remitted to the Commission to Call for the Collectors of the hearth money and cause them compt for each shyre and parishes as were not given up by them, nor accounted for before the Lords of the Treasury.

Report. We did accordingly cite each of these Collectors who are alive and in the Kingdom But most part of them are either dead or bankrupt and others not as yet come in.

The Shyre and parishes mentioned in your Lordships remitt, are those of Dunsfries, Kilmardinny, Rofs, Conarnie, Elgin, Nairn, and the Stewartries of Orkney and Zeland, A parish deficient in the shyre of Ayr, All the lands pertaining to the Sheriff of Murray, The lands pertaining to Grant of Elthen, The lands pertaining to the Laird of Calder, The parish of Clakab, And the lands pertaining to the Laird of Darnaglesch, All which Shyre parishes and lands might possibly have satisfied their Collectors, But these have only compted to the Treasury for a part of their collections, as is more fully observed in our former report upon the hearth money.

Upon a full inquiry into this kind of hearth money, we cannot but Represent to your Grace and Lordships that we have seen nothing stated in the Treasury books against the deceased Laird of Calsingray General Receiver and Collector thereof, and the Earle of Leven his customer But what they have sufficiently excused themselves of, having compted according to the nature of Calsingray's Commission, for all the sums intrusted with by them.

By the Minute of the same date Remitted to the Commission to Enquire into the balance of the hearth money.

Report. We find that when the deceased Laird of Calsingray made up his accounts with the Lords of the Treasury he had a Balance in his hand extending to £7365 Scots But since that time we find that he and the Earle of Leven paid the same according to the Treasury's order for the said debt and so to which the hearth money was granted by the Parliament except as to the summe of £438 Scots which we have allowed my Lord Leven to retain in his hands, in part payment of his own arrears, so that this balance hath been fully accounted for, and the documents thereof are lying before your Grace and Lordships.

Minute the 18th August Remitted to the Commission to enquire into the undue transactions made since the accounts due to the Treasury.

Report. We knew no way more proper to enquire into theft, then to make publick intimation in the gazettes with promises of suitable encouragement to the discoverers, But some have now complained before us to make any complaint.

By the Minute of the same date, Remitted to the Commission to Consider the arrears due to the Castles of Edinburgh, Stirling and Darnottar, To the effect, that what was payed out by the several officers for subsisting their garrisons might be reimbursed to them.

Report. By this remitt we could not think that it was the meaning of the Parliament that these officers should have a preference on the pole-money for all their arrears, but rather a right to a proportionable part of them with the other officers of the army, For with due submission to what might have been the meaning of the honorable house by this remitt we thought that the value of Colonells and Captains subsisting their Regiments, Troops and Companies, was as reasonable as the value of Governors of Castles subsisting their garrisons, And accordingly we made our Dividend of the pole-money allowing to each Governor who made application to us a proportionable share of the pole-money with other officers that had claims upon that Fund.

Minute the 19 August Remitted to the Commission to Consider the Earle of Crawford's Engagements for the cloaking of his regiment.

REPORT. This the Parliament was pleased to remit either to the Lords of the Treasury or to us, And accordingly both their Lordships and we have dated the Earle of Crawford's accounts, and find his engagements for clothing of his regiment extend to the sum of £2800 Sterling, which by a determination of this honourable house last session of Parliament, his Lordship has preference for out of the 2000 Lib Sterling ordered to be paid in by Sir William Maxwell.

By the Minutes of the same date Remitted to the Commission to Enquire into Captain Robert Tailours claim for falsifying the Garrison of Cambusmore.

REPORT. The petition and memoriall given in by the Captain to the Parliament has not been sufficiently proven, But we find

1st That there is nothing to him *et cetera*.
2nd That he got the command of the garrison of Cambusmore consisting of 94 men in June 1690, and continued in that post till the 22nd of February 1691, which was three quarters of a year.

3rd That during that space he bought some mearl for maintaining his garrison, upon his own expence, But the quantity thereof is not instructed.

4th That he received 140 bolls of mearl out of the Cattle of Strieling of which he has given no satisfactory account as by the minutes of our Committee dated

Minutes the 25 August. The following petitions from the Officers of the Army sent their arrears Remitted to the Commission viz. from Collinell Campbell, Will: Montgomery, Lord Forbes, Major Cunningham of Aikak, Collorell Bruce, Collorell Reid, Elisabeth Maxwell and Jean Drummond for Captain Robert and Thomas Drummonds, Lieutenant John Murray, Lieutenant Alexander Strirling, Lieutenant Collinell Hay, Comet John Murray, Lady Manderhouse for her decessit Husband, The Dutchess of Argyle for the decessit Duke of Argyle, Captain James Stevenson, Sir William Hope of Balnain, Captain Scipio Hill.

REPORT. We are sorry it did not ly in our power to take such a regard to these honourable officers claims as their services to their country do justly deserve, For there being no funds for their payment We presume to recommend them to your Grace and Lordships that you may consider their circumstances and provide for their relief.

Amongst these officers we were in a speciall manner obliged to consider Major Cunningham of Aikak since, in regard your Lordships by your minutes of the same date appoynts that all the officers who went to Caledonia should have preference out of the respective funds in which they are concerned, Wherefore being Major Cunningham served in the Earle of Glencairn's Regiment as a Captain, at the Revolution, and had a right to the Pole money 1693 for payment of his arrears, Therefore we have already allowed him £145:12 Sterling in part of what is owing him out of that proportion of the Pole money which we have allotted to the Earle of Glencairn's Regiment, And are of opinion that when all the money comes in, the Major may be allowed full payment of his arrears according to the tenor of your Lordships remitt in favour of those who went to Caledonia.

By the Minutes of the same date Remitted to the Commission to Consider Sir Alexander Bruce of Broomhall his petition, craving payment of his depayments for the army.

REPORT. We find that Sir Alexander Bruce and his partners did enter into a Contract with the Lords of the Treasury wherein they were not obliged to forage any troops but such as were upon the Scots Establishment, yet notwithstanding thereof they foraged the troop of horse guards, and my Lord Tervits Regiment of Dragoons both being upon the English Establishment at

that tyme, which Sir Alexander pretends he did at the charge of the Lords of the Treasury tho' he has not instructed the same by any written order.

We find also that whereas your Lordships, in the last session of Parliament, were pleased to acquiesce in considerable allowances given to other Commissioners, as paymages for extraneous precepts payed out of the cets and carcase otherwise then for the use of the army, yet Sir Alexander got never any allowance for these extraneous precepts notwithstanding (as he pretends) he had no other fallacy or advantage then the paymages he expected out of the Cets and Exchequer.

He likewise claims some consideration upon the account of his foraging the troop of guards at that time attending the Parliament which was likewise granted to other Commissioners and allowed by your Lordships, last session of Parliament.

And upon the whole we observe that tho' Sir Alexander might possibly have been at a considerable loss by reason of his according the terms of his Contract with the Lords of the Treasury yet it depends upon your Lordships to judge whether or not you will favour him with the same allowances that were granted to others.

By the Minutes of the same date Remitted to the Commission to Consider Sir George Hamilton his petition craving payment of bygone fellarys due to him.

REPORT. We find that Sir George Hamilton was appoynted Commissioner and General Receiver by a Commission under the Great Seal dated the 3rd of January 1691, with a fellary of 600 pounds Sterling y^e annum, which Commission bears an express clause, that Sir George should continue in the office, till it should be recalled, which did not happen till the beginning of the year 1697 whereby he justly claims 5 years fellarys.

By the Minutes of the same date Remitted to the Commission to Consider Doctor Chamberland and Master Amos's propoall about a land credit.

REPORT. Some of us incline to think favourably of this propoall that being a matter entirely new and of a very great import we will not take it upon us to give our joynit opinion thereon, Only we must acquaint your Grace and Lordships that we have considered it so far as to reduce it to a form which we humbly conceive may prove very easy to be understood, and accordingly some days ago at the desire of this honourable house we gave it in, in order to be printed and considered by the members of Parliament.

We likewise heard the most materiall objections made against this propoall, and allowed the Doctor to make his answers, which we also reduced to some form, and presented them to the house subjected to the propoall.

But if the honourable house does require further information in this matter, we do represent in the name of the Doctor and Mr Amos, that they are ready to lay before your Lordships an account of the whole management, and to be assisting in removing any other difficulties that may occur.

By the Minutes of the same date, The account of the Pole money 1693 Remitted to the Commission as to the three articles not determined by the Parliament viz. The Article of the Embellishments of Collectors extending to £16396 Scots, the Article of the Quadruples of the Army, extending to £17760 Scots, the Article of £8000 Scots as the Pole of the Episcopall Clergy.

REPORT. We find by the testimony John Campbell of Knockcloch oath and by other instructions that those Embellishments cannot be further extended then to £14840 Scots.

As to the second article we find by considering the Establishment of the forces for that year that the quadruples of the army could amount to no more then £13495 Scots.

And that the third article viz. the Pole of the Episcopall clergy could not exceed £5000 Scots, the half of what is stated.

Upon the whole matter we do Represent to your Lordships that since by the minute of the last session of Parliament, you were pleased to allow these articles to the tackman John Campbell, when instructed before us Therefore it follows that by what we did Represent to your Lordships in our last years report and by what we have now represented, the publick will be debtar to the tackman in the sum of £4500 Scots.

By the Minute of the same date The account of the pole money 1698 Remitted back to the Commission to be considered in the following particulars viz.

The payments made to the Seamen extending to £9600 Scots to be deducted, and otherways not to be allowed to the tackman William Cochran of Fergussie Lykewill the complaints made upon Fergussie by the Seamen remitted to be enquired into.

REPORT. As to the articles remitted to us, we have given all imaginable encouragement to the Seamen who gave in these complaints and to whose the said sum of £9600 Scots was payable. Yet no man hath ever infidit against Fergussie since the last session of Parliament.

Minute the 25 August Remitted to the Commission to enquire what damages Fergussie sustained by that article in his manerall that the books were not returned in due time and to consider what abatement he should have therfor and what part of the Balance he should retain in his hands, and to list Excution for the said part and report next session of Parliament.

REPORT. By the Act Parliament 1698 all polemic peritons in the Kingdom were obliged to clais themselves, and the Commissioners of Supply in shyns and the Magistrates of burghs were to send in their Books containing the names of the polemic persons to clais to the Lords of the Treasury before the day of _____ years or otherways that these who did not clais themselves should be liable in quadruples.

We find that those books were not returned upon the preclis day mentioned in the act of Parliament, and several proclamations of counsell, But that some time thereafter many of these books were returned, and fines were never returned. Yet he was ordained by the Counsell to receive these which were sent in notwithstanding of his reclaiming theruppon, as a hardship and prejudice done him, whereby he pretended that he was disappointed of the benefit of the quadruples which he had right to by his tack and the said act of Parliament and that the Balance he is owing of his tack duty extending to £58177: 4 Scots, should be abated to him, but we would not take it upon us to determine wholly in this matter, but in the mean time appointed him to pay in the sum of £7500 Scots, and allowed him to retain the remainder in his hands till your Lordships should determine therin, which £7500 We have disposed of conform to a particular account herewith produced.

We must further acquaint your Lordships that in the manerall presented last year to the Parliament by Fergussie there were other grounds upon which he pled a total abatement of the said Balance of £58177: 4 Scots, but these not being remitted to us, we found our selves not further empowered then to consider the above mentioned article, tho' we are of opinion that it deserves your Grace and Lordships consideration.

Minute the 25 August Remitted to the Commission to Consider Mr Walker Smith the minister of the Castle his petition.

REPORT. We have accordingly Considered the same and find that is due to the minister 45 months pay extending to £75: 5 Sterling.

By the Minute of the same date the Petition of Alexander Nisbett Recommended to the Commission.

REPORT. We find that Mr Nisbett's work of Honourly deserves very much to be encouraged, yet the fund of Tunnage, upon which the Parliament was pleased to grant him a claim is either exhausted or exhausted, or is not able to answer his necessity, by reason of some preferences granted to others theron, Wherefore we preferre to recommend him to your Grace and Lordships that he may be aided in his honourable undertaking.

By the Minute of the same date Remitted to the Commission to Consider the Memorall given in by Mr Adair and Mr Blazer.

REPORT. Since your Lordships in the last session of Parliament were pleased to grant an act for a new Imposition of Tunnage in favours of Mr Adair, We are hopeful that will enable him to carry on his work, But as for Mr Blazer we Represent to your Lordships that there is due to him for his services, for cloathing money and other engagements for the publick £1090 Sterling, And lykewill that upon the faith of an act of Parliament he has been at no less charges then £650 Sterling upon his book, Scotia Illustrata, as will appear more particularly by the minute of our Commission dated the _____ day of _____. Wherefore he depends upon the justice and clemency of the Parliament to assist him as the great straits he is reduced to do require.

By the Minute of the same date Remitted to the Commission to assist Sir Andrew Hume in collecting the Tunnage.

REPORT. This according to your Lordships order we have done to the utmost of our power. But that fund being in extraordinary confusion, we despair of ever bringing it to any account.

In the mean tyme we must acquaint your Lordships that because John Adair and others who had a right to that fund thought it would tend more to their advantage to be collectors therof, then that Sir Andrew should have a salary for doing it, Therefore Sir Andrew was satisfied to desist in their favours, and resumed his Commission before us, by a paper under his hand, Wherefore we gave a Commission to John Adair, to continue to the 30 day of July instant, and allowed him to do diligence against those, who had splitit any part of the Tunnage at the several ports of this Kingdom, which accordingly he has done, and is to charge himself with his successions.

By the Minute of the same date remitted to the Commission to Consider their second Observation upon the Admiralty accounts viz. the transaction made with the Lords of the Admiralty by Sir Andrew Myrtean.

REPORT. We find that at the tyme of making that Transaction Sir Andrew was no ways concerned in the publick funds, and being to advance money upon a precept of the Lords of the Treasury, he cannot be well blamed, but rather those who allowed him a profit of £10000 Scots for advancing £35000 Scots.

By the Minute of the same date Remitted to the Commission to enquire how far Kilmorrock and his partners were misled by the Tack of the Ercyre.

REPORT. We have never been applied to about this matter so must presume they have lett it fall.

By the Minute of the same date the account of what is raising to the publick of the Cals, Karys, Hearth-money Pole-money and Tunnage since the year 1698, to the year 1701 read, The first three articles Remitted to the Commission to enquire if there who were receivers at that tyme received these balances.

REPORT. We cannot find by any Inquiry that we have made that there who were receivers at that time had ever got up the rests of supply and excise mentioned by us in our former Report in those three first articles. But we gave warrant to John Drummond and James Dunlop to uplift the same, and accordingly they writ to the several Shyres and Burghs given up to them as debtors, from most of which they never received any answer and such an returned answer did Report that those who were Commissioners of supply or Collectors at the time when the debt was due, were either dead, absent, or bankrupt, And that after three years the Shyres were not obliged to produce Discharges conform to act of Parliament.

We have been very tender in allowing the said John Drummond & James Dunlop to quarter upon the Shyres and burghs deficient, that having been resisted principally to the Lords of the Treasury, But we Report to your Grace and Lordships, that tho' by law Heritors in Shyres and burghs, are not obliged to produce Discharges after three years, nor can be quartered on after that time; yet the Collectors who received payment from the heritors, are always liable, and we believe that this is the case of many Shyres and burghs in the Kingdom, Wherefore the honourable Estates of Parliament may be pleased to Consider how these rests may be made effectual, since according to our last Report these appear to be very considerable.

As for the sums intermitted with by them, and split off since the last session of Parliament, they are stated in an account herewith produced, and we have allowed them to retain the said sums extending to £1000 or thereby in their hands until such time as a very considerable Balance owing to them by the government be paid. Many of these very sums of rests of Cuts and Excise having been assigned to them by the Lords of the Treasury for their payment; and they Recommended to us by your Lordships last sittings of the 23 August.

By the Minutes of the same date the fourth article with the Abstract given in for exhausting the sums remitted to the Commission.

REPORT. The said fourth article mentioned by us in our former report, is, that Sir Thomas Menzies had retained to account of the civil list £55128 : 10 As to which we find that the same might have been paid to account of the civil list, yet in Sir Thomas his books there are payments made to tradesmen for fairs and garrisons equivalent to that sum and which will compensate and exhaust the same.

By the Minutes of the same date The fifth article remitted to the Commission viz. a Balance due by Sir Thomas Kennedy of his Tack Duty of Excise extending to L^{rs} 22454 Scots.

REPORT. We Observed last year that the said sum had been paid to Sir Thomas by an act of the Treasury upon a petition given in by James Crawford of Menziesburgh and George McKennie tennant of the Shyre of Aberdeen and Angus, until the determination of two processes before the Lords of the Session at their instance against Sir Thomas, the event whereof was to be, that if they should be absolved by the Lords of the Session of their Tack Duties then the same should be allowed by the Lords of the Treasury to Sir Thomas.

Since that time we find that George McKennie hath obtained a Decree of Exemption before the Lords of the Session for £17000 Scots or thereby, but that the process at Menziesburgh's instance against Sir Thomas is still depending.

By the Minutes of the same date The Duke of Queensberry and the late Duke of Argyle's Bonds to the Treasury Remitted to the Commission, and to bear their Defences.

REPORT. We have accordingly heard his Grace the Duke of Queensberry, and his Grace the Duke of Argyle, their lawyers

on their Defence, as to the sums of money borrowed by them from the Treasury, which containing several specialties, have strained us in determining any thing against them, Therefore we preferre to lay their case before your Lordships with an account of the most material things that were pled for them, That the honourable house may with the greater ease give their Decision in the matter.

The Duke of Queensberry anno 1698 gave bond to the Treasury for £3512 Sterling made up of sums borrowed at two several times, from Sir Alexander Fente and Sir George Hamilton, General Receivers of the funds of Cuts and Excise payable to the Lords of the Treasury, or their successors in office, at Cardross 1699.

The Duke's Lawyers acknowledged the Debt but craved Compensation in respect that a far greater loss instantly verified and liquidated is owing to him by the government, which Descent of compensation they pled upon the following grounds.

1st That Compensation in Law is equivalent to payment, and extinguishes the Debt ipso jure, taking place not only against private subjects, but likewise against the Prince, and that both by the civil law, and the municipal laws of this Kingdom, as by act 141 Parliament 15 James 6. And likewise as it was decided in the case of the Lord Maxwell against the King, as is observed by Dury December 19 anno 1698.

2nd That the 14th act Parliament 1661 surrenders the Excise to be granted towards the defraying of the necessary charges of the Government according to his Majesty's royal pleasure, That the said 16th Parliament 1681 continues the same 5 years after King Charles his death in flats quo, that the act 1st Parliament 1643 surrenders the excise to the Crown, and bears expressly to be designed for supporting the interest thereof; that the act 28th Parliament 1695 transfers the payment of excise from the milt, to the liquor, but continues the annuities to the Crown, and the ends and uses for which the former acts navigated it to have been granted.

3rd That the Estates of Parliament thought fit last year to acquiesce in very great allowances that had been given to the Duke of Hamilton, the Marquis of Tweeddale, and the Earle of Melville, Commissioners to the Parliament, out of the funds of Cuts and Excise.

Upon which three grounds the Lawyers craved that compensation might be allowed, since her Majesty had the undoubted disposal of the excise at her pleasure tho' having been never as yet any appropriation thereof by a law for the use of the army, and that tho' the Duke's bond does not bear expressly to be borrowed out of the Excise, yet since his late Majesty King William could have allowed Compensation to the Duke, by virtue of the power he had to dispose of any sums not exceeding the tack duty of the annexed excise, therefore they concluded that her present Majesty Queen Ann, and the Estates of Parliament ought in justice to allow the same.

We need not rehearse to your Lordships the case of the late Duke of Argyle and the Defences proposed by his Lawyers upon his bond for £800 Sterling, this being the same with that proposed for the Duke of Queensberry. Only we must repeat to your Grace and Lordships one specialty in the Duke of Argyle's bond, which is, his obligation either to pay the said £800 Sterling to the Lords of the Treasury and their successors in the office, or to procure a letter from King William for allowing the same to him, which letter we find his Grace procured from her Majesty Queen Ann anno 1703.

By the Minutes of the same date The fractions of Cuts omitted, Remitted to the Commission the Quota to be kept up and the Collectors made liable.

REPORT. We find that albeit the monthly cuts of this Kingdom amounts to £72125 : 8 : 8 Scots, yet the General Receivers since anno 1695 did charge themselves only with the sum £72000

Scots, and they having been called, they gave this reason for their not charging themselves with the odd money, that £32:12:9 of it was detained by reason of a debate between the Shyres of Perth, Fyfe, and Kincyre, and that the remainder thereof being £100:16:6 Scots was detained by a mistake in drawing out the abridgement of the Quotas of the Shyres of Rofs and Cromartie in the act of Parliament 1695, which makes the Quota of the Shyres the said £100:16:6 lvs then their Quota as sett down in the act of Parliament 1690, and former acts, whereupon by the minute of the last felicit 15 day of August the Shyres of Rofs and Cromartie were ordained to adjust this matter among themselves, so as that the odd Quota might be made up. In pursuance of this ordinance We did ordain James Danlop and John Drummond factors appointed by us for uplifting the rents of Cefs and Ex-cyfe, to write to the Commissioners of both shyres, that they might adjust the said matter, and pay up the said £100:16:6 who returned their answer that they had payed their Collectors at the extent of the old quota, and which the Collector when called before them did acknowledge, but at the same time alledged he was discharged by the General Receivers of all the bygone terms cefs since his being Collector, and so neither he nor his collectors could be lyable, and we having called Mr Northford the greater of the foresaid discharges, he did instruct before us that except for the three subsequent terms cefs after the act of Parliament 1695 his discharges run only for the specified Quota mentioned in the abridgement drawn out for the Shyre of Rofs in the said act 1695 which is £100:16:6 lvs as said is then the old Quota, Wherefore we find that the Collectors for these shyres having received complete payment of these fractions are lyable for all and that they extend to the sum of £7410:18:9 Scots.

By the Minute of the same date Remitted to the Commission to enquire into the arrears of the Tack duty of the Lord Balhassan tack of Excyfe in the terms of the deliverance of Parliament thereunto, in his favour.

RECOVER. Before we acquit your Lordships of the Inquiry we made into this affair we Judge it proper to lay before you the foresaid deliverance of Parliament in my Lord Balhassan's favour to the end you may see how far it agrees with what we are to report.

By the Parliament 1695 It was ordered that of what was paid by the Lord Balhassan and his partners of their tack-duty to his Majesty, nothing should be given back, that what more should be found to be uplifted from the Countrey then was payed either in bonds or money should be given to his Majesty, and that the tackmen should be lyable for the same, whether it had been uplifted by them, their sub-tackmen or collectors, and the tackmen are declared no further lyable, and that what shall be shuted after this manner shall be proportioned among the sub-tackmen at the sight of the Lords of the Treasury.

That we might satisfy the result of Parliament in the terms of this deliverance, all imaginable Inquiry has been made, and particularly we called my Lord Balhassan's partners, sub-tackmen, and collectors before us, and examined them upon oath, as to the extent of their tack duty, and collections, and of the payments made by them, either in money, or by bonds, and whether they were any promises made or gratifications given for concealments.

All these Depositions with all the other Instructions and Documents relative to this matter, we lay before your Grace and Lordships wherein you will find

1st That the Extent of my Lord Balhassan's tack duty of Ex-cyfe for 15 months amounts to £8050 Sterling.

2^d That his Lordship has payed to the Treasury the sum of £8269:8:10 Sterling.

3^d That by several acts of the Exchequer his Lordship had allowed him £4662:15:4 Sterling as an abatement upon the

account of Guards, Carrifons, and manufacteries, as is ordinarily given to other Tackmen of the Excyfe.

These two last Sums being added together make £68498:13:4 Sterling so that their remains £18007:17:10 Sterling.

If this £18007:17:10 Sterling had never been uplifted by his Lordship, his sub-tackmen and collectors, nor any part thereof from the Countrey, then by the foresaid Deliverance of Parliament in his Lordships favour the whole ought to be allowed, But by the Inquiry we have made We find

1st That the tackmen have intromitted with the sum of £285:11:10 Sterling not as yet computed for.

2^d That Thomas Seaton sub-tackman for Fyfe has collected the sum of £159:8:6 Sterling which he retains in his hands.

3^d That William Bernard sub-tackman for East Lothdown retains in his hands £140:11:11 Sterling.

Upon the whole we are of opinion that when these three last Sums are paid up there will remain £17181:11:7 which having never been collected or uplifted from the Countrey ought to be allowed to my Lord Balhassan and partners according to the foresaid Deliverance of Parliament, together also with a full discharge of their Tack duty But we humbly presume to refer your Lordships to a more full account of this affair in our Commission minute dated

Minute the 25 August The farther Enquiry into the matter rolls, and into the Complaint given in by John Smith against Thomas Bruce Master Master, Remitted to the Commission.

RECOVER. Having fully Enquired into and considered this matter, we find that they were certain Rules prescribed by the Lords of the Treasury to the master master agent Respite to be made of those who were marked absent from the musters, But it seems that Thomas Bruce the master master either did not observe them, or that the Lords of the Treasury were satisfied to dispense with their own rules and instructions, for tho' in the principall muster rolls, subscribed by the magistrats of the places where the musters were made, many are marked absent; yet all the copies of these principall muster rolls are given up complete to the Treasury, and all the Respite not made, according to their Lordships instructions.

Upon the whole we observe that the complaint given in by John Smith seems not to be calumnious he having thought that those absents committed by Thomas Bruce were contrary to law, whereas they were only contrary to the Treasury's instructions given since considering the forges, which as we have observed, their Lordships, it seems, did dispense with, in regard our laws and especially the 4th act Parliament 1695 are defective in this matter.

And Likewise we cannot but take notice that the said John Smith has been at much pains and charges in attending us to make good his Complaint which if your Lordships think fit deserves some consideration.

May It Please Your Grace and Lordships

By their Reports concerning the matters recommended to us we have endeavoured to give this humblest humble a short view how we have been employed since the last Session of Parliament.

We are very sensible that tho' all we have done and laid upon these things cannot amount to such an account as can give your Grace and Lordships full satisfaction yet we assure you that nothing hath been wanting on our part to bring things to a much better period, wherein if we have not been so successful as we wished, yet we earnestly beg your Grace and Lordships may believe we have done all that lay in our power.

STAIR P.]

PETITION for Frances Countess of Seaforth moved and the Earls of Cromartie and others concerned in the said petition ordained to see and answer the same.

THEN the Parliament proceeded to the Act for the *Fiscerie* And after some debate amendments and the addition of some clauses to the Act It was put to the vote Approve the Act or Not and carried Approve.

PETITION by Mr George Campbell for Improving the Salt of this Kingdom read and Ordered that the same come first in the next Sederunt of Parliament.

THE Act appointing a Council of Trade read and Ordered that a first reading be made thereon.

THEN the Lord Chancellor by order of her Majestys high Commissioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellor. I. P. D. P.

August 9, 1705.

PRAYERS said Bells called.

MINUTES of the last Sederunt read.

PETITION by Lieutenant Colonel Patrick Ogilvie for guarding the West coast to prevent the import of Irish victuall &c. read and the same Ordered to be printed.

ANE other Proposall to prevent the Import of Irish victuall also read and Ordered to be printed.

PETITION by Mr George Campbell for Improving the Salt of this Kingdom read and considered & the Defuye thereof granted.

THEN the Parliament proceeded to consider the Act for appointing a Council of Trade & after Debate upon the Clause whereby it is provided that the Commissioners should be named by Queen & Parliament it was put to the vote Approve or Alter the Clause & carried Approve the Clause And after some other amendments made upon the Act Agreed that the same be under further Consideration next Sederunt of Parliament previous to all other business.

THEN the Lord Chancellor by order of her Majestys high Commissioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellor. I. P. D. P.

August 10, 1705.

PRAYERS said Bells called.

MINUTES of the last Sederunt read.

THE Laird of Boods excused by her Majestys Commissioner for his absence this Session of Parliament in regard of his Indisposition.

MOVED that Mr James Anderson Wyter to her Majestys Signet having writ a book intituled "Ane Historiell Essay shewing that the Crown & Kingdom of Scotland is imperial & independent thereby clearing the independency of this Nation" he should have a Reward for that good service and agreed that he shall have for Reward the sum of four thousand eight hundred pounds As also that the thanks of the Parliament be given him by the Lord Chancellor in presence of her Majestys high Commissioners & the Estates Which was accordingly done.

MOVED that Mr James Hedges who hath in his writings served the interest of this Nation get likewise a Reward for the

same & agreed that he shall have the like sum of four thousand eight hundred pounds.

MOVED that the book intituled "The Superiority and Direct Decision of the Imperial Crown of England over the Crown & Kingdom of Scotland" being scurrilous & full of falsehoods as also the Pamphlet intituled "The Scots Patriot unmasked" reflecting upon the honor & independency of this Nation both writen by William Atwood be burnt by the hand of the hangman & accordingly the same was ordered to be done by the Magistrates of Edinburgh Wednesday next being the fiftteenth instant betwixt the hours of eleven & twelve & that a warrant be given to them for that effect.

THEN the Parliament proceeded to Consider the Act for appointing a Council of Trade & after several amendments it was put to the vote Approve the act or Not & carried Approve.

MOVED that it be Determined if the Election of these members who are to make up the Commission for Trade shall be in plain house or by the Estates separat & Agreed that it be by the Estates separat Also agreed that the said Commission consist of seven of each Estate being in hall twenty one & agreed that seven of them be a quorum.

MOVED that the Members of Parliament who are Taxmen & Collectors of her Majestys Customs & Excise be excluded from being chosen as Members of the said Commission & after Debate it was put to the vote Exclude or Not & carried Exclude.

THEN the Lord Chancellor by order of her Majestys high Commissioner Adjourned the Parliament till Tuesday next at ten a clock.

SEAFIELD Cancellor. I. P. D. P.

August 14, 1705.

PRAYERS said Bells called.

MINUTES of the last Sederunt read.

THEN the Estates did separat to Choyse their Commissioners who returned the presents following For the Nobility the Marquess of Lothian the Earle of Marr the Earle of Buchan the Earle of Leven the Earle of Hyndford the Earle of Stair the Earle of Hopetoun For the Barons Sir Robert Dickson the Laird of Carnwath Sir John Swinton the Laird of Jerviswood the Laird of Kilmaronock Sir Thomas Burnett of Leys James Maie of Stanswood For the Royal Burrows Sir Patrick Johnston Hugh Montgomery Sir James Smailie Sir Alexander Ogilvie Mr John Clark Mr Douglas Stewart Sir Hugh Dalrymple.

ORDERED that their Life be insert in the Act.

THE Lord Balmerino gave in the Protest following That the nomination of this Commission or Council of Trade by the Estates severallie being a late practice and founded upon no law shall not be drawn in consequence in prejudice of the right and privileges of Parliament to name by the whole house Whereupon he took Infirmments To which Protest the Estates of Erroll and Marischall adhered.

MOVED that any member of Parliament may have the privilege to be present at the meetings of the Council of Trade and the same agreed to.

THEN the Lord Chancellor by order of Her Majestys High Commissioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellor. I. P. D. P.

August 15, 1705.

PRAYERS said Bells called.

MINUTES of the last Sederunt read.

THE Lord Landow excused for his absence in regard of his indisposition.

THE Overture for one Act went the way of choosing officers of State &c in case of her Majesties decess without aids of her body read.

OVERTURE for Limitations on the Succession of her Majesty decessing without aids of her body who shall be layweres Kings of England read.

OVERTURE for one Act for a Triennial Parliament read.

MOVED that there be a first reading marked upon the act about the way of choosing officers of State after the death of her Majesty Moved that there be a first reading marked upon the Act for a Triennial Parliament Also moved that the further consideration of these acts be delayed After Debate it was put to the vote Proceed or Delay and carried Proceed.

AGREED that a first reading be marked upon the Act about the way of choosing officers of State Also agreed that a first reading be marked upon the Act for a Triennial Parliament.

MOVED that the Parliament next Sederunt proceed to consider the Act about the way of choosing Officers of State which was presented before the act for a Triennial Parliament Also moved that they proceed first to the act for a Triennial Parliament & after debate it was put to the vote Which of these acts the Parliament should first proceed on & carried Proceed to the Act about the way of choosing Officers of State next Sederunt previous to all other business.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

August 16, 1705.

PRAYERS said Bells called.

MINUTES of the last Sederunt read.

THEN the Parliament proceeded to consider the Act about the way of choosing Officers of State &c. in case of her Majesties decess without aids of her body And after reasoning Whether this act shall take effect during the Queens reign or upon the Succession only being put to the vote Carried that it should take effect during the Queens reign.

MOVED that the nomination upon the death of any of the Lords of Session or Judiciary be in the same manner as the Officers of State and added to this act Moved also that the same be considered by a *Comitia* &c. And after reasoning Agreed that the Lords of Session and Judiciary be nominated in the same

manner as the Officers of State and that the Commissions to be granted to them upon any vacancies shall be during life.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Tuesday next at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

August 21, 1705.

PRAYERS said Bells called.

MINUTES of the last Sederunt read.

THEN the Parliament proceeded to the further consideration of the Act about the way of choosing Officers of State &c. in case of her Majesties decess without aids of her body.

MOVED that a Clause be added that in the event foraid there be three Presidents of the Session chosen and nominated by the Parliament to proceed by turns for the space of two months only And after reasoning it was put to the vote Add the Clause to the Act or No and Carried in the negative Then the Act being read it was put to the vote Approve the Act or No and carried Approve.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

August 22, 1705.

PRAYERS said Bells called.

MINUTES of the last Sederunt read.

PETITION for John Earle of Crawford against Sir William Menzies late Treasurer of the Exchequer and his Controversies read and they ordered to see and answer the same against the second Sederunt next week with Certification.

PETITION for John Duke of Athole Against the said Sir William Menzies read and he ordered to see and answer against the said dyet with Certification.

PETITION for Francis Countess Dowager of Seaforth against the Earl of Cromartie and others again read and they ordered to see and answer against the second Sederunt next week with Certification.

ORDERED that the second Sederunt next week be for private business.

THEN the Parliament did proceed to Consider the Act for a Triennial Parliament And after some reasoning Whether this act shall take effect during the Queens reign or upon the Succession only being put to the vote Carried that it should take effect during the Queens reign.

MOVED That this Parliament Continue only for one year after this date Also moved that it may Continue for three years And upon Debate It was put to the vote Act or Three years and Carried that this Parliament may Continue Three years after this date.

MOVED That among by the Act Farmers Managers and Collectors of her Majesties Customs and Excise and Surveyors are

Declared incapable to be members of Parliament That the General Receiver be likewise added And after Debate It was put to the vote Add the General Receiver to the Act or Not and Carried in the negative Then the whole act being read It was put to the vote Approve the Act or Not And carried Approve.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Friday next at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

August 26, 1705.

PRAYERS said Bells called.

MINUTES of the last Sederunt read.

PETITION for Patrick Lord Kilmadie Caring a suit of personal Execution against him and of real Diligence against his Estate for some time read and the same Ordered to be under Consideration the first day for private business.

ACT for a supply to be granted to her Majesty for maintenance of the standing forces forte garisons and friggets presented by the Earle of Glasgow Lord Treasurer Depute read and Cawed the same might have a first reading.

MOVED that there being ane Address last Session of Parliament for Transmitting the papers relating to the late Plot The Parliament may be satisfied what answer is given to the said Address Upon which motion her Majesties Commissioner Declared he had received a Letter from her Majesty relating thereto And that he would signify her Majesties pleasure therein to the Parliament the third Sederunt next week Whereupon the said Sederunt was appointed for Inquiring into that plot.

MOVED that the Act of Supply shall have now a first reading but before a second reading be given to it That the Parliament will come to a Conclusion in the affair of the Treaty and such branches of Trade as shall be necessary to Consider in relation to the Clauses in the English Act.

ALSO moved That there be ane addition to the former motion in this sense that the Parliament will likewise pass such acts as shall Regulate the balance of Trade to the advantage of the Nation before a second reading And after some Reasoning It was put to the vote Add or Not and Carried in the negative.

THEN a first reading marked on the Act for a Supply.

ORDERED that the Charge and Discharge of Funds from August 1704 to July 1705 be printed.

AGREED that the Parliament next Sederunt proceed to the Consideration of the Act for a Treaty with England previous to all other business.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

August 25, 1705.

PRAYERS said Bells called.

MINUTES of the last Sederunt read.

THE Act and Commission for a Treaty with the Kingdom of England read And after long debate thereon The farther Considerations thereof Delayed till the next Sederunt.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Tuesday next at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

August 28, 1705.

PRAYERS said Bells called.

MINUTES of the last Sederunt read.

THE Draught of ane Address to her Majesty why the Parliament cannot proceed to an act for a Treaty with England offered by the Laird of Saltoun in this termes Wee your Majesties most loyal and faithful Subjects the Noblemen Barons and Burgesses convened in Parliament humbly Represent to your Majesty that the Act lately pass in the Parliament of England containing a proposal for a Treaty of Union of the two Kingdoms is made in such injurious terms to the Honor & Interest of this Nation that Wee who represent this Kingdom in Parliament can no wayes comply with it which we have the greater regret to believe because a Treaty of Union has in this Sederunt been recommended to us by your Majesty But out of the great sense of the duty we owe your Majesty we doe declare that we shall be always ready to comply with any such proposal from the Parliament of England whenever it shall be made in such terms as are nowayes dishonourable or disadvantageous to this Nation & after a long debate thereon The Parliament did proceed to the Act for a Treaty with England & being read it was put to the vote Mark a first reading on the Act or Not and carried to Mark a first reading on the Act.

THEN agreed that this Act shall not be finished & approved the next Sederunt that the Parliament shall proceed upon the consideration thereof but prejudice to the voting the clauses of the Act that shall be then adjusted.

A CLAUSE offered by the Duke of Atholl to be added to the said Act read & the same ordered to lie upon the table to be considered when the Parliament proceeds to consider that Act.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

August 29, 1705.

PRAYERS said Bells called.

MINUTES of the last Sederunt read.

PETITION for John Earle of Crawford against Sir William Menzies craving the same execution against Sir William Cassimers as against the said Sir William read Answers to the said Petition also read and the Parliament having considered the

petition with the *refusers* & the report of the Commission for Publick Accounts relating to the said petition Recommended to the Lords of the Treasury to assign to the Petitioner the said Sir William Menzies his Term & all execution that may be competent thereon.

PETITION for Alexander Campbell of Phinab Craving that he may not be prejudged of the 3400 L^{bs} allowed him last Session of Parliament by any preference granted this Session & that he may have the same execution against the said Sir William & his Cautioners as is Granted in the former Petition & the same likewise Remitted to the Lords of the Treasury to assign to the petitioner Sir William Menzies tack with all action that may be competent thereon for the said 3400 L^{bs}.

PETITION for the Duke of Atholl against the said Sir William Menzies read Craving to be relieved of several contracts for clothing to his late Regiment wherein his Grace stands engaged & that the sums due by Sir William may be affected therewith & the Parliament having considered the said petition the Defere thereof granted after Alexander Campbell of Phinab & the Lord Crawford their paymasters.

PETITION for the Marquis of Lathian read craving relief from the Parliament of the clothing money of his late independent troop & regiment of Dragoons now commanded by him, & that Sir William Menzies find may be affected therewith & the Parliament having considered the same the defere of the petition granted in so far as the said find shall not be released by the former preference & recommended to the Lords of the Treasury to assign the said tack & all execution that may be competent thereon for the ends contained in the said petition.

MOVED that the said preferences doe not prejudice David Callender of the 600 L^{bs} allowed him last Session of Parliament for his attendance upon the Commission for publick accounts & the same agreed to.

MOVED that Sir William Menzies his partners and their Cautioners be Discharged of their tack of excise and *assaygled* upon payment of the 60000 L^{bs} wherein he was decreed last Session of Parliament at the terms of Martinmas 1705 & Candlemas 1706 by equal portions under the penalty of 12000 L^{bs} for each term faille & after Debate it was put to the vote *Assaygle* in the terms faille & Not & carried *Assaygle*.

MOVED that he & his Cautioners assign what is unpaid of the 29000 L^{bs} of outstanding debts resting to him by Brewers & others arising from the Subject of the said excise & after Debate it was put to the vote *Assigne* or No & Carried in the negative & it being then moved that seeing they were not to assign the brewers & others may be Discharged & being put to the vote Discharge or No it carried No.

MOVED that Sir William Menzies press against partners & their representatives may be Remitted to the Lords of Session to be Determined by them summarily without shying the course of the Hall & the same agreed to.

MOVED that the Parliament take to Consideration the report of the Commission for Publick Accounts in relation to the Lord Balgavenny tack of excise Ordered that the same be under Consideration the next Session to be appointed for private business.

MOVED that the expediting of business the Lord Chancellor appoint Petitions to be read conform to their order in the Hall of private business & the same agreed to.

PETITION for Walter Lockhart of Kirkton moved & a farther Sum of all execution against him for the same contained in his petition granted.

PETITION for the Countess of Seaford against the Earle of Cromarty & Kenneth McKenzie again read & after Debate the same remitted to the Lords of Session to be difficult by them summarily without shying the course of the Hall.

ORDERED that the third Session next week be the first business.

OVERTURE for an Act in favours of a Maiden Hospital read & a first reading marked thereon.

PETITION for Patrick Lord Kinraid again read & the same Delayed till the next Session for private business that the Creditors may see & answer the said petition.

[TO His Grace Her Majesties High Commissioner, and the Right Honourable the Estates of Parliament,
The Petition of Patrick Lord Kinraid,
Humbly Sheweth,

THAT where it pleased my Grand Father George Lord Kinraid, after several acquisitions that he had made, to Bequeath his Estate in favours of himself, in Liferent, and Patrick then Master of Kinraid, and the Heirs Male of his Body in Fee, which failing, in favours of the rell of his Sons and the Heirs Male respective of their Badges, in the order he thought fit to appoint, which Failing &c. And in the same Bequeath with the Charter & Seals following thereon, he referred to himself & his said Heirs of Tailzie certain powers for clearing and Paying of such Debts as either he had Contracted or should Contract, but withall, with this express Provision that it should not be Lawfull to the said Patrick, nor his forefathers; nor the rell of his Sons and Heirs of Tailzie, to innovate or infringe, nor to Sell or dissipate, nor to Consent Debts, nor to do any other deed whereby the Lands and Estate that are referred, might be evicted or affected in default of the next Heirs of Tailzie, and which whole Debts and Deeds are not only declared to be void in so far as they may Burden or affect the said Estate, but likewise it is provided that the Heirs Male and of Tailzie who should Conserve, should Forfeit and tye their Right of Succession, and that their said Right should expire, and that it should be Lawfull to the next immediate Heir of Tailzie, either to serve Heir to him who died left veid and Sued, or to Purifie Declaration and Adjunctions or otherwise, whereby the Right of the Estate may be established in his Person, as the foresaid Charter and Infeftment of Tailzie duly Registerd and perfected, conform to the Act of Parliament, at more length bears.

And upon this Infeftment and Settlement thus perfected, the said Patrick Lord Kinraid my Father, upon whom the Ple of this Estate was Established as above, did enter to Possess and enjoy the same after his Fathers Demise, and with a full design also to have observed all the Conditions, Limitations and Restrictions to which his Right of Fee was Subjected, by the foresaid Tailzie, But the said Tailzie containing an Exception of the Makers own Debts, & allowing both the said Patrick and his forefathers Heirs of Tailzie, to Sell Annuities or Woodies or Contract new Debts for Payment thereof; the said Patrick Lord Kinraid my Father, did accordingly Contract new Debts for clearing of the old, but with the unwise Opinion as not to provide or have it declared that these new Debts came in place of the old, and so might still be held to be excepted and privileged as the old were, and the Lands and Estate tained, subject and liable thereto, as being farroget in place of the former, as said is.

In this condition the said Patrick Lord Kinraid my father comes to dye, leaving me a Minor, and I being altogether ignorant of what Debts my Father had Contracted, or in what manner he had managed the Tailzied Estate, as to the clearing of the old excepted Debts, or in Contracting of new Debts for their Pay-

ment and Satisfaction: All that I could do was to obtain my self Serv'd Heir of Tailzie to my Father, conform to the said Infeftment of Tailzie and with a full Repetition of all the Restrictiouns and Irmitiouns therein contained, in manner prescribed by the Act of Parliament; whereby I judged that I had sufficiently secured my self against all Debts that might have been Contracted by my said Father, contrary to the said Tailzie, since the said Repetition of the Restrictiouns contained in the Tailzie might very well Pass for a Protestation against them in General: Seeing at that time I neither had nor could have any particular knowledge of them.

It is also here to be specially observed, that my said Father having been the first Heir of the Tailzied Estate, and I his first Heir of Tailzie, there was no remedy for me to have Succeeded contrary to the Tailzie, save by a Service to my Father only, in as much as I could neither declare him to have Forfeited his Right which was wholly unknown to me; nor the I could have done it, could I Serve Heir to my said Grand Father, who by the Tailzie was only a Liferenter; nor oblige the Representatives of my Father who were none save my self to Deserve by Adjudication, so that it is evident that my Father had been a willfull Contravener, as he was not, and that I coming to Succeed to him had been never in much perswasion of his Contraventions, & of his having thereby forfeited his Right, yet I could have no otherways succeeded in the Tailzied Estate according to the true intention of the Tailzie, except by Serving Heir to my Father, even tho the Contravener, as said is.

By all which it is evident, too. That I was served Lawfully Heir to my Father, tho' the Contravener. And That by Serving with a Repetition in my Service of the Restrictiouns in the Tailzie & being Minor for the time, I did that which I probably thought might free me of his Contraventions. And (tho) Tho' I omitted to protect more particularly against his unlawfull debts, yet I am still inter amon miles, and have revoked and null'd a Rescission to free me of that Leshon. (tho) That I have done nothing since I became Major to exclude me from this benefit of rescission, save the corroborating some of these debts andly contracted by my father: but as to this point I am able to make it appear, that any Corroboration I have granted, have been of debts that were contracted for satisfying the old debts excepted from the tailzie; so that in effect that my new corroborat debts are forrest in place of the old, and the tailzied Estate is still affectable therewith, which is all that I crave. And have likewise Declarations before the Lords to this purpose.

But this being the true state of my present condition, it is further evident, that the foresaid Actions which I am necessitat to raise, partly for rescission against my fathers Contraventions, and my service as Heir to him, & partly to have such debts as I have Corroborated, declared to be forrest in place of the old debts excepted from the tailzie, Must needs draw all my Creditors, and move them to use such Diligence as can only multiply trouble and expence to themselves, and involve all into intricate confusions. I must therefore with all Submission lay this my extraordinary Cafe before this High and Honourable Court of Parliament, for such a remedy as it evidently deserves, and the High Court of Parliament can only afford.

May it therefore please your Grace, and the right Honourable the Estates of Parliament, in consideration of the premises, left to grant me a superiours of personal Execution, and also of any other Execution against my estate personal or real for such a time and space as shall be thought necessary for extricting me out of my said Difficulties, I in the interim paying to my Creditors their Arrearages, without prejudice of my just defences. (tho.) That in case I be put to suspension and loosing of settlements and the like, that may require Caution, I may be dispensed with the finding the same, since I am still much willing that all my estate be bestowing for the Payment of my Lawfull Debts, and that it is visible, that in respect of the Restrictiouns and Irmitiouns

contained in the said tailzie I cannot divert my Estate, nor prejudice my lawfull Creditors thereunto. And (tho) That in respect the proving and making out the foresaid new debts to have been contracted and forrest in the place of the old debts excepted in the tailzie, there may be difficulties, by reason of the lapse of time and other things that may have occurred, It may please your Grace and the Honourable Estates, to recruit and recommend this Cafe to the Lords of Session, with a Parliamentary power. As also that upon the whole matter, It may please your Grace and lordships to consider and recommend the Cafe for extricting me out of the difficulties wherein I am innocently involved, to that favour and equity that such an extraordinary Cafe doth evidently deserve.

EP 24 August 1705.

Her Majesties high Commissioner and the estates of Parliament having considered this petition They declare they will take the same to their Consideration the first day for privat business.

SEAFIELD Cancellor. I. P. D. P.

EP 29 August 1705.

Her Majesties high Commissioner & the estates of Parliament Continue the consideration of this petition till the next sederunt of Parli for privat business & in the mean time allow all privs privs concerned to see & enter y^{to} at the 14 day at 4th tyme they will take the same to their consideration.

SEAFIELD Cancellor. I. P. D. P.]

MOVED that the process at Sir Walter Scotlands instance against Robert Mellock & others be now under Consideration & agreed that the same be considered the next Sederunt for privat business.

THEN the Lord Chancellor by order of her Majestys high Commissioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellor. I. P. D. P.

August 30, 1705.

PRAYERS said Rolle called.

MINUTES of the last Sederunt read.

HER Majesties Commissioner acquainted the Parliament with her Majesties answer to the address and signified that he had received some papers which had been before the house of Lords which were now in the hands of the Earle of Loudoun Lord Secretary and that he expected the rest And the said papers given in by the Lord Secretary to the Lord Clerk Register.

MOVED that the Address to her Majestie last Session of Parliament may be read and the same accordingly done.

MOVED that the Schedul or Inventory of the papers produced be read And the same accordingly read.

MOVED that each papers as are now transmitted being in bundles may be opened that it may be known whether the same be Originalls or only Copies and the bundles being opened some of them were read.

ORDERED that Colin Campbell of Glencairn Neill M^{rs} Lead one of the Captains of her Majesties foot Guards and George McKeanie Esq to George McKeanie in Stornoway be Cited to Compare before the Parliament against the third Sederunt at

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week in order to their examination and that warrant be granted for that effect which was accordingly done.

ORDERED that the Clerks of Council transmit what papers are in their hands relating to that matter against the said day.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till the morrow at ten a clock.

SEAFIELD Cancellar. I. P. D. F.

August 31, 1705.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

MOVED that the Address to her Majesty's last Session of Parliament in relation to what was called in England the Scottish conspiracy may be printed and the same agreed to.

OVERTURE for ane Act and Commission for plantation of Kirks and valuation of tithes preformed and ordered to be printed.

OVERTURE for ane Act and Commission for visiting Schools and Colleges ordered to be printed.

OVERTURE for ane Act Discharging the Peers and others going to England without leave of the Privie Council read and ordered to be printed.

OVERTURE for ane Act in favours of the patrons and heritors of the Shyns of Argyle ordered to be printed.

PETITION for the Earle of Sutherland read craving he may be brought in *pari passu* with the Duke of Atholl and Marquis of Lethian and others to effect Sir William Monies fard for payment and satisfaction of his arrears And after some Debat the petitioner acquiesced to the preferences granted to the fornamed persons on that fund but craved that he may be preferred to some other publick fund.

MOVED that a Day be appointed for taking the Report of the Commission for Publick Accounts which were Remitted to the said Commission and the third Sederunt next week appointed for Receiving the said Report at which tyme the Earle of Sutherlands petition to be under Consideration and all persons having pretences to the publick funds be then heard.

THEN the Parliament proceeded to the Consideration of the Act for a Treaty with England And after some amendments made upon the Clause containing the powers to be given to the Commissioners the same was approved.

MOVED that there be ane addition to the said Clause in this sense "that the Union to be treated on shall not Damage any ways from any fundamental laws antient privileges offices rights dignities and liberties of this Kingdom" & after Debat it was put to the vote Add the Clause or No and Carried in the negative.

THE further Consideration of the Act Delayed till next Sederunt.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Cancellar. I. P. D. F.

September 1, 1705.

PRAYERS said Rolls called.

MINUTS of the last Sederunt read.

THEN the Parliament proceeded upon a draught of the Act for a Treaty with the Kingdom of England And the act read Also the Clause protested by the Duke of Atholl relative thereto read, and moved that the same be added to the act.

MOVED that the first part of the said Clause Rescinding that part of the English Act Declaring the Subjects of Scotland to be aliens after the 25th of December 1705 be first under the Parliaments Consideration which was agreed to.

THEREAFTER moved that the Act for a Treaty be plain and simple without qualities And that the Sentiment of the Nation concerning the Clause in the English Act Declaring the Subjects of Scotland to be aliens be Considered in a separat way than by this Act of Treaty.

AFTER reasoning it was agreed to by the Estates of Parliament That the Clause in the English Act declaring the Scots aliens be Rescinded before the Treaty of Union commence.

THEREAFTER the Clause given in be the Duke of Atholl read being in these terms "Providing always That the said Commissioners shall not goe forth of this Kingdom to Enter into any Treaty with thair to be appointed for England untill these shall be ane Act putt be the Parliament of England Rescinding that Clause in the English Act by which it is enacted that the Subjects of Scotland shall be Adjudged and taken as aliens after the 25th of December 1705" And a vote was thereupon moved Add the Clause to this act or doe it by a separat way.

BEFORE voting The Duke of Atholl gave in a Protestation in these terms "In regard that by ane English Act of Parliament made in the last Session thereof Intituled Act for the effectual Securing the Kingdoms of England from the apparent Dangers that may arise from severall Acts lately putt in the Parliament of Scotland The Subjects of this Kingdom are to be adjudged aliens born out of the allegiance of the Queen as Queen of England after the 25th of Decr 1705 I Doe therefore protest for my self and in name and behalf of all who do adhere to this my Protestation that for saving the Honour & Intrest of her Majesty as Queen of this Kingdom and maintaining and preserving the undoubted Rights and Privileges of her Subjects no Act for a Treaty with England ought to pass in this house unless a Clause be Adjected thereto prohibiting and discharging the Commissioners that may be sent and appointed for Carrying on the said Treaty to depart the Kingdom in order thereto untill the said Clause be Repealed and Rescinded by the Parliament of England And doe therefore desire that my Protestation may be recorded and recorded in the Records of Parliament" Which Protestation being read The said Duke of Atholl did take Infirmities thereupon And the same was adhered to by the persons following viz. For the Nobility The Duke of Hamilton, the Marquess of Montrose and Tweeddale, the Earle of Erroll, Marischall, Robert Home Wigton, Strathmore, Rumburgh, Haddington, Selkirk, Aberdeen, Ruglen and Bute, The Viscount of Stenness, The Lord Salzman, the Lord Sempie, the Lord Palmerston, the Lord Blantyre, the Lord Phelips, the Lord Balgownie, the Lord Colvill, and the Lord Kinnaird, For the Barons George Lockhart of Carnwath, Sir James Foulis of Colington, Sir Robert Sinclair of Longformachen, Sir John Swinburn of that ilk, Sir Patrick Home of Banton, George Baillie of Jerviswood, John

Sinclair younger of Stenvedden, Mr Alex^r Fergusson of Isle, John Brisbane younger of Bilsington, Mr William Cochran of Kilmaronack, Sir Humphrey Colquhoun of Laif, Sir John Healdman of that ilk, John Graham of Callum, James Graham of Bachelvie, Robert Ballo of Powhous, Sir Patrick Murray of Auchtertyre, John Murray of Struan, Sir David Ramsay of Halmah, Alexander Gordon of Pitking, John Urquy of that ilk, James Moss of Stonywood, Lodowick Grant of that ilk, David Bethune of Balfoor, Major Henry Balfoor of Dunboig, Robert Douglas of Strawy, Mr Patrick Lyon of Auchterhouse, Mr James Carnegie of Phishaven, James Halyburton of Pitcur, David Graham younger of Fintry, James Ogilvy younger of Boyne, Alexander Duff of Brae, Alexander McGhie of Polgown, Sir George Sinclair of Klyth, James Sinclair of Stumpeter, Mr Alexander Abercrombie of Tilliebody, Mr George McKennie of Incheester, and Mr Enos McLeod of Cathol. For the Royall Burrows Alexander Robertson, Alexander Watson, Alexander Edgar, Patrick Bruce, Alexander Duff, Sir John Kirkcaldy, James Spynie, Francis Molliehor, Sir Peter Hackat, John Hutchison, Mr William Sutherland, Mr John Lyon, Mr Dagall Stewart, Sir Robert Anstruther, Mr John Carethers, George Home, Mr James Bethune & Mr Robert Fraser.

THEN the Vote was stated Add the Clause to this Act or Doe it by a separate way and Carried by a separat way.

MOVED that the Parliament now proceed to Consider the way of the Nomination of the Commissioners for the Treaty Within the same Shall be left to her Majesty or be done by the Estates of Parliament.

ALSO moved that it being now late the further proceeding on this Act be delayed till the next Sederunt And the vote being stated Proceed on this Act or Delay carried Proceed.

THEREAFTER the Vote was stated Leave the Nomination of the Commissioners to the Queen or to be done by the Estates of Parliament and Carried to be left to the Queen.

THEN the Act again read and put to the Vote Approve or Not.

BEFORE voting the Duke of Arrol protested against approving the Act in respect of the Resolves contained in his former Protestation which was since adhered to by the persons following, For the Nobility The Marquises of Montrose and Tweeddale, The Earles of Erroll, Mariball, Bothen, Home, Wiguan, Strathmore, Breckburgh, Hadintoun, Selkirk, Aberdeen and Eagles, The Viscount of Stowman, The Lord Salton, The Lord Sempie, The Lord Balmerinoch, The Lord Blantyre, The Lord Pittligo, The Lord Belhaven, The Lord Colvill and the Lord Kinnaird, For the Barons George Lockhart of Cawthra, Sir Patrick Home of Berran, George Baillie of Jerrold, John Sinclair younger of Stenvedden, Mr Alexander Fergusson of Isle, John Brisbane younger of Bilsington, Mr William Cochran of Kilmaronack, Sir Humphrey Colquhoun of Laif, Sir John Healdman of that ilk, John Graham of Callum, James Graham of Bachelvie, Robert Ballo of Powhous, Sir Patrick Murray of Auchtertyre, John Murray of Struan, Alexander Gordon of Pitking, John Urquy of that ilk, James Moss of Stonywood, Lodowick Grant of that ilk, David Bethune of Balfoor, Major Henry Balfoor of Dunboig, Robert Douglas of Strawy, Mr Patrick Lyon of Auchterhouse, Mr James Carnegie of Phishaven, James Halyburton of Pitcur, David Graham younger of Fintry, James Ogilvy younger of Boyne, Alexander Duff of Brae, Alexander McGhie of Polgown, Sir George Sinclair of Klyth, James Sinclair of Stumpeter, Mr Alexander Abercrombie of Tilliebody, Mr George McKennie of Incheester and Mr Enos McLeod of Cathol, For the Royall Burrows, Alexander Robertson, Alexander Watson, Alexander Edgar, Patrick Bruce, Alexander Duff, Sir John Kirkcaldy, James

Spittle, Sir Peter Hackat, Francis Molliehor, John Hatcherfen, Mr William Sutherland, Mr John Lyon, Mr Dagall Stewart, Sir Robert Anstruther, Mr John Carethers, George Home, Mr James Bethune and Mr Robert Fraser.

THEN the vote was stated Approve the Act or Not and carried Approve.

THEN the Lord Chancellor by order of Her Majesties High Commissioners Adjourned the Parliament till Tuesday next at ten of the clock.

SEAFIELD Chancellor. I. P. D. P.

September 4, 1705.

PRAYERS said Bells called.

MINUTES of the last Sederunt read.

PETITION for the Earle of Buchan Craving a competent tynas to enter his said benefice Inventari to his predecessor left in felt read Ordered that the same ly upon the table till the 3^d Sederunt this week appointed for private benefice to the effect all persons having interest may see & answer the same against the said Dyet.

THE Draught of an Address to her Majesty presented by the Earle of Sutherland read.

ANE other Draught of one Address to her Majesty presented by the Laird of Salton read.

OVERTURE of one Act ordaining and enacting that the Commissioners to be named by her Majesty for the part of Scotland shall not enter upon a Treaty till the Clause in the English Act Declaring so aliens be Referred read.

MOVED that the Parliament proceed in this manner by way of Order of Parliament & by Addressing her Majesty & not by way of Act of Parliament & after Debate it was put to the vote Proceed by way of Order & Address or by way of Act & Address & Carried by way of Order & Address.

THEN agreed & ordered by the Estates of Parliament veritas contradicente That the Commissioners to be named by her Majesty for the Kingdom of Scotland shall not Commence the Treaty of Union until the Clause in the English Act Declaring the Subjects of Scotland aliens be Referred.

THEREAFTER the Parliament proceeded to Consider the Draught of the Address to her Majesty that was first given in & after some Amendments thereon it was put to the vote Approve the Address or Not & carried Approve veritas contradicente.

OVERTURE of one Act for encouraging the Exportation of Beef & Pork read & a first reading marked thereon.

THEN the Lord Chancellor by order of her Majesties high Commissioners Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

September 5, 1705.

PRAYERS said. Rolls called.

MINUTS of the last Sederunt read.

MOVED by the Duke of Arbell that it be recommended to her Majesties High Commissioners to present the Address which was approved the last day to her Majesty as his Grace shall see it proper and convenient and the motion agreed to.

OVERTURE for ane Act prohibiting and discharging the Importation of all merchandize and other commodities from England after the 25 of December next ay and until the prohibitory clauses in the English Act of Parliament be repealed read and a first reading marked thereon.

OVERTURE for ane Act anent the Exportation of wooll and felins read and a first reading marked thereon.

OVERTURE for ane Act discharging the Importation of English or Irish Tanned leather read and a first reading marked thereon.

OVERTURE for ane Act taking off the duty of Wooll and Linen manufactory read and a first reading marked thereon.

OVERTURE for ane Act for sending Ambassadors from this Kingdom to foreign Treaties read and a first reading marked thereon and ordered that the same be printed.

OVERTURE for ane Act discharging the victualling of Ships of this Nation outward bound with Irish or Foreign Beef or providing themselves with foreign Small beer read and a first reading marked thereon.

OVERTURE for ane Act discharging the Peers of this Kingdom their going into England without leave of the Tyrrie Council again read. And being moved that it have a first reading It was put to the vote Mark a first Reading or Not and Carried in the negative.

THEN the Lord Chancellor by order of her Majesties High Commissioners Adjourned the Parliament till to-morrow at ten a clock.

SEAFIELD Chancellor. L. P. D. P.

September 6, 1705.

PRAYERS said. Rolls called.

MINUTS of the last Sederunt read.

PROPOSAL anent the arming and training of ane array of Seventy two thousand foot and Eight thousand horse by raising of a month and half Supply read and ordered to be printed.

ORDERED that Colin Campbell of Glendervale and Neill MacLeod one of the Captains of her Majesties foot guards and George Mackenzie son to George Mackenzie in Stumbyro who were Chied before the Parliament Doe attend the further Dyets thereof.

ORDERED that the Ratifications and Warrants forairs to be given in this Session of Parliament be ready to be presented the third Sederunt next week and her Majesties high Commissioner appoints the Lord Advocate the Lord Treasurer Depute and Lord Justice Clerk or any two of them to revise the same.

ORDERED that the said Sederunt next week be for receiving the Report of the Commission for Publick Accounts and that petitions relating thereto come in according to the order of the said report.

PROCES Sir Walter Seaton against Malloch and others called and parties presentment being heard as to the seeing of the process The Parliament Refused to allow the Defendants to see the same in regard they did not call for it debito tempore And the process was being further heard. Whether a personal protection shall be granted to the pursuer or Not After the Parliaments reasoning thereon they in respect of his special circumstances Granted to him a personal Protection Reserving to the Creditors to itself be way of reduction before the Judge Ordinar of said Deed done in their perjury.

MOVED that he be obliged to give his Oath before the Lord Chancellor Whether he hath made any fraudulent Conveyance or Not and that before Entering.

MOVED also that his protection be given simply without any such qualify And after Debate it was put to the vote Simply or with a Qualify and carried Simply.

THEN agreed That this protection continue till recalled by the Parliament.

PETITION for Patrick Lord Kinnaird continued till next Sederunt for private business and to be then left under Consideration.

PETITION for Collesell Patrick Ogilvie and others for preventing the Importation of Irish victual read And after Debate agreed that the same be under the Consideration of the Parliament the self Sederunt after the Act of the Supply shall be finished.

PETITION for the Earls of Buchan again read And after reasoning thereon It was put to the vote Grant a year to the petitioner to Enter heir to his predecessors who dyed last Infeft for the ends contained in his petition or Not and it carried Grant.

OVERTURE for ane Act in favours of the town of Glasgow for ane Imposition of two pence upon the pynt of all ale brewed and vended within the said town for payment of their Debt read.

OVERTURE for ane Act in favours of the Royall Burrows and others for the same Imposition also read.

MOVED that a first reading be marked on the Act in favours of the Town of Glasgow Also moved that a first reading be marked on the General Act and after Debate It was put to the vote Mark a first reading on the General or Special Act and Carried Mark a first reading on the Special Act.

THEN the Lord Chancellor by order of Her Majesties high Commissioner Adjourned the Parliament till to-morrow at ten a clock.

SEAFIELD Chancellor. L. P. D. P.

September 7, 1705.

PRAYERS said. Rolls called.

MINUTS of the last Sederunt read.

MOVED that the petition for Sir David Cuninghame of Milncraig anent the Changing of the high way about his house be read and Agreed that the same be under Consideration the self Sederunt after the Act of Supply Shall be drafted previous to all other private business.

THEN the Parliament proceeded to Consider the Act for the right curing packing and pyroing of Beef and Pork for Exportation And after reading and some Amendments made thereupon It was put to the vote Approve or not and carried Approve.

PETITION for Captain Walter Lockhart again presented and a farther bill of execution granted to him.

THE Act taking off the duty of Linnen and Woollen Manufactory that shall be Exported again read And after some Amendments It was put to the vote Approve the act or Not and carried Approve.

ACT prohibiting and discharging the Importation of all merchandise and other Commodities from England again read And after debate It was put to the vote Proceed to a prohibition in general of particulars and Carried to proceed to a prohibition of particulars.

MOVED that the Importation of Tobacco from England be one of the particulars to be prohibite And after debate It was put to the vote Prohibite or Not and Carried in the negative.

THE further Consideration of the other particulars delayed till the next Sederunt.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till to morrow at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

September 8, 1705.

PRAYERS said Bolls called.

MINUTES of the last Sederunt read.

PETITION for the town of Calcutta read and all parties having Interest Ordered to be and Answer against the third Sederunt next week appointed for private business.

ACT prohibiting the importation of Commodities from England again read and after reasoning recommended to the Council of Trade to Consider the branches of our Commerce with England and other places and to bring in what Overtures shall be proper for Advancing the trade of this Kingdom next Session of Parliament.

THEN the Parliament proceeded to Consider the Act of Supply which was again read And after reasoning it was put to the vote Grant six months Supply to her Majesty Extending to 4318000*l*. for maintaining the army garrisons & frigates for one year or Not and carried Grant Six months supply for the said period.

AGREED that the Supply be payed at the terms following viz. Two months at Mortmaine next 1706 two months at Carlisle 1706 and two months at Lambeth thereafter.

MOVED that one other months Supply be granted for payment of 4800 *l*ib. to Mr James Anderson writer to her Majesties Signet and 4800 *l*ib. to Mr James Hodges confessor to a vote in this Session of Parliament and also for payment of 8400 *l*ib. to William Bayne brother to the deceased James Bayne wright in part of the Summe due to the said James Bayne by the Government and for outpaying her Majesties Ship the Royall William and for maintaining two Birlines to be kept upon the west Coast for preventing the importation of Irish victuall & other prohibet goods and the term of payment of the said months Supply to

be Mortmaine 1706 And after reasoning upon the said motion it was put to the vote Approve or Not and carried Approve.

THEN Ordered that the Royall Burrows contrie the Frigates and two Birlines with all convenience and Recommended to the Lords of Treasury to assigne so much of the said months Supply as shall be deburied by them for these ends As also Recommended to the Lords of Treasury to Assign so much of the said months supply to the above persons as will Satisfie the respective firms granted to them by the Parliament And the Act of Supply having received some other Amendments it was put to the vote Approve the act or Not and carried Approve.

ORDERED that additional Lists of Commissioners for Supply be given in next Sederunt.

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Tuesday next at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

September 11, 1705.

PRAYERS said Bolls called.

MINUTES of the last Sederunt read.

PETITION for Sir David Cuninghame of Milnreig for changing the high way about his house again read And after debate the desire of the Petition granted under the provisions and at the sight and to the Satisfaction of each parties as contained in the delayance upon the said petition.

THE Lord Chancellor acquainted the Parliament that the rest of the papers relating to the late Plot were now transmitted and they should be given in to the Lord Clerk Register to the effect any member of Parliament may see the same.

MOVED that the Act raising Publick Ministers for Scotland to be present at foreign Treaties wherein the Kingdome may be concerned be again read which was accordingly done And after some debate and amendments made upon the Act It was put to the vote Approve the Act or Delay the further Consideration thereof and carried Approve the Act.

OVERTURE for an Act Appoynting a fund for defraying the charges and expenses of the Publick Ministers to be raised by her Majesty to attend the foreign Treaties read and a first reading marked thereon.

THEN the Lord Chancellor by order of her Majesties High Commissioner Adjourned the Parliament till Thursday next at ten a clock.

SEAFIELD Chancellor. I. P. D. P.

September 13, 1705.

PRAYERS said Bolls called.

MINUTES of the last Sederunt read.

PETITION for Mr Jean Ramsay Daughter to the deceased Lieutenant General George Ramsay read.

THEREAFTER an Overture for an Act in favours of the said Mr Jean Ramsay read and a first reading ordered to be marked thereon.

OVERTURE of one Act for one additional Excise presented by the Earle of Southairland for satisfying the arrears due to the officers who have served since the Revolution read and ordered to be printed.

THE Act appointing a fund for defraying the charges and expenses of the Publick Ministers to be named by her Majesty to attend the foreign Treaties again read And after some amendments made upon the Act it was put to the vote Approve the Act or Not and Carried Approve the Act.

THE Act in favour of the town of Glasgow again read And after debate it was put to the vote Grant to the town of Glasgow an Imposition of two pence upon the pynt of ale brewed and vended within the said town for the uses contained in the Act And after some amendments made upon the Act it was put to the vote Approve the Act or Not and carried Approve.

ORDERED that the town of Glasgow cease print this Act after Extracting thereof As also the Act granted in anno 1695 in their favour.

MOVED that this Gift in favour of the Town of Glasgow be burdened with payment of the sum of 3500 Lib. to Mr James Anderson writer to her Majesties Signet for furnishing him to carry on one account of the ancient and original Charters and Seals of our Kings preceeding King James the First in Copper plates according to the ancient characters of the said Charters and the nation agreed to.

THEN the Lord Chancellor by order of her Majesties High Commissioner Adjourned the Parliament till the morrow at ten a clock.

SEAFIELD Cancellor. I. P. D. P.

September 14, 1705.

FRATERS said Rolls called.

MINUTES of the last Sederunt read.

PETITION for Sir Andrew Kennedy against Sir Alexander Cuning of Cullter read and resulted to the Lords of Session to determine the payment of right and possession of the petitioners office as intay to be Discut necessarily.

ACT in favour of Mr Jean Ramsay again read.

A RESOLVE offered that the Parliament during this Session will not grant any new Act or any other Imposition whatsoever upon the Kingdom or any part thereof read.

MOVED that before the Resolves take effect the petition given in for the town of Dundee and other Royall Burrows be read And after debate it was agreed to proceed to the Consideration of the Act in favour of Mr Jean Ramsay before approving the Resolves and then it was put to the vote Agree to the Resolves now read or Read and Consider the petitions presented by the town of Dundee and the other Royall Burrows and carried Agree to the Resolves.

THEN the Parliament proceeded to the Consideration of the Act in favour of Mr Jean Ramsay appointing a month's rest to be paid at the terms mentioned in the Act for payment of the clothing money and arrears due to the deceased Lieutenant General George Ramsay his father And after some amendments made upon the Act It was put to the vote Approve the Act or Not and carried Approve.

PETITION for the Merchants in Edinburgh in relation to prizes from her Majesty during the tyne of war for Carrying on their trade read and recommended to her Majesties high Commissioners to represent to her Majesty as their humble request that prizes be granted by her Majesty to the subjects of this Kingdom trading to France and Spain and that her Majesty may be pleased to give such orders as shall protect them in their said trade as well against her Majesties ships of war and privateers as those of her allies.

ORDERED that next Sederunt the Report of the Commission for Publick Accounts be received and that the article relating to the Lord Belhaven and his partners their tack of Excise be first under consideration Thereafter to Consider the article relating to Broochalls Detachments for the Army and then Ferguslies case with relation to the Pole Money.

PETITION for the Earle of Home read Concerning that some tyne be allowed to him to enter air to his predecessors but Intay some beneficial Invention and the Creditors allowed to see and answer the same against the next Sederunt of Parliament.

PETITION for Mr Thomas Kennedy of Kirkhill and partners of the tack of Excise betwixt the year 1691 and the year 1696 read Concerning their damages sustained by breaking their tack by act of Parliament and other supervenient Laws to their prejudice be considered and the Petitioners recommended to her Majesty in such terms as Contained in the deliverance upon the said petition.

PETITION for Colonnell James Campbell read Craving payment of the arrears due to him mentioned in his petition and the petitioner recommended to the Lords of Treasury conforme to the Deliverance upon his Petition.

PETITION for Sarah Dalrymple daughter to Dalrymple read Craving the privilege of a Spanning manufactory Answers to the said petition by Mr Leblanc and Mr Scott Glafs makers also read And after some debate the petition and answers ordered to ly upon the table.

OVERTURE for one act for ease of the lediges as to the prices of Fishes in Edinburgh read and a first reading ordered to be marked thereon and agreed that the representation for the Skinners be under Consideration when the act comes to receive a second reading.

PETITION for Captain Thomas Hey read and the Lady Scapple Colonnell John Buchan and others ordained to be cited in the terms of the Act of Parliament.

PETITION for the Lady Brodieholms against James Muirhead of Brodieholms read And after debate it was put to the vote Whether the said James Muirhead should see and answer the said petition or be cited in the ordinary form and Carried that he should be cited.

PETITION for Captain Charles Campbell read Craving payment of his arrears and a list of personal Execution against him for some tyne and that part of the petition as to a personal list of Execution ordained to be seen and answered by his Creditors against the next Sederunt and recommended to the Lords of Treasury for a certain sum conforme to the deliverance upon his petition.

ACTS of Ratification in favour of several persons read and several Protestations taken against some of the said Acts As also several Warrants for Fairs read and a Protestation taken against the fair of Balwidhro granted to the Laird of Touchalds and Extracting of the said fairs superseded till next Sederunt and all objections against the said fairs made betwixt and that tyne to be received.

[LIST of Acts of Ratifications granted in Parliament 1703.

ACT Ratifying a charter under the Great Seal of the date at St James's the twelfth day of May 1st vith and two years Granted by her Majesty for her self and as come in place of the Prince and Stewart of Scotland and of the late Bishops respective with consent of her Treasury and Exchequer to her Majesties high Commissioners John Duke of Argyll then Marquess of Lorn and his heirs male & of tailgirs therin specified Which falling to his other heirs or assignees whatsoever lawfully and irrevocably under the provisions & limitations therein mentioned Of the Lands Earldom Lordships Baronies Burghs offices millen mills harbours tithes patronages & others therein expressed with power of holding the fairs and markets and the other freedoms and privileges therein set down All which formerly pertained to and were Regid by the deceased Archibald Duke of Argyll and are all of new Disposed to the said John Duke of Argyll and his forefolds by virtue of the said Charter Whereas also is contained a dissolution of several of the lands and others therein mentioned which do not by locally or by annexation in the fairs of Argyll from all jurisdictions to which they were formerly united and in Execution thereof in the Regality Lordship and Barony of Campbell Ordaining the Kirkcubbin of Dollar to be the head burgh thereof Which Burgh her Majesty has by the said Charter Erected in a free Burgh of Regality to be called the Burgh of Regality of Campbell And has likewise Erected the town of Ross in Ross-shire in a free burgh of barony to be called the Burgh of Barony of Portree And has Given to the said Duke & his forefolds the privilege of keeping fairs and markets at the said several Burghs on the days therein specified And a power to build a free port and harbour at the said Burgh of Portree with the tolls customs duties & other powers and privileges specified therein Whereby also her Majesty as come in place of the said Prince and Stewart has dissolved several lands & others therein mentioned from all Lordships & Baronies to which they were formerly united And has adjoined the same to the old Barony of Auchinagrain Declaring one fee-fine to be taken at the manor place of Auchinagrain or any part of the said Barony to be sufficient for the hall. By which Charter her Majesty as Queen of Scotland has likewise united and erected all the other Lands Earldom Lordship and others therein specified in the Dukedom Marquisat Earldom Lordship and Barony of Argyll Declaring one fee-fine to be taken at the Castle of Inverary or at any part of the said Dukedom to be sufficient for the hall, To be holden at her Majesty for her self and as come in place of the said Prince & Bishops respective and of her successors in manner expressed in the said Charter which also contains a Dispensation for fowling resorting and infilling in the lands and others therein mentioned that are holden in part ward the heirs & forefolds of the said Duke notwithstanding of their minorities And a Confirmation of all rights of the said lands Dukedom Baronies and others forefild granted to him & his forefolds & to the said unspeckill Duke of Argyll his father or any of their predecessors with diverse other clauses Together with the precept of fee-fine contained in the said Charter and Instrument of Sealine following thereupon In all and sundry heads &c.

ACT Ratifying a Confirmation and possession of a former tack together with a new tack under the Privy Seal of the date at St James's the sixteenth day of January 1st vith and three years granted by her Majesty with consent of her Treasury and Exchequer to John Earl of Mar and Margaret now Countess of Mar his spouse and longest liver of them two during all the days of her or either of their lifetimes & thereafter to the said Earl his heirs male & assignees for nineteen years and until the time be recalled Of the five mells farms closes outcloses & other duties of the Lands & Lordship of Striving paying therefore the tack

due of our marks Scots on the firsteenth day of July yearly In all &c.

RATIFICATION of a Commission under the Great Seal of the date at St James's the fourth day of September 1st vith and three years granted by her Majesty to Lord Charles Ker second lawfild son of the deceased Robert Marquess of Lethian nominating him sole and only Director of her Majesties Chancery during all the days of his lifetime And Giving to him during that space the forefild office with all the privileges fees and profits thereof With power of Examining the fees and of appointing deputies and servants under him for whom he shall be answerable And also of writing registering and extracting all breves returns charters & other writs belonging to the said office And of keeping the Quarter Seal and appending the same to writs ufil to be sealed therewith according to the customs and privilege of the forefild office In all &c.

RATIFICATION of a Charter under the Great Seal of the date at St James's the sixteenth day of May 1st vith and two years Granted by her Majesty with consent of her Commissioners of Treasury and Exchequer to the deceased Mr William Hamilton eldest lawfild son of unspeckill Lord Ball Hamilton and to his heirs and assignees whatsoever lawfully and irrevocably of the Lands Baronies mills woods fishings and others therein specified And also in favour of Lady Mary Hamilton his mother of the lifent annuity therein mentioned to be upfild furth of the lands and others therein expressed & the other lifent right therein specified Which charter proceeds upon the several resignations & adjudications specified therein And Contains a New Gift or Disposition to the said Mr William and his forefolds of all the lands and others mentioned in the same And an Incorporation of the said several lands in three distinct Barones to be called the Barones of Baldoon Campholm and Lochfergus Ordaining fees-fines to be taken at the manor place of Baldoon and Campholm and Lochfergus respective to be sufficient for the said several Barones To be holden at her Majesty for herself and as come in place of the Bishops of Galloway and Dornick Deen and Subdean of the chapel royal respective and of her successors in manner expressed in the former charter whereby the duties of wood sanctuary relief and marriage of many of the forefild lands are taxed to the same respective therein set down And the several rights & infeudments granted to the deceased Sir David and David Darnley elder and younger of Baldoon and to the said Lord Ball Mr William & Lady Mary Hamiltons respective are confirmed Together with the precept of Sealine contained in the said charter & infeudments following on the same In all &c.

RATIFICATION of a Charter under the Great Seal of the date at Kensington the twenty ninth of April 1st vith and four years Granted by her Majesty with consent forefild and proceeding on the Resignations & other Conveyances therein mentioned to Sir W^m Andrauther of that ilk one of the feutors of the College of Justice and his heirs and assignees therein mentioned lawfully and irrevocably Of the Lands and Barony of Andrauther Office of Bailiery of Pittenweem & privileges of commonalty in the common weir thereof, the Baronies of Andrauth Elie and Daley Burgh of Burony port & harbour of Elie customs anchorgages and profits thereof and a weekly market and two yearly fairs at the said Burgh, with the superiority of several lands thence belonging to the Abbey of Dryburgh, & several other lands patronages & others therein specified Which are all of new Disposed to the said Sir William & his forefolds & by the said charter erected in a Barony called the Barony of Andrauther for all which one fee-fine at the manor place of Andrauther or Elie or any other part of the said lands is declared sufficient in manner mentioned in the said charter Which contains a disposition & ratification of the offices of One of her Majesties Carvers and

Maſters of Houſhold to the ſaid Sir William & his heirs male ſucceeding in his lands of Anſruther And a gift of the office of heretable and perpetual ſearchers of prohibits and unſeized goods within the Burghs of Anſruther and Elia & ports thereof With power to intruſt therewith and of having a coquet in the ſaid Burghs. To be holden of her Maſtety for payment of the few duties of victual capons & pultrie or prims thereof expreſſed therein And of the other few lincſ & other duties mentioned in the ſaid charter Whereby alſo the holding of the Barony of Anſruther & ſome other lands therein ſpecified is changed from turt ward to lincſ, And the ſerving ſervicing & ſuſtaining therein the heirs and ſucceſſors of the ſaid Sir William notwithstanding of their minorities is diſpenſed with And alſo the ſeveral rights & conveyances of the lands & others ſpecified are confirmed, Together with the precept of ſeſſine contained in the ſaid charter and inſtrument of ſeſſine following thereon In all and ſundry heads &c.

ACT Ratifying a Charter under the Great Seal of the date at St James's the twentieth day of May 1st vjth and two years Granted by her Maſtety with conſent foreſaid to Mr Robert Stuart of Tillieſtrie one of the ſenators of the Colledge of Juſtice & his heirs or ſubſequent heretably and irreverſibly of the Lands and Barony of Tillieſtrie comprehending the ſeveral lands ſcote Burgh of Barony weekly mercato yearly ſales & others expreſſed in the ſaſes charter And all & ſundry the mines & minerals of gold ſilver copper tin lead & others whatſoever within the ſaid lands & Barony as for the Principall And of the Lands and Barony of Duncrub & others therein mentioned in ſpecial Warrantice thereof Which Charter proceeds on the ſeveral reſignations decreet of ſale and adjudications therein ſpecified And Contains a new gift & diſpoſition of the ſaſes hall lands Barones & others ſcoteſſed principall and warrantice And a Confirmation of all contracts & other rights thereof generally and ſpecially therein ſet down in favour of the ſaid Mr Robert & his ſucceſſors With a diſpoſition for taking out ſeſſins of the heill lands & others ſcoteſſed principall & warrantice at the manner place or any other part of the Barony of Tillieſtrie To be holden of her Maſtety and her ſucceſſors in manner expreſſed in the ſaid charter Whereby the duty of marriage payable for the ſaid Barony of Tillieſtrie is taxed to a certain ſum therein ſpecified And its declared lawful to the ſaid Mr Robert and his ſucceſſors to diſpoſe upon and grant infeſſments of arreſtment both of the ſaid lands Barones and others principall and warrantice without conſent of her Maſtety or her ſucceſſors notwithstanding of any claſſes for not alienating or any other prohibitory or irritant claſſes contained in the infeſſments thereof Which claſſes with all benefits thereof her Maſtety for her & her ſucceſſors Remains by the ſaid charter in favour of the ſaid Mr Robert and his ſucceſſors, Together with the precept of ſeſſine therein contained and inſtrument of ſeſſine following thereon In all and ſundry heads &c.

RATIFICATION of a Commiſſion and Gift under the Privy Seal dated at St James's the ſixth day of December 1st vjth and two years granted by her Maſtety with conſent foreſaid to Daniel Stuart brother german to Sir William Stuart of Caſtleſſell Nominating him to be during her Maſtety's pleaſure only Receiver general Collector and Caſhkeeper of the impositions of twelve ſhillings Scots granted by the twenty fourth act of the ſecond ſeſſion of the Parliament of King James the Seventh In place of each ſum of ballion formerly impoſed by the eight act of the ſixth ſeſſion of the Second Parliament of King Charles the Second upon the ſeveral commodities therein ſpecified for duty, ing the charges of a few ſcots paying the Salaries of the Mint & the other nine therein mentioned And Giving to the ſaid Daniel during the ſaid ſpace the ſcoteſſed office with the yearly fee of fifty pounds Sterling to be paid out of the ſixt and ſixth of the ſaid appointed for paying the fees & ſalaries of the aft.

cers of the Mint With the whole other fees & privileges belonging thereto and all other immunities proportionally which are allowed to the other officers of the Mint Excepting what's prohibited & innovated by the ſanding laws, Together alſo with convenient Lodgings in the Mint-houſe for the ſaid Daniel & his family to be assigned to him by the general thereof as is more fully expreſſed in the ſaid Gift and Commiſſion In all & ſundry heads &c.

RATIFICATION of a Charter under the Great Seal dated at Kennington the twenty eighth day of February 1st vjth and ninety five years Granted by the deſeſſed King William with conſent of his then Commiſſioners of Treſury and Exchequer to Guſten Boſt of Heycheſter and his heirs and ſubſequent therein mentioned Of the Lands and Barony of Minto comprehending the lands and others therein ſpecified proceeding on his own reſignation And containing a new gift and diſpoſition with a new erection of the ſaid Barony and a diſpoſition for taking out ſeſſins therefore at the manner place of Minto Together with an erection of the town of Minto & perſons in a free Burgh of Barony and a power of keeping therein a weekly market and two yearly ſales on the days therein mentioned with all other liberties & privileges therein expreſſed To be holden of his Maſtety and his ſucceſſors in manner ſpecified therein Whereby the duties of wain country relief and marriage are Taxed for the fees reſpective therein ſet down And the heirs are allowed to enter notwithstanding of their minorities And of another Charter under the Great Seal dated at Edinburgh the fourth of August 1st vjth and three years proceeding on the reſignation of the ſaid Guſten Boſt and granted by her Maſtety with conſent of her Commiſſioners of Treſury & Exchequer to Sir Gilbert Elliot of Minto one of the ſenators of the Colledge of Juſtice then deſeſſed of Houſhold In liſſent and to Gilbert Elliot his alſeſſes for proceſſ betwixt him and Dama Jean Key his ſpouſe and the heirs male of his body Which ſuſſeſſing to the other heirs and ſubſequent therein mentioned in for heretably and irreverſibly of the ſaid Lands & Barony of Minto Burgh of Barony thereof privileges of mercato and ſairs and all rights privileges and liberties of a free Burgh & Burgh of Barony mentioned in the other Charter aforeſpecified To be holden of her Maſtety and her ſucceſſors in manner therein expreſſed Together with the precepts of ſeſſine contained in the ſaid ſeveral charters and inſtruments of ſeſſine reſpective following on the ſaſes In all &c.

RATIFICATION of another Charter under the Great Seal dated at Kennington the eleventh day of January 1st & vjth years Granted by the ſaid deſeſſed King William with conſent of his Treſury and Exchequer proceeding on the reſignation of the above named Sir Gilbert Elliot to and in favour of him the ſaid Sir Gilbert then deſeſſed Advocat & Clerk to the Privy Council in liſſent and the ſaid Gilbert Elliot his ſon and the heirs male of his body Which ſuſſeſſing to the other heirs & ſubſequent therein expreſſed in for heretably and irreverſibly under the conditions & reſervations therein mentioned Of the lands of Houſhaw with the other lands mills parſonages & others therein ſpecified All which are by the ſaid charter of new diſpoſed to the ſaid Sir Gilbert & Gilbert Elliot & their ſucceſſors And erected in a free burgh to be called the Burgh of Houſhaw Whereof the manſion houſe of Houſhaw is declared to be the principal manſion & one ſeſſine thereof ſufficient for the hall. To be holden of his Maſtety and his ſucceſſors in manner therein ſet down Together with the precepts of ſeſſine therein contained and inſtrument of ſeſſine following thereon In all and ſundry heads &c.

RATIFICATION of a Tack under the Privy Seal dated at St James's the ſixteenth day of May 1st vjth and two years Granted by her Maſtety with conſent of her Treſury and Exchequer to David Earl of Leven his heirs and ſubſequent whatſoever during the ſpace of two hundred years Beginning at Whit-

fundly 1st vith and two years Of the few and teind duties payable to Her Majesty fifth of all lands within the parishes of Dunfermling Kingliske and Newburn which are parts & p^{ar}tenants of the Lordship and Regality of Dunfermling Excepting the lands now belonging to the Earl of Rothes in the parish of Kingliske And providing the said tack shall not extend to few and teind duties that were possessed by w^{or}shipfull John Marjess of Tweeddale as having right to a tack of the said Lordship and Regality and of which he & John now Marjess of Tweeddale obtained a new tack Providing also that the Granting and Accepting the said tack to the said Earl of Leven shall not pre-
judge any future right which he as patron of the Kirk of Newburn or otherwise has to the teinds thereof Paying therefore yearly the said Earl & his said tack To her Majesty and her successors Ten pounds Scots of tack duty as is more fully expressed in the said tack In all & sundry &c.

ACT Ratifying a Charter under the Great Seal proceeding by warrant on a Signature past under the hand of the said deceased King William of the date at Kensington the third day of February 1st vith and two years Granted with assent of the Thesaurer & Exchequer upon the several decrees of adjudication decreet of sale & relinquitions &c. therein specified in favour of Lieutenant Colonel thereby designated Captain William Maxwell of Brigadoer Middleton regiment in listment and William Maxwell his eldest lawful son & the heirs male to be progeny of his body Which following to his other heirs and assignees therein mentioned heretofore and irredeemably in fee under the provision and restrictions therein expressed Of the Lands and Barony of Cardineis comprehending as is therein specified & of several other lands & others sit down therein as principal And of the Lands & Barones of Colliestoun & Raventoun in speciall Warrandice thereof Containing an Erection of the Clachan of Anweith and Marjessburgh with the crofts & others adjacent thereto &c. in a free Barony of Barony to be called the Barony of Cardineis at which they are incorporated to keep a weekly market and four yearly fairs on the days therein expressed with an erection of that part of the Barony of Cardineis lying on the west side of the water of Flerie where the same falls in the Sea in a free port and harbour Giving to the Lieutenant Colonel his son & their fore-
fades power to build the said harbour with the several priviledges therein specified Together with a new Gift & disposition of the said lands & baronys principall & warrandices and of the said Barony sum current and free port and harbour and an erection of the said hall lands Barony and others principally disposed in a free Barony to be called the Barony of Cardineis Ordaining the said & tower of Cardineis to be the principall messuage thereof And one fadine thereof or on any other part of the Barony to be sufficient for the hall. And also for the Lands & Barones disposed in warrandice To be holden of her Majesty and her Successors as is expressed in the said charter Whereby also the duties of ward recovery relief & marriage of the said principall lands are of new taxed to the sums therein specified expressed in a former charter And the heirs abovementioned are allowed to enter notwithstanding of minority Together with the precept of fadine therein contained & instrument of fadine following thereon In all & sundry &c.

RATIFICATION of a Charter under the Great Seal dated at Kensington the twenty eight of April 1st vith & ninety eight years Granted by the deceased King William with consent of his then Thesaurer & Exchequer and proceeding on the resignation of the now deceased Thomas Forbes of Eght in favour of Arthur Forbes now of Eght his eldest lawful son & his heirs & others therein mentioned under the provisions therein expressed in fee heretofore and irredeemably Of the Lands & Barony of Eght Comprehending the lands & others therein specified Which charter contains a new Gift of the said Barony and an Erection of the Town of the Manor of Eght in the Barony of Barony of Eght

with power of holding a weekly market and two yearly fairs upon the several days therein mentioned and several other powers and priviledges And also a New Union of the said hall Barony & Barony In the Barony of Eght with dispensation for taking one fadine thereof at the manner place or Cellie of Eght in the shire of Aberdeen Which hall Barony is abtained from all other Sheriffdoms & ordinary jurisdictions whatsoever by reason of the said new Union To be holden of his Majesty and his Successors in manner expressed in the said charter whereby the duties of ward recovery relief and marriage of the said Barony are taxed to the sums mentioned therein Which contains also a Confirmation of the several charters & instruments therein specified in favour of the said Thomas & Arthur Forbes & their predecessors Together with the precept of fadine contained in the said charter & instrument of fadine following thereupon In all & sundry &c.

RATIFICATION of a charter under the Great Seal dated at Kensington the first day of April 1st vith and one years granted by the said deceased King William with consent forefild and proceeding on the resignation of John Leith of Leithhall & of w^{or}shipfull John Earl of Mar & his assignees therein named In favour of the said John Leith his being an life during all the days of his lifetime & John Leith his lawful son & the heirs male of his body Which following to the other heirs & assignees therein mentioned heretofore & irredeemably in fee under the provision & faculty therein expressed in favour of the said John Leith elder Of the Lands & Barony of Leithhall comprehending the several lands teinds priviledges of a yearly fair and others therein specified Which charter contains a new gift or disposition of the said Barony & an new Union thereof Ordaining the manner place of Leithhall to be the principall messuage and one fadine thereof or on any part of the said lands to be sufficient for the hall Barony To be holden of his Majesty & his Successors as is expressed in the said charter whereby also the duties of ward recovery relief and marriage of several of the said lands are taxed to the sums respective therein specified and the heirs above mentioned are allowed to [be] served returned and infit therein notwithstanding of minority Together with the precept of fadine therein contained & instrument of fadine following thereon In all &c.

ACT Ratifying a Charter under the Great Seal dated at Kensington the third day of February 1st vith and two years Granted by the said deceased King William with consent forefild And proceeding on the resignation of John Forbes of Hadding in favour of the said John be being an life during all the days of his lifetime and of George Forbes his eldest lawful son and the heirs male of his body Which following to the other heirs & assignees therein mentioned heretofore & irredeemably in fee under the provision & faculty thereby conceived in favour of the said John Forbes Of the Lands & Barony of Alford comprehending the same lands mill priviledges of a yearly fair & others therein specified and containing a new gift and disposition Together with a new Erection of the furnished Barony of Alford Whosef the manner place of Hadding is ordained to be the principall messuage & one fadine thereof or on any part of the said lands to be sufficient for the hall Barony To be holden of his Majesty & his Successors as is expressed in the said Charter Whereby also the duties of ward recovery relief and marriage payable for the said Barony are Taxed to the sums therein specified And the heirs above mentioned are allowed to be served returned & infit therein notwithstanding of their minority Together with the precept of fadine therein contained & instrument of fadine following thereon And also of new appointing a weekly market to be kept in all time coming at the Town & Lands of Endovie which is a part of the said Barony of Alford & ly within the shire of Aberdeen upon every thursday and a fair to be holden thereat yearly in all time coming upon the third tuesday of May and

to continue four dayes called St John's fair And Granting to the said John and George Forbes & their Successors in forever & his respective heirs the right & privilege of keeping the said weekly market & yearly fair for all kinds of merchandise (which privilege the predecessors of the said John formerly had by their rights & instruments) with all the tolls customs & casualties thereof & all other liberties privileges & advantages used & wont to belong to any having the right of keeping fairs & markets within this Kingdom without prejudice of the other fair mentioned in the said charter In all &c.

RATIFICATION of a Gift under the Privy Seal of the date at Windsor Castle the 5th of August 1st vith and two years granted by her Majesty with consent of her Treasury and Exchequer of an Annuity of twelve thousand pounds out of the first and readiest of the rents & profits of the Earldom and Lordship of Orkney and Zetland including all former Settlements furth thereof to James Earl of Mortoun his heirs & successors Beginning the first terms payment at Mortoun's then next And so furth yearly & yearly thereafter until his estate therein mentioned be tried & finally decided And for the more sure payment assigning to him & then as much of the said rents And appointing him & his depu^t Chamberlains & Collectors of the said rents Providing that after payment of the said Annuity in the first place he be contentable to the Treasury for the expenses As also that the Commissioners of Treasury may pay the said rents in tack Providing they take the tackmen obliged by the tack to pay in the first end of the tack duty the said Annuity to the said Earl of Mortoun & his heirs without necessity of any intervening precept or order In all & sundry &c.

RATIFICATION of a charter under the Great Seal of the date at St James's the 1st of March 1st vith and four years granted by her Majesty with consent forefild to the said James Earl of Mortoun and his heirs male and other heirs & assignees therein mentioned Of the lands & Barony of Aberdeur Bargh of Barony & Regality thereof port & harbour of the town & privilege of building a free port in any part of the said Barony with liberty & power of keeping fairs and markets on the dayes therein mentioned And of receiving relocations & granting indentments of all lands & annualments & others within the said Bargh of Aberdeur and severall other rights & privileges The Lands Earldom & Barony of Mortoun & pertinents particularly the right of presenting four bursars in the Collidge of Glasgou The Lands & Barneys of Bange & Buthhill & severall other lands parsonages & others therein mentioned Which charter proceeds on the severall appurtenances & other conveyances therein specified And contains a new Gift of the hall lands & others therein mentioned And a new Erection thereof in the Earldom of Mortoun Ordaining the Caille of Aberdeur to be the principal manseage thereof and one fessine thereof or on any part of the said Barony of Aberdeur to be sufficient for the hall To be holden of her Majesty in free bench as is contained in the said charter Wherby also the rights of the severall annualments therein mentioned & conveyances thereof to the said Earl are confirmed Together with the precept of fessine therein contained and instrument of fessine thereon In all & sundry heads &c.

RATIFICATION of a charter under the Great Seal of the date at St James's the thirtieth day of November 1st vith and three years Granted by her Majesty with consent forefild and proceeding on the severall Relinquishments Decret of sale and other Conveyances therein mentioned to Sir William Maxwell of Monroth knight and baronet and his heirs male and of tailzie and other heirs and assignees therein specified under the provisions & refections therein expressed Of the Lands and Barneys of Monroth Aylebie Mochrumloch and other lands trinds & others therein mentioned Which charter contains a Confirmation of the severall rights & indentments of the forefild lands & others therein ex-

pressed with a new gift thereof and an Union of the same in the Barony and Forefild of Monroth Granting to the said St William and his forefild the privilege jurisdiction & casualty belonging to a free Barony and Forefild & Ordaining the maner place of Monroth to be the principal manseage thereof and one fessine thereof to be sufficient for the hall To be holden of her Majesty for her self and as came in place of the Bishops respective For payment of the few duties of victual & expens or prices thereof therein mentioned and of the other few bench and taxward duties specified in the said Charter Wherby also the duties of ward relief manerly & marriage payable for severall of the said lands & others are taxed to the several fens therein expressed And the heirs are allowed to enter therein notwithstanding minority And likewise the severall few charters therein mentioned granted to the said St William and his forefilds & to his fathers by Sir James Durbur of Mochrum with the conveyances of the same are confirmed Together with the precept of fessine therein contained & instrument of fessine thereon following In all and sundry heads &c.

RATIFICATION of a Charter under the Great Seal of the date at St James's the twenty first of December 1st vith and two years granted by her Majesty with consent forefild proceeding on the resignation of Mr Thomas Thomson of Auchtermuir to Sir Alex^r Ogilvie of Forgie his heirs and assignees whatsoever heretofore & irredeemably Of the Town and Lands of Todlew with the pertinents which are thereby of new disposed and united to the Barony of Forgie Declaring one fessine at the maner place of Forgie or any part of the said lands to be sufficient To be holden as is expressed in the said Charter Wherby the duties of ward relief & marriage for the said lands are taxed to certain fens therein mentioned and the heirs are allowed to enter notwithstanding minority Together with the precept of fessine therein contained & instrument of fessine thereon In all and sundry heads &c.

RATIFICATION of a charter under the Great Seal of the date at Bath the seventeenth day of September 1st vith and three years Granted by her Majesty with consent forefild proceeding on the severall relinquishments and the conveyances thereof mentioned therein in favour of Mr James Nairn of Dawick knight and his heirs male and of tailzie and other heirs and assignees therein specified heretofore and irredeemably of the Lands and Barony of Dawick and other lands trinds & others therein expressed all thereby of new disposed under the provisions & refections therein set down upon the said heirs of tailzie And Erected in the Barony of Dawick for which one fessine to be taken in manner therein specified is declared sufficient To be holden of her Majesty as is expressed in the said charter wherby the duties of ward manerly relief and marriage of severall of the said lands are taxed to the several fens therein specified And the heirs are allowed to be entered notwithstanding minority And also the Contract of marriage betwixt him the said Mr James and Millicent Barbara Fringle his spouse is confirmed Together with the precept of fessine therein contained and instrument of fessine thereon In all and sundry heads &c. In common fessine.

Edin^g: 14: September 1705.

This Lik of Ratifications read and past in Parliament.

SEAFIELD Cancellar. I. P. D. P.]

[LIST of Acts for Fairs and Markets granted in Parliament 1705.

ACT appointing two fairs to be kept and holden yearly in all time coming at the Town of Haxley lying within the shire of [Aberdeen] and belonging to George Duke of Gordon, One thereof to begin the third Tuesday of August and the other to

begin on the first Tuesday of October & each of them to continue four dayes And granting to the said Duke his heirs and successors the right and privilege of keeping the said yearly fairs for all kinds of merchandise With all the tolls customs and exactions thereof and all other liberties privileges and advantages used and wont to belong to any having the privilege of keeping fairs and markets within this Kingdom.

ACT appointing two fairs to be holden yearly in all time coming at the Town of Turrit in the parish of Turrit shireffdom of Aberdeen and regality of Staines belonging to Charles Earl of Erroll one thereof to begin upon the last Tuesday of March to be called Saint Anna fair and the other on the first Tuesday of December to be called Saint Johns fair and each to continue four dayes And granting to the said Earl his heirs and successors &c.

ACT appointing a weekly market to be kept in all time coming at the Kirk of Denry in the shire of Sterling and belonging to John Earl of Wigton upon every Wednesday and four fairs to be holden at the same place yearly in all time coming one thereof upon the last Wednesday of April another upon the twenty second of June another upon the fourth of August and the other on the fifth of November And also appointing two fairs to be kept yearly in all time coming at the New town of Cuthbert lying in the said shire and belonging to the said Earl, one thereof upon the first Friday of February and the other on the twenty ninth of October And granting to the said Earl his heirs and successors the right and privilege of keeping the said weekly market & yearly fairs at the said respective places for all kinds of merchandise with all the tolls &c.

ACT appointing three fairs to be kept yearly in all time coming at & upon the west end of the foot of the hill of Tyrbagger which is a part of the lands & barony of Cuthbert lying in the shire of Aberdeen and belonging to Sir John Johnston of Cuthbert one thereof upon the Tuesday immediately preceeding Easter to be called Falth fair another upon the first Tuesday of July to be called Martin-Magdon fair and the other upon the third Thursday of August to be called Tyrbagger fair And granting &c.

ACT appointing a market to be kept on Tuesday weekly in all time coming at the Town of Inverch by lying in the shire of Edinburgh & belonging to Sir Robert Dickson of Inverch. And also two fairs to be holden yearly thereat One thereof to begin upon the second Tuesday of July and the other upon the first Wednesday of October And each of them to continue from the respective dayes of their beginning to the Saturday of that week And granting to the said Sir Robert his heirs and successors &c.

ACT appointing a weekly market to be kept every Tuesday in all time coming within the Burgh of Burry of Saint Ninians and Newark in the shire of [Fife] and belonging to Sir Alexander Andrewes of Newark and that at place of the weekly market formerly appointed to be holden there on Friday and also appointing two fairs to be kept within the said Burgh yearly in all time coming one upon the second Tuesday of July and the other on the second Tuesday of September And granting &c.

ACT appointing a market to be kept weekly upon Wednesday in all time coming at the Clachan of Fintry in the shire of Strathclyde and belonging to John Naper of Calmeoch And two fairs to be holden there yearly in all time coming one upon the last Thursday of June and the other upon the second Thursday of December And granting &c.

ACT appointing a market to be kept weekly upon Thursday and two fairs to be holden yearly One upon the first Tuesday of July and the other upon the second Tuesday of October in all

time coming at the Burgh of Anstruther Wafers and that in place of the weekly market formerly appointed to be holden there on Sabbath and of the yearly fairs one in March and the other in December formerly kept at the said Burgh, And granting to the Magistrate and Council of the said Burgh and their successors in office for the behoove of the Community thereof the right and privilege of keeping the said weekly market and yearly fairs on the said respective dayes for all kinds of merchandise in place of the said other market and fairs formerly held at the said Burgh in manner abovesaid With all the tolls &c.

ACT appointing a market to be kept weekly upon Thursday and two fairs yearly one thereof to begin upon the second Tuesday of October to be called Saint John's fair and the other to begin on the second Tuesday of August to be called Saint Peters fair and each of them to continue three dayes in all time coming at the Kirkton of Fyvie in the shire of Aberdeen and at that part thereof which belongs to the Manors of Fyvie whereof two third parts pertain to John Marquess of Tweeddale and the other third part to James Countess of Dunsfirling in lient and to the heirs and donors of Dunsfirling in fe And granting to the said John Marquess of Tweeddale his heirs and successors and to the said Countess and heirs and donors of Dunsfirling in lient and fe respectively the right and privilege of keeping the said weekly market & yearly fairs for all kinds of merchandise And giving to the said Marquess and his heirs two third parts and to the said Countess in lient and to the said heirs & donors of Dunsfirling in fe the other third part of all the tolls customs &c.

ACT appointing a market to be kept weekly on Friday and two fairs yearly one upon the last Tuesday of March and the other on the last Tuesday of September in all time coming to be holden at the town of Carrie in the Barony of Rincartoun and shire of Edinburgh & belonging to Robert Craig of Rincartoun And granting to him his heirs and successors &c.

ACT appointing two fairs one upon the first Tuesday of December and the other on the last Tuesday of January to be holden yearly in all time coming at & within the Burgh of Schilling And granting to the Magistrate and Council of the said Burgh and their successors in office for the behoove of the community of the same the right and privilege of keeping the said fairs &c.

ACT appointing a new fair to be holden yearly in all time coming upon the twenty sixth day of July at the town of Doding in the shire of [Perth] & belonging to Robert Lord Ballo And granting to him his heirs and successors &c.

ACT appointing three fairs to be kept yearly in all time coming one thereof to begin on the last Tuesday of July another to begin on the eighteenth day of October and the other to begin on the fourteenth of April and each of them to continue two dayes And a market weekly on Tuesday in all time coming at the Kirkton of Math-hill in the County of Strathern & shire of Perth and belonging to John Drummond of Fickelkerry And granting &c.

ACT appointing a market to be kept weekly on Thursday in all time coming at the Town of Lathquhairn in the shire of Aberdeen belonging to Alexander Forbes of Lathquhairn and granting to him his heirs and successors the right and privilege of keeping the said weekly market for all kinds of merchandise With all the tolls customs & exactions thereof and all other liberties & advantages used and wont to belong to any having the privilege of keeping weekly markets within this Kingdom.

ACT appointing a weekly market on Wednesday in all time coming to be kept at the Town of Kinardzie-Oniel in the

shire of Aberdeen belonging to Sir Robert Forbes Advocate And that in place of the mercat formerly holden there every Friday And granting &c.

ACT appointing two fairs yearly one upon the first Tuesday of July & the other on the second Thursday of November to be kept in all time coming upon the Lands & Barony of Balgathie-wood in the shire of Stirling & belonging to John Murray of Touchland And granting to him his heirs and successors &c.

ACT appointing two new fairs to be kept and holden yearly in all time coming one upon the third Tuesday of August & the other on the second Tuesday of October at the Burgh of Barony of Gleneloe in the shire of Wigton and belonging to John Earl of Stair And granting &c. without prejudice of the other fairs formerly appointed to be kept at the said Burgh And allowing and empowering the said Earl and his forefathers to Change the place of Execution & Gibbet from the Abbey of Gleneloe And to erect and continue the same near the tolbooth of the said Burgh.

ACT appointing two fairs to be kept yearly in all time coming one upon the third Tuesday of January and the other upon the second Tuesday of October at the Kirktoon of Wern in the shire of Perth belonging to Sir Alexander Melniss of that ilk and another fair to be holden yearly in all time coming upon the last Tuesday of May at the Town of Dull in the said shire and belonging to the said Sir Alexander And granting &c.

ACT appointing two fairs to be kept yearly in all time coming one upon the first Tuesday of April and the other on the first Tuesday of September at the Croft-town of Aberloma in the shire of Forfar and belonging to Sir Alexander Murray of Melgum And granting &c.

ACT appointing two fairs one upon the third Tuesday of May and the other upon the third Tuesday of September to be kept yearly in all time coming at the Town of Lochgillie in the shire of Fife and belonging to Milnes Grifflin Kinrossburgh of that ilk And granting to her her heirs and successors and the said Sir Alexander Murray of Melgum her husband for his interest the right and privilege of keeping the said fairs &c.

ACT appointing two fairs yearly to be kept in all time coming one thereof to begin upon the first Tuesday of April to be called and the other to begin on the thirteenth of October to be called and each of them to continue two days and a weekly mercat to be holden in all time coming on every Tuesday upon the Common-green of Monzie in the shire of [Perth] and belonging to Patrick Campbell of Monzie And granting to him his heirs and successors &c.

ACT appointing four fairs to be kept yearly in all time coming one thereof to begin on the sixteenth day of May another on the twenty second of July another on Michaelmas day and the other to begin on the twentieth day of October And each of them to continue two days And a weekly mercat to be kept in all time coming every Tuesday at the town of Nisbaldie in Glenislie lying in the shire of Argyll and belonging to Sir James Campbell of Auchinbreck And granting &c.

ACT appointing four fairs to be kept and holden yearly in all time coming one thereof to begin upon the tenth day of May another to begin on the nineteenth day of July another to begin upon the nineteenth of August and the other to begin upon the sixteenth day of October and each of them to continue two days and a weekly mercat to be holden in all time coming every Tuesday at the town of East Turbet in the shire of Argyll belonging to Archibald Macdonald of Turbet And granting &c.

ACT appointing a mercat to be holden weekly on Tuesday and four fairs yearly in all time coming to be kept one upon the twelfth day of February another on the eleventh day of June another on the twenty second day of August and the other on the second day of November at the East crigs of Ogilvie lying within the parish of Torphichen and shire of Linlithgow and belonging to Alexander Livingstone of Balleskennie And granting &c.

ACT appointing two fairs one upon the first Tuesday of July to be called Saint Margaret's fair and the other on the first Thursday of November to be called William's fair to be holden yearly in all time coming upon the lands of Swanford within the lands of Greens in the parochie of Menziesburgh and shire of Aberdeen belonging to Sir Samuel Forbes of Forres And granting &c.

ACT appointing two fairs to be kept yearly in all time coming one thereof to begin on the first Wednesday of May and the other to begin the third Wednesday of November and each of them to continue two days And a mercat weekly on Wednesday at the town of Dyke in the shire of Elgin & Forres & belonging to James Brodie of that ilk And granting to him his heirs and successors &c.

Edinb. 14. Sept^r 1705.

The within Acts for Fairs & Mercats read & put in Parliament.
SEAFIELD Cancellor. I. P. D. P.]

THEN the Lord Chancellor by order of her Majesties high Commissioner Adjourned the Parliament till Tuesday next at ten a clock.

SEAFIELD Cancellor. I. P. D. P.

September 18, 1705.

PRAYERS said Bells called.

MINUTE of the last Sederant read.

THE Article of the Report of the Commission for Publick Accounts relating to the Lord Belhaven's tack of Excise from September 1696 to March 1697 read. Petition for George McKennie one of the Lord Belhaven's subcontractmen read. The Parliament having considered the petition given in by Belhaven and his partners with the Report of the Commission They find that the Sum of 17181 pound 11 s 7 d Sterling was never payed in by the Country to the said tackmen or subcontractmen. Therefore they D^{ly} charge them and the Country of the said Sum in the Terms of the Deliverance of Parliament upon their Petition.

MOVED that the principal tackmen be Discharged of the Sum of 325 LB 11 s 10 d Sterling applied by them, and not yet completed for And after debate it was put to the vote Discharge the tackmen of the said Sum or Not & carried Discharge.

THEN the Parliament having considered George McKennie's Petition they Decree & Order the Same in the hands of Thomas Beddane of Turris and William Bevard two Sub collectors of that Excise to be payed in to him in the terms of the deliverance of Parliament upon his petition & the said George McKennie funder Recommended to her Majesty for his superfluous letters mentioned in his petition.

THE article of the Report of the said Commission relating to the Duke of Queensberry's bond lying in the Treasury read. Petition for his Grace also read Craving to be free of assual-

rests of the said bond and Compensation of the principal Sum he being Confine to the public in far greater sums And the Parliament having considered the said Report with the petition they Grant the defray thereof in the terms of the Deliverance of Parliament upon the said petition.

ARTICLE of the Report of the Commission relating to the bond of 655 Lb. two shillings Sterling Granted by the late Duke of Argyle to the Lords of Treasury read And her Majesty's high Commissioner and the Estates of Parliament having considered the Report with the following Letter directed by her Majesty to the Lords of Treasury & bond itself which is in these terms "That if betwixt & the 15 of September 1695 & the first day of Aprile next thereafter his Grace did not procure & deliver to the said Lords his Majesty's warrant for delivering up to his Grace the said Bond without Repayment of the said sum Then he obliged himself his heirs & Successors to Pay & Refound the same And his Grace having considered her Majesty's Letter of the date the twenty fourth of February 1705 authorising & repaying the said Lords to file the account of arrears due to his Grace of pay & clothing & to deliver up to the said Duke the said Bond of 655 Lb. 2 s Sterling & to take his Receipt as so much payed to him on account of his said arrears of pay and clothing" Therefore they Recommended to the Lords of Treasury to give up and discharge the said Bond upon their getting a valid Discharge of the sums of 655 Lb. 2 shillings Sterling as a part of the Arrears due to the said deceased Duke of Argyle.

THE Article of the Report of the Commission relating to the Hearth Money collected by the deceased Lord of Caskiney read considered & approved by the Parliament & Recommended to the Lords of Treasury who are hereby authorized to Discharge the heirs of the said Caskiney & to give up the Bond wherein he & his Coheirer stand bound for the said Hearth Money.

ARTICLE of the Report of the Commission relating to Sir Alex^r Bruce of Broomhall and partners their advances to the Army upon the accounts mentioned in the Report Petition for the said Sir Alex^r Bruce read And the Parliament having considered the said Report with the petition they find the petitioner Creditor to the public in the sums and manner contained in the Deliverance of Parliament upon the said petition.

MOVED that a gratuity should be given to the members of the Commission of Parliament viz. the Earle of Dunmore Mr William Siston Mr John Clark Mr Douglas Stewart & Mr Robert Feiler for their pains & attendance in Auditing and Examining the Publick Accounts since the last Session of Parliament Agreed that each of the forenamed persons shall have 500 Lb. Sterling payed to them for their said pains & attendance & that out of any sum find as the sums shall hereafter occur.

AGREED likewise that Walter Biddell Clerk to the said Commission for his pains and attendance on the said Committee shall have 50 Lb. Sterling payed to him.

MOVED that in regard no sum find does at present appear out of which the aforesaid persons can Receive ready payment of their respective sums That therefore the Estates of Parliament should Recommend them to her Majesty that she may order the said payments in the way & manner her Royal will does shall judge most proper Which motion was agreed to accordingly.

AGREED that the Article of the Report of the Commission relating to the Pole Money collected by Fergulie and the petition given in by George Preston be first under consideration next Session of Parliament.

THE Article of the Report of the Commission relating to Major James Cunningham also read and he preferred to a certain Sum as contained in the Deliverance of Parliament upon his petition.

THE Article of the Report of the Commission assent Sir George Hamilton late Commissar of the army read Petition for the said Sir George also read and he Recommended to the Lords of Treasury as contained in the Deliverance of Parliament upon his petition.

THE Article of the Report of the Commission relating to John Campbell of Knockrioch & partners their Collection of the Pole 1695 read Petition for the said John Campbell & partners also read & he Recommended to the Lords of Treasury as contained in the Deliverance of Parliament upon his petition.

PETITION for Mr Charles Campbell read & a bill of personal execution granted to him in the terms of the Deliverance of Parliament upon his said petition.

ARTICLE of the Report of the Commission relating to John Drummond & James Dunlop late General Receivers read Petition for them also read & they Recommended to the Lords of Treasury for the ends contained in the Deliverance of Parliament upon their petition.

ARTICLE of the Report of the Commission relating to Captain John Sleser read Petition for the said Captain also read & he Recommended to the Lords of Treasury in the terms of the Deliverance of Parliament upon his petition and that part of the petition Craving a bill of personal execution ordained to be seen & answered by his Creditors against the said Sleser.

RATIFICATION in favour of Bisset of Lifford read.

THEN the Lord Chancellor by order of her Majesty's high Commissioner Adjourned the Parliament till Friday next at ten a clock.

SEAFIELD Cancellor. I. P. D. P.

September 21, 1705.

PRAYERS said Rolls called.

MINUTE of the last Sederunt read.

THE following Acts viz. Act Discharging the Importation of English Irish & Foreign Butter & Cheese, Act for advancing the Fishing trade in & about this kingdom, Act Appoynting a Council of Trade, Act for a Treaty with England, Act for the Encouraging the Exportation of Beef and Pork, Act disabling Linen and Woollen Manufactury free of Duty at Exportation, Act for the Supply, Act in favour of the Town of Glasgow, Act in favour of Mr John Ramsay all touched with the Scepter by her Majesty's high Commissioner in the usual manner.

ACT Salvo Jure Cajulibet read voted & approved & touched with the Scepter by her Majesty's high Commissioner.

THREERAFTER his Grace My Lord Commissioner made a speech to the Parliament.

THEN the Lord Chancellor by order of her Majesty's high Commissioner adjourned the Parliament to meet at Edinburgh the twenty day of December next & Declares the same to be Adjourned.

SEAFIELD Cancellor. I. P. D. P.

PROCEEDINGS IN THE PARLIAMENT OF QUEEN ANNE, HOLDEN AND BEGUN
AT EDINBURGH, OCTOBER III, M.DCC.VI

III OCTOBER, M.DCC.VI

THE Speech of his Grace James Duke of Queensberry,
Her Majesties High Commissioner, to the Parliament of
Scotland, on Thursday the Third of October 1706.

My Lords and Gentlemen,

HER Majesty, by Her Gracious Letter, has acquainted You, That the Treaty of Union, between the Kingdoms of Scotland and England (purſuant to an Act made in Your laſt Seſſion) has been happily Agreed on, which is now in my Lord Highlers Hands, ready to be laid before You.

The Lords Commiſſioners, for this Kingdom, have been Diligent and Zealous in Conſidering Juſt and Reaſonable Terms; and, it muſt be acknowledged, We met with a very Fair and Friendly Diſpoſition in the Lords Commiſſioners on the other Part.

The Treaty has, with all Humility, been preſented to the Queen, and was moſt Graciously Received; and tho' no Reign was ever ſo truly Great, ſhe Wiſe and Steady Councils, and ſo many Important Succels, as that of Her Majesty; yet, You ſee, ſhe is pleaſed to Eſteem the Perfection of this Union, as the greateſt Glory of Her Reign, being the moſt ſolid Foundation of a laſting Security to the Proſperity Religion, and the Liberties of Europe, and of Peace and Happineſs to Her People.

Theſe Reaſons, I doubt not, will make the Treaty acceptable to You; And I perſwade my ſelf that You will Proceed with ſuch Calenneſs and Impartiality, as the Weight of the Subject Requires, and as becomes ſo great an Aſſembly.

The Lords Commiſſioners for both Kingdoms were Limited in the Matter of Church Government; For the Security of Presbyterian Government in this Church, you have the Laws already made for its Eſtabliſhment, the Queens Repeated Affurances to preferre it, and I am Impowered to Conſent to what may be ſurther neceſſary after the Union.

Her Majesty has been pleaſed to Recommend to You to make Proviſion for the Forces, Ships and Garriſons, which is very neceſſary, the Subſidies granted at Your laſt Meeting being run out; ſo, I doubt not, You will ſpecſſy renew them.

My Lords and Gentlemen,

I am not indeſſible of the Difficulties that attend the Weighty Character, it has pleaſed Her Majesty to Honour me with, but with Your Goodwill Aſſiſtance, (upon which I very much rely) I hope, by my Zeal and Fidelity for Her Majesties Service, and the Good of my Country, which are inseparable, to Diſcharge my Duty on this extraordinary occaſion.

THE Speech of James Earl of Suffolk Lord High Chancellor, to the Parliament of Scotland, on Thursday the 3d. of October 1706.

My Lords and Gentlemen,

IT hath been, and is the great Happineſs of this Nation, That the Queen Our Sovereign, hath always made it the chief Deſign of Her Reign, to protect her Subjects in the Enjoyment of all their Rights and Privileges, to Promove their Good, and to Eſtabliſh their Peace and Proſperity, upon ſure and laſting Foundations.

For theſe ends, Her Majesty, in Her moſt Gracious Letter, doth, with great Earneſtneſs, Recommend to You the Concluding of the Union of the Two Kingdoms, and has plainly and fully laid before you the great Advantages that this Union muſt bring with it to all Britain, and in particular to this Kingdom.

The Lords Commiſſioners named by Her Majesty for this Kingdom to Treat of this Union, have endeavored to Diſcharge this great Truſt, with all Fidelity, and have agreed to ſuch Terms and Conditions, as, I hope, ſhall be found Juſt, Honourable, and Advantageous: The Treaty has been already Received very graciously by Her Majesty, and is now ready to be Reported to you for your Conſideration.

I do not think it proper at this Time to deliver into the particular Articles of the Treaty; I ſhall only beg leave to ſay in General, That it muſt be of great Advantage to have this whole Hand Unite under one Government, and Conjoynd entirely in Intereſt and Affection, having Equality of all Rights and Privileges, with a free Communication and Intercourſe of Trade, which muſt certainly Eſtabliſh Our Security, Augment Our Strength, and Increaſe Our Trade and Riches.

We can never Expect a more favourable Intereſt for Completing this Union, than at preſent, when Her Majesty has not only Recommended it, but Declared, That ſhe will Eſteem it the greateſt Glory of Her Reign, to have it Perfected; And when the Parliament of England has ſhewn Their Inclination for it, by Removing all theſe Obſtacles that did ly in the way of the Treaty; And it muſt alſo be acknowledged that the Lords Commiſſioners for England did Teſtify their good Diſpoſition all along in this Affair: And the Great and Glorious Succels wherewith God has Bleſſed Her Majesties Arms, and thoſe of Her Allies, give us the Hope of a Near and Advantageous Peace, whereby we will be got in the Poſſeſſion, and attain to the full Enjoyment of all the Liberties and Privileges of Trade, now offered by the Treaty.

The Commiſſioners of both Sides, have only Treated of ſuch Things as concern the Civil Government, Liberties, Privileges, Trade, and Taxes; but ſetled themſelves Limited as to the Church-Government, that being Referred to each Kingdom by

the respective Acts of Parliament, upon which the Treaty proceeded; And you have now not only the Laws already made, with Her Majesty's most Gracious Requested Assurances, for maintaining and continuing Presbyterian Church-Government within this Kingdom; But this further Opportunity of making such Conditions and Provisions, as shall be found necessary for its Security, after the Conclusion of this Union, within the Limits of Scotland.

Her Majesty Recommends to You, to Provide the necessary Supplies for the Troops, Garrisons and Ships; The Funds formerly given are expunged; And therefore I doubt not but you will easily Comply with what is so plainly necessary for the Preservation of the Public Safety, and Preventing the Designs of Enemies now in time of War.

My Lords and Gentlemen,

Since We have now the Opportunity of Establishing for Our Selves and Our Posterity, by this Union with England, all that concerns Our Religion and Liberties, together with the most valuable Privileges of Trade; I am hopeful that You will Proceed to the Consideration of the Articles of the Treaty, in such manner as shall bring it to the desired Conclusion, and it cannot but tend to the lasting Honour of this Session of Parliament to have so happily finished this most Important and Weighty Matter.

19 JANUARY, 1797.

PROTECTION in favour of John Henry Haguenan.

UNTO His Grace Her Majesty's high Commissioner and the Right Honourable the Estates of Parliament

The Petition of John Henry Haguenan & Captain John Alkine his factor,

Humble Sheweth

THAT being a native of France & Protestant I retired from my Country on account of the persecutions.

That being settled at Amsterdam before the war I entered in Commerce with M^r Bernard Bankier for the Coast of France and I as many other Bankiers there furnished considerable sums for paying the French troops in Flanders.

That when this war broke out & the Correspondence betwixt France & Holland was interrupted I had considerable effects in France which I could not draw from thence to Holland And I did thence transport my self to Geneva a neutral place but was engaged to pay the French armies in Flanders & Italy and to advance very great sums to the French in Saxia.

That when the sums furnished by me in specie amounted to many millions the Treasury of France pretended not to pay my bills at the value of French money as it was current at the time of the advance but at the time the sums was after the crying up of the Louis d'ors from 15 £s 10. to 15 £s and in bills having no ready payment without consideration of interest for the delay which in so great a sum made a very extraordinary difference.

That upon these and other reasons I acquainted a minister of France that I could no longer serve unless justice were done me Whereupon the Envoy of France at Geneva did from M^r de Chevillard invite me to come to Paris where I should receive satisfaction in every particular & contented me in the mean time to continue in the paying of the armies.

That relying on these promises I did advance several millions to the armies in Flanders & Italy and went to Paris but being arrived there in place of performance of what had been promised to me I was put under guard and forced for obtaining my liberty to enter into such contracts & submit to such conditions as were prescribed to me.

These and many other substantial hardships put upon me were the cause of my flying with the peril of my life a few days before I was to have been arraigned of new; but my escape

and the cause and effects of it have made such a noise & are so near as I have only touched it as short as I could.

That being now retired to settle & follow trade as I have done for about 30 years I could find no place more likely where to improve my fortune than Scotland by reason of its situations & natural advantages for trade And I intend (God willing) to transport my self and my effects to this Kingdom which after the experience I have had of the different subjects of commerce & manners of trading in most places of business in the world may not only prove an advantage to me but to many others.

To this end it is necessary for me that I and my affairs should be naturalized subjects of this Kingdom and the known circumstances of my affairs make it also needful that I should have a Protection for my persons and estate against my Creditors, and pretended creditors for debts contracted before my last retreat out of France which was in April 1795 years Excepting such Creditors & debts if any be contracted to the Subjects of any of her Majesty's Dominions which I humbly propose not in any sort to prejudice my just & lawful Creditors but to avoid the diligence and disquiet to which I shall be exposed on account of Bills Notes Receipts and Contracts entered from me which circulate and may be insidiously put in private hands to persecute me Nor should I have given your Lordships this trouble tho it be natural for any state to protect against an Enemy if my wrongs were not manifest; and if I did not judge it equitable to the justice & goodness of the High Court of Parliament to relieve the distressed at least so far that I may have a free breathing time to convince even my persecutors of the wrongs they have done me and to settle again my affairs which in such violent shocks as I have undergone must needs have been disordered.

May it therefore please y^r Grace and the High & Honourable the Estates of Parliament by way of Act to naturalize me and my heirs whatsoever Subjects of this Kingdom in the worst and best Sense & with all privileges thereto belonging And also to Grant Protection to my Persons Goods and Estate heritable & moveable against such creditors and the effect & diligence on such debts as have been contracted before my said last retreat from France which was in April 1795 years excepting such Creditors and debts as have been contracted to any of the subjects of Her Majesty's Dominions.

Jo: Alkine.

Ed Dec^r 12. 1796.

Her Majesty's high Commissioner and the Estates of Parliament having heard this Petition They delay the Consideration of what is y^e represented till the first Sederunt of Parliament on private business to be then taken into Consideration what after the Act in favour of the burgh of Dundee.

SEAFIELD Cancellar. J. P. D. P.

Ed 4th Jan^y 1797.

Her Majesty's high Commissioner and the Estates of Parliament having again Considered this Petition They for the better enabling the petitioner to reestablish his affairs and settle his just debts Grant protection to his person for from years As also Grant protection for the space forsoid to the petitioner's goods and estate heritable and moveable against diligence at the instance of Creditors for such debts as have been contracted before April One thousand seven hundred and fyve years excepting such debts as have been contracted to any of the subjects of her Majesty's dominions or such debts as have been originally contracted to the subjects of her Majesty's Allies or which shall be made appear by the creditors before the Judge ordinar to have been transferred to them bona fide and for adequate onerous causes before the twelvth of December last Providing allwile the Petitioner reside within this Kingdom during the time of the 1st Protections.

SEAFIELD Cancellar. J. P. D. P.

PETITION of the Heritors and Tradesmen of the Burgh of the Cannongate

UNTO his Grace, James Duke of Queensberry, her Majesty's High Commissioner, and the Honourable Estates of Parliament,

The Heritors and Tradesmen of the Burgh of the Cannongate,

Humbly Sheweth,

THAT Cannongate being a Burgh of Burrows and Regality, long since erected in favour of the Baron of Broughton, whom all the supplies given to the Publick, were liab'd by Taxation, conform to the old extent of Lands.

The Town of Edinburgh having purchased the Superioritie and Right from the Barons of Broughton, before the Valuation of the Kingdom was stated, They protested, That the Cannongate, as a part of their Burgh Lands, should not be valued with the Shire, but should bear a part with them of their Proportion of 100 lbs. Scots, which is the Quota, whereby the Burrows proportion among themselves, the first part of the Cask of the Kingdom.

This we do not grudge, and long after the Valuation was stated, the Town was so tender to us, That we only payed according to the Valuation of our Houses, which was much about the same, as if we had been valued and payed with the Shire; But of late, though our Houses be all valued as theirs, and that we pay according to that Valuation; Yet the Sum imposed by them upon us, exceeds what arises from the Valuation, which we are obliged to impose upon ourselves, and make up; Whereas we partake of no share of their privilege; Having neither Liberties of Import nor Export, nor vending any Staple Commodities, though bought from free Burghs; but only of retail in small quantities and values, such as Fishwives do. And though we be called the Burgh of Cannongate, the South part thereof be wick St. John Crute, bears no part of this Burthen, but gives a separate relief to the Town; by reason of the Supreme Jurisdiction being held at Edinburgh, and the Court at Holyroodhouse. The head Quarter of the Army is still in the Cannongate, whereby we are put to a great Annual Charge in Quartersing of the Soldiers, and by their taking up Inns, and their paying no part of our Burthen to a day's prejudice.

For Remedy of which, We humbly request to your Grace and Honourable Estates, That since the Cesses of Scotland after the Union are to be continued and fixed conform to the present manner of Payment: By the Valuation, That the Cannongate may be valued, as are the Wemyss and Potten, belonging likewise to the Town of Edinburgh in the same manner, as Superiours; And that conform to that Valuation, We may know our penient Sum to be Payed, and not be left to the arbitrariness of the annually changed Magistrates to height us at their Pleasure, whereby the Town will be secured, and our Journales and Fees removed.

May it therefore please your Grace, and Honourable Estates of Parliament, to Remit to the Commissioners of Supply for the Shire of Mid Lothian, to Value our Tenements and Yards; and to set down a Stated Valuation thereof; (with regard to necessary Reparations, Hazards of Fire, Dead, West and Poor) That conform to the Valuation we may pay in to the Good Town for their Relief of their Proportion of the Cask, as much as the like Valuation Pays in the Shire. And your Petitioners shall ever Pray, &c.

Edinb. 4 Jan^y 1707.

Her Ma^y High Commissioner and the Estates of Parla^t having considered this petition ordain the Mag^{es} of the Town of Ed^b to be & to pay the same at the first day for private business.

SEAFIELD Chancellor. I. P. D. P.

221 FEBRUARY, 1707.

ACT in favour of the Earl of Melvil.

UNTO his Grace her Majesty's High Commissioner And the right honourable the Estates of Parliament

The petition of George Earle of Melvil

Sheweth

THAT the petitioner being made Secretary of State upon their Majesties K^W & Q^M Marias accession to the Crown which was in the year 1689 The Commissioners to the Regiments which were then Levied were Committed by me But for expediting of their Majesties Service And in Consideration of the Circumstances of many of the officers, whom it would very much have distressed to make their equipage and pay the dues of their Commissions at once The funds being at that time disproportioned to the forces then raised and kept on foot that it was hard to advance substance I did therefore allow the highest keeper and such as did for me in Scotland To give out the Commissions of the several Regiments without paying ready money upon obligations in writing given for the dues signed by the officers to whom the Commissions were delivered, Whereby the said officers were bound that the same should be payed out of the first pay or arrears due or to be due to their several Regiments and Companies.

In lykemaner in the year 1690 whilst I had the honour to Represent their then Majesties as Commissioner to the Parliament I did advance out of my own money £250 Sterl: for fabricating forms of the troops for which I took bond from the Commanding officers payable out of the first pay or arrears due or to be due to these forces.

The great deficiency of the funds, And the distress which the officers for want of their pay fall under have been the Cause why I have not insisted for Recovering what was so justly due to me and have suffered the said officers to Intersue with some part of their arrears and pay when it may easily be preferred that I might have obtained Justice for my bills But now that there is probability for paying up all or a Considerable part, at least of the arrears due to the armies I hop all men will think it most Reasonable that the sum for the Commissions which are the very titles the officers have for their pay & arrears and the money advanced to the forces so seasonably, and out of tenderness delayed, should now be payed And that out of the first A. remitt.

May it Therefore please your Grace and Lordships to declare and ordain that the obligations granted in writing in manner forfard payable out of the first and readiest of the pay and arrears due then or to be due to the several Regiments, Troops and Companies be accordingly preferred and payed to me my heirs or assigns out of the first of the monies to be payed to the 2^d Regiments Troops & Companies and your petitioners shall ever pray.

Ed^b 12 Feb^y 1707.

Her Majesties High Commissioner and the Estates of Parliament having considered this petition they grant the dayes thereof.

SEAFIELD Chancellor. I. P. D. P.

ACT in favour of the Six Clerks of Session.

TO His Grace Her Majesties High Commissioner and the Right Honourable the Estates of Parliament

The Representation of S^r James Dalrymple M^r John M^rKenzie, Alexander Gibson S^r James Justice M^r Ed^o Alexander and James Hamilton the Six Clerks of Session

Humbly Sheweth

THAT a remuneration be granted to the said Clerks of Session for their extraordinary pains and attendance, in frequent & long

Sessions of Parliament since the year 1st vjth & twenty which have commonly been holden during the sitting of Session whereby the profitable part of their Employment has been considerable diminished, or some times totally dependant upon the Session Session was adjourned in the years 1693, and 1695, and by partial adjournments y^e in the years 1696 & 1704, and by the adjournments of the Winter Session for three months from the first of November 1700, and now for three months during the present Session of Parliament Which long Sessions of Parliament and adjournments of Session is an Emergent damage for the publick service which never happened to us, nor our predecessors in office in former times when by the sitting of the Parliament the Session was not adjourned.

It is therefore Humbly Conceived That the hundred pounds Statute for each of the said Clerks is a Modest Remuneration, And It's Hoped Your Grace and Lordships will Ordain payment thereof out of each funds as You shall think proper.

Ed¹ 18 Feb^{ry} 1707.

Her Majesties high Commissioner and the Estates of Parliament Having Considered the within Representation in behall of the within named six Clerks of Session They Grant to each of the 1st Clerks The summe of Two hundred pound sterling as a Remuneration for y^e bygone services in attending the Parliament and Loties followed by them thow the frequent interruptions of the sitting of the Session And declare That before ending this Session of Parliament They will determine the Manner of payment y^esa.

SEAFIELD Cancellor. I. P. D. P.

XVth FEBRUARY, M.DCCVIL.

OVERTURE of an Act concerning Chirurgeons and Apothecaries in Edinburgh.

OUR Sovereign Lady with advice and consent of the Estates of Parliament Ratifies & confirms the rights & privileges of the Chirurgeons and Apothecaries in Edinburgh As also Statutes & Decrees That hereafter there shall be no refusal upon the Leidges of being served by them in medicines without calling Physicians when the Physicians refuse to call any Prohibiting & Discharging any prosecution of the said Chirurgeons and Apothecaries on the forsaid account Without prejudice to their being liable for unskillfull practices therein as accords.

17 Feb^{ry} 1707.

Read in Parl^{ty} & a first reading ordered to be marked y^e upon & it was ordered to be printed before a second reading.

XX FEBRUARY, M.DCCVIL.

PROCEEDINGS in Process Sir Thomas Dalziel of Birnie against The Laird and Lady Caldwell.

(1) Summons Sir Thomas Dalziel ag^t Lady Caldwell & others

ANNE by the Grace of God Queen of Great Britain France and Ireland Defender of the faith To Our Lords

Masters or Messengers at Arms Our Sheriffs in that part conjunctly and severally specially constitute Greeting Forasmuch as It is humbly moved and shewen to us by Our Lord Sir Thomas Dalziel of Birnie Barronet That where The Lords of Council and Session by diverse and sundry Interloq^s pronounced in the process perused at the instance of Barbara

Cuninghame Lady Caldwell elder and Barbara Maire Lady Caldwell younger and John Fairly alias Maire of Caldwell her husband for his Interest against him and particularly mentioned in the Act of Linc^{ty} contention extracted have found him lyable passive as Representing General Thomas Dalziel his Grandfather for his Fathers Intestation with the rents of the Estate of Caldwell as Factor or Assigney by his said Grandfather and by which Interloq^s It is found That General Dalziel's entry into the full possession of the rents of the said Estate was relevant to infer the presumption that he Continued in the same and upheld the rents of the said Estate notwithstanding of his defence of bona fide Intestation founded upon the Generals Rights ratified by the Parliament and other defences proposed in the process And he Conceiving himself wronged by the said Interloq^s did according to the privilege given him by the Claim of Right protest to Us and the Estates of Parliament for Remedy of Law as an Infringment taken upon the said Possession on the thirty first day of July 1st vjth and six years in the hands of Andrew Marjoribanks Notary publick shewen to Us does testify And sing The said Complainer is desirous to prosecute his said Possession before Us and the Estates of Parliament Our Will is Herefore And We Charge You that incontinent this Our Letters sees Ye pass and in Our Name and Authority laillie Summon Warn and Charge the said Barbara Cuninghame Lady Caldwell elder and Barbara Maire Lady Caldwell younger and John Fairly alias Maire of Caldwell her husband for his Interest and

Clerk to the said Process personally or at thair dwelling places on fourtie eight hours warning if they be within the town of Ed¹ and fifteen dayes warning if else where within this Kingdome To Compare before Our High Commissioner and the Estates of Parliament at Ed¹ or where it shall happen them to be for the time the day of next to come in the hour of Masse with Continuation of days to Answer at the Instance of the said Complainer That in to say Bringing with them Exhibiting and Producing before Our said Commissioner and the Estates of Parliament The forsaid Process full grounds and Warrants therof Interloq^s and deliberations pronounced y^ein by the 1st Lords of Council and Session and to hear and see the points complained of redressed and Justice administrate therein And if need beis to hear and see all lawfull and needfull probation led and debated in the said matter And to give their oaths of verity upon such points as shall not be otherwise proven or else show any reasonable cause in the contrary with Certificate to them if they faillie our said Commissioner and Estates of Parliament will determine therein according to Justice And for the cost fees and damages the Complainer may any wayes sustain therethrow Attour that ye laillie Summon Warn and Charge

To Compare before Our said High Commissioner and Estates of Parli^{ty} or Consallie thereof and as Our said High Commissioner and Estates of Parli^{ty} shall see Cause to hear leall and sufficient warning in the said matter in so far as they know or shall be speed at thins under all highest pain and Charge that after may follow y^e upon The which to do We Committ to You and ilk one of You collie and shallie Our full power by this Our Letters delivering them be you duly execute and indorse again to the bearer Given under Our Signet at Ed¹ the Eight day of Nov^{er} and of Our Reign the fifth year 1705.

Ex deliberatione Dominorum Parliamenti

9th November 1706. Jo^h MacKenzie.

Ed¹ 5 Decem^{ber} 1705.

The Defenders called by virtue of this summons and executions by a Maier at the patent Dose of the Parli^{ty} books after opening thereof & before the sitting of the Parli^{ty} M^r John Spenswood Comptroller for the Pursuer & Sir John Ferguson for the Defenders who craved to see.

(1) Minutes & Interlocutor in Parliament Sir Thomas Dalziel & The Laird & Lady Caldwell

20 FEBR 1707.

M^r Thomas Kennedy for the par^t refus'd his Summons with the merits of the case & the gill act refactory in the year 1699 which in as far as concerns the par^t & the pidded refutation fell under the act Salvo without any p^{ar} act in favor of the def^r but what put in absence of the par^t & therefor that the par^t ought to be repou'd ag^t that sp^{eci}all act and the infloq^{ue} of the Lords of Session finding him lyable for the hygon rents these being frama bona fide percepti et confecti without questioning in the least the a^uth^{or} of that gill act refactory in all time thereafter.

Sir John Ferguson for the def^r refus'd the fate of the par^t & alth^o that as the case was not finally determin'd so as to give a legal course to a g^{ra}ntia for remede of law & this par^t after pouncing the infloq^{ue} complain'd of apply'd to the Lords by a long petition exposing a great many defenses upon which there was no definitive sentence pass'd but the consideration of these defenses referred to the consideration of the case which being in effect but as act before ag^t assigning a term to prove before which time there could regularly have been no p^{ar} act for remede of law.

Sir David Dalrymple reply'd that howbeit the infloq^{ue} was not decisive yet the Lords of Session being frain'd by the sp^{eci}all act put in absence as to the hygon rents there was no natural remede to be found elsewhere than in Par^t for the before the par^t had by the infloq^{ue} And as to the Infloq^{ue} itself if it wanted the sanction of that act of the Par^t in absence it can never shift by the prints of all the known laws in this or any other civiliz'd nation And wherefore there is a sp^{eci}all act in any other case there is a p^{ar} exemption of it in g^{ra}ntia from the act Salvo &c. which not being in this case the Par^t being the natural Jurisdiction for such redress it was hoped would not refuse their Justice in so obnoxious a case.

Sir Francis Grant reply'd that where ordinary remedies were competent the extraordinary should not be allow'd and the infloq^{ue} not being final & decisive ought not to be consider'd so far as to adhibit the extraordinary remedy of a reduction or review of such an infloq^{ue} sentence not decisive of the cause by the Estates of Par^t &c This case being to be judged in Par^t in their Judicative capacity it is hop'd the estates will not peevish therein in their Legislative so far as to refuse the solemn sp^{eci}all act in favor of the def^r for their hygon rents.

HER M^{aj}ties high Commissioners and the Estates of Parliam^t having advi'd the Debate Ordain that notwithstanding the dissenting defence the adv^{er} for either p^{ar} proceed to their further debate in the cause.

THERAFTER Sir David Dalrymple for the par^t urged that General Dalziel being creditor to the crown received the fore-said effect in quittance as the just paym^{en}t of debts & reward of his extraordinary work so that there is no ground he should be prejudg'd as to that effect any further than was needful from the gill act refactory &c The G^{ra}nt render'd that effect so very much better by taxing the waird & otherwise improving the right of it by his favor & the interest he had with the Crown the last Sup^{er} that the estate render'd is now better to the a^uth^{or} of the family than if all the hygon rents were giv'n to the a^uth^{or} without these advantages of the new rights.

Ferguson alledg'd that there being no title of the gill'd bona fide after refuting the forfeiture & more especially after the p^{ar} act in favor of the Def^r there can be no pretence for the bona fide itself & consequently these rents ought to be restor'd to the a^uth^{or} as well as the estate itself.

Grant added that the speciality of the par^t case was not relevant seeing the gill act can not be deny'd to comprehend the par^t p^{ar} case & the p^{ar} act in favor of the Def^r puts the case beyond all controversy. Likas its well known that such gill

laws doe always preponderate all or any p^{ar} case as appears from the gill act 1681 anent debitor & creditor & that anent the discharging publick debts & not recently in the case of the town of Aberdeen demanding to be otherwise clad'd as to the choice of the representatives of Burghs to the Par^t of Great Brittain And so the p^{ar} act in the def^r favors is founded in the expresse terms of the gill act refactory.

Dalrymple reply'd that beside all the former specialities the par^t was only lyable to the Generall debt by a disp^o of his effect with that quality & by no law or reason at the time of the disp^o could the Generall be consider'd as debitor to the def^r in the rents in controversy &c The act refactory 1690 does not simply refuse the act of Par^t 1683 anent forfeitures in absence but only refutes the forfeitures in absence comprehended therein and the rents acclain'd being percepti et confecti before the act 1690 there can be no question of his title to fund the bona fide at the time of applying & following these rents so that the title being good the time of exacting & expending the rents they must for ever remaine p^{er} bona fide possid^{er}is notwithstanding of the sup^{er}intending laws w^h interrupted that bona fide from the time to come.

Ferguson reply'd that no such imply'd quality of the debts due by General Dalziel in the disp^o to the par^t can import any refutation of his being universally lyable for all the disposers debts for which in all equity & justice his applying these rents & applying them to his own p^{er} use rendered him & his a^uth^{or} as lyable to restore these as well as to restore the estate itself And there can be nothing more exp^{re}ss than the repealing of the act 1690 anent forfeitures in absence by the act refactory in the year 1690 beside the special act in the def^r favors in that the act 1690 being taken of the style by the act refactory in the 1690 there can no title remaine with the par^t or his a^uth^{or} to support the pidded bona fide for making his p^{ar} by these rents the want of which having occasion'd the default Caldwell to contract so much debt for his living during the forfeiture to discharge the par^t from a just reit^{er} in will in effect be equal to a second forfeiture of this defenders.

HER M^{aj}ties high Commissioners & the Estates having advi'd the summons & exco^ursu g^{ra}ntia & p^{ar} before the Lords of Session and debate with the several specialities of the parties case which distinguish it from other cases falling under the act Refactory They Advise him from the hygon rents proceeding the term of Martinmas 1st 1707 & eightie eight years.

SEAFIELD Cancellor. I. P. D. P.

(3) Decreet Absolver Sir Thomas Dalziel of Binn ag^t The Laird & Lady Caldwell

ASSENT ye Successors on one instrument of protest for remede of law rais'd & perform'd before his Grace James Duke of Queensberry her M^{aj}ties high Commissioners & ye ye^{ar} honorable ye estates of Par^t in ye influence of Sir Thomas Dalziel now of Binn have meet s^{ir} Barbara Cunningham Lady Caldwell elder and Barbara Mair Lady Caldwell younger and John Fairly also Mair of Caldwell her husband for her interest And also s^{ir} M^r Rob^t Alex^r one of ye pri^{or} Cks of Session & Alex^r Findlay one of ye under Cks of Par^t for ye ye^{ar} interests in ye matter underw^{ri}ten The q^{ue} Successors maketh mention That where &c. Here to take in the Successors to the well Then say Th^{er}for Ordaining the said defenders to be summonsed in manner underw^{ri}ten And s^{ir} ye charges & costs given to ye forerunn^{er} perfones duties & to ye S^{ir} M^r Rob^t Alex^r & Alex^r Findlay pri^{or} & under Clerks &c p^{er} ye^{ar} interests To have compos'd before his grace her M^{aj}ties high Commissioners & ye fact^{er} estates of Par^t lik^{as} at any certain day bygone to have answer'd to ye influence of ye fil Sir Thomas Dalziel of Binn per^{son} bringing w^{it} them exhibiting & producing before his Grace & ye fact^{er} estates ye d^ul

fees or entry at Whit. 1671 Item 6000 is received by ye from the
 fees & rewards of the sd estate for entering y^e & o^r casualties
 y^e occurred during y^e tyne Item 10000 shillings obtained of dem-
 ourage these the sd pur^r fathers demanding the tower & man-
 our place of Caldwell the tyne said and of ye bygone rents of
 ye lands and o^r liveries by ye sd Barbara Cunningham &
 o^r particularly hybrid All qth paynts & articles the s^d Lo. of
 Sessⁿ allowed to be proven pres^t de jure and likewise found
 y^e the sd Generals entering into the full introduction & possession
 of the sd estate of Caldwell was relevant to infer the premisses
 y^e he continued in the same & upheld the rents of the whole
 estate & y^e by so make the sd S^d Tho. Dalzell now pur^r liable
 passive y^e for in manner as both s^d in the first act of L^{ts}
 contⁿtaⁿ extant in the sd matter dated 28 Feb. 1706 years as
 the same bears. AND the said Barbara Cunningham & Barbara
 Mure Lady Caldwell elder & yo^r & John Fairly also Mure of
 Caldwell husband to the sd Barbara Mure for his intert^r pursuers
 of the pre^t case before the s^d Lo. of Sessⁿ & defenders called
 in the first Summons at S^d Thomas Dalzell now of Binn his
 instance before his Grace & the estates of Parli^t Composing by S^d
 Francis Grant & S^d Jo^r Ferguson advocates their peers The first
 Summons & rel^{ve} execut^r y^e inf^red of pre^t for rem^d of
 law & writs founded on & produced for the sd S^d Tho. Dalzell
 of Binn now pursuer with the compassure made for o^r p^r in
 manner above rehear^d & dispute under written proposed for y^e
 by y^e rel^{ve} peers being all at least read heard s^d & p^rferred by
 his Grace her Ma. high Commissioner & the s^d estates of Parli^t
 & they being therewith & with the process before the Lo. of Sessⁿ
 & with the several specialities of the pursuers case qth dis-
 tinguishes it from other cases falling under the act rel^{ve} will &
 r^{ig}ly adv^rdyed HIS GRACE her Ma. High Commissioner & the
 Estates of Parliament Have Afforded & hereby Adv^rdye the s^d
 S^d Thomas Dalzell now of Binn pur^r of the first Summons
 for rem^d of law from the bygone rents of the estate of Caldwell
 preceding the tenure of Martinus 1st v^l & eighty eight years
 and Decem^r & Declare him explicit^r free th^r & quite y^e free
 in all tyne coming BECAUS by virtue of the first Summons
 for rem^d of law raised before his Grace her Ma. high Comm^r
 & the estates of Parli^t at the sd p^rsums influence a^gt the foremen-
 ted persons def^rs & a^gt the s^d M^r Ro^r Alex^r p^rsent clerk & Alex^r
 Finlayson deput clerk to the process at the Dec^r instance a^gt the
 sd S^d Thomas before the Lo. of Sessⁿ for y^e intert^r were all law-
 fully Summonsed to this action by John Vaux & Hugh Mitchell
 m^rss^r in manner under writen viz the sd Barbara Mure Lady
 Caldwell younger & the sd John Fairly alias Mure of Caldwell
 her husband for his intert^r both personally app^rid by delivering
 to y^e are just copy of the sd Summons s^d by the sd Jo^r Vaux
 m^rss^r upon the 18 No^r last by post 1706 years and the sd Barbara
 Cunningham Lady Caldwell elder likewise p^rsonally app^rid to
 Ed^r by the sd Hugh Mitchell m^rss^r upon the 19 day of the sd
 month of No^r & year said And the s^d M^r Ro^r Alex^r p^rsent clerk
 & Alex^r Finlayson deput clerk for y^e intert^r by leaving & affixing
 the lyke copy s^d by the sd Hugh Mitchell m^rss^r for each of y^e
 at y^e writing chamber in Ed^r w^l y^e servants after s^d shall knock
 given by him on the door of the sd writing chamber as a^gt is
 because he could not ap^rid them personally & y^e upon the 25 day
 of the sd month of No^r 1706 all of y^e to have Compeared before
 his Grace her Ma. High Comm^r & the estates of Parli^t at one
 certain day bygone bringing with y^e exhibiting & producing
 before his Grace her Ma. high Comm^r & the estates of Parli^t
 the sd process before the Lo. of Sessⁿ hall grounds & warrants
 y^e s^d s^d & deliverances pronounced y^e in by the s^d Lords
 of Sessⁿ & to have heard & from the

As in the s^d Summons & execut^r y^e at more both is p^rvided
 AFTER eluding of qth day of compassure the first Summons
 was called conforme to the act of Parli^t 1695 at the great door of
 the Parli^t house after opening y^e & before sitting of the Parli^t
 by one issuer an a^gt is where p^res comparing by y^e rel^{ve} peers
 the said Summons & writs p^roduced were obtained to be s^d by

the Def^rs p^res in the usual manner, Which accordingly being
 given out to be seen y^e s^d returned and this day called in p^rice
 of his Grace her Ma. high Comm^r & the estates of Parli^t At qth
 tyne the sd M^r Tho. Kennedy advocat p^res for the sd S^d Tho.
 Dalzell pur^r of the first action, for rem^d of law Rel^{ve} &c.
 Here taken in the Minutes to the last Inter^r is comⁿon force
 Then say The qth Summons for rem^d of law execut^r y^e
 & writs produced for the sd pur^r w^l the Compearsance made for
 o^r p^r & dispute in^ren proposed for y^e being all at least &c.
 & they y^e with and with the said process before the Lo. of Sessⁿ
 & with the s^d specialities of the pur^r case qth distinguishes it
 from other cases falling under the Act Rel^{ve} will & r^{ig}ly
 adv^rdyed His Grace her Ma. High Comm^r & the Estates of Parli^t
 Afforded the sd S^d Tho. Dalzell pursuer of the first action
 for rem^d of law from the bygone rents preceding the tenure of
 Martinus 1688 years And Gave & Pronounced y^e Decret &
 sentence in the sd matter in manner above written.

III MARTY, M.DCC.VII.

PROCEEDINGS in the Process Lady Mary Bruce & William
 Cochran of Ochiltree his husband against Sir Alex^r Bruce
 of Broomhall now Earl of Kincardine.

(1) Petition for Lady Mary Bruce & her Husband Ag^t Sir Alex^r Bruce

Unto his Grace James Duke of Queensberry Her M^{ties}
 high Commissioner and the right hon^{ble} the Estates of
 Parliament

The Petition of Lady Mary Bruce and William Cochran
 younger of Ochiltree her husband for his intert^r

Humbly sheweth

THAT the petitioners being informed that Sir Alex^r Bruce
 of Broomhall designs to lay claim to the title and dignity of Earle
 of Kincardine as nextt^r heir male to the s^d Earle of Kincardine
 and accordingly to be admitted and received to his rank and
 title in Parliament And concerning our right to the said title and
 dignity to be better founded in law and exclusive of Sir Alex-
 anders pretensions Humbly represent to your Grace and L^{ts}
 That the s^d deced^d Alexander Earle of Kincardine disposed and
 resigned his title & dignity of E. of Kincardine &c. in favours of
 the 1st Lady Mary Bruce his eldest sister and her sister of Tallic
 y^e in s^d which resignation was delivered by Sir John Cochran
 to the 1st Sir Alexander Bruce upon his receipt and obligation to
 redeliver the same when required it being designed that the res-
 ignation should be made with his consent and in all ground of
 composition being removed her M^{ties} might confer the 1st title &
 dignity upon the 1st Lady Mary Bruce conforme to her brothers
 1st resignation in her favour And albeit Sir Alex^r having the
 disposition & p^rov^r of resignation fort^r in his hands gave occasion
 to delay the completing of the 1st right by her M^{ties} grant upon
 the 1st resignation in favours of the 1st Lady Mary Bruce yet the
 s^d 1st resignation & resignation made by the 1st Alexander E. of
 Kincardine who was the last possessor of the 1st title & dignity is
 sufficient to exclude the right of any o^r of his s^d male or of
 lyne albeit the s^d s^d should not fully establish the right of the title
 & dignity in the person of the 1st Lady Mary Bruce until the
 same were confirmed on her by her M^{ties} upon the 1st resigⁿ.
 tion as was decided by the Lords of Sessⁿ July 11th 1688 O^l-
 phant j^{us} O^lphant in which case the Lord O^lphant having dis-
 posed his lands with the title & dignity of the Lo^p of O^lphant
 to Patrick O^lphant and his s^d male containing an p^rov^r of
 resignation an reduction of the 1st right was intended by the 1st
 Lord O^lphant said & her husband as being a p^reson anant a title
 of honour which is not in consuetudo not being allowed by the
 Prince and so null and that the p^res should be decreed to per-
 taine to the pursuer as nextt^r heir of lyne to him The Lords

found That because by the Contract first^d the purchaser father had disposed the title to the defender in which y^e was a partth of resignation albeit the King had not conferred the honour according thereto That the father who was the last possessor having disposed the 1st title & dignity was sufficient to denote him and his heirs ay and while the Prince should decline his pleasure Whence it plainly follows that the first^d disposition & resignation made by the 1st last deceased Earle of the 1st title & dignity in favours of Lady Mary his Sister does exclude any right that can be claimed by Sir Alexander as his heir male albeit the same should not completely establish the right in her person until her Heirs confer the same upon the 1st resignation & Sir Alexander's receipt and obligation first^d bears not simply a partth of resignation but a resignation made by the 1st deceased Earle in favours of the 1st Lady Mary his Sister and upon his 1st obligation Sir Alexander was required under force of instrument to exhibit the 1st resignation as the same here-with produced bears And as a resignation actually made would be a further step for completing the right as importing the Sovereigns consent and acceptance of the resignation in favours of the person y^e is designed So albeit y^e had been but a simple disposition & partth of resignation upon no resignation had followed the same would be sufficient to exclude all the dispensers heirs and make the title to be at the Sovereigns disposal as was determined by the Lords in the first^d case And the price of resignation tho after the greatest deaths will fill be effectually by virtue of the late act of Parli^{mt} to the person in whose favours it is granted when her Heirs shall be pleased to accept of the resignation & confer the title accordingly.

Moreover in the year 1683 y^e was one Signature by King Charles the 1st for a Letter patent to be made in favours of Alexander then Earle of Kincardine naming designed & ordering the 1st Alexander Earle of Kincardine his heirs male and of title designed or to be designed by these Earles of Forth Viscount Bruce &c. and that in place of the title of Earle of Kincardine Lord Bruce of Turlie And the 1st Alexander last Earle of Kincardine gave to the foresaid Alexander E. of Kincardine to whom the 1st Signature was granted did by the first^d disposition and resignation transfer his title and dignity to the 1st Lady Mary his eldest Sister and the heirs of her body Whiles following to her o^y Sisters & y^e heirs succedive And the Sovereigns having by the first^d deed designed the first^d title & dignity to be to the heirs of title that should be designed by the 1st E. of Kincardine or his heirs male and y^e by an innovation made of the former title conferred upon the Earles of Kincardine the petitioners right to the 1st title & dignity should be found preferable & exclusive of any right competent to Sir Alexander as heir male to the 1st Earle and upon which grounds end upth we have offered an declarator before the Lords of Session.

And Seeing the admitting of Sir Alexander to the rank and place of E. of Kincardine in the Parli^{mt} would be very prejudicial to our right first^d while we were not heard upon our 1st right and interest to founded in law and reason & infinitely verified by the writs founded as is above deduced.

May it please your Grace & L^{ds} upon consideration of the premises to stop the admitting or receiving of Sir Alexander unto the title rank & dignity of the E. of Kincardine until your petitioners be heard upon our rights.

And your petitioners shall ever pray &c. A. McLeod.

ED 24 October 1706.

Her Majties High Commissioner & the Estates of Parli^{mt} having heard this petition read in their presence They continue the consideration thereof until the parties concerned be heard before them on the grounds therein represented the next sitting of Parliament.

SEAFIELD Cancellor, J. P. D. F.

(2) Representation for Lady Mary Bruce

Unto his Grace James Duke of Queensberry, Her Majesties High Commissioner, and the Right Honourable the Estates of Parliament; The Representation of Lady Mary Bruce, and William Cochran of Ochiltrie her Husband for his Interest; Against Sir Alexander Bruce of Broochall.

BY a Patent under the Great Seal in anno 1647, Edward Bruce of Carnock is created Earl of Kincardine; And tho it be pretended that the Dignity was thereby provided to the Heirs Male, yet it is certain that in June 1668, this Dignity was resigned in the Hands of King Charles the Second, who thereupon by a new Gift created Alexander then Earl of Kincardine the Resigner, his Heirs Male and of T^hairie designed, and to be designed by them Earls of Forth, Viscount of Bruce, &c. Lord Turlie, &c. And that in Place of the Title of Earl of Kincardine, &c. But the Troubles of this Noble Family kept the Expediting of this Gift.

The deceased Alexander Earl of Kincardine having no Male Issue of his own Body, had, by two several Dispositions, an very good Grants, Resigned his Title, in favours of Lady Mary Bruce his eldest Sister; But before their case to be completed by the Sovereign, Sir Alexander Bruce of Broochall offers to assume the Title and Dignity of Earl of Kincardine, as pretended her Heirs Male, and thereby having Right in the Terms of the Original Patent to Sit and Vote in this present Parliament.

Lady Mary Bruce and her Husband have already given Her Majesties Commissioner and the Right Honourable the Estates of Parliament, a short View of their Case, in a late Petition: And being by a Deliverance of Parliament ordained to be further Heard; It is now humbly contended, That the said Lady Mary Bruce her Right to the Title and Dignity of Kincardine is not only better founded in Law, both Feudal and Municipal, but intirely exclusive of Sir Alexander Bruce's Pretensions: In as far as the deceased Alexander Earl of Kincardine her Brother, had Disposed and Resigned his Title and Dignity of Earl of Kincardine, in her Favour, which of it self was sufficient to denote the Deponer: But much the rather that Sir Alexander does by his Receipt acknowledge, That he had got up and received into his Hands, a Resignation made by the Earl of Kincardine of his Title of Honour in favours of his Sister Lady Mary, which Resignation he obliges himself to Reddive on Demand; Whereby it is evident, That as Resignation was made, and that Sir Alexander had borrowed up the same, in his keeping up of this Warrant, which is not yet delivered, was the plain and only Stop of my Lady Marie's not having completed her Right: And it is a Rule in Law and Justice, which will always have its due Weight with this High and Honourable Judicature; That *non debet laevare ex proprio Capite*: And that Sir Alexander did indifferently and contrair to the Faith of his Receipt, keep up this Resignation, is evident from an Instrument produced, bearing date at Cambruge the 34 of October instant, when being required to Deliver and Perform in the Terms of this abovesaid Obligation, he acknowledged the having so, and offered to deliver up two Procurators of Resignation made by the late Earl of Kincardine, in Favours of Lady Mary his Sister; But refused the having or delivering up of any Resignation.

But tho Sir Alexander's Receipt and the abovesaid Instrument, do fully clear the Cause why the Ladies Title of Dignity could not be further completed, yet the urge, for excluding Sir Alexander's Pretensions, these two plain Grounds of Law.

1. Whatever was the Conception of the Original Patent of this Dignity, yet all Lawyers agree in this, That the present Possessor of a Dignity, with the Concurrence of the Sovereign, can alter the Definition, Conveyance and Defect of the Title of Honour; and this is Lady Marie's Case: For the now produces the Signature abovesaid, proceeding upon the Resignation of Alexander then Earl of Kincardine, and Brother German to Edward

the first Earl, whereby the Title & Dignity is provided to the Earl's Heirs of Tailzie, designed or to be designed; Which Signature, the never further completed, did not effectually alter the former Defect and Intail of this Dignity on the Heirs Male of the Family. And this deserves to be the further regarded, that Procuratories of resigning Honours were not even before the late Act of Parliament considered to dye with the Granters, and the Defect of Honour was still as different from that of Heretage, as their Constitutions. And for clearing of this Point, it were easy to considered on many considerable Families of this Nation, whose Dignities and Honours have been transferred, and are now enjoyed and possed by virtue of Procuratories of Resignation after the Granters' Death.

3. Whosever may be said for Lady Mary from Sir Alexander keeping up the Resignation in her favours, yet the now pleads, in behalf of her self and Family, That in as far as her Brother had Disposed to her his Title, Honour and Dignity of Earl, he was as someone thereby effectually despoiled: For Titles of Honour, as they are not transmissible, or *in remota*; so on the other Hand, they are certainly extinguishable by the present Possessor, and parties who enjoy them may quite their own Interest; And the Lady Mary could not claim this Honour, until her Brothers Disposition were approved by the Sovereign; So it's as certain the same remains with Her Majesty, and Sir Alexander's Pretensions are for ever excluded, the Party to whom he pretends to be Heir-Male having been fully Divested.

His Grace Her Majesty's High Counsellor and the Honourable Estates of Parliament are intended to consider, That what is now pled for Lady Mary Bruce, has a full and plain self Evidence: For, as the former Signature in favours of the Heirs of Tailzie secures her Right, so Sir Alexander Bruce's Pretensions are entirely cut off by the late Earls Disposition in the Ladies favours.

The Decision of the Lords of Session on the 11th of July 1695, Olyphant contra Olyphant, is precisely Lady Mary Bruce's present Case, where a Party bearing Right to a Dignity, and Disposing the same, was found capable to quite his own Interest, and so to extinguish the same, that it remained with the Sovereign: And tho in the Interlocute of Justice, Decisions may sometimes have varied, yet the Honourable Estates of Parliament are intended to consider that this is no common Case.

For, 1. This is a Decision of a *superius Jurisdictione de dignitate et sine honoris*. 2. As this is *quærit honoris*, so the Fountain of Honour is fitting present in the Judiciary, as not only Daries, but all our private Historians have remarked. 3. Tho the Action be called by Daries a Deduction, yet it's very remarkable that it was truly *quærit jurisdictionis*, and both Parties were in *oppositio*; for, tho the Question was on the Title and Dignity of the Lordship of Olyphant, yet none of the Parties in the Decision had assumed the Title, but the Heir-Male is designed Patrick Olyphant, and the Female by her Husband Sir James Douglas; so that the Decision was of a plain Point of Law, by a Sovereign Court, the Fountain of Honour present in *perpetuo*.

Now did this solemn Decision terminate in clearing the Point of Right, but was further confirmed by the Royal Approbation: For immediately upon the Decision, King Charles interposed, and gave a new Patent to the Lord Olyphant.

As Procuratories of Resignation of Honours and Dignities did not die with the Granters, even before the late Act of Parliament, and what is now pled for Lady Mary Bruce, was solemnly and severally our Law: So much more of late, since the Willness of this Nation hath thought fit to perpetuate the import and effect of Procuratories of Resignation, which indeed seems sufficiently to take off all that can be Objected for Sir Alexander Bruce.

And it's of no Moment to pretend, that a dignified Person after Resignation (especially, if not accepted by the Sovereign) continues to Possess the Dignity himself, and consequently his appointed Heir may do the same, as Sir Alexander Bruce pretends: For this is a plain the common Mistake, and whatever may have occur'd

in the contrair *de facto*, yet it's otherwise in Law, but more especially in this Case, where the Question is not with the dignified Person but with his Heir, and where a third Party conspires with a Right in her Hand to the contrair.

Now is it to the purpose to plead, that the late Earl of Kinnaird after this Resignation might have Voted in Parliament himself: For, 1. After a Title of Honour is disposed and Resigned, neither the Resigner, nor the Party in whose favours the Dignity is conveyed can claim the Honour or Privileges belonging thereto, but the same remains with the Sovereign, who may indeed confer the same on any of them he pleases: And because Sir Alexander Bruce is pleas'd to lay weight on this trifling Objection, the Honourable Estates of Parliament are intended to consider, that this Answer is in the precise terms of the solemn Decision. And 2. Lady Marys Case is yet stronger, for if the late Earl of Kinnaird's her Brother had after the Resignation in her favours pretended to the Privilege of Voting in Parliament, he had this to support him, that his Resignation was in favours of himself in the first place, and reserved his Lifelong-Right, and consequently he might have continued his Privilege of Voting in Parliament, by the very terms of that Resignation, which entirely excluded his Heir-Male, which indeed is alone sufficient to Answer Sir Alexander's Claim.

As what is pled for Lady Mary Bruce, is agreeable to our ancient Customs, and Practice, in relation to Titles of Honour; So it is further confirm'd from the very Principles of the Feudal Law, where Honours and Dignities came to be very early considered, and their Defect distinctly determin'd: And where-ever any Feudal Right or Dignity was by the Infeudation granted to Heirs Male, all the Feudal Lawyers have agreed, that that was never extended beyond the Heir Male of the Vassal's own Body, which Sir Alexander Bruce does not pretend to.

And therefore, on the whole Matter, Her Majesty's High Counsellor, and the Honourable Estates of Parliament, are humbly and earnestly intreated, to consider, That as what is now pled for Lady Mary Bruce, is just and agreeable to all Ancient and Modern Law, so her Case in all Respects is highly Favourable, her Claim being the express Will of the Defunct, and her Right of Resignation having been kept up by Sir Alexander, and being yet in his Hands, whereby the Sovereign's Determining in whose Favours the would confer this Title of Honour was certainly stop'd; And Her Majesty by this Resignation had certainly that Interest in the Decision, That Lady Mary Bruce humbly begs Her Gracious Majesty may be inform'd about her Claim, before the Possession be Determined.

(4) Minutes & Interlocute in Parliament Lady Mary Bruce ag^t Sir Alex^r Bruce of Broomhall

10 October 1706.

M^r Alex^r MacLeod for Lady Mary resum'd the grounds of her Petition & added that as the creation of such dignities was a feudal right in the person of acquirers & therefore regulative not to be devised to any other than the descendants of the first vassal w^{ch} Sir Alex^r in the y^t case cannot pld to be so the dignities of the Earldom of Kinnaird having been resign'd by Lady Maries father in favours of himself & his sire of tailzie contain'd in the signature under the kings hand granted thereof, which the never fully exp'd throw the seals yet did effectually issue & after the first gift in favours of the sire male & the resignatⁿ of the lat^t Earl in Lady Marys favours she it cannot give her that dignitie until her Male shall think fit to confer the same upon her yet it was sufficient to demand the Resign^r & his other sires of all pretence to that dignity as was most solemnly decided on the 6 July 1695 in his Minutes K. Charles I his pize who was then the fountain of honour in the case of the Lord Olyphants Resignation in favours of his hire male & 3rd It's plain that Dignities as they are not in common so they require no service to

transmit them & therof require the left solemnitie for denoting the dignified person in that there can be no more requisite in this case than the disposition & resignation founded upon by Lady Marie & whereupon the Lady & her husband have intended a petition of Decree of her right which is now depending before the Lords of Council & Session.

Sir Walter Pringle for Sir Alex^r Bruce alledged that the signature in favours of the heirs of Tailzie did not alter but rather confirm the destination & right of the heirs male being the first heirs therein are the heirs male but 2^d As to that signature it was a dardlequiald paper & the titles yielded to be thereby conferr'd w^{ch} were attested bestow'd particularly the title of Forth baron^{ie} on the Earl of Melford 3^d The resignation design'd thereafter by the petitioners brother having never been made or exp^d it could not decide that Earl in prejudice of his heir male which is indeed the point in question & it's natur that Earl did actually sit & vote in Parl^t after that pri^{or} in favours of his sister 5th The act of Parl^t continuing the validity of pri^{or} & precepts after the greatest death cannot concern dignities that act bearing expressly to be for obviating the circle & extent of the legal remedie viz. adjudication w^{ch} was not imaginable in the case of dignities which could not nor can be adjudged And as to the Decree alledged on it is rather a trying than a legal decision being both p^{ar}ties had new Patents given them & cannot therof be considered as a legal precedent for deciding after sales of the like nature.

MacLeod replied there are still Feers whose rights to their dignities are founded on Resignations made after the resignes deced^d w^{ch} could not submit in law unless the pri^{or}ies denoted the Grants & as for the decision it is a plain legal determination of the right of the p^{ar}ties & observed & transmitted from that time to us as the strictest precedent in any such case & therof of very just weight in all such cases that can occur afterward.

Sir Francis Grant for Sir Alex^r Duplyed that as the Decree concerning this dignity depends before the Lords of Session. So there are sufficient grounds to settle the p^{ar}ties p^{ar}te wherof he now insisted on this that it was a *res habita p^{ar}sonatus* the grantee being in it for as concerns that dignity interdicted in favours of the Sovereign that he could not decide himself without the Sovereigns consent 3^d The Sovereign the other Feers the p^{ar}ties & the Parl^t having such interest in the conveyance of such a dignity unless it had been completed & sett^d w^{ch} was by the p^{ar}ties & the Sovereign it is impossible it can take any effect whatever much less & decide the heirs male as to turn him out of the possession of such a dignity without a formal p^{ar}ties for taking away his right & 3^d As to the Decree alledged the case does not quadrate for by a contract with the father of the p^{ar}ties of that p^{ar}ties the de^{sc}endant alledged the honour was conveyed & the Lords found the p^{ar}ties could not quarrell the fathers deed she being liable to warrant it as rep^{ar}ting him on the p^{ar}ties titles which otherwise they had never done but undoubtedly had found the subject *res habita p^{ar}sonatus* & reduced And therof this case being of the highest import ought not to be regulat by that decision especially when it is already depending before the Judge competent & will undoubtedly be determin'd there by the known & fixed principles of Law.

Her Miles high C^{on}sultation & the Estates of Parl^t having advised the debate they advise Sir Alex^r Bruce to his seat & vote in Parliament as Earl of Kincardine Referring Lady Mary's right & Decree as a second.

SEAFIELD Cancell^r I. P. D. P.

(4) Petition for Lady Mary Bruce and her husband

Unto His Grace James Duke of Queensberry her Miles high C^{on}sultation and the Right honourable The Estates of Parliament

The Petition of Lady Marie Bruce and William Cochran younger of Obedilrie

Humbly Sheweth

THAT whereas the Petitioners having applied to your Grace and the honourable Estates in the month of October last upon Our Rights and grounds therein mentioned whereupon we had raised one Declaration before the Lords of Session before Sir Alex^r Bruce of Broxhall should be admitted to the Rank and Dignity of the Earle of Kincardine The Rights we mainly founded on were two pri^{or}ies of Resignation of the Title and Dignity of the Earle of Kincardine, granted by the last deceased Alexander Earle of Kincardine in favours of himself and the heirs of his body Whilks following his nearest heirs whatsoever and the other in favours of himself and after his decess to the said Lady Marie Bruce his eldest Sister german and the heirs male or female procreant or to be procreant of her body successively without division Whilks following to her Sisters and their heirs in manner therein mentioned Which pri^{or}ies of Resignation having been delivered by Sir John Cochran of Obedilrie to the said Sir Alex^r Bruce upon his receipt for Redelivery thereof upon Demand. When the Cause came to be heard and the Receipt for^d produced by the petitioners and production. Craved of the 4th pri^{or}ies The same were accordingly produced by Sir Alexander and Given in to the Clerks and the parliament when the debate was ended having taken up these pri^{or}ies as their own Evidents from the Clerk upon their Receipt to Redeliver the same upon Demand And the Clerk upon the urgent desire of the other Party Craving that these pri^{or}ies may be given back by the petitioners We humbly conceive That these pri^{or}ies being our Evidents we have just Right and Interest to Retain the same altho we gave the said Receipt thereof for the Clerks Exoneration and it would Create an unnecessary trouble to the petitioners to be put to the necessity of using Exhibition for our own proper Evidents in case the same should be given up or fall into the hands of any persons not having right thereto And seeing your Grace and the honourable Estates of Parl^t having advised the said Debate in the said Cause upon the [10] day of October last Did admit Sir Alexander Bruce to his Seat and Vote in Parliament Reserving the petitioners Right and Declaration as a second. We are yet the more Concerned to Preserve these Evidents as being absolutely necessary in that process and we beg leave in our own Defence to say that if these papers were Returned to our C^{on}sultation they might be by him Cancell^d or Embosell^d Wherof we could have no Redress for the Circumstances of his fortune are sufficient known besides the benefit he has and does Enjoy of a personal protection without being limited to any particular time.

May it therefore Please your Grace and the honourable Estates of Parl^t upon Consideration of the premises to allow the petitioners to Retain the 4th pri^{or}ies of Resignation being our own Evidents And to appoint our Receipt thereof to be given up to us and Ordain Our said Declaration to be Disput^d before the Lords of Session summarily without shilding the course of the Roll.

Will Cochran.

Ed^d 4 Febr^y 1707.

Her Miles high C^{on}sultation & the Estates of Parl^t having heard this Petition obtain the writs mentioned therein to be put in the Clerks hands & that the Earl of Kincardine & his pri^{or}ies see & answer the petition 4th the first day on which the Parl^t shall think fit to proceed upon pri^{or}ies cases.

SEAFIELD Cancell^r I. P. D. P.

(5) *Answers for the Earl of Kinsdale to the Petition presented against him, By Lady Mary Cochrane and the Laird of Ochiltree her Husband.*

THE said Lady and her Husband pretending right to the Dignity and Title of Marquis of Kinsdale, they did call the Declarator before the Session thereunto; And did at the same time Petition the Parliament, that the Earl should not be admitted to his Rank and Dignity there, till such time as the said Declarator were brought to a close; and they being heard upon that Petition, the Dative thereof was refused, referring their Declarator before the Session, as accords. But the Earl for clearing his Defences, having produced two pretended Procuratories of Relinquishment of the said Title and Dignity, which had been put in the Earls hands, upon certain Considerations, needfuls to be here taken notice of: The Ladys Son, after the matter before the Parliament was over, did induce the Clerks Servant, to lend him up the Earls Production forefald, upon Receipt. And now the Lady and her Husband do Petition, First, that they may be allowed to retain in their hands the forefald two Procuratories, pretending that the Earl having borrowed them from Sir John Cochrane, and granted a Receipt, and Obligation for Re-delivery thereof; Therefore, that by this Receipt they will be bound to return them. And in the next place, they take occasion, to desire that the Parliament will do them the Favour, to appoint their Declarator forefald, before the Session, to be there personally, dilated. As to the first of which Defences, the Earl is not limited here, to take notice, how they pretend to impose upon the Parliament, by desiring to have two Procuratories delivered up to them, whereas the Earls Receipt is only for one. It is sufficient to Answer, 1st, That the matter before the Parliament being over, each Party ought to have up their own respective Productions, & their own Petition does acknowledge these Procuratories to be the Earls own Production; And the Earls possession was still the Earls Possession; And Ochiltree having given a Receipt to the Clerk, obliging him to Re-deliver them, does *ipse facto* own all this. 2^d, This Receipt and Obligation granted by Ochiltree to the Clerk, cannot be assailed, or made imperfect (as he desires) nor yet the Earls formerly Disposal of his Productions, without Calling him in due course of Law. 3^d, As the Earl cannot be obliged to answer here specially to an Exhibition and Delivery: So also, it is necessary proper to trouble the Parliament with it. For the Earls Exceptions and Defences against the Exhibition, do many of them consist in Fact, which will require more time and Terms for Probation, than it is possible the Parliament can well spare, such as that the Grantee was not *capax mentis*, nor were the Procuratories ever delivered Evidently otherwise than at rest upon Truth. 4th, By several Acts of Parliament all Civil Actions are appointed to be first Purposed before the Judge Ordinary and not before the Parliament, Act 27 Parliament 5 James 3^d. And there is no special Merit in this matter which should require overturning old Acts of Parliament, or making of new ones. And it is plain that the Ladys desire formerly to dispossess the Earl of his Writs; without Process or Citation, and to annul her Sons Receipt thereof, do in a word directly import they may be Favoured with overturning the established Acts of Parliament about the order of Administration of Justice in the Session. As to the 2^d Defect, it is answered, 1st, That the same is as much beyond Rule and Precedent as the Former, nor was it ever heard of, that the Parliament did recommend Ordinary Actions, depending before the Session to be there Specially Diffused, except in most special Cases, where the Process was first intended before the Parliament, which is not pretended in this Declarator: But on the contrary, the same is by a Vote of Parliament found to be depending before the Session; and there referred. And in so far as the Reformation of Parliament bears, "According to Law," it is most irregular to desire that contrary to Law and practice, the Parliament should now Innovate that Vote by appointing the same to be Diffused, otherwise

than in due Course of Law. 2^d, As their Petition does not so much as give the least Intimation of Reason, or Specious Pretence, why this Declarator should be Specially diffused, more than any other ordinary Action; So also on the contrary, This Proceeds in so far from being Meritorious, that it is plainly of its own Nature both Frivolous and Odious, for very obvious Reasons. As so the Intimation touching the Earls Circumstances and his Protection, it is somewhat unlikely (to say no worse of it) in the Petitioners, to mention this who know (as all the world does) that the Earl hath left a very plentiful Estate, by his Friendship to their Father and his Family. And as to the Protection, the Intimation is Groundless, for the Protection Secures only against Debts, and not against Exhibition of Papers. As to the Suggestion, that the Earl may Cancel or falsify those Papers, they have been now for many years in the Earls possession, and are still in full integrity. And have the Earl begs leave to Represent, that though his tenderness to these his pretending Competitors, did refrain him from taking these Advantages which lay open to him, upon a very unbecoming production, made of a vitiate Paper in the beginning of this Session of Parliament, yet he hopes that those who take the Assurance to produce such Papers of their own, will be looked upon as very unfit hands for the Custody of other Mens Papers.

In respect whereof, both the desires of the Petition ought to be Refused.

Kinsdale.

Ed: 3 [Martii] 1707.

Her Mosts high Commissioners & the Estates having considered this Petition with the answers thereto the petitioners cause to be successively diffused before the Lords of Session & Order in the writs in the clerks hands to remain therein referring all debates as to delivery to be determined by the Lords as accords.

SEAFIELD Cancellar. L. P. D. P.

(6) Act & Result to the Session Lady Mary Bruce & William Cochrane of Ochiltree her husband against the Earl of Kinsdale.

ANENT the petition given in & filed unto his Grace James Duke of Queensberry her Majesties high Commissioner & the Right Hon^{ble} the Estates of Parli^{mt} at the instance of Lady Mary Bruce alias Cochrane and William Cochrane younger of Ochiltree her husband for his interst ag^t Sir Alex^r Bruce of Broomhall now Earle of Kinsdale shewing That &c. And therefore humbly Craving &c. as the said petition & desire thereof at length appears. With w^{ch} petition y^e was produced in pursuance of his Grace her Ma. high Court & the 2^d Estates of Parli^{mt} one receipt granted by the 2^d Sir Alex^r Bruce of Broomhall dated 27 April 1704 whereby he grants & acknowledges y^e had got up and received into his hands from Sir John Cochrane one resignation made by the Earle of Kinsdale of his title of honour in favour of his filier the petitioner q^u resignation he obliged him to redeliver upon demand to the said Sir John Cochrane as to W^m Cochrane of Ochiltree his eldest son in manner now in the 2^d receipt & acknowledged With one instrument under the filiere of W^m Dalrymple notor publick dated 3 Oct^r 1706 years bearing W^m Cochrane eldest last son to Sir W^m Cochrane of Ochiltree younger as pet^r for & in name & behalf of his fil father & Lady Mary Cochrane his mother to have paid to the person price of the 2^d Sir Alex^r Bruce with his halving in Cassagiste and to have recovered from the fil Sir Alex^r the filier resign^{mt} made by the Earle of Kinsdale of his title of honour in favour of his fil filier in the terms of his receipt first at length ingrossed in the fil infrast as the fil infrast & present taken y^e same of the date first bears And in lyke manner produced one signature superscribed by his late Majesty King Charles the 2^d dated the 2 June 1683 bearing designing & appointing Alex^r then Earle of Kinsdale his s^{on} male & of tollie named or to be named by him Earles of Forth Viscount Bruce Lord and Torry & y^e in place of the s^{on}

of Earle of Kincardine & Lo. Bruce of Torry with power to him & his heirs to take place and precedence & to enjoy all dignities privileges prerogatives & immunities according to the date & tenor of one former patent granted by his late Maile King Chas. the Fifth to the decessit Edward E. of Kincardine of date the 20 Decr^r 1647 which signature is docticated by the Earls of Lauderdale's Secretary of State as the same signature more fully appears; Whilk petition w^{rit}s & wyrts foell p^{re}s produced being upon the 2^d Octobr 1706 years read in p^{re}sence & p^{er}judged by his Grace her Milnes high Commissioner & the Estates of Parllt they continued the consideration of the sd petition until the p^{re}s concerned be heard before them on the grounds there represented the p^{re}s next Sederavit of Parllt; Accordingly the p^{re}s & p^{re}s p^{ro}fers after being upon the 10 day of the first month of Octr 1706 years called & heard in Parllt At q^{ue}n time the fil Lady Mary Bruce alias Cochrane & W^m Cochran her husband for his interest Compearing by Mr Alex^r McLeod advocat their p^{ar}t who for them Released the grounds of the petition abovewritten & added sic [Here take in the first paragraph of the Minutes Then say] And the fil St Alex^r Bruce of Broomhall now Earl of Kincardine Compearing by St Walter Pringle & St Fianc Grant advocates his p^{ar}ts who for him likewise produced in p^{re}sence of his Ma^y high Com^r & Estates of Parllt the wyrts after next v^{is} Aus dispsons or p^{re}sent of honour under the great seal Creating the new decessit Edward Bruce of Carnock and his heirs male Earles of Kincardin Lords Bruce & Torrie &c. dated at Carisbrooke 26 Decr 1597 with an act of Privy Council under the fabrick of St Andr^e Pyramide p^{re}s Clerk of Council taken upon production of the sd dispsons or patent of honour in favour of the fil Edward Bruce dated the 7 July 1648 Item the second p^{re}s of resignation under the fabrick of Alex^r late Earle of Kincardine dated at Culross 12 Sept^r 1702 containing a power to resigne the title of honour & dignity of Earle of Kincardine Lo. Bruce & Torrie &c. with all liberties & privileges immunities & precedencies dew & competent to the sd decessit Edward Earle of Kincardine by the said patent & to the fil Alex^r late E. of Kincardine as nearest heir male to him w^{ch} all right title & interest jure sanguinis or q^{ue}rys competent or p^{ar}t might be competent to him his p^{re}decessors or successors of & securing the same title of honour & dignity in the hands of her p^{ar}t Maile Queen Ann in favours & for a new grant & patent p^{ro}f to be made & granted by her Milne to the fil Alex^r late E. of Kincardine greater of the said p^{re}s p^{ar}t & the sirs male to be h^{er} p^{re}sence of his body Which following to the eldest dau^r & heir female to be proceess of his body descended without division & the heirs male of her body Which following to the fil Alex^r late E. of Kincardine his nearest sirs q^{ue}rens: In manner more fully men^t in the fil p^{re}s Item another p^{re}s of resignation under the fabrick of the fil Alex^r late E. of Kincardine touching the pen led by the notar after exprest dated 15 June 1705 containing likewise a power of resigning the said title honour & dignity of Earle of Kincardine Lo. Bruce & Torrie In her p^{ar}t Maile his heirs In favours & for a new gift & patent of the same to be granted in due forme to him & after his decessit (under the p^{re}cedences men^t in the sd p^{re}s) to the fil Lady Mary Bruce his eldest sirs german & the heirs male & female proceess or to be proceess of her body descended w^{ith}out division Which following to be p^{er}fect sp^{irit} in the fil p^{re}s w^{ch} is subst in the fil Alex^r late E. of Kincardine touching the pen led by W^m Hamilton & Dr. Cosgine notars publick who doe also falscrieve the same with the fil Earle: As the ss^{es} two p^{re}s of resignation of the dates related w^{ith}en in v^{is}itres more fully p^{ro}perty After production of q^{ue} wyrts the fil St Walter Pringle & St Fianc Grant advocates as p^{ar}ts for the fil St Alex^r Bruce of Broomhall alledged that the signature in favours of the heirs of talles sic [Here to insert the end of the Minutes to the forewyt Then say] The q^{ue}n debate abovewritten and wyrts produced by either p^{ar}ty p^{ri}es in manner full being upon the 14 10 October 1706 years read heard seen & p^{er}judged by her Milnes high Com^r & the Estates of Parllt & they being w^{ith} well & ripe lyed abridg

They by y^e Interrog^s y^e upon the 31 day Admitted the said Sir Alex Bruce of Broomhall to his seat & vote in Parli^{mt} as Earle of Kincardine Referring Lady Maries right & declarati^{on} as accords Thereafter the sd Lady Mary Bruce & William Cochran younger of Ochiltree her husband given & p^{re}stid to his Grace her Ma. high Com^{ts} & the estates of Parli^{mt} as other petiti^{ons} Showing That whereas the Petitioners &c. And therefore humbly Craving Ac. As the said Petitioners & desire y^e at least these Words petiti^{ons} be read being upon the 4 Feb 1707 years read in place of & considered by his Grace her Ma. high Com^{ts} & the estates of Parli^{mt} They by y^e deliv^{erance} y^e upon the 31 day Ordained the writs mentioned in the sd petition to be put in the Clerks hands and that the Earle of Kincardine & his heirs fee & after the petition ag^t the first day on qth the Parli^{mt} shall think fit to proceed upon private causes. Accordingly the price of the sd Earle of Kincardine having feid the sd petiti^{ons} they returned the Answers y^e following viz. The said Lady Mary Cochran and her Husband pretending Right to the dignity Ac. [Here ends the Answers 5th to the 31st] Wh^{ch} Petiti^{on} & Answers thereto shewritten being upon the day & date of their p^{re}stid read heard feid & considered by his Grace her Ma. high Com^{ts} & the estates of Parli^{mt} & they p^{re}sent being well & ripey advised his Grace her Ma. high Com^{ts} & the Estates of Parli^{mt} have Remitted & hereby Resolv^d the petitioners Cause to be summarily decided befor the Lords of Session And Ordained & hereby Ordain the writs in the Clerks hands to remain there Referring all default ag^t deliv^{erance} to be determined by the said Lords of Session as accords.

VII MARTIN, ALDO-VII

REMIT sent Dr George Stirling of Letham

Unto his Grace her Majesty's high Counsellor, and the
most honourable The Estate of Parliament.

The Position of Doctor George Scilling of Leoben

Hardly Strength

THAT whereas from the time of the Meeting of Convention of Estates in Anno 1689, by the Space of two years and one half, The deceased George Stirling Chirurgeon Apothecary in Edinburgh your Petitioner's Father, was not only Employed in Attendance upon, and furnishing Medicaments to the Princes of the Government, and others concerned therein Such as

Kendle taken coming from Ireland,	Bartholin a Priest,
M ^r Thomas Gordon formerly Regent in Glasgow, Esquire Penn, &	
Colonel MacGregor and his servants,	Postoffice Surgeon
in Sir Thomas Livingstone's Regiment; But also, all those that were wounded at Killbuckraich, with many others, as occasions offered. And seeing your Petitioner's 1 st deceased father did, during the 1 st Space, most readily bestow his pains, give his attendance, care, and furnish Medicines to the 1 st persons, as he was then from time to time ordered and appointed by the Privy Council, and there in the Government for the time; And therefore supplied the place of his Majesties Chirurgeon and Apothecary, who is in safe to Receive 100. lib. Sterling yearly of Salary by and either his consent of the Medicaments and Drugs.	

May it therefore *Wish* your Grace, and most Honourable Estates of Parliament, To take the premises & your Petitioner's Circumstances to your serious consideration And seeing your Petitioner's father did, during the Space of said two years and are half, at the time when the same was most requisite, Supply the place and office of his Majesty's Chirurgeon & Apothecary, And was at great Expence for Medicaments to the sick and wounded by and attend his said pains and attendance, To order the payment of such a Sum as your Grace, and most honourable Estates shall think suitable for my said father's Pains, Attendance and Medicaments, during the Space of said, out of the funds already

E +

for Payment of the Arrears of the Army, or any other official fund;

And your Petitioner shall ever Pray &c.

Gl. Burnet.

Ed: 7 March 1707.

Her Majesties high Commissioners & ye Estates of Parliament having heard this petition they Resolv to ye Committee to consider ye same and to report y^e opinion y^e same to ye Parliament.

SEAFIELD Cancellor, L. P. D. P.

PROTECTION in favours of George Dundas Merchant in Edinburgh

To His Grace James Duke of Queensberry Her Majesties High Commissioners and the Right Honourable the Estates of Parliament

The Petition of George Dundas Merchant in Edinburgh, Humbly Sheweth,

THAT I the said George having in order to procure my liberty cited my Creditors conforme to the prescription of the Act of Parliament 1698 sicut Protections His Grace her Majesty's then High Commissioner and the Right Honourable the Estates of Parliament did upon the 25th of August 1704 grant to me a personal protection to the next Session of Parliament inclusive, and that for the reasons following.

1st That I being Creditor to Bonhard, for the principal Sum of 25000 marks with Annuitants since Christmas 1700, and Bonhard engaged as Cautions for him for upwards of 40000 l^bs. to his other Creditors, who have not only Bonhard's own Estate as a Fund towards their payment but have also by their Diligences affected the said 25000 marks and Annuitants, which is all the Stock I had, for subsisting myself and my numerous Family; so that in effect the diameter I ly under, is not for my own proper Debt, but entirely for the said Cautions, in order to the satisfaction whereof, the said 25000 marks due by Bonhard to myself is exposed, as well as the remaining value of his Estate.

2nd That Bonhard the common debtor being at liberty, and in possession of the Estate by virtue of a Tack set to him by the Lords of Session for the behoof of all his Creditors; it is with all submission humbly conceived, that I who am only Cautions for him should have personal freedom; seeing my whole Fortune is in his hands, and is to be applied towards the satisfaction of my said Creditors as said is.

3rd Bonhard's Creditors to whom I am engaged as Cautions, being conscious to themselves, that perfect execution against me could be of no import, but rather obstruct their payment by blinding me to follow any Employment, and from looking after the application of Bonhard's Estate for the satisfaction of his debts, the most part of them did consent to the said protection, as their consent in process does testify.

And seeing Bonhard's affairs are not yet brought to a period, by the Ranking and Sale of his Estate depending before the Lords of Session at the instance of his creditors, albeit they are all possible diligence for that effect: And the said Bonhard, which in that Session of Parliament, did prevail for granting a protection to the then next Session of Parliament, are humbly hoped to be more prevalent now with your Grace and Lordships, to grant a continuation of the said protection they having still that same force which they had formerly, nothing having since occurred to alter them, that so your petitioner may be still in a capacity to attend the finishing of the said Ranking and Sale for payment of the said debts.

May it therefore please your Grace and the Right Honourable the Estates of Parliament, to continue and renew the said Protection, till your Grace and Lordships shall be pleased to recall the same, or for such a certain time as you

shall think fit; especially seeing I am willing to dispose to the said Creditors the said principal sum of 25000 marks and Annual rents y^e of for their further satisfaction.

And your Petitioner shall ever pray, &c.

Geo: Dundas.

Edinb. 7 March 1707.

Her Ma^{ty} high Commissioners & the estates of Parle^{mt} having heard this petition They renew & continue to the petitioner the periodall protections granted in his favours in the year 1st v^{er} & dur ag^t the perios & in the termes p^{re} mentioned for the space of seven years after the date hereof the petitioner always satisfying & giving in to the Lord Register a disposition to the subject within mentioned in the termes of this petition before extres.

SEAFIELD Cancellor, L. P. D. P.

ACT in favours of the Town of South Queensferry

Unto his Grace Her Majesties high Commissioners and the Right Honourable the Estates of Parliament

The Petition of the Magistrates and Town Council of the Burgh of South Queensferry for themselves and in name and behalf of the Community of the said Burgh

Humbly Sheweth

THAT your Petitioners having some years ago fallen upon one good and profitable Enterprise to the building of one harbour And being convinced that any common Stock of their own was not sufficient to effectuate such a great and good design did, upon the thoughts that the Profits arising from the same might be a mean to Satisfie all that should be expended thereupon, Borrow Sixteen hundred marks out of the Sea box fourteen years ago And We not being able to pay principal nor annuall yet resting are a heavey burden upon your Petitioners by reason of the late and present wars wherein we Sustained great loss of Our Ships by privateers and other misfortunes at sea Which with our harbours present ruinous Condition and our want of any common good Obligges us to apply to your Grace and Lords that we may be in a condition to pay our debt, repaire our harbour and prevent the utter ruine of our Burgh.

May it therfor please your Grace and Lords to take your Petitioners case above represented to your serious Consideration And that being there is no common good for payment of debt already contracted or for repaireing and upholding the harbour already gone to waste That your Grace and Lords would be pleased to allow us to exact those dues within the bay and harbour of South-queensferry So far as the Priviledges of the said Burgh do now or shall extend is time coming Conforme as the same is payed and exacted at Breasted or any other Royal Burgh on Fife side having those dues for feeding of your Petitioners of their Inconveniences and repaireing and upholding of our said harbour And your petitioners shall ever pray.

Ed: 7 March 1707.

Her Majties high Commissioners & the Estates of Parlt having heard this petition They Grant the desire of the Petition to commence from the first day of Aprile next.

SEAFIELD Cancellor, L. P. D. P.

ACT in favour of William Pyet his Kinsmen and Relations

Unto his Grace Her Majesty's high Commissioner, and Right Honourable the Estates of Parliament.

The Petition of William Pyet for himself, and in name and behalf of his other Kinsmen and Relations of the Nickname of Pyet,

Humbly Sheweth

THAT your Petitioners Forefathers, were of the Surname of Graham, and through the unhappy Difference, that in the last Age, did frequently fall out betwixt Clans; They, by their Neighbours, were forced from their Native Residence, and obliged to Cover themselves under the Surname of Pyet. And We having by certain Tradition, the True Account of our Origin, & Surname of Graham: And We being Earnestly Desirous to be Relieved, and make Use of the same in all Time coming; which We cannot do, having Trade both at Home and Abroad, without a Publick Act, whereby the Traders with Us may be Certain.

May it therefore please Your Grace and Lordships to allow Us to Assume and Use Our Ancient Surname of Graham; and to Discharge the Ignominious Nick-name of Pyet, in all time coming. And Your Petitioners shall ever pray.

Edinb: 7 March 1707.

Her Majties high Commissioner and the Estates of Par^t having heerd this petition They grant the desire y^eof and allows the petitioners to assume & use their ancient surname of Graham and discharges the nickname of Pyet in all time coming.

SEAFIELD Cancellar. I. P. D. P.

PROCEEDINGS in the Process The Lady Breadiholme younger against The Laird & Lady Breadiholme elder.

(1) Summons Rafe Marshad against James Marshad of Breadiholme

ANNE Be the Grace of God Queen of Great Britain France and Ireland called of the faith To our lovis

maiors or undersheriffs at armes our sheriffs in that part collie and collie specially confine Greeting Forasmuch as his heushly maid and chosen to us by our lovit Rafe Marshad yeliet of the decessit James Marshad younger of Breadiholme That where she having intreated sue action of alimant before the Lords of our Council and Seſſion in name of her self and children against James Marshad elder of Breadiholme her father in law, and her Children Grandfather our said Lords by their interloquator the fyfteenth day of February 1st 17th and sex years refused sue alimant to the Complainer and her Children during the dependance of the Exhibition and declarator at their instance against him And upon sue petition given in by the Complainer reclaiming against the said interloq^r Their Lordships upon the twenty seventh day of the said month of February adhered thereto By which two interloquators the Complainers judged themselves very much wronged and leised and therefore protested for remedy at Law to us and our High Court of Parliament And being the said Complainers sue delivres to probats their said protestation for remedy at Law before us & the estates of Parliament Our will is Hereby and we charge you strictly and command that inconsistent thereto our letters from ye past and in our name and authority perpetually remaned warn and Charge the said James Marshad elder of Breadiholme and Sir James Justice Clerk to the said process personally or at their dwelling places if within the town of Edinburgh upon forty eight hours warning or if else where within this Kingdom upon fyfteen dayes warning or if furth y^eof at the nextest croce of Ed^l pair and shaw of Leith upon sixty

dayes warning To Compare before our high Commissioner and the aids estates of Parliament at Edinburgh or where it shall happen them to be for the tyme the second day of October next to come in the hope of Cause with continuation of dayes to answer at the instance of the said Complainers That in so say bringing with them Exhibiting and producing before our said Commissioner and the estates of Parli^t the falsified process interloquator and bail process and warrants y^eof interloquator and delivres pronounced by the said Lords of Council and Seſſion and to hear and see the points complained of Redress and Justice administrat y^ein and if need beis to hear and see all lawfull and needful probation led and deduced in the said matter & give y^e oaths of verity upon each point as shall not be otherwise proven or else to draw sue reasonable Cause in the contrair with Certification to them if they fallie our of commissioner and estates of Parli^t will determine y^ein according to Justice and for the Costs shall and discharge the Complainers may any wayes sulian threethrow Attour that ye while remaned warn & Charge

to Compare before our said high Court of Parli^t or committee y^eof and as our said commissioner and the estates shall see cause to hear leill & southat witnessing in the said matter in few far as they know or shall be speard at them under all highest pain & Charge y^e after may follow as ye will answer to us y^eupon The which to do we commit to you collie & collie our full power by this our letters delivring them by you duly execute and indorset again to the bearer Given under our signet at Edinburgh the twith day of August and of our reigne the fyfth year, 1706.

Ex deliberatione dominorum officiorum status fecundum actum Parli^t.

18 Septem^r 1706.

Jo: Mackenzie

Ed^l 3 octobr 1706.

The within def^r we call by a nasser conform to the 13th & executions at the Patent gate of the Par^t house after opening thereof before the sitting of the Par^t S^r Archibald Sinclair compearing for the par^t & none compearing for the def^r.

Ed^l 20 octo^r 1706.

The within def^r we call by a nasser conform to the 13th & executions at the Patent gate of the Par^t house after opening thereof before the sitting of the Par^t S^r Archibald Sinclair compearing for the par^t & M^r James Graham for the def^r.

(2) Motions and Interloquator in Parliament The Lady Breadiholme ag^t The Laird & Lady Breadiholme

Ed^l 7 March 1707.

S^r Francis Grant for the par^t refus'd the Summons & craved not onlie to be repag^d ag^t the Dec^r administr^t in favour of the Defers pronounced by the Lords of Seſſion but that she may have the alimant need^r for herself & her two fatherless orphans according to the conclusion of her Summons.

Sir Walter Pringle for the Defers alleit that the par^t marriage being cryed on without the defers knowledge or consent & whatever fortune she had was not only spent but twelve thousand merks of the Defers money lent to her husband before their coming to Scotland 1st The alimant allow'd her husband by the Lords of Privy Council was given with the quality of demanding no further alimant 2nd There can be no colour or pretext of alimant for the children in regard they are taken home by the Def^r at least be being willing to alimant their so repag^d alimant right to be modified to them 3rd There is no law wherein an alimant to a d^r in law can be founded 4th She may be very well alimanted by her own natural mother who has the benefit of a considerable estate wherof the par^t having the full right naturally to have her alimant from the Discretiⁿ of her estate &

noways of the defies who having bot a small estate to live on can in no justice be found chieft to alimint the par^t.

Grant reply'd that the defies having acknowledged the par^t^s husbands right upon oath aght with much more justice obtain an alimint modified to her than the young Countess of Southforth obtain'd by the justice of the Parlt in the case of abstracting of the riches wherupon her lifester security of her Joynture did depend and as to the children it were the hardest thing in nature to tear them from the mothers breast in a country where the can after the husbands death have so little comfort So that the case of the alimint in question is most favorable both for the par^t and her children.

Grashave Duplyd that the defies having offer'd to alimint the children ought to be preferred to that duty & absolyd from any modificⁿ in so far as concerns the children And as they had depost & deny'd the husbands right & never had any part of the par^t^s pretended portion bot on the contrary contri- buted too liberally for the par^t^s & the husbands expens after the marriage it was ag^t all law & reason that they should be put to more boie and expens by that unprofitable marriage on pen- tence of so groundless an alimint.

Her Mitie high Commisfioner & the Estates of Parlt having advis'd the debate with the writs plac'd Afterward from the alimint & Adhere to the Decret pass'd by the Lords of Session for that effect.

SEAFIELD Cancellar. I. P. D. P.

(5) Decret James Murehead of Breadbholme against The Lady Breadbholme younger.

ANENT the Summons on one petitiol for remeid of law maid & perlied Betw his Grace James Duke of Queensberry her Mitie high Count^s and the right honell the Estates of Parliam^t as the influence of Robt Murehead alias Finchan: solict of the decess James Murehead younger of Breadbholme ag^t James Murehead elder of Breadbholme her father in law Making Mention That q^d the s^d Robt Murehead having intentit one action of alimint betw the Lords of Council and Session in name of her- self & children ag^t the s^d James Murehead elder of Breadbholme her father in law & her childrens grandfether The saids Es. by y^e Interloc^o the 15 February 1705 years Refusid use alimint to the s^d Robt & her children during the dependance of the children & declarat as their infante ag^t him & vpon one petitiol given in by her reclaiming ag^t this s^d Interloc^o Their L^{ds} upon the 27th day of the s^d month of Febyr Adhered theron By qth too Interloc^o the par^t^s Judgd betwiffe very much wrangld & leied & y^er protestid for remeid of law to her Mitie & her high Court of Parli^t And fong the s^d parliar was de- freysed to prosecute pe s^d protestⁿs for remeid of law befor her Mitie high Count^s & Estates of Parli^t Therfor to have heard decret & sentence given & pronounced be pe placill in man- ner underw^{en} And sentt the charge & cl^om given to the s^d James Murehead elder of Breadbholme To have compar'd betw his Grace her Ma. high Count^s & the Estates of Parli^t at one certain day hygone bringing with him exhibiti^o & producing befor y^e s^d Court p^{ro}cess interloc^o & hall grounds & warrants y^er interloc^o & deliv^{er}ances pronounced by the s^d Lords of Council & Session & to have heard & then the paynts complem^{ed} of redress'd & justiss administ^r p^{ro} & if need bees to have heard & seen all law^s & necessar p^{ro}cessⁿ led & deliver'd in the s^d manner & to have given his oath of verity upon foyn paynts as should not be s^oways proven or effe to have shewn are rati- onale cause in the contrary w^t certification to him if he failid his Grace her Ma. high Count^s & Estates of Parli^t wold determine y^en according to justice As in the first Summons for remeid of law & s^ocessⁿ p^{ro}at length is contin'd The said Robt Murehead alias Finchan perforce of the s^d Summons for re-

meid of law Comparing by S^r Francis Grant & S^r Ar^d Stirling advocats her peies who for her produced in p^{re}face of his Grace her Ma. high Count^s & the Estates of parliam^t The wryts & documents after rehear^t viz. Imp. Articles of agreement indentid & made betwiffe y^e s^d decess James Murehead y^er of Breadbholme y^en design'd of pe par^t^s of S^r James wⁱⁿ pe Liberty of Welfaird^r Esquire on pe one part and Robt Finchan of pe par^t^s of S^r Darnl^{an} in pe well widow may to pe s^d Robt Murehead alias Finchan on pe o^o part Narrating y^e qth y^e was marriaged lately had and solemnizid betwiff pe s^d James Murehead y^er & pe s^d Robt Finchan y^er y^er it was agreed by pe s^d articles betwiffe y^e s^d par^t^s contractors y^e be pe s^d James Murehead y^er dar himself should consent permit & grant as he y^er assented p^{ro}vidid & consent to & w^t pe s^d Robt Finchan y^er y^e should & willed by his last will & testamen in wryting or by some deed or wryting dewly executed well & sufficiently to give title & secure unto & upon his s^d wyls in case the should happen to survive him all & singular pe stock cattle goods & chancel of qth he should be p^{ro}vidid & intailid to pe tyne of his death and should settle & share or make or procure to be well & sufficiently convey'd settled and shaird according to pe laws and customs of Scotland unto & upon pe s^d Robt Finchan his wyls (in case the should happen to outlive & survive him) his lands tenements & hereditaments in Ke King- dome of Scotland of pe clear yearly value of 500 l^{ib} beyond reygates as & for pe joynture of his s^d wyls & in law & full re- compense of and for her dowry & in case he should dye w^{out} conveying or settling pe s^d lands tenements & hereditaments for her joynture as afores^d & in case pe s^d Robt Finchan should & shat- tels of qth he should dye p^{ro}vidid of qth should he feelid upon & come to pe possession of his s^d wyls after his death should not be appoyntid & amount unto pe full value of 5000 l^{ib} Sterling y^e pe s^d s^{ir}s & exors & admistrators of pe s^d James Murehead should & willed wⁱⁿ fix moneths after his decess well & trewly pay or make to be payed unto pe s^d Robt Murehead her exors & admistrators at or in pe middle temple hall of London such foume & foumes of law^s English money as should make pe value of pe personall estate of qth be s^d James Murehead should dye p^{ro}vidid & qth should come to pe hands & p^{ro}vision of his s^d wyls amount to pe full & complee foume of 5000 l^{ib} Ster. in manner at length sp^{er} & containid in pe s^d articles of Agree- ment datid pe 19 Decbr 1700 years It pe extract of one disposi- tion grantid be pe s^d decess James Murehead y^er of Breadbholme to his s^d wyls bearing date pe 3^o May 1704 q^{ly} he surrogat submitts & appoynt & gives to her his full r^y to all & every thing he had or could have had if on lyfe as fully & amply in all manner & respects as if every thing were y^en int^{er} at large & did y^ely appoint her his sole exors & admistrat^r in manner maid in pe s^d disposi^on regist in pe books of Council & Session conforme to pe act of Parli^t made anent probative wryts pe 7th of July 1703 It Eleven full usid^r Mitie Letters direct from Breadbholme direct to Breadbholme y^er of pe dates tenens & contents y^en next It five o^o Letters sub^d by James Murehead elder of Breadbholme direct to the s^d Robt Finchan as Lady Breadbholme y^er parly consulting her marriage w^t his son begging God almighty who had solid her to pe number of his children y^e he would be plaid to give her y^e great blessing of receiving her w^{ro} pe number of his adopted children & parly delivring her & his s^d son to come to Scotland to live w^t him in family q^d they should be received welcome in manner more fully sp^{er} in pe s^d Let^o of pe s^d full dates y^en next It one o^o Lettes under pe s^d no^o of M^o Helen Stewart Lady Breadbholme y^er direct to pe Lady Breadbholme y^er her dair in law q^{ly} the relates y^e the p^{ro}vidid a kynd suspitable w^t all women in her cule & much more to her s^d dair in law being so near a relation to her & near her delivry of child birth saying God to hieff her & hers & to send her one happy delivry datid 24 Augrit 1^o vijth & years then produced in p^{re}face of his Grace her Ma^{ty} high Commisfioner & Estates of Parli^t the extract of s^o

opinions that the 4th four debts extending to the Sums of Two hundred fifty eight pound four shill 8 d Sterling ought to be paid out of the dead Stock belonging to the Company.

Haldston I. P. C.

Edinb: 11 March 1707.

Her Majties high Commissioner & the estates of Parli't having heard the within report They approve that pmt y^{et} qth relates to the payment of the within four debts found due to the p^{tes} within named extending in all to two hundred fifty eight pound four shill eight pences Sterling and y^e out of the fund of the Companies dead stock And likewise approves the o^y part of the report and grant the remainder of the Companies dead stock after payment of the three hundred pound Sterling allowed for making up the accounts of the African Company and the three hundred pound Sterling allowed to Cap^l Campbell Cap^l Stewart & L^y Tumball and fifty pound Sterling allowed to Esq^{re} W^m Montgomerie by a discharge of this debt and the above sum of two hundred fifty eight pound four shill eight pences for the above four debts To be applied & divided among the persons mentioned in the within Report and among the representatives of Alex^r Ogilvie Andrew Brown Cap^l Alex^r Montgomerie & of Hugh Robt and no more by such proportions as the Comitia shall think fit to whom they remitte the determination p^{er}of.

SEAFIELD Cancellar. I. P. D. P.

REPORT of the Committee anent the Coin

11: Feb^r 1707.

IT is the opinion of the Committee That for Changinge the Coyneage of the Current money in this kingdom The Commissioners of the Equivalent should be ordained how soon as over the sume for the Equivalent shall be lodged in y^e hands to receive in all sume of money confiding of Money that hath paided the mint of this Kingdom and all Foreign species (except English money) current wth this kingdom and shall immediately send pay out of the Equivalent in English Money at five shillings p Crown the equal sum in talie to what was payed in of the foresaid money presently current in Scotland to the person who payed in the said Scots money and y^e immediately w^out delay left or defalcation.

It is also the opinion of the said Committee that for making up the tale to privet persons y^e they may obtain by the English money as it is now current within this kingdom when the sume shall be reduced to the standard of England at five shillings per Crown That particular Magistrate be appointed at the places following viz Edinburgh Perth Aberdeen Stirling Linlithgow Glasgow Air Hamilton Dyfarth Anstruther esser Dunblair Inverness Jedburgh Wigton Elgin Tayne before whom all persons are by Proclamation to be required to Compare upon one and the same day and y^e tell down in presence of the said Magistrate what English money they have and which being so named the Magistrate to seal the same and detain it in his possession till seal of the Clock at night that day and immediately deliver back the same to the owner with a declaration signed by the Magistrate before two witnesses bearing the same exhibited and examined by every person Together wth the sume payed out by the party to the teller effecting to 20 pence upon the twelve hundred pounds Scots and the 4th relates Magistrate are likewise to write down an exact account of the relative Certificates granted by him and of the person names to whom and from y^e person and which account subscribed under his hand that same day before two witnesses He is to be ordained to send to the Clerks of the Privy Council under the penalty of 200 Merks and the Proclamation to be published upon the premises is expressly to Discharge under a severe penalty such as the pain of surgery or o^y pains the

increasing any money in upon any o^y day after the precise day appointed by the Privy Council or altering any Certificates formerly granted and the 4th Proclamation is to bear one respect Clause Discharging the English money to pass at any higher rate than it is in England at five shillings the Crown and so proportionally and y^e it be no o^y ways current nor offered nor received in payments after the said day and that the 4th Certificates granted by the relative Magistrate shall be a sufficient title for recovering the tale arising from the same y^e person wth what they payed out to the teller out of the Equivalent and the Commissioners for the Equivalent are to be expressly ordained to pay the same to the bearer of the said Certificate w^out delay left or defalcation and y^e the Proclamation be published only eight days before the 4th precise day abovementioned to be fixed for telling of the money by the Magistrate.

Haldston I. P. C.

11 March 1707.

This report read in Parli^{am}t.

XII MARTII, MDCCVII.

RECOMMENDATION in favours of the Laird of Grant

Unto His Grace, Her Majesties high Commissioner, and the Right Honourable, The Estates of Parliament

The Petition of Grant younger of that Illk, in name and behalf of his father

Humble Sheweth

THAT Your Petitioner having applied to the last Parliament, concerning the Losses sustained by me, through the Incursions of Highlanders and other Rebels joining with them, after the late Revolution, and the Damages done by the regular forces in lying and Encamping upon my lands, &c.

That Parliament Ordained provision to be taken thereof, before ye Commissioners of Supply: Which being Reported to, and Examined by a Committee of Parliament: The same was thereafter Approved by the whole house.

And thereupon Your Petitioner hath Extracted, and herewith produces one Act and Recommendation of the Parliament approving of the probation of my Losses, and Recommending me to the late King for Reparation thereof.

And using by the Common rules of Justice, when any Person does Suffer, upon the account and in the Service of a Society; Especially when he is Employed by the publick authority thereof, his Damages ought not to fall solely to his own share.

May it therefore Please Your Grace, and The Honourable Estates, to make effectually my Reparation in such manner as You shall Judge Expedient: Or at the least, to renew the foresaid Recommendation of the former Parliament, to her Present Majesty, and her Royall Consideration thereof.

And Your Petitioner shall ever Pray.

Ed^b 13 March 1707.

Her Majesties high Commissioner & ye Estates of Parliament having heard this petition Grant ye desire thereof And Recommended ye petitioner to hir Majesties royall & Gracious consideration for repaireing his losses and damages contained in ye report.

SEAFIELD Cancellar.

RECOMMENDATION in favours of Captain Thomas Hey

Unto his Grace, Her Majesties High Commissioner, And the Right Honourable Estates of Parliament,
The Petition of Captain Thomas Hey.

Humbly Sheweth,

THAT Your Petitioner being Owner in a Scots Ship, Fringed by some Dutch-men to Sally, Captain Bailor Commander of the

Welchaffer in England, did in anno 1704, seize her in her Voyage, and brought her into Berwick, upon pretence that she carried counter-band Goods.

But this was found false, upon a Report of my Lord Minto, then Clerk of Secret Council, who was first to make inquiry thereof, upon my Application to my Lord Duke of Queensberry, then her Majesty's Commissioner, And the most Honourable Privy Council.

Notwithstanding heretofore, Your Petitioner (for himself and his Partners) was obliged to go and Apply to the Admiralty of England, where tho' after long Dependence, and much Expence, the Ship was Released, and upon the Faith thereof, Your Petitioner purchased her at an publick Rouse, Yet there came a new Arrestment: whereupon being Rifled of her Talking, she lay rotting in that Harbour to this day.

There were several other aggravating circumstances, which I am unwilling to mention, Especially at a time when it is so Requested that Irritations betwixt those of both Nations should be rather covered than remembered.

Yet it is Humbly Requested, that Your Petitioner by the vast Damages sustained hereby, And the want of his Arrires (for which he served so Faithfully at Home and Abroad,) is Reduced to pinching want, after the same had occasioned the Disorder of his private Patrimony and Trade, by which he thought to improve it; Whence it is humbly Hoped,

That the Parliament may consider my Damages. Subjects who are to be protected, having no other Remedy against the Oppression of publick Persons in an other Government; except they be Redressed by their own.

Especially being that the Government has its generous interposed, and satisfied themselves, by Inquiry of the Justice of his Cause: and a private Man, in the circumstances to which these Hardships have Reduced him, cannot be capable to obtain Redress.

And it is Humbly Hoped, That they will the rather consider the petition, in regard that Your Petitioner was so long in the Service (from the Revolution to the Peace at Berwick) and has been provided in nothing ever since; Notwithstanding that many Occasions have offered, and his Arrires remain unpaid.

And seeing it's now to be Determined what publick Debts are to affect the Equivalents.

May it therefore Please Your Grace, and Right Honourable Estates of Parliament, To Find my several Damages (conform to an Account hereto subjoined) to be Liquid; And Declare the same a publick Debt: As also my Arrires; whereof the Account is hereto annexed, So as the same may Affect the Equivalent; In such manner as Your Grace and Lordships shall Appoint.

And Your Petitioner shall ever Pray, &c.

In the Evidence of which Letter, the Account is hereto subjoined,

Account of Money that I have left by the Capture of the Ship, called, The Hope of Leith.

Expenses, Paid out for Repairing the Ship at the Privy Office, and Admiralty Office at London, as per particular Receipts thereof,	-	-	-	-	080	00	00
The Freight of the said Ship to Salley, as per Charter Party, was to have been 8800 Guineas, at 25 lb per Guinler, is in Sterling Money,	-	-	-	-	281	13	04
Payed for Repairing the Ship at Berwick, as per particular Account and Receipt,	-	-	-	-	250	00	00
Extending in all to	-	-	-	-	661	13	04

Refund to me of Arrires by the Publick in Scotland, as per particular Account, - | - | - | - | 331 | 04 | 07 |

In Sterling Money, amounting in the hall to 932 17 11
As the s^d Petition and account subjoined y^e bears.

Ed: 13 March 1707.

Her Majties high Commissioner & the Estates of Par^t having considered this petition Declare the Petitioner's arrires to be a publick debt and Recommend him for paym^t of his damages therein stated to her Majties Justice & Justice in such manner as she in her Royal wisdom shall think fit.

SEAFIELD Cancell. L. P. D. P.

PROCEEDINGS in the Process Sir Patrick Home of Banton Advocate against The Earl of Home.

(1) Petition of Sir Patrick Home Advocate.

To his Graces her Majesties high Commissioner and The Right honourable Estates of Parliament
Sir Patrick Home of Banton Advocate
Humbly Sheweth

THAT whereas the deceased Charles Earl of Home obtained a Decree against me before the Lords of Session freeing him from Compting for his own and his predecessors intermissions with the Rents of the Estate of Coldingham belonging to me, And I having Pretended for Removal of Law to ye Queens & Parliament conform to the privilege granted by the Claim of Right upon which I having Railed a Reduction of the said Decree before the Parliament upon ye several grounds of Laches therein contained, And the Parliament being now taken up with publick affairs of the greatest concern So that they have not time to Dispute the said Reduction. And it being ordinary to Recall Reductions of Decrees of ye Session to ye Lords of Session to be by them reconsidered. As was done upon a petition given in by the Lady Duglass of Belhaven carrying a decree of the Lords of Session to be Reaffirmed & Reduced, And the Parliament Remitted to ye Lords of Session to reconsider the said Decree, And to Reduce the same upon such grounds & reasons as they should think just And that necessarily without slyding ye Courts of ye Roll And the like was done in ye Case of a Reduction at ye instance of Class & Patricia Bothwells against Sir Alex^r Hope as appears by ye Minutes of ye proceedings of Parliament ye 18th of July 1695 And many other instances may be given And by the Minutes of Parliament the 10th June 1695 it was ordered that all appeals made from ye Session to the Parli^t be Remitted to be reconsidered & determined by the Session.

It is therefore humbly Craved that your Grace and the Estates of Parliament may be pleased to take the premiss to your Consideration, And to Remit to the Lords of Session the said Reduction at my instance with power to them to Reconsider ye said Decree And to Reduce and annul the same upon such grounds of Laches & others as they shall find just without regard to the said Decree And to Discharge the said Reduction summarily without slyding ye Courts of ye Roll.

Pat: Home.

Edith: 19 Novbr 1706.

Her Majties high Commissioner and the Estates of Parliament having heard this petition read in their presence Ordained the Earle of Homee priors to se & answer the same.

SEAFIELD Cancell. L. P. D. P.

Edith: 7 March 1707.

Her Majties high Commissioner & the Estates of Parli^t declare they will call & hear the cause at the petitioners instance ag^t the Earle of Home the first day for private business

SEAFIELD Cancell. L. P. D. P.

(4) Petition of Alexander Earl of Home.

To his Grace her Most High Collé & the right honorable the Estates of Parliat.

The petitions of Alexander Earle of Home and Mr James Home of Ayrshire & y^e curators

Humbly Sheweth

THAT Charles Earle of Home our dearest father had for many years bygone employed Sir David Dalrymple of Hallis as his advocate in the late depending Process at Sir Pat Homes reference ag^t us, which process having been finally Determined by the Lords of Session and Sir Pat having protested to the Parliat for remission of Law that protestation comes now to be Dissolv^d by this high and honorable Jurisdiction, And this makes it necessary for us to have warrant and allowance from your Grace and the right honorable the Estates of Parliat That Sir David Dalrymple may advy^e confide and plead for us in the s^d matter untill your Grace shall Decree y^ein.

May it p^{le}ase your Grace and the right honorable the Estates of Parliat to grant your express warrant to the effect inent being your petitioners are not o^werwise able to defend or support y^e s^d rights. Home.

Edinb: 10 March 1707.

Her Most High Commissioner & the Estates of Parli^t having heard this petition They grant the desirs thereof.

SEAFIELD Chancellor. I. P. D. F.

(5) Minutes in the Process Sir Patrick Home ag^t the Earle of Home.

Actores Se, Grant & Crahanne

Alteri Dalrymple Sen. & Nasrith.

Home repeats his Libell being a Seniores before the Parliament on a protest for Remede of law for reducing a Dec^t obtained before the Lords of Session on the 29th of June 1700 at the instance of the Earle of Home ag^t him And alleigeth That the Earle of Bathwell having right to the Abbacy of Coldingham disposed the same to his son John Stewart Sir Patrick's Grandfather And being afterwards forfeited in ye year 1597, The Earle of Home obtained a gift of his forefathers, But y^e right to John Stewart being before considering ye crime for which his father was forfeited, He the said John in the 1681 was restored by way of Justice and obtained a new erection of ye lordship of Coldingham, Then afterwards John Stewart and his friends by a contract betwixt them and the Earle of Home in ye year 1681, & renewed in ye 1683 was by the interposition of King James obliged to pay to the said Earle £4000 Ster. and to give an indowment of annual rent of £300 Ster. yearly to him and the heirs male of his body as a composition for the said forfeiture That the Earle having accepted of his own tithes of Auld Cambus for £100 Ster. of the Annuity and the other £300 being unpaid from the 1681, to ye 1683, He obtained a Decree of pointing the ground for these 8 years which occasioned a second Contract in the year 1681 By which John Stewart and his friends were obliged to pay to the Earle ye extent of the said 8 years annuity being £19800, in June 1682 or otherways to enter him to the possession of the said Estate of Coldingham With this provision that the rents of the Estate to be received should not be computed in paym^t of the same but only for the Rents of the same and for the said £200 of current annuity, and the Earle was to renounce his possession and all right he had by virtue of that contract so soon as he was paid of that sum but prejudicial of his indowment and right of annuity foresaid. That this Earle of Homes Grandfather as having right from the heirs of line of the Earle of Home ye Contractors having in the 1643 after coming of the annuity by ye Contractors death w^{ch} heirs male obtained a Dec^t of possession of the Estate on

the said contract last abovement^d He and his heirs have ever since possed the whole for y^e small sum of £19800, And that therefore Sir Patrick as having right by process from the said John Stewart his Grandfather and Francis Stewart his Grandsons to whom John had disposed ye Estate passed before the Lords ag^t the Earle of Home a Compt and reckoning concluding a Declarator that ye £19800 was satisfied and payed by Intromission with the rents In which process the Lords by Interlocutor the 25 Jan^y 1699 found that the Earle's possession by virtue of the Contract 1681 could not make him compleat after coming of the annuity And found that the Earle was not obliged to surse his possession to the Decree 1643 only But that he might impute it to any right in his person and found that the Contract in the year 1682 is not ulitary And now Sir Patrick conceiving himself load repaid and in the in the reasons of Reduction following 1st That the clause in the contract 1681, providing that the rents to be received by the Earle should not be computed in payment of the said £19800, but only for the pay^t of the Rents of that Sum and of the current annuity by which the possession is declared to be for two causes and one of them to wit ye annuity having ceased by the death of the Earle w^{ch} heirs male of his body the corresponding possession must also cease and the Superplus rent be imputed in pay^t of the prior sum of £19800, or otherways the Earle continuing to possess the whole estate after one of the causes of his possession had ceased was grossly unjus^t contrary to the Laws by which all bargains for greater interest and profit for the less of money than the ordinary rate are declared Unlawy 2nd The Earle having accepted of the tithes of Auld-Cambus for £100 of the said annuity When the Annuity became extinct that £100 by the contract 1681 returned to John Stewart And yet the Earle still continued to possess these tithes and before obtaining his decree of possession in the 1643 did in the year 1648 grant a Discharge y^eof for 9 years preceding by which a great part of the £19800 was payed before the Earle came to possession And the it had been all resting yet the Decree of possession in the 1643 Decreeing the Earle to possess the whole rents for that sum when the other cause of his possession had ceased was expressly contrary to the Contract 1681 appointing his possession for both causes, and therefore intima^tly null And further Francis Stewart Sir Patrick's Grandson who then had right to the Estate by a disposition from his Mother was not called in the process whereon that Decree proceeds and therfor it was *res inter alios* ad^o as to him and Sir Patrick who now comes in his right 3rd The Decree freeing the Earle from being accountable for his hygonne Intromissions was most precipitantly extracted in so far as the last Interloc^y upon which it proceeds being past in the afternoon about sex minak at night the Decree the above 300 Sheets of Paper was extracted that same day by which Sir Patrick was precluded from any further application to the Lords for a Redress and y^efore Craved the said Decree pronounced by ye Lords of Session may be reduced and y^e he may be repound in integ^r ag^t the same.

Dalrymple answered that the Decree of the Lords of Session complained upon is most legally and well founded, and Sir Pat. has no title to pursue this action for Sir Pat Home of Berron who is the eldest broy^e son is heir of line to John & Francis Stewart and any right Sir Pat. has in ye pretended Disposition granted by his broy^e Sir Allen Home to him yet *ad jus* by a dependence before ye Lords of Session and it is a gross mistake that the Earle of Bathwell was desposed of the Abbacy of Coldingham in favour of his son John Stewart before the commission of the Crimes for which he was forfeit and that the said John Stewart was restored or *justis* and so had any right at all which did not depend on the E. of Homes for the truth is the E. of Home having obtained a Gift of the Earle of Bathwells forfeitures and John Stewart was therefor restored or *prois* had no other way to come to the estate of Coldingham than by a Transac^tion wth the Earle of Home ye Donator And therfor the 1st Contract was not made by way of Composition but upon five

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agreement was made prior to the Acts of Parliament 1621 in favour of John Stewart and w^{ch} Acts could never have been obtained in violation of the Earle's right without his concurrence And when the first Contract in the 1631 had failed by John Stewart not performing the E. of Home renews the Contract in the same terms in the 1633. By which Contracts the £2000 St: is payable in different moieties and likewise the £200 of annuity was to be paid to him as said is said it is provided That in case of failure of any of the moieties or annuity the Earle was to have repleyn to the possession as and while he were payed of the said sums *fructibus interest percipitis in annis non composuisti* which being the special condition and quality under which the E. of Home desides of his property He thereupon obtained in the year 1630 a Decree of repleyn to his possession for not pay^t of the last £1000 of the £4000, So y^e his plainly answered to the first reason of Reduction That the Earle of Home had another title of possession then the Contract 1631, and Decree in the 1643 following thereon And the by that Contract he is bound to renounce his possession Yet its in these words It is Possession by virtue of the Contract viz for the £1000 and the current annuity which did not prejudice his other rights by the former Contracts 1621 & 1643 and Decree of repleyn in the 1630 & he might possess by virtue of all or either of these rights as he thought fit And its clear that when the Earle first disposd his property he might adjust what qualities he pleased which are no harder then clauses irritant and resolutive in Feas and therfor in this Case cannot infer Usury which can only be where there is a Loan of money And this serves also to take off Sir Patrick's Second reason of Reduction founded on the pretended Intromission wth the lands of Ardchishness Because all that possession was after the Decree of Repleyn 1630 and so he was not accountable and it could never extinguish and next the pretended Discharge produced is granted by Sir Robert Douglas of Blackbarth with consent of the Earle of Home to the Countess of Home by which its evident since the Earle is only answerer That the duty was payed to Blackbarth for the Earle of Bothwell's Children And to the third reason of reduction its answered That as the Decree quarested was fully pronounced so it was fairly and warrantably extracted And its apperes from the date of it which is the 23 June and the date of the extracting which is the 28th July That Sir Patrick wrought by Petitions to the last moment and repeated with the same importunity and assurance the same things that had been several times repelled And when the Decree was twice or thrice ready to be extracted Sir Patrick by new applications proceared steps and at last a Hearing after he had protested for Scrolls and Scrolls had been offered him And it was no wonder that the Decree which was so often ready to go out was after a process of 40 years at last extracted You farther Sir Patrick having recently complained after strict examination the Lords were satisfied that there was nothing irregular or preposterous in Extracting the said Decree And last Sir Pat. pretend to withdraw his proofs the Earle repeats his proofs ag^t Sir Pat. for failing before Sir Paul's or y^e his appeal may be declared fallen And y^e the Parli^{mt} may adhere to ye Decree of ye Session and annull^e from ye appeal & reduction y^{on}.

Oranoke replied y^e ye Objection ag^t Sir Pat. title is a great Calumny seeing ye Estate of Coldingham belonged to his Grand-father John Stewart And Sir Patrick has right to ye same by disposition from his Cousin Francis Stewart John's grandchild who having no Children disposed his whole Estate to Sir Pat. But more particularly replied That the Earle of Home could not ascribe his possession to the Decree of repleyn for the £1000 St: in the year 1630. Because the Contract 1631 & Dec^{ree} y^{on} in the 1643, being the only title by virtue whereof he entered to possess he could not ascribe his possession to any o^r and he was in such a title to possess by virtue of ye Dec^{ree} 1643 because y^e was Reduction y^{on} of null^e wth 6 months after its date Next the Decree 1630 was prescribed now annuls & it and the Contract whereupon its pronounced was warrantable to allow the possession of an Estate of

25000 Stk yearly for £1000 St: for ye half sum in ye Con^t was but £4000 Sum. q^{uo}d £3000 was paid And by the Contract 1631 the Earle was expressly obliged upon pay^t of the £1000 and thereas y^{on} of renounce his possession And in the last place the £1000 Contained in the Decree 1630 was certainly payed as apperes by these evidences 1st a Tack art by the King to Sir William Dick of the Lands of Oakney The tack duty whereof for 5 years is assigned to John Stewart and his friends and the debts due to the E. of Home on the Estate of Coldingham is appointed to be payed in the first place out of them 2nd The Contract 1631 being posterior to the Decree 1630, if that £1000 St: had been then due it would certainly have been so expressed in y^e Contract 3rd By the Contract 1631 the E. was to renounce on pay^t of the £1000 Scots Reserving only his inheritance of annuity whereas if the £1000 St: had been then due it would have also been reserved 4th There is a Contract betwixt John Stewart & his friends in the 1633 and another in the 1635 proceeding on a Complaint and Backing and bearing that the first sum of £4000 St: was payed to the E. of Home 5th If the £1000 St: had been resting in Anno 1643 The E. would certainly have tyllied upon it as well as the Contract 1631 whereupon he then obtained the Decree of possession and 6th There a Disposition of the lands of Stithell granted by John Stewart with consent of the E. of Home bearing the price to have been payed at John Stewart's desire to the E. of Home and albeit the E. does not subscribe the disposition yet this Earle father after succeeding to the Estate simply renounces the same in the year 1639 which as effectually obliges him for the price as if he had sub^{sc} the said Disposition which bears the money to have been payed to him.

Daplys Namidh That its a mistake in fact That the Earle of Home entered in possession by virtue of the Decree of Repleyn in Anno 1643 For he did not obtain possession till 1644 And then having equal right to two titles of Repleyn viz the Decree 1630 & Decree 1643 and not having desired his mind by w^{ch} of them he obtained the possession It was lawful for him to ascribe the possession to both or either of them as he pleased And its absurd to pretend that the titles of a person possessing shall prescribe one annuls And it was certainly lawful for the E. without the danger of usury to denude himself of his own property under what conditions he thought fit as was done by ye Contracts 1621 & 1631 And as to the Earle's engagement to renounce upon pay^t of £10000. The former answer is opposed, That ha its only to renounce his possession by virtue of that Contract which no ways could prejudice his other rights And as to the prescriptive pay^t of y^e £1000 St: con^t in the Decree 1630 Its Duplyed That the tack and assignation of ye tack duty of Oakney & ye Contracts betwixt John Stewart and his friends upon which Sir Patrick would found this prescriptive pay^t are writes law also in which the E. had no concern And its of no moment That the Contract 1631 makes no mention of the £1000 Steline nor is it thereby annuls And that the Decree 1643 is not founded thereon Becaus its an upshot the E. having a Decree of Repleyn & Bond or o^r Security for that Sum and so there was no necessity to fulfil for any further Security by the Contract 1631. Whereas the bygone annuities being a dead stock and the E. having the opportunity to accumulate it by so applying John Stewart's friends had reason to enter into the Contract 1631 Besides the Argument turns as easily the other way for if the £10000 Scots was all that remained of the grant acceptd due to the Earle the time of the Contract 1631, it was but common Prudence so to have expressed it, which being omitted, strongly presumes, that Contract only concerns that sum and same, & was not for the Balance of the whole affair And as to the disposition of the lands of Stithell They were sold by John Stewart and his friends and Stithell's right completed by Charter and Salfice But because it had been first intended that the E. of Home should have been confeder, as ye Disposition narrates, and was to have received the money Therefore many years after that Stithell had enjoyed his lands and John Stewart had got the price And when the E.

of House who is named as Consenter to the disposition was dead his Successor was prevailed with generously and upon a narrative of inferring only loss and fines to grant a Remission of John Stewart's disposition to Stitches and consequently he and not the E. about the lands and received the money.

Edinb: 15 March 1707.

Her Majesties high Commissioner and the Estates having advised the within debt with the decret & oys' writs produced They adhere to the decent pronouncement in the within cause by the Lords of Session in favours of the Earle of Home and Advoyties from the process of redemptions at St Patrick House influence on his post for residence of Law.

SEAFIELD Cancellor. I. P. D. P.

EDM MARTH, MERCHANT.

RECOMMENDATION in favours of Robert Martine of Banburne.

To his Grace, Her Majesties High Commissioner, and Right Honourable the Estates of Parliament,
Robert Martine of Banburne, late Tacklesman of the Additional Island Excise in the Shire of Aberdeen, imposed by Act of Parliament 1693.

Humbly sheweth,

WHEREAS by my Petition preferred to your Grace, and the Honourable Estates, in anno 1705, I shewed, That where upon my Petition to the said Tack, I met with certain Discouragements and Difficulties, by reason of Edicts Printed and Published in that Shire, whereof I do only here take notice, for your Grace and Lordships Information, but without any design of Complaining upon the Makers thereof, by which Edicts declaring the three Pennys upon the Pint, to be no better then twenty Shilling upon the Bull, and discharging the Brewees of the Non-entries they had incurred, I was prejudiced to that degree in the Subject of my Tack, that I could not make up the Duty without my faithful Loth and Hole, which case being brought before the Lords of his Majesties Privy Council, Their Lordships did find that I had sustained the foresaid Damages, but thought fit to Advise the Commissioners of the Shire, and only to recommend it to their care to see the same made up, if possible, betwixt and the tenth of September then ensuing, which day was purposely set, that in case of my Disappointment in the Shire, which truly happened by reason of the change and break of Brewees, I might have my Recourse to the Parliament, which was then to meet the eighth of the said Month of September; which Recourse I accordingly made, and thereupon obtained an Act of Parliament dated the eighth of October 1696 years. Wherein having laid forth my Damages to the Parliaments Satisfaction, they Recommended me to the late King, for Separation of my Losses, in such way and manner as His Majesty in His Royal Bounty should think fit, as the said Act of Parliament herewith produced bears. Upon which Recommendations, and specially on this ground, that the principal Tacklesman had advanced, and Compted for the whole Tack-duty without any statement upon my said account, I having Petitioned His Majesty, obtained His Gracious Letter to the Lords of his Majesties Treasury, requiring them to Examine and take Trial of my said Losses, and to report, that His Majesty might signify His further Pleasure therein, as a double of the said Letter (whereof the Principal is in the Treasury) dated the first day of March 1699 years, bears; Which Letter being presented to their Lordships, they were pleased to Examine my Account of my Introdution with the said Excise, by which it appeared that I fell short of my Tack-duty, in the Sum of Ten Thousand Nine Hundred and Thirty Nine Pounds as my Loss: For which I was Recommended by the Parliament to His Majesty, and thereupon the said Lords of the Treasury found

that I had sustained Damages in the Prosecution of my said Tack, upon the Grounds mentioned in the Report. And therefore they did again lay my Losses before His Majesty, to be Repaired in such manner and way as His in His Royal Bounty should think fit, as their Report of the Date the Third day of April 1699 years, herewith produced, bears, Which Report being accordingly laid before His Majesty, and His Majesty being also informed that the Feed upon which the said Losses were sustained, was fully accepted for, and I left under Legal Diligence and Edicts, His Majesty by His second Letter dated the Nineteenth day of April 1701 years, thought fit to remit the Matter to the care of the Lords of the Treasury. Authorizing and requiring them to take such ways for my Satisfaction out of the Funds yet undispensed of, as might effectually operate my Relief, or in case that should not be done, that they should lay the Matter before the Parliament as a Deficience for the end above-mentioned, as a Copy of the said Letter (whereof the Principal is in the Treasury) herewith produced bears. Which Letter being likewise presented to their Lordships; They after Consideration thereof, and in Compliance with his Majesties pleasure, in respect there was no Fund undispensed of, out of which they could order my Relief, thought fit to lay my said Losses before the High and Honourable Court of Parliament, as a Deficience for the end foresaid, as the said Act of the Treasury of the date the first day of January 1701, herewith produced, testifies. Likens, in prosecution thereof, I did prepare my Representation for the Parliament that sat the said Month of January 1701, then by reason of the throng of publick Business, I could have no access to a Hearing, all private Business as is well known being then laid aside, so that now indeed is the first opportunity that I have had for laying my Case before the Estates of Parliament, with the foresaid Recommendations granted upon it.

And being your Grace and Lordships may plainly perceive how from the beginning, without the least fault or neglect upon my part, I did incur the said Damages, And that both the Lords of his Majesties Privy Council, and the Estates of Parliament, and the Lords of the Treasury upon the King's foresaid Letters, have again and again found that I ought to be Relieved thereof: It being evident that I was only subjected thereto, through my being Tacklesman of a Subject that fell short, notwithstanding of my utmost Diligence, for the Cause above represented, and it is further certain that the principal Tacklesman, to whom I and my Containers are inevitably liable, having payed up, and Compted for the whole Tack-duty, without any statement, in regard that before hand they had completed their Payments, this Burden that still lyes upon me is manifestly a Deficient Feed, which the Estates of Parliament can only make good according to the foresaid Recommendations, and which it is impossible for me to bear without being sunk and ruined. Which Petition being advised by your Grace, and Estates the 6th of September 1705, Declared ye would take the same to your Consideration, when the Parliament proceeded to the Funds for the Forces, and the Armies due to the Army.

The Union with England now proceeding, and 390000 lb. 10 Shil. Sterling being to be payed here for Defraying the publick Debt of the Kingdom, I humbly presume that the foresaid Sum of 10339 lb. due to me upon the Grounds foresaid, is a good and just Debt, and does naturally and rationally affect that Sum to be payed by England, by reason that the Fund of the Excise set to me, falling in so far deficient without my fault, and yet the Tack-duty payed up, and the Forces maintained, I am in the same Case, as if the like Value were due to the Forces, and so ought to have the same preference out of that Money to come from England, as the Forces themselves will have for their other Armies, and to be first payed because of my Advance, and unrepayable Charges in recovering thereof, with Interest from the time of Advance. And so the Liquors being now liable to the English Excise, the Duty thereof will so enlarge that this my former Advance will be no great burden. And seeing I am at

premit Farmer of the Estate of Aberdeen, and have no small Difficulty by reason of the Scarcity of Money to lift up the Tack-duty, and now and then to give some small Satisfaction to those from whom I borrowed the thousands Ten thousand Nine hundred Thirty Nine Pounds, whereof my Creditors still continue the Trust, in Consideration that as I continue Farmer of the Estate; Your Grace and Honourable Estates will allow me Retention thereof, that so I may give them Satisfaction.

May it therefore please your Grace, and Honourable Estates, seeing the forebaid sum Advenced by me, was for paying of the Army, to allow me Retention thereof in my own hands, out of the Estate of Liquors of the Shire of Aberdeen: Or if this cannot be spared at once, to allow me payment thereof, and of the Arrearages out of the Equivalent to come from England, and to Recommend me to the Commissioners to be appointed by Her Majesty for Distribution thereof, for that effect, and your Petitioner shall ever Pray.

Edinb: 17 March 1797.

Her Mosts high Commissioners and the estates of Parliit having heard this Petition: They review the Recommendations formerly granted and of new Recommends the Petitioner to her Mosts for expiations of his Losses in such way & manner as her Mosts in her royal bounty shall think fit.

SEAFIELD Cancellor. I. P. D. P.

RECOMMENDATION in favour of Sir George Hamilton of Tulliallan.

Unto His Grace, Her Majesty's High Commissioner, and the Right Honourable Estates of Parliament,
The Petition of Sir George Hamilton of Tulliallan.

Humbly Sheweth,

THAT your Petitioner having represented to the Estates of Parliament convened in August 1794, That there was owing to him, as General Receiver of the Funds of Supply and Inland Excise, and Pay-Master General of the Army, five years Salary, at Six Hundred Pound Sterl. yearly, conform to the Letters Patent granted by His late Majesty, and Expd under the Great Seal of this Kingdom. The Estates of Parliament then Assembled by their Deliberance of the 23 of August the said Year, remit to the Commissioners for Auditing the Publick Accounts, to consider my Claims, and Determine therein as they should find just.

Upon my Application to their Lordships, They did Consider my Claim; and their Report Page 8th. bears, That your Petitioner was appointed Comptrollor and General Receiver, by a Commission under the Great Seal, dated the 20th. of January 1691, with a Salary of 500 lib. Sterling per Annum, Which Commission does bears an Express Clause, That he should continue in the Office till it should be recalled, which did not happen till the beginning of the year 1697, whereby he has a just Claim to 5 years Salaries.

This part of the said Commissioners their Report relating to your Petitioner, being fallen in to be Considered before the last Session of Parliament, in the end of the Sederunt there is an Interlocutor of the Estates, recommending your Petitioner to the Lords of Her Majesty's Treasury, for Payment of what was due to him of bygone Salaries during the time of his Service, so be interested before their Lordships.

As to which, your Petitioner humbly begs leave to represent, That had he been then heard, he would have desired to the most Honourable the Estates of Parliament, as he now does, That his Claim was found just by the Report of the Commission for Publick Accounts, without Regard to the time of his Service; and the Ground their Lordships went upon, was, That your Petitioner's Letters Patent under the Great Seal, bore a Salary to be paid him Yearly, not restricting the same to the time of his Ser-

vise: but as while the said Letters Patent should be recalled by his late Majesty: And so it is, they were not recalled till the year 1697 (when the Lords of Treasury in the manner Employed other Persons in the General Receiver's and Pay-Master's Place) and therefore the Commission gave their Opinion, That the Petitioner's Claim was just during that time, whether he served or not.

The Petitioner repeats further, That the Report of the Commission ought to have been approved by the most Honourable the Estates of Parliament, because the same is agreeable to Law, and the Lords of Session their daily Practice, in as far as, that in all Processes relating to Advocates and other Persons Salaries for Services to be done, their Lordships do constantly Decree for bygone, till the Work continuing the same be recalled, whether the Services were done or not, providing the Persons, to whom the Salaries were due, were ready to perform the same; yea, even albeit they Employed others therein, which exactly quadrates with the Petitioner's Case.

There is yet something more singular in the Petitioner's Case, which makes the case most favorable, viz. he was, as is well known, the first Person that Engaged to make the Comptrollor of the Army Practicable, and which he did to the great Ease of the Country, which was formerly greatly harassed till that Method became effectual, and his Salary was established (with regard to what he did then undertake) till it should be recalled tho' he had not served the whole time.

May it therefore please your Grace and Lordships, to Reconsider this Matter, and not only to approve of the said Commissioners their Report, stating me a Creditor to the Publick, in the Terms thereof, but also, to Recommend me to Her Majesty for Paying in the way and manner, She in Her great Wisdom shall Judge most proper.

And your Petitioner shall ever pray.

Edinb: 17 March 1797.

Her Mosts high Commissioners and the estates of Parliit having heard this petition They Recommend the petitioner to her Mosts Royal and gracious confederence to doe in the matter within represented as her Mosts shall think fit.

SEAFIELD Cancellor. I. P. D. P.

RECOMMENDATION in favour of the Professors of the University of Edinburgh.

Unto his Grace her Majesties high Commissioner and the Right Honourable The Estates of Parliament

The Petition of the Professors of the University of Edinburgh

Humbly Sheweth

THAT the Salaries of the far greater part of your Grace and Lo. petitioners are less by one half than those of any other of the Professors in the rank of the Universities of this Kingdom and the number of their Students are of late much decreased by the encroachment that Gentlemen have to breed their fees in the Army and the small advantage they can propose by following Letters at home when all professors are so numerous that the one half can hardly make bread So that it cannot but be evident to your Grace and honourable Estates of Parliament who are so well acquainted with the present circumstances of the University of Edinburgh And also with the demands of all sorts of vivers & incident charges that your petitioners must be at by living here, That both our small Salaries which we are ashamed to mention and other encumbrances, cause for short of being a fixed whereupon we can live agreeable to our education and suitable to our profession For seeing that we are intrusted with the education of persons of the greatest quality in the Nation Your Grace and Lo. cannot but be convinced that all the care and pains that possibly we can be at in discharging of our duty towards

those intrusted to us can have but very small effect unless we be in a condition to live at such a rate in the world as may keep us from being disposed and falling into content. Which will be the necessary consequence of our being obliged to depend absolutely upon the Students for our bare subsistence.

We had not given your Grace and Love: the trouble of this our petition were it not that we are persuaded that the Magistrate and ten Council of Ed^b (of whose care and concern for us we are very sensible) are not in a condition to contribute any thing for our relief upon the account of the great debts and heavy burdens that at present they ly under: Whereas we are obliged out of meer necessity to apply to your Grace and honourable Estates of Parliament to whom other Universities as St Andrews having applied in the lyke case have obtained a reasonable relief: And we doubt not but such regard will be had to the Success of our endeavours for the advancement of Learning in this Kingdoms as that some method shall be laid down for enabling us to contribute more y^e than presently we can doe in our present circumstances.

May it y^e please your Grace and honourable Estates of Parliament to take this our petition to your serious consideration and in your Wisdoms find out some sure & effectual feed for Augmenting y^e petitioners salaries in times coming: That so we may be in a condition to live something more comfortable on our Station And may likewise be enabled better to discharge the trust that persons of all Ranks repose in us, that which they can be sure greater either in it's nature or consequences seeing that all nations doe see that the fate of every Society depends upon the Education of youth thereof.

And Your Petitioners shall ever pray.

Ed^b 17 March 1707.

Her Mities high Commissioner & the estates of Parli^t having heard and considered this petition with the grounds thereof doe find that the petitioners are not competently provided: And that both in justice and for the good and well of the University of Edinb^{urgh} and the honour of their native Professors they ought to be competently provided as the Professors in other Universities are And for that end doe most seriously Recommend them to her Mities care and favour that effectual course may be taken for seeking better and competent provisions upon them out of such funds as her Mities shall be pleased to appoint.

SEAFIELD Cancellor. L. P. D. P.

PROTECTION in favour of John Davie Beerer.

ANN By the Grace of God Queen of Great Britain France and Ireland Defender of the Faith to our Lovers

Meisnagers our Sheriffs in that part our^{ty} and sea^{ty} Specialle Constituite Greeting Forasmuch as It is humbly moved and Shewen to us by our Lovk John Davie Beerer in the Pleasants of Edin^b That q^d by several misfortunes his affairs were going to confusion and his Credit called in question he did immediately conven his Creditors and opened his condition unto y^e and befor perceiving he made over all his effects to them without reserving any thing to his poor family but q^d his Creditors should think fit of y^e own goodnesse to allow him in case y^e was no redemption after pay^t of the debts and amongst his o^r effects he has an considerable quantitie of victuall qth if sold at this tyme will yield us small payce but if manufactured by brewing will produce an considerable summe to the Creditors and they are so sensible of this y^e they have appoynted one factor for y^e end and have desired him to sell for him by his advece and o^r wayes hat the factor only to have the Incumbrances with the money yet

y^e are some of his Creditors who still refuse to trouble his person the he has disposed all as above and y^e his liberty in overleeking the breuerie until the victuall be manufactured will undoubtedly tend to the advantage of the Creditors as the for greatest part of them are convinced which cannot be remedied but by some protection to his person Whereas neither it is to the said John Davie Beerer in the Pleasants of Edinb^{urgh} To have warrant by our Commissioner and the said Estates of Parliament for detaching Summons at his instances for his Creditors aforementioned in manner and to the effect after specified Our Will is heires and we charge yow staadly and Command that inconsistent Thir our letters seen y^e p^{er} and in our name and authentic lawfulls summons warre and charge the said John Davie Beerer in the Pleasants of Edinb^{urgh} his Creditors aforementioned viz Collocl George Withart of Cliftonhall M^r John Menzies of Canbo Advocat William Cunningham tenant in West moines of Carington John Clerk in Hivemills Agents Waterhouse Helict of Ales^t Allan beerer in Poteraw George Stuart indweller in Fiesdents George Watson tailor in St Marywynd Katherine Handlyfyle relict of Dunsen M^r Milson tailor y^e James Thomson mer^t in Canongate James Hay mer^t in Ed^b John Watson mer^t y^e James Duglesht Wryner in Ed^b Mary Erskine relict of James Hair Drapst in Ed^b Nicol Livingstoun Cordner in Ed^b Elizabeth Fudge indweller in Ed^b Robert Drydale mer^t in Ed^b James Haiges tenant in Leabow Michael Allan mer^t in Ed^b Robert Pringle of Symington Patrick Campbell Wryner in Ed^b James Simen tenant in Brunston William Owens tenant in Rathhouse James Earle of Seafeld Lord High Chancellor of Scotland John Scott of Gibbithons Earle of Roxburgh Archibald Earle of Roxberry M^r Patrick Menzies relict of Rieady John Warrook servitor to y^e Laird of Barrook David Earle of Leven Ronald Campbell Wryner to y^e Signet Sir David Delrymple Advocat Sir Hugh Cunningham late Provost of Ed^b M^r William Johnston of Sheers M^r William Bayle Wryner in Ed^b Beils Fair indweller in Ed^b M^r James Ingles of St Lenards

Andersone baxter in Ed^b David Stoddart tenant in Edgfield Patrick Mathie tenant in Seintons mills William Handlyfyle tenant in Netherlie Mark Owens tenant in Enlloches William Bevan Sallier in Grange gate gyle Arthur Field vintner in Ed^b and Robert Hatten baxter there in manner following viz Such of them as are within the Town of Ed^b upon furtle eight houres warning and if also where within the Kingdoms (except in Orkney or Zetland) upon fifteen dayes warning and if in Orkney or Zetland upon furtle dayes warning all personally or at their Dwelling places and if furth of the Kingdom be upon proclamation at the next cruce of Ed^b and pore and shore of Leith upon sixtie dayes warning and y^e Tutors and Curators of each of y^e as are misers be open proclamation at the next cruce of

and o^r places needfull to Compare before us or our high Commissioner and Estates of Parli^t at Ed^b or q^d it shall happen them to be for the tyme the third day of March next to come if it be lawfull and following y^e of the next lawfull day y^e after with continuation of dayes To answer at the instances of the said John Davie Beerer in the Pleasants of Edinb^{urgh} in the matter underwritten That is to say the saids hait Creditors named and the Tutors and Curators of each of them as are misers for y^e relative Inlands to hear and see the said protection granted to the said John Davie Beerer in the Pleasants of Edinb^{urgh} for the Reasons and Causes following viz That M^r Davie did infantly after his being attacked by some Crims w^t diligence call his whait Creditors together and told y^e that he was satisfied to dispose and make over to y^e his whait Estate heritable and moveable for pay^t of their debts and y^e craved a Supercedere of Diligence for a short tyme All this was done and y^e Crims should consider upon the methods of y^e own pay^t out of his effects and accordingly he obtained a Supercedere for y^e most part Likens do facts he did dispose in favour of his Creditors his Estate herit^l & moveable what reserving one six pence to himselfe and this Disposition is publicly intimat and the

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Cribs were so far satisfied with the integrity and integrity of ye Debtor Mr Davis that they appointed a Committee of y^e selves for managing the effects disposed to be common behoove of ye Cribs who accordingly met and appointed a Factor who has found credit and is in possession for the Cribs behoove and Mr Davis doeth not meddle nor intromit with any thing and if it were not for the ignorance and willfulness of a few small Cribs that will not concur with the rest but threaten to go on in diligen-
 grace Mr Davis needed not to have troubled the High Court of Parliament for a protection. From all qth it is evident that a protection ought to be granted seeing he has disposed all his effects heritable and moveable and the imprisoning of his person can give no satisfaction to any Creditor except to satisfy their honour and that the factor viz. John Moodie who has found credit is actually in possession for the Creditors behoove and more especially seeing the effects disposed will in a short time fully at least very near satisfy the whole Creditors

and qth to be proposed and alleged at dissolving hereof and the said Creditors to give in y^e objections why the said protection should not be granted conforme to the said Act of Parli^a and daily practis in the lyke cases in all paynts and sicklyke to hear and see all necessar protestations led and deduced in the premises with Certificates to them if they fillie &c. according to Justice as ye will answer to us thereon. The which to doe we commit to you con^{ts} and sen^{ts} our full power be this our Letters deliver-
 ing y^e be ye duly execute and informed again to the bearer Given under our Signet at Edⁱⁿ the thirtieth second of January 1st viz^t and seven years end of our reign the fifth year.

By deliberation Dominus Parliamenti

5 Febr^y 1707.

At. Gihone.

Edinb: 17 March 1707.

Actor Gellie clerit absent.

Gellie represented that the Par^{ty} had cited his creditors in the termes of the Act of Parli^a and repeated the grounds of his Summons & craved a personall protection to the Par^{ty} in the terms of the lybell.

Her Ma^{ty} high Commissioner & the estates of Parli^a having adveysed the lybell. They grant a personall Protection to the Par^{ty} against the creditors mentioned in the execution for all civil debts due by the Par^{ty} to them and y^e for the space of seven years from the date hereof The Par^{ty} always assign-
 ing a disposit^{on} of his estate in favour of his Creditors cited before extract.

SEAFIELD Cancellar. L. P. D. P.

ACT in favour of John Henry Haguetan.

Unto His Grace, Her Majesties High Commissioner, And the Right Honourable, The Estates of Parliament, The Petition of John Henry Haguetan and Captains John Altkine his Factor,

Humbly Sheweth;

THAT where your Petitioner having formerly applied to your Grace, and Right honourable the Estates of Parliament, for a Protection to my Person and Effects, the same was granted as to all Debts not contracted to her Majesty's Subjects, or the Sub-
 jects of her Majesty's Allies, in manner and to endure conform to the deliverance upon my former Petition.

But the Person to whom I entrusted to give an account of the state of my Cafe did by mistake Represent that my retiring out of France, had happened in the Month of April, whereas the same happened in the Month of July 1705, and a great part of the hardships that were imposed upon me fell out in that year; And being the reason of the Protection granted in my favour in

founded upon these Hardships and my Retreat, I do most humbly again yet apply to your Grace and Lordships, that in place of the Month of April mentioned in your Grace and Lordships last Deliverance; I may have Protection for my Person and Effects, against my Creditors, for such Debts as were Contracted in the Month of July the said Year 1705; this mistake being the only thing that has hindered me before this time, to Transport my self into Scotland.

May it therefore please your Grace, and the Right Honourable the Estates of Parliament, to allow me Protection against all Creditors, for Debts Contracted before the foresaid last day of July 1705; under the Exceptions and Provisions mentioned in the former Deliverance.

And your Petitioner shall ever Pray.

Jo: Altkine.

Edⁱⁿ March 17, 1707.

Her Majesties High Commissioner And the Estates of Parliam^t having heard this petiti^{on} They allow the petiti^{on} Protection agst all creditors for debts contracted before the last day of July 1st viz^t & five years under the excepti^{ons} & provisions insert^{ed} in the former deliverance of Parliam^t in favour of the petiti^{on}.

SEAFIELD Cancellar. L. P. D. P.

RECOMMENDATION in favour of Sir Robert Blackwood James Nairn William Nelson & several other owners of the Ship the St Andrew.

Unto his Grace Her Majesties high Commissioner, and the honourable Estates of Parliament, Sir Robert Blackwood late Dean of Guild, James Nairn prebent Ballie, William Nelson prebent Dean of Guild, Alexander Baird late Ballie, William Jeffrey late Thesaurer, Gavin Finlason, Robert Forreth, Patrick Crawford, Samuel Chalmers, Ralph Charters, James Marjorybanks, Charles Charters, all Owners of the Ship St. Andrew and her Cargo,

Humbly Sheweth,

THAT the Ship St. Andrew, belonging to your Petitioners, whereof Charles Charters was Commander, being fully laden with Wine and other Commodities, and plying her Voyage homeward to Leith was seized by a Middleburgh Privateer in the Month of April 1706 and adjudged Prize: and she and her Cargo, to the Value of 20500 Sterk disposed of, upon this single account, That the Ship called Catharine, loaded with Catrine, belonging to was seized upon by Captains Gordon, and Adjudged prize, and her Cargo disposed upon. And albeit her Maie wrote to the Lords of Thesurie to reimburse the owners, which not being duly answered, They adjudged your Petitioners Ship the St. Andrew and Cargo, in repayment hereof of *Dequantum Justitiae*, which sentence of theirs not proceeding from any fact or fault of ours, but upon the publick account, it is hard for us to bear this loss who had no hand in adjudging the said ship Catharine, nor got any share of her or Cargo, the same being applied to the publick use.

May it therefore please your Grace and Honourable Estates to order the repayment to us, of the foresaid sum of 20500 lb. Sterk as the full value of the said ship and Cargo taken from us by seizure, as said is, and to recommend us to the Lords of Her Majesties Thesurie for that effect, And your Petitioners shall ever pray.

Edⁱⁿ March 17, 1707.

Her Majesties High Commissioner & the Estates of Parliam^t having heard this petiti^{on} They Recommend the case of the petitioners to Her Majesties confidance.

SEAFIELD Cancellar. L. P. D. P.

PROTECTION in favour of Alexander Colvill of Kincairdie.

ANN By the Grace of God Queen of Great Brittain France and Ireland Defender of the faith To our Lords

Messengers our Shériffs in that part coillie and ffallie specially Constitute Greeting Forasmuch as it is humbly remaned and shewn to us be our Lovit Alexander Colvill of Kincairdie that he being engaged in severall great and considerable bargains of victuall by which he sustained very great losse and being necessitate to trust out the greatest part of his stock in the hands of severall brewers and other tradizzen from whom he hath great difficulty to recover the same, his Creditors in the mean tyme being thereby disappointed of y^e payment have not only used diligence against his forsaue that designe to divert his person which keeps him under such a restraint as renders him altogether incapable of doing any thing for their advantage whereas if the Compt were at full liberty he would direct and shift his Creditors in the recovering of many considerable debts due to him which now are like to be lost And the said Compt being willing to dispense his whole effects to his Creditors and to be settling in the recovering y^e out of his d-bitties hands which he cannot doe without a personall protectione to his person for some short tyme to that effect Wherefore necessary it is to the said Alexander Colvill of Kincairdie to have warrant by our Commission and the Estates of Parliament for diverting Sumsunda at his instance for Chusing his Creditors aforementioned in manner and to the effect afterspecified Our Will is heirores and we Charge you strictly and Command that Incontinent this our letters seen ye pass and in our name and authority lawfully furnished wome and charge the said Alexander Colvill of Kincairdie his Creditors afterment^d viz. [James] Earle of Southack George Drummond of Blair M^r Andrew Lumfaine minister Sir David Cunningham of Milnroig advocate M^r Thomas Buchan advocat Major Henry Bullock of Dumbage James Taylour wryter to the Signet James Dundas wryter in Ed^t M^r David Drummond treasurer to the bank Lord Strathmore Sir William Calderwood advocate Henry Guild wryter in Ed^t Charles Mitchell wryter there Sir George Nicolson of Keresney Malcolm McCulloch Skipper in Leith Alex^d Colvill of Blair Sir Patrick Murray of Auchtermartyre Thomas Beaton of Tarbet Colvill Lady Balfie M^r John Dalgleish minister Seson of Lath-
veth Warden of Eatherney M^r Alex^d Farquhar Wryter to the Signet, John Farquhar of Kilkross, Andrew Ker of Kippilaw Wryter to her Maties Signet, James Smith law baillie of St Andrews now met^d in Ed^t Even McGrigor met^d in Leith, William Neekle Skipper ther Sir Robert Blackwood late Dean of Gild of Ed^t, Patrick Stewart met^d there, and William Hamilton Wryter ther Sir Robert Douglas of Glenharye, M^r John Tilduph Minister at Dumbarnie in manner following viz. each of them as are within the toun of Edinburgh upon forty eight hours warning And if alle where within the kingdome (except in Orkney and Zetland) upon fifteen days warning And if in Orkney or Zetland upon forty days warning all person-
ally or at their dwelling places And if furth of the kingdome open proclamations at the market Croft of Ed^t pear and thour of Leith upon forty days warning And the Tutors and Curators of such of them as are minors be open proclamations at the Mercat Croft of
and other places needfull to compare before us or our High Commissioner and Estates of Parli^t at Edinburgh or where it fall happen them to be for the tyme the day of
next to come if it be lawfull And fulfilling thereof the next lawfull day thereafter with Continuance of dayes To answer at the instance of the said Alexander Colvill of Kincairdie in the matter underwritten That is to say The said Creditors abovesaid and the Tutors and Curators of such of them as are minors for their relative interests To hear and

for the said protectione granted to the said Alexander Colvill of Kincairdie for the reasons and causes following, viz.

and others to be proposed and alledged at discussing hereof And the s^d Creditors to give in their objections why the s^d protectione should not be Granted conforme to the said Act of Parli^t and daylie practis in the lyke cases in all points And likewise to hear and for all needfull probatione led and deduced in the premiss with Certificates to them if they faillie &c. according to Justice as ye will answer to us thereon The while to doe wee Commit to you coillie and ffallie as said is Our full power be this our letters delaying them be yow duly execute and satisfied again to the hearer Given under our signet at Ed^t the third day of March and of our reigne the fifth year 1707.

Ex Deliberatione Dominorum Parliamenti

4 March 1707.

AL Gibbons.

Edinb. 17, March 1707.

Acter Pringle also

Pringle for the par^t represented y^e he had cited his creditors in the terms of the act of Parli^t and did report the grounds of his Sumsunda & craved a personall protectione ag^t his creditors mentioned in the executi^one conforme to his libell.

Her Ma^{ty} high Commissioner & the Estates of Parli^t having advised the Lybell They grant personall protectione to the par^t ag^t his creditors mentioned in the executi^one for all civil debts due by the par^t to y^e and y^e for the space of seven years from the date hereof The par^t always continuing a disposi^one of his estate in favour of his creditors cited before extract.

SEAFIELD Camellar. I. P. D. P.

PETITION of the Royal College of Physicians Edinburgh.

To his Grace Her Majesty's High Commissioner, And the High and Honourable Estates of Parliament,
The Petition of the Royal College of Physicians in Edinburgh,

Sheweth,

THAT your Petitioners understanding, there was an Overture for an Act presented the last Parliament of Parliament, not only Ratifying and Confirming the Rights and Privileges of the Chirurgeons and Apothecaries in Edinburgh; but also Statuting and Declaring, That hereafter there shall be no reliance upon the Licenses of being served by the said Chirurgeons and Apothecaries, in Medicines, without calling Physicians, when the Impleaders refuse to call any; and the prohibiting and discharging the Profession of the said Chirurgeons and Apothecaries on the Forfeited Account, and that the said Act got a first Reading by order of the House.

Your Petitioners being sensible, that this is not only Derogatory to our Rights and Privileges establish'd by Law, but that otherways it may prove of dangerous and pernicious Consequences to the Lieges; we doubt nothing, but upon a true Information to his Grace and the Honourable House, of these our Rights, and these other Inconveniences that may ensue, the Honourable House will be very tender in passing such an Act.

And therefore we presume with all Respect, to Inform your Grace and the Honourable House, that by Letters Patent under the great Seal, in anno 1651, your Petitioners were Erected into a Legal Incorporate Body, under the Name of the ROYAL COLLEGE OF PHYSICIANS IN EDINBURGH, (which was afterwards Ratified and Confirmed in Parliament) and amongst other Rights and Privileges granted to us, we are specially Impowred to make Rules, Acts and Statutes, for improving and advancing of

the knowledge of Medicine, and of regulating the Practice thereof, and for the good Government, Order, Bailing and Correction of the said College and Community, and of all Men practicing and exercising the said Faculty, within the City of Edinburgh and Suburbs thereof: And such was the care taken, that every Implemēt should be preferred in its due Bounds: It is expressly provided and declared in the said Letters Patent, that the Apothecary Chirurgeons of Edinburgh, are notwithstanding of the same, to have the Liberty of Curing all sorts of Wounds, Bruises, Fractures, Dislocations, Contusions, Tumours, and Ulcers, and such like, being the Subject of Chirurgical Operations, and Accidents arising thereupon alienarily; but that they shall not have the Cure of any Diseases that are originally Internal, which are only to be performed by prescription and direction of the Physicians of the said College: And further, that no Person within the City, Suburbs and Liberties, may or shall have power to Practice and Exercise the said Faculty of Medicine, unless he be admitted to the same, by the said College. And then there are enjoined these methods for the more expedite Execution of these Rights granted to the Royal College; with power likewise to the President of the said College, and Censurers nominate by them, so oft as they shall find cause, to Visit all Shops and Chambers within the City of Edinburgh, and Privileges thereof, where any Drugs and Medicaments are to be sold, to see that the same be Fresh, Good, and Wholesome, with power to them to call out to the publick Streets, or deliver facts as are Infufficient or Corrupt, &c.

And as these Letters Patent were not obtained by any Subscription, but after the same had been fully agitated in Scotland, commensurate to those of his Majesty's Privy Council, publick and known to all Persons that might have any Interest to oppose, so it was following the laudable Practice of our Neighbouring Nation and other Countries, who are desirous to keep these Implemēts distinct, every one within its own limits and bounds.

It is needful to trouble your Grace and the Honourable House, with a repetition at large of the Steps that has followed the Erection of this College, but only to Inform you, that *thenceforth* is the Year 1684, the Lords of Council and Session by their Decree *in fero*, after a contentious Debate, did separate the two Implemēts of Chirurgery and Pharmacy, distinctly setting down, what is competent to each, and expressly Decreeing and Declaring, That albeit Chirurgeons may buy and sell Simples, as any Druggist or Merchant may do, and Compound such Drugs as are necessary for Chirurgical and external Applications, yet that they cannot Compound any Medicaments to be taken Internally by the Mouth. And the College of Physicians being fully Established, have not only been in use to keep their constant Meetings in order to try and advise Physicians, and prescribe the good and necessary Rules for the practice of Physick, but specially have been in the practice of Confuting and Debarring unuse Practises, and particularly with respect to the deceased George Stirling, who after he had defended the Senseless and Ordinances of the College of Physicians against him in all the Debate before the Lords of Session, did not offer to impugn the Rights of the College, in debarring all unuse Practises, but only contended upon these Informality with respect to the forming interfering Jurisdiction betwixt the College and Town, and that his Practice had been only the use of external Application. And the first Point being discuss'd, he was sent back to the Royal College, as to the second. And yet after all it must be acknowledged, that the College have used their Power with that Moderation and Discretion, and particularly with respect to the Chirurgeons, that it is admir'd any fact Act should have been prevented, and this Liberty of the College will appear by the following Overture given in by the College to her Majesty's Advocate (on a present depending Process) objected to this Paper. As to the Act preventing we humbly conceive, that altho the same has got a first Reading, yet it is still but an Overture that may be excepted against, and therefore we presume that the Honourable House, being informed of our Rights and

Privileges legally Established, Ratified and Confirmed in Parliament, and Judgment given in the Courts of Judicature in the foot thereof, they will be far from passing any Act that may derogate to these Rights: And indeed if this Act were pass'd, it were a plain overturning of the said Letters Patent, with all that has followed thereupon; for however it be conceived in Terms, as if it were an Act not in favour of the Chirurgeons, but taking off any restraint upon the Ledges, which has the show of a plausible Pretext, yet in effect it is a down right making the whole Chirurgeons in Edinburgh Physicians; for who does not see? That the allowing the Ledges to be served by the Chirurgeons of Edinburgh in Medicines without calling Physicians, is not a little much as to say, the Chirurgeons may practise Physick, and the adjecting of the Quality, when the Impleyers refuse to call any, is but a meer sham, and to give a colour to what is otherwise design'd; for this pretext shall on every occasion easily be found. And then the discharging of the Protection of Chirurgeons and Apothecaries, is taking the very form from our Patent, by which alone it can be held: And in effect we must say, that that Moment this Act is pass'd, our Patent and Rights fall to the ground, and draws this necessary Consequence, that we are no more Judges, of the efficacy and beneficialness of the Drugs and Medicaments, seeing Chirurgeons shall have the full freedom of giving them inwardly as they think fit.

It would be reckoned untimely in us, to advance our own personal qualifications, in the knowledge and practice of our Implemēt. But this shall be allowed to be said, that the manner of our Education scarcely fits us, for a more exact Capacity in these matters, (yes we may say to the only Capacity) than the Chirurgeons: their Employment is but a part of Physick, as both the Patent and Decree of the Lords have very well Distinguished them; why then should they grasp at more than their Education has furnished them to? It is known, that the serving of an Apprentiship in Edinburgh to any Chirurgeon, the refusing of the Indentures which Capacitate the Apprentice to be Burgeis, with a Tryal in Chirurgery, but not in Physick does immediately Capacitate this Apprentice to be a Chirurgeon, and by this Overture of an Act now presented, he shall become as good as a Graduate Physician.

Your Grace and the Honourable House would be Informed, that this should be a great Discontentment to us, and to all others who are prosecuting the Study of Physick, to spend our Time and Money at Home and Abroad, in qualifying our selves for this Implemēt, by attaining whereof, the knowledge of other Sciences are necessarily concomitant.

We cannot think, that this can arise from any hardship, the Ledges can suffer, through the Privileges that were Granted to us by the said Letters Patent, and we are abundantly satisfied, that it does not proceed from any of the Ledges disinterested; for we are sure, our practice has been a little *hardness* since, as before the obtaining of the Patent, but that it only proceeds from the aspiring Spirits of the Chirurgeons of Edinburgh, not contented to Live within their own Sphere. Which appears by their procuring a late Patent over Ten several Shires, in which they have Exerced their Authority to that degree, that they have Fined and Harassed several People, for letting of Blood in Country Places, and amongst poor Country People; and even came to that height, as to Summon a Graduate Doctor for letting of Blood, where he found an absolute necessity so to do. And by the by, it would be noticed, that if it be only the Liberty to the Ledges that is pretended, why should not the Act be conceived indistinctly, that the Ledges should have the full liberty of being Served in Surgery and Pharmacy by any they please to chuse, which were as reasonable as the other, but the Chirurgeons they see to their own Interest in that, and open a liberty to the Ledges, but still restricted to the Chirurgeons.

We shall only further trouble your Grace and the Honourable House with this particular, that our Erection into a Society, has made us capable to perform a most universal and charitable Deed,

which is that by our Rules, two Physicians are appointed to attend weekly at our publick Hall so many Hours, to wait upon poor People whose cases they consider, and give their Advice and Receipts gratis; So that numbers flock to us Weekly, and would nothing for completing such an universal Benefit, but the establishing a way for furnishing these poor People either gratis, or at least much easier with Medicaments and Druggs, which we are in hopes to effect, and to which the Chirurgeons and Apothecaries if they please might contribute very much, to which this Act would infinitely put a stop, as to all other good purposes already done, and further intended by your Petitioners, not to mention the advancement of Learning by Dissections on several subjects at our publick Meetings.

In Respect of all which, it is humbly expected your Grace and the Honourable House will be tender of your Petitioners Rights and Reputation, and not pass an Act that will be derogatory to both, Overturn what was formerly most deliberately done, and discontinue to the practice of our Neighbouring and other Nations, while the Chirurgeons are no ways needed, but retain entire all their Rights and Privileges, and enjoy a most lucrative Employment, without the necessity of encroaching upon another. And if any Difficulty remain with your Grace or Honourable Estates of Parliament, that your Petitioners may be heard by their Lawyers, and have time to produce their Papers and Rights.

Follows the Overture;

Upon the Callings making the following or such an Act the College offered to Discharge all Procedure at their Instance, proceeding the Date of the said Act, and that the Perfor Purse should have his Fine remitted upon giving his Pledge.

The Calling taking into their Consideration, the many Complaints made by the Royal College of Physicians against several Persons andly Practising Medicine, which Legally does belong to the said Royal College do themselves for Cultivating a good Correspondence with the Royal College; hereby Declare, that if in time coming, any of the Calling shall take upon them to Practice Medicine, except in cases of Necessity and Charity, that they shall undergo the Censure of the Calling, and be left without the Interposing of the said Calling, to such Legal Prosecutions as the said Royal College shall think meet.

ACT in favour of William Cochran of Ferguile.

To his Grace Her Majesties High Commissioners and the High and Honourable Estates of Parliament

The Petition of William Cochran of Ferguile testator of the two poles Imposed in the Session of Parliament 1698 Humbly Sheweth

THAT ther being a Commission appointed by the Act of the first Session of this Current Parliament to Inquire into the publick funds and to Report to the Parliament: The said Commission having made a Report in relation to the said two Poles whereof your petitioner was Tackman It pleased the honourable house to remit back to the said Commission to enquire further into that article of your petitioners Discharge about the books not being Returned in due time from the several Shyres what damages I had sustained and what amount I should have Accordingly the Commission having proceeded Appointed me to pay in the sume of 7200 lb Scots besides the payments I had made formerly by virtue of precepts from the Thesaurer which I accordingly did And the Commission gave the opinion that all execution should stop for the Balance of the tack due till the honourable house should Determine therein.

Besides the said Articles of Defaultation, by reason of the not due Returning of the books, there were of legal deductions Claimed by me but the Commission did not think themselves

Impowered to proceed to the Consideration y^e of in respect of the former Report of Parliament which seemed to be speciall as to the article of not returning the books. However the Commission having taken a view of the other legal deductions they gave it as their opinion That the same deserved his Grace and the Honourable house their consideration.

I will not trouble your Grace and the honourable house with a deduction of the particular legal defaultations, nor of that which the Commission had chiefly under their consideration The same being fully contained in a memoriall spirit, given in the last Session of Parliament and lying in the Clerks hands when your petitioner expected to have had the said difficult Containing lykways verbatim the Commissions Report not Doubting but the said memoriall will give your Grace and the honourable house a full view of the State of that affair with the Remembrance of the Deductions claimed And that it plainly appears to be the Commissions opinion all further execution should stop and that I should be Discharged of the Remainder of the tack due: And therfor shall only now Represent That of a tack date of 20100 pounds Sterling I have payed 17000 lb Scots by precepts from the Thesaurer; As lykways that I have payed the 7200 lb Scots feeder ordered by the Commission And thus considering the great Difficulties I met with in upholding the said Pole: the stopes and hindrances from time to time by reason of some uncleships in the acts of Parliament and Proclamations of Council, and the long depending process before the Privy Council wherein several parties of all Characters and Degrees were concerned, not yet Difficult altho y^e was a particular Report of a Committee of Council in my favour whereof a Double is lykways submitted to the said memoriall And the great loss I sustained the not duly returning of the books as was obvious to the Commission which of it self, without the other Deductions is more than sufficient to Compence what yet Remains in my hand. All which are more fully held forth in the said memoriall spirit And that I have been obliged to a tedious and expensive attendance before the several Sessions of Parliament And to Run up all that the Commission who have proceeded very exactly in their Inquiry thought it equitable to Distress me no farther than for the 7200 lb Scots plainly insinuating thereby to your Grace and the honourable house that it would be a hardship upon me to have any thing further exacted. Upon all these Considerations It is humbly conceived your Grace and the honourable house will think fit to Discharge me as you have already all others concerned in the publick funds.

May it therfor please your Grace and the honourable house to take the Commissions Report to your Consideration together with the Memoriall spirit containing the Articles of deduction And to Declare, That I have made full satisfaction of all that can be Claimed of the said Tack due And so Discharge the same and all further execution thereupon And your petitioner shall ever pray.

Ed 17 March 1797.

Her Majesties high Commissioner and the Estates of Parliament having Considered this petition They declare That the petitioner has made full satisfaction of all that can be claimed of the within tack due And Discharge the same and all further Execution thereupon without prejudice to the claim of Colonnell M'GILL and his executors agt the said petitioner And declare that all persons subject to and liable in the Poles imposed by the within act of Parliament are to be hereafter free y^e of And of all process and action y^e of in time coming.

SEAFIELD Cancellor. L. P. D. P.

212 MARTIN, M.DCC.VII.

REMIT to the Exchequer in favour of Robert Preston of that ilk & others.

Unto his Grace James Duke of Queensberry Her Majesties high Commissioner, And to the Right Honourable Estates of Parliament

The Petition of Robert Preston of that ilk and partners Subtackmen of the Shires of Haddington, Berwick, Roxburgh, Fife and Perth: And John Chryste writer in Ed^o and partners Subtackmen of Earle of the Shires of Stirling Banff Elgin and Nairn

Sheweth

THAT in March 1704, Wee did take from the principall tackmen of the inland Excise Subtacks of the foresaied Shires containing this clause, as all publick Tacks do; That in case of war famine or pestilence the same was to become null.

Tho' wee cannot complain of a famine or visitail in the Kingdoms Yet since the taking, and during the currency of our Subtacks, there is a great alteration of the Subject of that excise, which has the same effect as famine wold have upon that Subject; And therfor in reason ought to have the same legal consequences, whereby our tacks, as other publick tacks, wold be turned into a Collection, or otherways we wold be relieved by one statement unforable to our damage.

The great alteration in the Subject of the excise, whereof wee complain is the Scarcity of maulle: the only instrument by which trade can circulate, or the Excise arise, and whereof the Scarcity is so notorius as to need no proof: we are the Cause less obvious; for, not to mention the great decay of trade, It is well known That after our tack the Credit of the Bank of Scotland fell'd, Which occasioned an Intire Stagnation of the circulation of money or even so much as credit for a great while, And the Condition of the Country is such, that there is not so much money in the hands of the Brewers as wold pay the duties of excise ordinarily arising within these Shires, nor could the little which they have be recovered without military execution and distressing the poor in so cruel a manner as might have other dangerous consequences, And Quartering now only serves to convert the Subject out of which the excise shd be to be paid.

And besides the Scarcity of maulle Wee further represent That the extraordinary quantities of wine and brandy Imported upon apprehension of its being discharged the last Session of Parliament And the prohibitions by the Parliament of England which raised the border and Sea-coast trade which is the bounds of our districts; And which has all occurred since the taking, and during the Currency of our tacks, has Intirely Ruined the Consumpt of maulled liquors For the same reasons it is That not only a great many of the Brewers have given over brewing but the bulk of the citizen people have fallen upon new Inventions to Supply the want of want which strictly destroys the fund of the excise As, for instance; The Exchanging of a certain quantity of dry beer for a quantity of the like value of ale, Or to brew by turns, And drink gravis in one anothers heeles to shun payment of Excise.

Besides the falling of the Subject of the Excise itself, Wee do presume most humbly to lay before your Grace and Honourable Estates another reason, why wee ought in justice to be relieved, to wit, by the nature of our tacks, Wee are not only to have the protection of the Government, but there are certain implied Conditions which ought to be observed, without which the excise can never be collected; And particularly the Commissioners of Supply within the native Shires, are bound by law and custom to Convene at the head burgh of the several Shires, and were particularly required by an Act of Council to Convene upon the second and third Tuesdays of May 1704. And after design-

ing of places where the Excise offices should be kept, two of the said Commissioners are appointed to attend there the first Tuesday of every month thereafter, for receiving of entries from the brewers or surrayers and to determine all controversies between the takers and brewers, With certification such of them to pay 100 lb nair prior for each days absence; And where these rules have not been observed, It's certain it was impossible Wee could so much as come to the possession of the Subject of our tack, But so it is That most of the Commissioners of Supply in our several districts, did refuse to meet, altho they were duly required not only by letters, but by solemn Infrimments herewith given in, notwithstanding the act of Council declare the publishing thereof sufficient without further Certification, whereby it happened That the fundamental condition of the tack from whence the obligation of payment arises, falged to our prejudice, since it was impossible for us to break or posses the subject, without concurrence of and protection from the government.

Wee might also further Represent how hard it was for us to prosecute the nobility and gentry in these Shires for their feild neglect; Especially since it is too plain they have proceeded in this matter because of the extraordinary Scarcity of maulle and decay of trade and importation of foreign liquors which obliged them to afe caution with the poor people in these Countries.

And Lastlie the decay of trade betwixt the two Kingdoms of Scotland and England which has fallen out during the currency and since the Commencing of our Subtacks has been a great impiment to the Consumpt of mauld liquors upon the Borders, In so much as the towns of Eymouth, Dunfer, Coldstream, Kelso, Jedburgh, Selkirk, Hawick and Cuthbert, scarcely pay two thirds of Excise they were in aite to pay the very year proceeding our Subtack as is very well known to several members of this honourable Parliament.

This being plainly and ingenuously the deplorable State of the Country, and our Cafe, And that by what is above represented a famine of maulle is demonstrable which being the only current Specie in which we are obliged to pay our tack duty Wee with all Submission Conceive our selves to be in the termes of the Clause of our tacks, declaring them null in case of war, famine &c. And so ought to be freed of the same, and only appointed to exempt for the Subject as Collectors, since wee offer to expose our books upon oath And (allowing our newfor Charges) Wee are satisfied to Commensurate to the principall tackmen all wee have collected.

May it therfor please your Grace and Hon^o Estates of Par-
liament To free and relieve your petitioners of our native Subtacks And appoint us to exempt as Collectors upon our making faithful account and payment of our intrusions, which will save us from being untirely ruined upon Continuance we could not ferre, Or if your Grace and Hon^o Estates shall not have time to examine our circumstances to Recommend us to the Lords of her Maj^{ty}s Treasury, or any Committee of Parliament to take in the accounts of our intrusions and diligence With power and recommendation to them to grant as shewments conform to our losses, And in the mean time to Stop all diligence against your petitioners for our deficiencies or such other part as your Grace and Hon^o Estates shall think fit.

And your petitioners shall ever pray.

Ed^o March 19, 1707.

Her Majestys High Commissioner and the Estates of Parliament having heard this petition They hereby Recommend the oisne of the Petitioners to the Lords of her Majestys Treasury with power to them to determine therein as they shall find just.

SEAFIELD Cancellar I. P. D. P.

ACT in favour of the Earl of Crawford.

To his Grace her Most high Commissioner and the Right Honourable The Estates of Parliament:
The Petitioners of John Earle of Crawford

Humbly Sheweth

THAT by an act of the Court of Directors of the African Company the deceased Major John Lindley was provided to a yearly Summe of Two hundredth and fifty pounds Sterling, which after his Death was certainly a debt upon the Company and I having right to all the effects belonging to the said deceased Major John Lindley by obligeations contained in his last will and testament Doe with all satisfaction Judge this my interest secured with the rest of the Debts of the said Company.

May it therefore please your Grace & the honourable Estates of Parliament to consider my well founded Claim of the said Two hundredth and fifty pounds Sterling and to order thereon to as I may be effectually payed of the same.

Crawford.

Edinb: 10 March 1707.

Her Most high Commissioner and the Estates of Parlt having heard this petition They grant to the petitioner all such of the remainder exchequer of the companies dead stock over & above the fiftyten hundredth seventy seven pound eleven shill Sterling already disposed on & distribute by former orders of the Parlt & Council as will pay the petitioner the within summe of Two hundredth & fifty pound Sterling.

SEAFIELD Cancellor. L. P. D. P.

ACT in favour of the Relict of Captain Bailie.

Unto his Grace Her Majesties high Commissioner And the Right Honourable Estates of Parliament

The Petitioners of Margaret Bowden Relict of Captain John Bailie son to ye Laird of Littlegill

Humbly Sheweth

THAT my said deceased husband served as a Lieutenant in Collewell Buchans Regiment both at home and abroad untill the said Regiment was broke in Flanders in anno 1697 and in the year 1698 went with the Ruying Son as one Captain and over-seer to the Darien Settlement and dyed in the place Feb^r 1703 And being but lately married to me before he went from this place He was provided by me and my friends with money and other Effects, which I never Got any Return of, nor ever had any thing by him, And likewise I had the misfortune to lose my brother James Bowden and all his Effects which were considerable, in the said Expedition.

May it therefore please your Grace and the Right Honourable Estates to Consider my circumstantial case and to Grant me such allowance as your Lordships shall think fit, for Re-paring in some measure the great Loss I sustained through the former Expedition and your petitioner shall ever pray.

Ed^b: 19 March 1707.

Her Majesties high Commissioner & the Estates of Parliament having Considered this bill They Grant to the petitioners what summes and exchequer there shall be of the dead stock of the African & Indian Company over and above the fifteen hundredth seventy seven pound eleven shilling Sterling already disposed on and distribute by former orders of Parliament & Council And the Summe of two hundred and fifty pound Sterling Ordered to be payed to the Earle of Crawford not exceeding one hundred pound Sterling.

SEAFIELD Cancellor. L. P. D. P.

AND MARTIN, WIDCOW.

ACT in favour of James Hamilton of Oikensleugh.

Unto His Grace Her Majesties high Commissioner, and the Right Honourable the Estates of Parliament,
The Petition of James Hamilton eldest lawful Son to the deceased John Hamilton of Oikensleugh,

Humbly Sheweth,

THAT where at my fathers decease anno 1703, I was left defenceless, without Tutor, a boy of twelve years old; and that through my own weakness, and my friends neglect, or indifference; I was not served air to my father *own longish fowertie*, within the year and day prescribed by law: By which neglect I am now under the inconvenience of being maintained in a nursery, by my superior the Earle of Selkirk; and tho my mother since my fathers decease, has employed what money she could command, and even her own Joynture, towards the satisfaction of the most pressing Claims; yet there are still more of them unpaid than my Credit (who am as yet minor) could satisfy; and so I dare not subject my personal Liberty to their mercy: Besides there are *not* funds due to my decent father, which ly mortified and will perish for want of one active title to pursue them; And particularly there is a sale depending at *McMormon* of Glasgow, where my father is a Cred for upwards of 10000 lb: and some other Claims *q^d* might be brought to good account. And seeing your Grace and Lordships have disposed with the time of making up one Inventory in the cases of the Earle of Buchan and the Earle of Home, & lately in the case of the Lord Duffas, on the head of absence: And that by our own Law, and the Law of Nature and Nations, the Legislators have always taken the inability of Minors under their special protection; and that the yet allowing me this benefit, will not only make me capable of entering with my superior, but likewise of satisfying my Credit, far better than could be done by tearing my small fortune in pieces, which sometime has made a better figure than now, and is mostly borrowed by my mother.

May it therefore please your Grace and Lordships to consider the premises, and in respect *yo^r*, allow me yet to serve *as Can longish fowertie* within three month after the date hereof, and to be liable only *as above* *and*, and to except the said service from the set *Salvo Jure* as was lately done in the lyke cases according to Justice.

And your Petitioner shall ever pray &c.

James Graham.

Edinb: 31 March 1707.

Her Most high Commissioner and the Estates of Parlt having heard this petition They grant the desire thereof and allowe the petitioner to serve air to his father *as longish fowertie* within three months after the date hereof And declare he shall be only liable *as above* *and* excepts the said service from the Act *Salvo Jure* to be put in this or any other Session of Parliament.

SEAFIELD Cancellor. L. P. D. P.

REMIT to the Lords of Treasury in favour of the Lady Scorpill.

Unto His Grace the Duke of Queensberry her Majesties high Commissioner and the Right Honourable Estates of Parliament

The Petitioners for Grifell Lady Scorpill

THAT where the deceased Brigadier Richard Cunningham having Commanded a Regiment of foot in the year 1st 17th and 17th which was at first put in the English establishment, And by that

establishment behaved to have a greater number of officers for-june &c. and had a title upon that account to the pay conferred to the English establishment which he never obtained neither for himself nor the advantage of his regiment, But was turned over upon the Scots establishment and had considerable arrears due to him.

But the Parliament 1st vjth nynty three having employed the pole money for payment of the arrears of the army due preceding the first of February 1st vjth and nynty one And that first falling much short of expectation by the thirty first act of Parliament 1st vjth and nynty five, A Commission was appointed to take the accounts of the Pole money, And to Decide concerning the preference of the officers of the army Confronte whereunto the said Commissioners did make up the accounts of the several regiments, And amongst the rest the accounts of the regiment of the deceased Brigadier Camphane, deducting from his arrears several articles altogether forgiven or which at least did not concern the accounts of that regiment of foot during the time that the Brigadier commanded it.

This mistake happened partly by absence of the Brigadier who was then in Flanders and not long after his return to Scotland dyed. And indeed the I have been informed from several hands that such accounts had been stated and have undeniably obtained a copy from David Callender yet I could never get it and to tell the plain truth when there was little appearance of getting the arrears payed I was left anxious about it.

But being concerned as ex^{tr}is nextant to the Brigadier and also as being pursued at the instance of several of his officers to whom I would willingly procure Justice tho I am not nor can be made lyable to them I do now apply to your grace and the hon^{ble} Estates of Parliament that I as ex^{tr}is to the Brigadier nor the officers of his regiments may not suffer by accounts made up in absence.

May it therefore please your Grace and the right honourable the Estates of Parliament to ordain extracts of the said Brigadier's accounts whyth in the service to be given me and because the accounts have been made up in absence & that the Brigadier nor none for him have ever been heard to object to authorities and impower the Lords of Thesaurie and Excheq^r to receive my lawful and just exceptions ag^t the said accounts or to referre the same and allow them to be recovered by the Commissioners for the Equivalent or any o^r Judicatory, your grace and the right honourable estates of Parlia^{mt} shall think fit.

And your petitioner shall ever pray.

Ed^d 21 March 1707.

Her Majesties high Commissioner & ye Estates of Parliament having heard this petition Ordaine extracts of ye within accounts be given the petitioner And remit to ye Lords of Thesaurie & Exchequer to hear ye petitioners objections ag^t ye s^{ds} accounts to ye effect the same may be stated & laid before ye Commissioners of ye Equivalent.

SEAFIELD Canveller. I. P. D. P.

LIST of Acts of Restitutions Granted in Parliament 1707.

ACT Ratifying a Charter under the Great Seal of the date at Windsor Castle the fourteenth day of June 1st vjth and six years Granted by her Majesty with consent of her Commissioners of Thesaurie and Excheq^r for the time to James Duke of Queensberry now her Ma^{ty} high Commissioner and discharging of him by decree to his heirs of tallies already issued or to be issued by him for succeeding to his Estate of Queensberry Which falling in to his nearest heirs or assigns whatsoever heretofore and irredeemably and under the provisions and conditions contained

or to be contained in the rights of tailzie of the said Estate of the Lands and Baronies Lordships Earldoms Regalties Burghs of Barony and Regality patronages heretable offices of Sheriffship and Crenzie of Dunbarshire and o^r heretable offices therein express'd with a lead mine already found in the Barony of Sanspohar and all other Mines of gold silver and other minerals and minerals of whatever kind found or to be found within the said lands and Baronies respective therein met^d And of several other privileges and rights particularly and generally both for Principal and Warrandice Express'd in the said Charter Which proceeds upon the said Duke his own resignation, and the other Conveyances therein specified and Contains a new Gift or disposition of many of the said Lands and others and a disjunction of the same from all jorifications to which they were formerly annexed With an Union of the hall in one Dukedom Earldom Lordship Barony & Regality to be called the Dukedom of Queensberry Earldom Lordship and Barony of Drumlanrig and Regality of new Dalmeirick Appointing one Scodine by writ and s^{er}ve at the marriage halle of Drumlanrig to be sufficient for the hall, To be Holden of her Majesty in fee heretofore free Dukedom Earldom Lordship Barony and Regality With s^{er}ve Chappell and Chancelary For payment yearly of the fee and other Duties mentioned in the said Charter Whereas the holding of the said Lands and Baronies of Torthorwald Sanspohar and several of the other lands therein express'd is charged from Torthward to Bleith toward for paym^t of one penny yearly in place of the feudal holding duties therein specified or other duties if any be payable forth thereof Together with the precept of s^{er}ve contained in the said Charter and instrument of s^{er}ve therein following or competent to follow.

RATIFICATION of a gift under the Great Seal dated at Salsk James the first day of December 1st vjth and five years and granted by her Majesty To John Duke of Argyll his heirs male and of tailzie contained in his rights and inheritments Approving all the rights in favors of him and his predecessors of the office of great Master of Household and other heretable offices within this Kingdom belonging to him and Disposing to him during his life as a pension and Sallery for the said offices, the fee, bench, teind, taxward, tack, and other duties rents and casualties whatsoever payable to her Majesty for herself and as come in place of the Prince & Stewart of Scotland fourth of the Dukedom Marquisat Earldom Lordship and Barony of Argyll and all other lands with heretable offices and others whatsoever which pertained to the deceased Duke & Earl of Argyll his father and grandfather and are now possessed by him and contained in the Red-cessions of their Charters and other rights Excepting the recited duties and other Calumitiation used to be payed to the Bishops out of the said Lands and Baronies And that for Cropt 1st vjth and four and thereafter during the life of the said Duke Referring to her Majesty power to revoke the said gift Which revocation is only to take place after the date thereof.

ACT Ratifying a Confirmation and new tack under the Privy Seal of the date at Windsor Castle Granted by her Majesty on the twenty fifth of August 1st vjth and two years with consent of Thesaurie and Excheq^r for the time By which a tack of the malle farms few duties feudal duties carnot outdoses and casualties services and others due and payable forth of the lands of Kingsbarns for three nineteen years after the death of Sir James Scott of Nodde Granted by King Charles the Second to the deceased Alexander Earl of Kellie upon the twenty eight of August 1st vjth and forty years is approved And the said farms few duties and others are of new Let in tack to Alexander new Earl of Kellie for three nineteen years after expiring of the said former tack for payment of twenty pounds of Tack Duty yearly at Whitfresday and Martinmas by equal portions.

ACT Ratifying a Charter under the Great Seal of the date at Kensington the ninth day of November 1st vith and six years Granted by her Majesty with consent of her Treasury and Excheq^r to Thomas Villot of Duplin and his heirs and others therein mentioned proceeding on his own Resignation of the Lands and Barony of Culmalander and Kellier, And of the Lands of Tolchan which were fallen by recognition or otherways in her Majesties hands Containing a new gift or disposition of the same and binds thereof with a dissolution of the hall from all Sherifffs Feudalties and other jurisdictions and an Union thereof to the Regality Lordship and Barony of Balhousie with free Chappell and Chancellory power of Jurisdiction and all other privileges therein mentioned. And also a disposition of the Estates of the Vassals & Inhabitants of the said Lands With power of keeping yearly fairs upon any part thereof as is expres'd in the said Charter And a gift of all Mines of gold silver and all other mines belonging to her Ma^y within the said regality or any part thereof Obtaining one fine for the manner place of Balhousie or any part of the said Lands by delivery of earth and stone and a penny to be sufficient for the said Lands Mines minerals and regality aforesaid To be holden of her Ma^y for paym^t of the respective few and blench duties therein mentioned for the said Lands & others and the twentieth part of the Ore for the said Mines By which Charter her Ma^y also Resumes in favours of the said Villot and his forefairs the service of giving three sutes to the head Courts of the Lordship of Dunsford and the Comparing at whatever Courts as if they were warned and of giving homage and fealty for the Lands of Tibberture and pertinents which are contained in the former rights thereof And Confirms several franchises granted to the said Villot Together with the precept of fine due contained in the said Charter and instrument of fine thereon.

RATIFICATION of a Charter under the Great Seal of the date at Saint James's the nineteenth of January 1st vith and six years Granted by her Ma^y with consent thereof and proceeding on the resignations of Robert Lord Colvill and the deceased Sir David Barclay of Cullesmie in favours of jo. said Robert Lord Colvill and his heirs and others therein specified under the provisions & conditions therein expres'd Of the Lands and Barony of Cleith, lands of David Outh Lethlamore North Lecklands Over and Nether Achleinties half of the lands of Kincaid and others with the right of patronage and tithes of the Kirk and paroch of Cleith Disposed of new by the said Charter which Contains also a new Gift of the said hall lands and a new Erection thereof in the Barony of Cleith Ordaining one fine by earth and stone at the manner place of Cleith &c. to be sufficient for the hall. Barony right of patronage and tithes to be holden of her Majesty as is mentioned in the said Charter whereby the ward necessary relief and marriage for the said Barony of Cleith and others therein mentioned are assigned for payment of the several next duties expres'd therein By which also the heirs and successors of the said Robert Lord Colvill are allowed to be entered therein notwithstanding of minority and he and his forefairs are allowed to dispose on the same in hall or in part without consent of her Majesty Notwithstanding of the said taxward holding Together &c.

RATIFICATION of a Charter under the Great Seal of the date at Edinburgh the thirtieth day of January 1st vith and two years granted by the deceased King William for himself and as Prince and Stewart of Scotland with consent of his Counsellors of Treasury and Excheq^r for the time to Dame Margaret Campbell lawfull daughter of Sir George Campbell of Cefcock and spouse to Sir Alex^r Home now Campbell one of the Senators of the College of Justice second lawfull son to Patrick Earl of Marchmont and to the heirs male between them Which fulfiling to the other heirs of tailzie and provision and heirs and assignees therein men^t heretofore and irredeemably under the provi-

sions and declarations therein expres'd Of the Lands and Barony of Cefcock and other Lands Baronys patronages tithes and others therein sp^t proceeding on the resignations of the said Sir George and Sir Alex^r Campbells and the other conveyances mentioned in the said Charter Whereby one fine at the best of Cefcock or any part of the said Lands & Baronyes is ordained to be sufficient for the hall To be holden for paym^t of the few blench & taxward duties specified therein whereby also several rights of the lands and others aforesaid are approved Together &c.

ACT Ratifying a Charter under the Great Seal of the date at Kensington the thirtieth of April 1st vith and six years granted by her Ma^y with consent of her Treasury and Excheq^r to Sir Gilbert Elliot of Minto Knight and Baron one of the Senators of the College of Justice in life rent and to Gilbert Elliot his eldest lawfull son and the heirs male of his body Which fulfiling to the other heirs of tailzie and heirs and assignees therein mentioned in the Of the Lands and Barony of Headhew and Minto and other lands patronages tithes and others therein expres'd proceeding on the said Sir Gilbert his own resignation and containing a new Gift of the hall With an Union of the same in one Barony to be called the Barony of Minto For which one fine by earth and stone upon any part of the same is declared sufficient To be holden of her Majesty for payment of the few and blench duties specified in the said Charter whereby the taxward holding of the said Barony of Minto is changed to a blench holding for paym^t yearly of a penny Scots money if required, Together &c.

RATIFICATION of a Charter under the Great Seal of the date at Kensington the Eleventh day of May 1st vith and six years granted by her Majesty with consent thereof to Sir David Home of Cosning one of the Senators of the College of Justice in life rent and to James Home his eldest lawfull son and the heirs of his body Which fulfiling to the said Sir David his heirs and assignees whatsoever heretofore and irredeemably under the hardness and provisions therein mentioned Of the Eight husband Lands of Cosning with manner place houses biddings and pertinents and of the tithes passage and vicarage thereof extending to an eight merk land of old extent Which charter proceeds on the apprising resignation and other conveyances therein mentioned and all thereby confirmed and Contains a new gift of the said lands and tithes & all right property superiority & possession her Ma^y had y^to for which one fine upon any part thereof is declared sufficient To be holden of her Majesty for payment of the several sums therein expres'd for the ward necessary relief and marriage of the heir respective, when falling, which are assigned thereto, And the Heirs are allowed to be entered notwithstanding of minority, Together &c.

RATIFICATION of two Charters under the Great Seal granted by her Majesty with consent thereof to Mr Roderick Mackenzie of Prestonhall one of the Senators of the College of Justice his heirs and assignees heretofore of the Lands Lordship and Barony of Lovat Lands of Bewick Lands and Barony of Bewick and others therein mentioned, one of the which charters is of the date at Saint James's the twenty fourth of February 1st vith and three years proceeding on the apprising therein sp^t at jo. instance of Alexander Broad of Baberton against Hugh Lord Fraser of Lovat and the said Alexander his conveyance and resignation in favours of the said Mr Roderick which are thereby confirmed and Contains a new gift of the said hall lands and of the office of Constabulary of the palace & prin^{ce} manse of the priory of Bewick and office of Bailiary of the said Barony of Bewick And an Union of the hall in one Barony called the Barony of Lovat To be holden of her Majesty for payment of the several duties mentioned in the said charter By which the ward necessary relief & marriage &c. for the said Barony of Lovat are Taxed to and Assigned for payment of the respective sums therein specified and the

heirs are allowed to be entered notwithstanding of minority And the other of which Charters is dated at Saint James's the seventh day of April 2^o viij^o and four years to be said M^r Roderick and his heirs lawfully and irreversibly proceeding on his own resignation, And containing a confirmation of all his former rights of the Lands and others forewent All thereby Erected in a Regality called the Regality of Lovat with Chappell and Chancelary right of Jurisdiction Riches of the inhabitants and other privileges Orisining the Burgh of Bewick or Fraserdale to be the head Burgh thereof and to be called the Burgh of Regality of Lovat and allowing succents to be kept therat and one fadine at the manner place of Lovat or any part of the said Lands to be sufficient for the said baill Regality Burgh officers and others therein mentioned. To be holden of her Ma^t for payment of the several duties expres'd in the said charter Together with the precepts of assize contained in the said two Charters and Indruments of seals theron &c. Excepting and Reserving furth of the said Ratification, and rights therein ratified and regality above-mentioned The Lands of Kirkton of Inchberry holden by the said M^r Roderick of the Duke of Argyll with the said Duke of Argyll his heretich office of Jurisdiction General within the fens Which with his right of superiority of the said Lands shall be as intire to him and his successors as if the said rights and ratifications had never been made now granted.

ACT Ratifying a Charter under the Great Seal of the date at Kensington the eight day of May 1^o viij^o and five years Granted by the late King William with consent foward to Sir Walter Riddell of that ilk and his heirs male and other heirs and assignes therein mentioned heretich & irreversibly Of the Lands and Barony of Riddell comprehending as is therein specified Reserving to Dame Margaret Wat his spouse her life rent of such parts thereof as are now in their Contract of marriage Which Charter proceeds on Sir Walter's own resignation and Concedes a new gift and a new Union of the Barony of Riddell Ordaining the manner place of Riddell to be the prin^o Mesnage thereof and one fadine by earth and fone therat or at any part of the Barony to be sufficient for the baill To be holden of her Majesty for paym^t of the several duties mentioned therein Whereby the word necessary relief and marriage for the Lands of Lintokank and o^r to be Taxed to and assigned for paym^t of the respective fens therein expres'd And the heirs are allowed to be entered notwithstanding of minority Together &c.

RATIFICATION of a Charter under the Great Seal of the date at Windsor Castle the last day of July 1^o viij^o and six years Granted by her Ma^t with consent of her Treasury and Excheq^r to Sir William Sharp of Stocchill Knight and Baronet his heirs and assignes whatsoever here^o and irreversibly of the Lands of Stonyhill privileges and right of regality and Jurisdiction with free Clappell and Chancelary and other privileges with the rest of the Lands Coils Cuthbroughs and others therein expres'd Proceeding on the resignations of John Earl of Lauderdale and Sir Robert Dickson of Carberry and Containing a new gift of the baill For which one fadine by earth and fone at the place of Stonyhill is ordained to be sufficient To be holden of her Ma^t for paym^t of the lenth duty therein mentioned Together &c.

RATIFICATION of a Gift and Commission under the Great Seal of the date at Saint James's the twenty ninth day of January 1^o viij^o and three years Granted by her Ma^t with Consent foward to Sir Alex^r Arckine of Cambo and Alex^r Arckine his eldest lawfull son Whereby the fower gift of the office of Lyon King of Arms is confirmed to the said Sir Alex^r during his life And he and his said son and longest liver of them are of new made during their lifetimes joint Lyon Kings of Arms And the names of Lyon King of Arms with the baill privileges and casualties thereof are given to them both And the said Alexander Arckine is ordained to Execute the said office either w^o his father or by

himself as his said father shall judge fit And the power of prescribing judges assual to vertuous persons is granted to them both And also are hundred pound sterling of fee and salary yearly is given to the said Sir Alex^r during his life and after his death to his said son to continue during their lifetimes respective & furethive Suspendings always the Crowning of the said Alexander Arckine as Lion King of Arms so long as his father is alive in the baill lands &c.

RATIFICATION of a Charter under the Great Seal of the date at Saint James's the last day of May 1^o viij^o and five years Granted by her Ma^t with consent foward to Sir William Dunbar of Henprigs Knight and Baronet and Dame Margaret Sinclair his spouse and longest liver of these two in life rent as is therein mentioned and to Benjamin Dunbar their eldest law^d son and the heirs male tailge & o^r heirs & assignes therein expres'd under the provisions and conditions men^t in the fens, of the Lands of Auldwick, Telflams which is appointed to be called Henprigs, Kerkfield and other Lands mills walds filings harbours colles towers fortresses Burgh of Barony and perrisions therein men^t proceeding on the resignation of John Earl of Brecklain and John Lord Gleneargish his son & be other conveyances therein fup^d And containing a new gift of the baill baill Lands With an Erection of the perricles of the towers and lands of Nothwich & Paggo Kennedy called the baill of Nothwich and Elsey with houses baggys & yards thereof in a Burgh of Barony called Henprigs with the privilege of keeping markets and fairs and severall other privileges And an Union of the baill Lands Burgh and others foward in a Barony called the Barony of Henprigs Ordaining the manner place or colles of Henprigs to be the prin^o Mesnage thereof and one fadine by earth & fone therat to be sufficient for the baill To be holden of her Ma^t for paym^t of the lenth and taxt woad duties reltive expres'd in the said charter whereby the heirs are allowed to be entered notwithstanding of minority and a charter by the said Earl of Brecklain and Lord Gleneargish to Sir William in life rent and his said son and the heirs and assignes foward in fee of the Lands of Abergill and others to be holden of themselves are Confirmed and Approved, Together &c.

ACT Ratifying a Charter under the Great Seal of the date at Windsor Castle the twenty fifth day of August 1^o viij^o and two years granted by her Ma^t w^o consent foward to Archibald Douglas of Cavers in life rent and William Douglas his eldest lawfull son and the heirs male of his body which fulljoing to his other heirs male and fulljoing of them to his heirs and assignes whatsoever heretich and irreversibly under the provisions and conditions therein expres'd of the Lands and Barony of Cavers with the office of Sheriffship of Roxburgh thire and the rest of the Lands mills waids patronages and others therein specified proceeding upon his own resignation and containing a new gift of the baill With an Union thereof in the Barony of Cavers Ordaining the manner place of Cavers to be the prin^o mesnage and one fadine by earth and fone therat or any part of the Barony to be sufficient for the baill To be holden of her Majesty For paym^t of the several duties mentioned in the said charter whereby the woad necessary relief and marriage for the said Barony of Cavers are Assigned for paym^t of and Taxt to the respective fens therein expres'd and the heirs are allowed to be entered notwithstanding of minority, Together &c.

RATIFICATION of a Charter under the Great Seal of the date at Kensington the third day of February 1^o viij^o and three years granted by her Ma^t with consent foward to William Bennet eldest lawfull son of Sir William Bennet of Gresham his heirs and others therein mentioned here^o and irreversibly under the provisions and conditions therein expres'd Of the Lands & Barony of Gresham and the rest of the lands mills woads filings and others parcelous and generally therein mentioned both prin^o and in wardship respective as is therein specified proceeding on

the Relinquishment of the said Sir William Bennet and of William Ker of Cherytrees and the other conveyances therein set down And containing a Confirmation of the rights of a lifetime Annuity granted to Elizabeth Hay spouse to the said William Bennet with a new gift to him and his heirs of the said lands & Barony A dissolution of the bail from all other Barons and Lordships and an Erection thereof in one Barony to be called the Barony of Gribet Ordaining the manner place of Marlefield to be the principal messuage and one squire be earth and stone thereof to be sufficient for the hall To be holden of her Ma^y for paym^t of the respective fees to which the ward annuities relief and marriage when falling are Taxed and for which they are assigned by the said charter whereby also the heirs are allowed to be entered notwithstanding of minority, Together &c.

RATIFICATION of a Charter under the Great Seal of the date at Kensington the twenty eight day of June 1st vjth and one years granted by the deceased King William with consent of his Thesaur^y & Exchequer for the time to Robert Rutherford of Bowland lawfull son of um^o John Rutherford of Edgworth his heirs and others therein next lawfully and lawfully of the lands of Bowland Bowditch and others all Relinquished by Andrew Riddell of Hayring and one Disposed to the said Robert and his heirs by virtue of the said Charter and stated in one Barony called the Barony of Bowland Declaring the manner place of Bowland the pri^o messuage and one squire thereof or at any part of the said Lands sufficient for the hall To be holden of her Ma^y for her self and as come in place of the Archbishop of Saint Andrews respective for paym^t of the several duties therein expressed with the marriage of the heir or heirs which when falling is by the said charter Taxed to and assigned for paym^t of a certain fine of money, Together &c.

RATIFICATION of a Charter under the Great Seal of the date at Hampton Court the eighteenth day of December 1st and vijth years granted by the deceased King William wth consent forefaid to John Scot of Well his heirs and assigns heirs and irreducibly proceeding on the relinquishments & other conveyances therein expressed of the half of the Town and Lands of Dulove and others therein expressed both for the principal and in wardenship all thereby of new Disposed To be holden of her Majesty for payment of the several fines to which the ward annuities relief and relief for the said Lands and marriage of the heirs when falling are taxed and for paym^t of which they are assigned and disposed by the said Charter whereby the heirs are also allowed to be entered notwithstanding of minority Together with the precept of feoffee contained in the said Charter And a disposition and assignment of the premises granted by the said John Scot and his son Walter on the twenty ninth and thirtieth days of April 1st vjth and one year to Sir William Scot of Harden his heirs and assigns and the feoffee in his heirs thereof of the Lands & others forefaid.

ACT Ratifying a Charter under the Great Seal of the date at Saint James's the fifth day of May 1st vjth and two years Granted by her Ma^y with consent of her Thesaur^y and Excheq^r to Mr John Pringle advocat. forefaid lawfull son to Andrew Pringle of Cuthbert and his heirs & others therein next proceeding on the relinquishments of Andrew Riddell of Hayring and the Magistrate of Selkirk respective and containing a new gift of the Lands and place of the ferret of Hayring the burn Mill of Selkirk and others therein expressed with an union thereof in one Barony of Hayring Declaring the manner place of Hayring to be the pri^o messuage and one squire by earth and stone thereof or on any part of the Barony to be sufficient for the hall To be holden of her Ma^y as is mentioned in the said charter whereby the marriage of the heir or heirs when falling is assigned for paym^t of a certain fine which with the fee duty therein next Her Ma^y has accepted for all other duty forth of and for the said Lands Together &c.

RATIFICATION of a Charter under the Great Seal of the date at Whitehall the twenty second of December 1st vjth and five years Granted by her Majesty with consent forefaid to Captain Robert Johnston late provost of Drumhois in Linlithgow and Robert Johnston his eldest lawfull son and the heirs male of his body which falling to the heirs and assigns whatsoever of the said Captain the eldest heir female succeeding without division in fee lawfully and under the provisions and restrictions therein mentioned Proceeding on the said relinquishments assignments and of conveyances therein expressed of the Twenty pound Land of Thirre Gunge the Lands and Baronies of Gelfoon Kelsoan lawfull offices and others thereby disposed pri^o and in wardenship Containing a new gift or disposition And a Disposition of several of the Lands Baronies and others therein expressed from all Existing Lordships Baronies and others with an Union thereof in the Barony of Kelsoan Ordaining the manner place of Kelsoan to be the pri^o messuage and one squire by earth and stone thereof or on any part of the said lands thereof to be sufficient for the hall Barony and for the wardenship lands with the pertinents And containing an Erection of the Barony of Kelsoan in a Barony of Barony with power of keeping a weekly market and two yearly fairs thereof and fe^o other privileges therein sp^o To be holden of her Ma^y for paym^t of the native duties next in the said Charter Whereby the ward annuities relief and marriage for the Barony of Gelfoon when falling are Taxed to and assigned for paym^t of the several fines therein expressed. The heirs are allowed notwithstanding of minority to be entered therein and in all the other assigned lands therein sp^o And several rights of the Kirklands of Gelfoon & others are approved, Together &c.

RATIFICATION of a Charter under the Great Seal of the date at Edinburgh the eighteenth of January 1st vjth and six years granted by her Majesty with consent forefaid to Mr David Flanders of Blyth Advocat and Helen Balfour his spouse for her lifetime of the said men^o in the cafe relief expressed in the same and to the heirs male between them Which falling to the other heirs of Kailgie and assigns therein sp^o under the provisions and restrictions contained in the said Charter Which proceeds on the resignation of the deceased David Flanders of Blyth and other relinquishments and conveyances therein mentioned of the East side or half of the Lands of Kailgie and sp^o thereby disposed pri^o and in wardenship And contains a Confirmation of all the rights of the said Lands with an Erection thereof in a Barony to be called the Barony of Kailgie Ordaining one squire by earth and stone at the manner place of Kailgie to be sufficient for the hall lands lands and others pri^o and wardenship To be holden of her Ma^y for payment of the fe^o taxward fee and kiench duties mentioned in the said Charter Whereby also the heirs are allowed to be entered notwithstanding of minority, Together &c.

RATIFICATION of a Signature under her Majesties Royal hand With the Discharge Gift and Disposition thereon under the Privy Seal of the date at Kensington the thirtieth day of October 1st vjth and six years Granted by her Majesty with consent forefaid to Charles Earl of Hopetoun his heirs and successors Exceasing them of the one tenth of the one of lead and other mines and mettels was out of his mines at Hopetoun or One thousand marks yearly in place thereof payable to her Ma^y Conform to his indentments and that of all years and terms proceeding Whitensday last And disposing to them the forefaid tenth of the one or yearly value thereof forefaid during three sixteen years after the said term.

ACT Ratifying a Charter under the Great Seal of the date at Kensington the twenty eight day of June 1st vjth and one years granted by the late King William with consent of his Thesaur^y and Excheq^r for the time to David French Writer in Edinburgh

his heirs and assigns whosoever heretofore and hereafter under the relations therein written Of the Town and Lands of Frenchland with their fortalice manner place mill milllands and pertinents thereof proceeding on an adjudication at the instance of the said David French against Margaret French only lawful daughter of our said Thomas French eldest lawful son to the deceased William French portner of Moffet & Confessing all the former rights Containing also a new Gift of the said lands and others and ordaining use feoffee at the pleasure place of Frenchland or any part of the said Lands to be sufficient for the bail To be holden of her Ma^y for paym^t of the respective fines For which the ward country relief and marriage when falling are by the said Charter assigned Allowing also the heirs to be entered even in minority Together &c.

RATIFICATION of a Gift under the Great Seal of the date at Kensington the twenty eight of February 1st vith and ninety six Granted by his said late Ma^y with consent forefaid to the Principall Professors and Masters of the College of Glasgow and their successors in office in name of the University of Thre hundred pounds Sterling yearly to be wholly received in prosecution of a former gift to the four Universities, out of the Kirkpatrik rents in all time coming To be applied thus viz. Two hundred and thirty pounds thereof for paym^t of the debts of the University until fully paid and the remaining seventy pounds for maintaining free lectures in divinity to have been presented by his Ma^y as is therein mentioned at ten pounds Sterling yearly for the first three years to each and forty pounds Sterling the last year at a foreign University of the Protestant Religion And after paym^t of the debts of the University the said sum to be applied partly for lectures partly for a professor or any other pious uses in the University as should have been appointed by his Ma^y &c.

RATIFICATION of a Gift and Commission under the Privy Seal of the date at Kensington the eighteenth day of October 1st vith and six years Granted by her Ma^y with consent of her Commissioners of Treasury and Excheq^r for the time to Daniel Stuart brother german to Sir William Stuart of Castlehill during his life Appointing him Receiver General Collector & Callkeeper of the imposition for coinage in place of bailies and Dispensing to him during the forefaid space he sold office with the yearly fee and salary of one hundred pounds Sterling money out of the first and readiest of the funds appointed for paying the fees and salaries of the officers of the mint with the hall fees also and privileges belonging thereto and all other freedoms and immunities proportionally which are allowed to the other officers of the said mint except what is prohibited and incumbered by Law Together with convenient and suitable lodgings within the said Minthouse for him and his family and Commissioning the said fee or salary to be paid to him yearly termly & quarterly as to the said other officers the first term paym^t to be at Whitfriday next With power also to the said Daniel and such as he shall appoint for whom he shall be answerable to uplift the said imposition and put the same in the Chest appointed for keeping thereof And so keep the key of the same in manner therein more &c.

RATIFICATION of a Charter under the Great Seal of the date at Kensington the twenty second day of January 1st vith and seven years Granted by her Ma^y with consent forefaid to William Earl of Kilmarnock and his heirs male of tailzie and other heirs and assigns therein more under the condition and declaration specified in the form of the title and dignity of Earl of Kilmarnock Lord Boyd and Ormer &c. And of the Lands Lordship and Barony of Kilmarnock with patronage &c. tithes and others therein expresd^d proceeding on his own resignation and Containing a Change of barrow holding of the said Lands Lordship and Barony of Kilmarnock to a Breich holding with a new Gift and an Erection of the said hall Lands and others in the Lordship and Barony of Kilmarnock And an Erection of the Town or

Kirktoon of Kilmarnock to a Burgh of Barony to be called the Burgh and Town of Kilmarnock With the hall privileges thereof To be holden of her Majesty as is fully Expressd^d in the said Charter Together &c.

ACT Ratifying a Charter under the Great Seal of the date at Windfoe Caille the fifth day of August 1st vith and six years granted by her Ma^y with consent forefaid to James Marquess of Montrose in lientent and David Lord Graham his son in fee and the heirs male of his body Which falling to the other heirs male and of tailzie and heirs and assigns whatsoever of the said Marquess under the provisions and limitations &c. therein more heretofore and hereafter of the honour title and dignity of Marquess of Montrose Earl of Kincardin Lord Graham and Mugglock and of ye Marquisat Earldom Lordship and Regality of Montrose Barony of Buchanan Earldom and Regality of Morneish Dukedom Earldom and Regality of Lornian Earldom and Regality of Dornie comprehending respective as is therein expresd^d with Chappell and Chancellery right of Jurisdiction Knights of ye nobilitants and the several Burghs of Regality therein full power of keeping fairs & markets & other privileges therein set down, the tithes comprises of tithes few duties out of the lles of Bute and Cenzie and Watchmill of Kilpatrick With the several offices jurisdictions & others more in the said Charter which proceeds upon the resignation of the said Marquess and other Conveyances and Contains a new gift of the hall With a disjunction of the Barony of Buchanan and several other lands from all Sherifdoms and other jurisdictions and an annexation thereof to the Regality of Montrose with a declaration That one sixth of ye lands of Mugglock or nearest Crude of the Burgh of Regality of Montrose, thereby Erected, shall be sufficient for the hall Dukedom Marquisat Earldom Lordship Barony Sherifdom Regality lands tithes offices jurisdictions and others more in ye said Charter To be holden of her Majesty as Queen Princess & Stewart of Scotland For payment of the several duties more therein Whereas by the taxward holding of the said Regality of Montrose and others therein full is changed to Breich holding for paym^t of two penals yearly The heirs are allowed to be entered at any time of their age And the said Marquess his son and their forefairs are allowed to dispole on the said Lands in full or in part without consent of her Ma^y and without hazard of recognition Which is thereby Renounced and the said rights therein full of the Lands and Barony of Drummond alias Drymen & c^o are Confirmed, Together &c.

RATIFICATION of a Charter or Gift under the Great Seal of the date at Windfoe Caille the last day of July 1st vith and six years granted by her Ma^y with consent forefaid to Sir Hugh Dalrymple of Northberwick President of the College of Justice his heirs and assigns whatsoever here^d and hereafter of the Island and Book called Bute properly belonging to her Majesty and of all title her Ma^y has thereto particularly the right thereof granted by Sir Andrew Ramsay of Abbotshall to King Charles the Second Upon condition that the forefaid Charter or Gift shall not prejudice the right of the said gifts granted during her Ma^y pleasure to Lord Alexander Hay brother to the Marquess of Tweeddale And that it shall not hinder her Majesty to forfeit the said Island with a garison as formerly Providing the fe doing shall infer no damage to the said Sir Hugh his right of property thereof To be Holden of her Ma^y for paym^t of the Breich duty therein mentioned, Together &c.

RATIFICATION of a Charter under the Great Seal of the date at Kensington the third of March 1st vith and two years granted by ye deceased King William with consent of his Treasury and Excheq^r for the time to M^r Alexander Meinies of Culmhillan Advocate and Mary Meinies his spouse for her lientent therein more under the restriction expresd^d in the same, and to the heirs male betwixt them and his other heirs male and heirs and

assigns whatsoever of the half of the Lands Barony & mill of Culter lands of Culterland and ope therein fild in Leston this proceeding on his own resignation & containing a new gift of the hall To be holden of her Majesty for paym^t of the several fines for which the ward sentenry relief and marriage when falling are assigned and to which they are Taxed by the said Charter whereby the heirs are allowed to be entered at any time of their age and full power of disposing on the said lands and others in hall or in part without consent of her Majesty or hazard of recognition as given to the said M^r Alexander and his forefolds, Together &c.

ACT Ratifying a Charter under the Great Seal of the date at Kensington the fifteenth day of January 1st vith and seven years Granted by her Ma^{ty} with content of her Treasury & Excheq^r to M^r John McKennie of Cromond one of the prin^l Clerks of Council and Session and his heirs male and other heirs and assigns therein new heretably and irrevocably proceeding on ye several Resignations and conveyances therein expres^d of the Lands of Kings Cromond and ope lying in the shire of Edinburgh The Lands and Barony of Inchestill, lands of Melkefordell and others in the shire of Perth The Town and Lands of Helms Craighall and others in the shire of Inverness with the several pertinents All thereby of new Disposed and Containing a new Union of the Lands of Kings Cromond and others lying in the shire of Edin^g in one Barony called the Barony of Cromond, An annexation of the Lands of Melkefordell and others in the shire of Perth to the Barony of Inchestill, and an Extension of the said Barony and Lands added thereto in one Barony called the Barony of Delvin With an Union of the said Town and Lands of Helms & ope in the shire of Inverness into one Barony called the Barony of Leston Ordanung ye manner places of Cromond Delvin and Leston to be the respective principal manors of the said several Barones and one shire by each and some thereof or on any part of the said fe^d Barones to be sufficient for the hall respective as is new in the said Charter Which contains also a Confirmation of all the rights of the said several Barones granted to the said M^r John McKennie & his authors To be holden of her Majesty for payment of the fe^d duties fild therein Whereby the ward sentenry relief and marriage when falling for the Barons of Delvin and Leston are Disposed for the several fines to which the fees are thereby taxed, The heirs are allowed to be entered notwithstanding of minority and the said M^r John and his forefolds are allowed to dispose therein in hall or in part without hazard of recognition, Together &c.

RATIFICATION of a Charter under the Great Seal of the date at Bath the twenty seventh of August 1st vith and three years Granted by her Majesty with content forefild to James Earl of Bute then designated Sir James Stuart of Bute and his heirs of bulge and other heirs and assigns therein new heretably and irrevocably proceeding on his own resignation and several other conveyances of the Lands and Barony of Bute comprehending the Lands Barons Islands heretable offices of Constabulary of the Castle of Rothesay with the castle ward duties and other Emoluments thereof Sherrifship of Bute and Croomie of the life thereof with the bail heretables belonging to the said offices the privilege of keeping fairs at Rothesay, and of several other Lands mills woods fildings patronages winds and others therein expres^d And Containing a confirmation of several rights in favors of the said Earl and his forefolds a gift and disposition of the patronage & winds of the Kirk and paroch of Kilmartin, A dissolution of the said hall lands and others and of the dues of Bute Great Corney Inchestonwick and all the towns tilms lands and others lying locally in the said shire comprehending the Burgh and twenty pound land of Rothesay from all Lordships Barones and other justifications And an Union of the same in the Barony and Regality of Bute With free Chappel and Chancery right of Judiciary and other privileges to the said Earl and his forefolds thereby made new

Bailies of the same And an Erection of the Burgh of Regality of Montserrat yly made head Burgh of the said Regality the privileges of fairs and markets a new Gift of the hall and a declaration that one solda by each and some at the Castle of Rothesay or any part of the said Regality shall be sufficient therefore To be holden of her Majesty and her forefolds Kings Princes and Stewarts of Scotland for paym^t of the several toward few and blench duties new in the said Charter Together with the precept of Seafire therein containd and instrument of Seafire thereon In the hall heads and Clauses thereof &c. Excepting always and Reserving forth of the said Ratification and Charter and instrument thereby revised and regularly abovementioned thereby Erected the here^d right of Judiciary ground within the hall bounds abovemention, belonging to John Duke of Argyll with the hall pecties privileges and realtities of the same Which shall be neways prejudged by the said Charter Erection and Ratification And Declaring that the forefild right of Regality & Justifications and privileges therin belonging shall be extended no further than to the Lands properly belonging to the said Earl of Bute and holden by him immediately of her Majesty.

ACT Ratifying a Gift and Confirmation under the Privy Seal of the date at Saint James's the sixth day of March 1st vith and five years Granted by her Majesty with content forefild to William Drummond lawfull son to George Drummond of Blair-drummond during his life Of the trust and office of Warden of the Mint and Coining house in this Kingdom With a yearly salary of one hundred and fifty pounds Sterling out of the first and readiest of the fund appointed for paying the fees and salaries of the officers of the Mint conform to act of Parliament beginning the fe^d terms paym^t at Leuchbath then next and so yearly and termly thereafter during the space forefild And of all other privileges belonging to the said office With power to appoint deputies and substitutes for whom he shall be answerable, and of commodious lodgings in the said mint for the use of him and his family.

RATIFICATION of a Letter of Gift and Confirmation under the Privy Seal of the date at Kensington the twenty first day of December 1st vith and six years Approving and Confirming in favors of Dame Janet Halket spouse to Sir Peter Halket of Pittfirth alias Wedderburn of Goodfard Knight Baronet, her heirs and forefolds in the Lands and Estate of Pittfirth the privilege and liberty of Transporting forth of this Kingdom the coals within the bounds of the said Estate free from payment of any customs or bolles or any other duties whatsoever imposed or to be imposed according as the same has been enjoyed by her and her predecessors conform to their ancient rights and immemorial possession And of new without prejudice but in corroboration of the said right and possession Disposing to her and her forefolds the aboves^d privilege Declaring it lawfull to them to possess the said annuity either by virtue of the said former rights and immemorial possession or of the said new Grant or both or either the one without prejudice of the other which gift & confirm^{sn} is granted by her Ma^{ty} with content as above.

RATIFICATION of a Charter under the Great Seal of the date at Saint James's the twenty sixth day of February 1st vith and four years Granted by her Ma^{ty} with content forefild to John Doull writer in Edinburgh and his heirs and assigns whatsoever heretably and irrevocably of the Lands of Underbridge and Southernhill with the manor thereof teind tithes and pertinents of the same and of these acres links and Canninghame near Dunbar called Waterfield and others thereunto proceeding on the Ratifications of George Aickine of Underbridge Andrew Martin writer in Edin^g John Earl of Rothesay and Sir Andrew Ranfyll of Abbotshall respective and ope conveyances new in the said Charter which contains a new Gift or Disposition of the hall Ope dawning one teind upon any part of the said lands to be sufficient

therefore To be holden of her Ma^y for paym^t of the fee^d duties expres'd in the same whereby the duties of ward money relief and marriage when falling for the said Lands of Lunderg and Southernha are assigned for and taxed to the respective fairs therein¹ And the heirs are allowed to be entered notwithstanding of minority, Together &c.

RATIFICATION of a Charter under the Great Seal granted by her Ma^y with consent forefild of the date at Kensington the twentieth day of May 16th 47 and four years proceeding on the resignation of Captain James Crauford of Glen in favour of the said Captain and Mistress Jean Murray his spouse in conjunct fee and lifetent for her lifetent use only and to the heirs male betwixt them in fee Which falling to his other heirs male and his heirs and assigns thereto¹ heritably and irreversibly under the reservations and provisions therein expres'd of the Lands of Glen and others w^h the pertments For all which one feeine taken upon any part of the said lands is declared to be sufficient To be holden of her Ma^y for paym^t of the several duties men^t in the said Charter whereby the ward money relief and marriage when falling for the Lands of Glen yin men^t are Taxed to and assign^d for paym^t of the respective fairs thereto¹ The heirs notwithstanding of minority are allowed to be entered and infest thereto and the said Captain James Crauford and his forefilds are allowed to Dispose thereof in hall or in part without hazard of Recognition Together with the precept of feoffine contained in the said Charter and Instrument of feoffin thereon.

ACT Ratifying a Charter under the Great Seal of the date at Kensington the eighteenth day of February last granted by her Majesty with consent forefild in prefection of an Act of Parliament Dissolving the Earldom of Orkney and Lordship of Zetland from the Crown in favour of James Earl of Mortoun and his heirs male whatsoever succeeding to his honour and dignity Which fallgiving to his heirs and assigns whatsoever of the said Earldom of Orkney and Lordship of Zetland with all Lands regalities like castles towers mills kilns grangens tenns burghs brents few duties and lands brinds patronages offices of Jusiciary Sheriffship Stewarship Bailiary or Feudary within the same with wreck and waik and all privileges belonging to the said offices With power to hold Courts and Conferences depuies Clerks and other members thereof And of the right of pe few duties and other duties of the heretible Vassalls and the sole power of entering them in her Ma^y name who still remains superiour and to Grant Charters and dispose on the casualities of the Vassalls without prejudice to him of the superintendence and casualities of such vassalls as held formerly of the Earls of Orkney And with liberty to her Ma^y Vassalls to take their holdings of the said Earl of Mortoun in their option, Together with all right and title her Ma^y has to the penalties or to the duties ferms & profits thereof for crop 16th 47 and seven and in turn coming as is ment in the said Charter whereby the hall feeofild Lands and others are United in one Earldom Lordship and Barony With privilege of Jusiciary Sheriffship or Stewarship Bailiary or Feudary called the Earldom of Orkney and Lordship of Zetland Ordaining one fee. fine at the Caille of Kirkwall or any part of the said Lands to be sufficient for the hall penalties Redeemable always by her Ma^y and forefilders for thirty thousand pounds Sterling as is exprest by the said Charter With provision that the said Earl shall not be accountable for his intermeddles And that the rents of that year wherein the redemption is Declared shall belong to him To be holden of her Ma^y for paym^t of the several few and other duties mentioned in the said Charter and Act of Parliament relating thereto Together &c.

RATIFICATION of a Charter under the Great Seal of the date at Saint James's the twenty seventh day of February last granted by her Ma^y with consent forefild and proceeding on the Resignations of John Earl of Stair and William Campbell respective

in favour of the said Earl his heirs male and of tailgite therein mentioned and other heirs and assigns whatsoever heritably and irreversibly of the title and dignity of Earl of Stair Vicount of Dalrymple Lord Newblith Gleneloe and Stranmuer And of the Lands and Barony of Stair and the rest of the Lands Lordships Baronies patronages mills fillings heretible offices fees and others particularly and generally therein¹ under the reservations provisions and conditions expres'd therein whereby all the rights of the office of Bailiary of the Lordship and regality of Gleneloe and of the lands and Barony pertaining to the shiacy thereof granted to the said Earl and to his predecessors and others are confirmed, The Town of Gleneloe is appointed the head burgh of the Regality thereof in place of the Burgh of Bernhill The hall lands & 10th thereof¹ are United in one Earldom Lordship and Barony called The Earldom of Stair Lordship and Barony of Dalrymple the manor place of Stair is appointed to be the prin^l Messuage thereof and one feild by earth and some thereof or any part of the said Lands is declared sufficient for the hall To be holden of her Ma^y for paym^t of the several duties ap^d in the said Charter By which the heirs notwithstanding of minority are allowed to be entered and infest in some of the said Lands holden in testwied Together &c.

RATIFICATION of a tack under the Great Seal of the date at Saint James's the twenty eight of February last Granted by her Majesty with consent forefild to Edward Hyde eldest lawfull son to Edward Lord Cornbury and nephew of ann^l Charles Duke of Lenax his Grandson and nephew of ann^l Lady Kathrin Stuart alias O'Brien his Grandson after to the said Duke and to his heirs and assigns and to Henry Lord Hyde eldest lawfull son of Laurence Earl of Rochester for the use of the said Edward Hyde during his minority Of the few duties of the Island of Ila with the pertments extending to nine thousand marks Scots yearly and that for three nineteen years after Whitunday 16th 47 and one year For payment of five hundred pounds Scots money yearly at Candlemas in name of tack duty Beginning the first terms payment at Candlemas next for this and the former years of the said tack Whereby all Rights prejudicial thereto or to any other right of the said few ferra and duties which the said Edward Hyde has or shall acquire are Breached and Declared null.

ACT Ratifying a Charter under the Great Seal of the date at Windsor Castle the last day of May 16th 47 and six years granted by her Ma^y with consent forefild to Archibald Earl of Haverbury and to his heirs and assigns whatsoever heritably and irreversibly of the Lands and Barony of Pitrewe and the rest of the Lands tenns and others thereby disposed both principally and in warrandice as is therein expres'd proceeding on the resignation of Sir Henry Wardlaw of Pitrewe and the other conveyances mentioned therein And Concerning a new Gift or disposition of the hall A disposition thereof from all other Lordships and Baronies and a new Erection thereof in the Barony of Roburay With power of building an harbour on any part thereof and of receiving and applying to their own use the small customes anchorage plankage and other duties thereto belonging And an Erection of the Town of Pitrewe in a burgh of Barony the privilege of keeping fairs and markets and other privileges mentioned in the said Charter By which the manor place of Pitrewe is appointed to be the principal messuage of the said Barony And one feild by earth and some thereof or on any part of the said lands is Declared sufficient for the hall To be holden of her Ma^y for payment of the several duties specified therein And it is Declared That the falling of two terms of the few duty of the Lands of Easter Gellat to run in the third unpaid shall not induce a breach of the few thereof notwithstanding of the irritant clauses in former Indentures And the duties of ward money relief and marriage, when falling, for several of the Lands and others therein mentioned are Disposed and assign^d for paym^t of the said Taxed to the respective fairs therein expres'd And also the heirs

and for my being payed on the said account of what
Sums you shall judge reasonable so as the same may be
made effectual to your petitioner. Certified.

Ed: 24 Martij 1707.

Her Majesties high Commissioner & the Estates of Parliamt having
heard this petition They Recommended the Petitioner to her Ma-
jests Justice & goodness for ordering the Commissioners to be
appointed for distributing the Equivalent to make payment to
the Petitioner of five hundred pounds Sterling in such manner
as they shall find just.

SEAFIELD Chancellor. I. P. D. P.

RECOMMENDATION in favour of Thomas Lockhart Sur- veyor of Customs at Leith.

To His Grace Her Majesties high Commissioner and Right
Honorable The Estates of Parliament

The petition of Thomas Lockhart Surveyor of Her Ma-
jesties Customs at Leith

Humbly Sheweth

THAT the Council of trade having in February 1706 Commis-
sioned your Petitioner to make a Review of a new book of rates
for the use of the Linges, the former being obscure and difficult
by frequent prohibitions and other laws; I with all care and
exactness have inquired into the price cost of all goods usually
imported into this Kingdom, And from then, have compiled a
book of rates, which I laid before the Council of Trade, and now
lay with their approbation in their report, before Your Grace and
Lordsships. In which I have considered what goods are absolutely
necessary to our trade, what conveniently necessary and what
superfluous, which I have accordingly rated. And for the satis-
faction of Your Grace and Lordsships have set down some private
marks (The explanation whereof is in my address at the beginning
of the book) By which through the whole, the first sort of the
goods may be known within a small nation, Except some few
goods upon which some former Parliaments have laid great duties
because of their being superfluous, which I have rated exactly as
they pay by law. I have also carefully set down what goods
are prohibited, what taxed, what free and by what laws, And
given a particular account of the several duties all extensible
goods are liable to. This hath been a work very expensive and
laborious, and I hope shall yet be found of use; And for the sa-
tisfaction of the Parliament or what merchants Your Grace and Lordsships
shall appoint to examine it.

May it therefore please Your Grace and Lordsships to take your
petitioners great pains and expenses to your favorable con-
sideration, And graciously please to recommend your peti-
tioner to Her Majesties favour to continue me in my present
post or for obtaining what other post Her Majesties shall
think fit to bestow; And to give me allowance for my great
pains and charges out of what fund your Grace and Lord-
ships shall think proper And your petitioner shall ever
pray so. Tho: Lockhart.

Ed: March 24, 1707.

Her Majesties High Commissioner and Estates of Parliament
having considered the petitioners great pains & charges in-
completing the within mentioned book of rates with the Coun-
cil of trade's approbation thereof; Doe Recommend him to Her
Majesties Rayall favour, that he be continued in his present post,
or provided to what other Her Majesty shall think fit to be-
stow, And of her Rayall Bounty to grant him such reward for
his great labour & expense in this work as her Majesty shall
judge proper.

SEAFIELD Chancellor. I. P. D. P.

RECOMMENDATION in favour of Ensign William Dick.

Unto His Grace Her Majesties High Commissioner and
the Right Honorable The Estates of Parliamt

The Petition of William Dick Ensign in her Majesties
foot Guards, one and upwards air to the deceased Mr
John Dick who was eldest lawfull Son to the deceased [Sir
William] Dick of Braid and the Creditors of the said Sir
William Dick.

Humbly Sheweth

THAT where in the unhappy Civil Wars which fell out betwixt
the 1641 and 1650 years of God, the said Sir William Dick of
Braid being a man of very great fortune and credit, was engaged to
Lend very vast Sums to the Publick both of Scotland and
England, partly because such Loans were Commanded by the
then power and Government, and partly because Sir William
did rely upon the faith of Bonds granted by several Noble per-
sons for the Sums, and partly because the Sums Lent at the
tyme to the publick of England seemed to be Lent upon a pub-
lick fund.

The first alteration that happened in Sir William's was by the
Success which Oliver obtained, and which were followed with
a kind of success of Justice; And about the said Sir William
had Secured himself in the ordinary forms of Law, against the
debtors persons and estates, for debts due to him here in Scot-
land, yet protections were given to the persons and estates of the
debtors for the debts due in Scotland, which continued till the
Restoration; And at the same tyme the Parliament of England
obliged Sir William apportion for payment of 300000 lb: 0 s
& 3 d Stert due there Sir William was in his own lifetime re-
duced from a man of a very flourishing Estate, to dolefull po-
very, and with him his Children and familie were involved in
Calamitie; And besides these Sir William having about 200000
Marks of debts borrowed to Serve the publick, which was not
equal to a third of his visible fortune; these Creditors suffered
heavily, and amongst them the Widowers and Orphans, as it hap-
pens, were still in the sudden Condition, and many of them to
this day are kept under poverty and calamitie by that mis-
fortune.

Sir William did in his own lifetime fairly relinquish his own
Land Estate which was of very considerable Value to his Cre-
ditors who have enjoyed it ever since by themselves or their de-
scending Right from there; So that the bitterness of these hard-
ships fell chiefly upon Sir William himself and his Children.

The petitioners willingly pass over what happened after the
Restoration, not being desirous to give any trouble to these
noble Estates who were engaged in the debts, and who enjoy the
Benefit of several Acts which, without quarrelling the Justice
of One shilling of Sir Williams Estate have cut it off.

But the petitioners doe with all humble Submission shew
themselves at your Graces feet as Representing her Most Sacred
Majesty, and as the fact of the Right Honorable the Estates of
Parliamt most humbly beseeching some relief in Compassion and
Justice, and doe with all respect protest that the Representa-
tives of these noble and worthy persons who were Bound in the
Bonds due by the Estates of Scotland extending to the Sums of
900000 Marks and upwards to the said Sir William, will gene-
rally Assent to see me the said William Dick the six apparent,
and the saids necessitous Creditors, in some measure Redress by
the publick, for whom their predecessors are allged to have
interposed.

Wee are the more encouraged to this, because there being
a Representation given us, in the name of me the said William
Dick and Elizabeth Daines my doctour Mother in the Parlia-
ment 1695, The Parliament was pleased to Grant a Recommen-
dation in our favours in His late Majesty King William.

To conclude, Wee doe with all humble presume, that when
the publick debts of the Nation come to be Considered these due

to the decessit Sir William Dick and his Creditors will not attarby be forgot.

May it therfor please Your Grace, and the Right Honourable the Estates of Parliament, to take the crying and calamitous Case of Your Petitioner to Your serious and compassionate Consideration, And to Recommend to the Parill of Great Brittain the payment of the said 86888 lb 5 s 9d Sterl English debt. As also to take such order with the debts due in this Kingdom as may suit with the Justice and Gentleness of Her Majesties Religion and as may Supply and Relieve the Distrest Condition of the air and of the many poor calamitous Widows, and Orphans representing the Creditors. And your petitioner shall ever pray.

Will: Dick.

Ed^o March 24, 1707.

Her Majestys High Commissionery & the Estates of Parliament having considered this petition They Recommend the case [of the] petitioner to her Majesty's Royal consideration.

SEAFIELD Chancellor. L. P. D. P.

RECOMMENDATION in favour of Mr Robert Henderson Bibliothecary of the College of Edinburgh.

To his Grace Her Majesties High Commissionery and the right Honourable the Estates of Parliament

The Petition of Mr Robert Henderson Bibliothecary of the College of Edinburgh,

Humbly Sheweth

THAT whereas I have given frequent and useful Attendance for the space of several years, upon all the Solemnities of the Commission of Parliament holden in the College of Edinburgh, for visiting of Universities, Schools & Seminaries of Learning, and upon all their Commissions appointed to consider the State & Advancement of Learning; And upon all the many Meetings of the Delegates from the whole Colleges in this Kingdom, employed about the Regulation of Universities and the compiling of a standing and uniform course of Philosophy and the Reviving Correcting & Finishing all the parts of it: Upon which occasions I was not only at great pains in writing the Minutes of what putt there, but also in copying & transcribing the Amendments made upon the particular parts hereof, together with a number of Questions, Observes & Reflexions, Answers & Replies; and in Recording all Acts and Resolves voted & agreed to in these Meetings: whereby my whole time was taken up, and I was quite diverted from minding my own private business: for the said Meetings were holden twice every other day in the Library for the space of four Months yearly, during ten years viz, fra the 30 of August 1699 to August 1700 and the Solemnities of each day lasted commonly from eight or nine in the morning till twelve or one of the Clock and from two or three in the afternoon to six seven or eight at night or later as their affairs required: besides I was at no small expences during all these long Solemnities by being obliged to keep a servant extraordinary, over & above several incident charges for Coal, Candle, Paper & oer: Pipes Tobacco and what else to refresh the Correspondents, during their continued Meetings: All which is sufficiently attested and instructed by an ample Testificate and Recommendation from the Right honourable the Earl of Marchmont, Earl of Hyndford Sir Robert Sinclair of Strathmore & John Maxwell of Pollock & James Smollett of Benchie & David Hume of Crofting one of the Senators of the College of Justice, Mr George Meldrum, Mr George Hamilton, Mr David Williamson, Mr John Law, Mr William Crichton, Mr John Maccren, Ministers of the Colpel, Mr Andrew Mafie, Mr John Trow, Professors of Philosophy, Members of the said commission; and by a declaration under the hands of James Hamilton of Penkethland Clerk thereto, and by the Testificates & Recommendations from the Delegates of our respective Colleges

of Edinburgh Aberdeen Glasgow & St Andrews which testimonatory Testificates are herewith produced.

I have likewise been at greater pains with the Students of Divinity, and done them more service than my office obliged me to, and more than any of my predecessors were in life to do or ever did. I have also composed a voluminous Alphabetical Catalogue of all the books in the Library of the said college of Edinburgh which is the product of several years exactness pains & fatigue. And being the Reverend Doctor Hyde was highly gratified for what he did of that nature in the Bodleian Library; my Performances may deserve some consideration, seeing that our Library doth now bear a considerable proportion to those that are most famous abroad.

May it therefore please your Grace and Lordships, to take the Petitioner to your consideration, and either to allow your Petitioner such a Gratuity and Reward for his Expences, Extraordinary Services, Pains Diligence and Attendance as your Grace and Lordships shall think fit; Or else to Recommend him to her Majesty for that effect.

And your Petitioner shall ever pray & oer.

Robert Henderson
Bibliothecary.

Ed^o March 24, 1707.

Her Majestys High Commissionery and the Estates of Parliament having considered the within petition They Recommend the case of the Petitioner to her Majesty's Royal favour.

SEAFIELD Chancellor. L. P. D. P.

ACT in favour of Alexander Black & partners for a Starch Manufactory.

Unto his Grace Her Majesty's High Commissionery, and the Right Honourable, the Estates of Parliament.

The Humble Petition of Alexander Black, William Henderson, and James Wood, Merchants in Edinburgh.

THAT where, it is the constant care of all Legislators, to encourage Industry within their several Countries, in which Her Majesty and Her Royal Predecessors, and the Parliament of this Kingdom, have shown Marks of their great Wisdom and Care; and especially for encouraging the Manufactures of the Native Product. The Petitioners do therefore most humbly presume to represent to your Grace and the High and Honourable the Estates of Parliament, That the Starch Manufactures lately set up within this Kingdom, do not only make Starch equal to any Foreign Starch imported, but even better, which they have shown, by comparing the different Samples of Foreign and Home Starch to many Members of the Honourable Court of Parliament: And Starch being made only of Wheat, the Manufacture being duly encouraged, several Thousand Bolls yearly may be consumed that way, which will contribute to the Encouragement of the Labourer, and being, if not improving the Rents paid in that Grain. And besides the Encouragement and Intertainment of their concerned in the Manufacture, it will also greatly relieve the Poor and Neighbourhood in such Manufactures; the Seamen and Grofs of the Wheat, which is a wholesome and substantial Food, being sold to the Poor at 4d. per Peck.

On the other hand, Foreign Starch being imported, it does not only deprive the Nation of their Advantages; but also it exports the Value in Money, being imported from places which need little of our Manufacture: Beside that, the Starch for the most part is imported without payment of Duty by the Seamen, who carry their small Stocks in specie out of the Kingdom, and bring it home with them in Starch in small Quantities, which they easily conceal and run; and the People of this Nation being fond of Foreign Goods, prefer it to their own, though better.

For Remedy of these, and Encouragement of Manufactures to lately set up, we do humbly Address our selves to your Grace
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and the Honourable the Estates of Parliament, that in your wisdom you would provide some Expedient; and if none better occur, we presume with all Submissives to beg, That all Foreign Starch at Importation be charged with the Duty of 12 lbs. Scots upon each 100 Weight, to be collected without Fraud or Abatement, under the following Penalty, viz. 60 lbs. Scots to be paid by the Importer who shall obtain Abatement, for every 100 Weight twice given, and 60 lbs. Scots to be paid by the Customs-House Officer or Officers, at the Port where the said Starch shall happen to be imported and Duty shated, for the first Offence; 180 lbs. Scots for the second Offence; and for the third Offence, deprivation of his or their Office, and incapacity for the space of a Year, to serve or be concerned in the Customs of Foreign Exacts. And further, That the Penalty aforesaid, shall be divided equally between the Fisk and Inferiour; and where there is a Concurrence of more Inferiours, that any Master or Partner of a Starch Manufacture be preferred to any other Inferiour: And that the Fisk and all Inferiours do truly and effectually exact the Penalties abovesaid, certifying each Fisk or Inferiour, as shall upon any Protest, or in any manner whatsoever, either connive with the Importers or Officers of the Customs-House, for obtaining Abolitions from Penalties, or who shall abate in the least from the Penalties imposed, that they shall be liable to pay for their respective Proportions to the first Inferiour, being a Master or Partner of a Starch Manufacture, the Penalties abovesaid.

And for as much as we have had the Charge and Expence of the first Experiment, in bringing the Starch Works to any kind of Perfection, which probably may with due Encouragement, manufacture and consume a 5th part of the Victual Rest of the Kingdom, and save a greater Value of Money Yearly exported for that Commodity, besides the Advantage of employing such as are concerned in the Manufactories, and Ease to the Poor in their Neighbourhoods; we humbly hope, that your Grace and the High and Honourable Estates of Parliament will think our three Works worthy to be erected in Manufactories, with the ordinary Privileges in the like Cases, for each number of Years as your Grace and the Right Honourable Estates of Parliament shall think fit.

May it therefore please your Grace and the Right Honourable the Estates of Parliament, to take the Preamble unto your Consideration. And if no better Expedient occur, to pass an Act in the Terms of our most humble Desire abovesaid, for the better Encouragement of our Native Product, and of us and our Work-Houses, that others may be excited to Manufacture the Native Product of this Kingdom in all its Branches.

Ed 24 March 1707.

Her Most High Commissioner & the Estates of Parliament having heard this bill they grant the desire thereof as to the preference of the petitioners to other inferiours for the inferiours share of penalties & also as to the penalties demanded to be imposed on the officers of the customs giving abatement of the duties upon imported foreign starch But ordain their duties to be such as are imposed thereon by the English book of Rates and refuse the other demands of this Petition And ordain this presents to be published at the market cross of Ed & other places needfull that none pretend ignorance thereof.

SEAFIELD Cancellor. I. P. D. P.

RECOMMENDATION in favour of James Fishysen.

To His Grace Her Majesty High Commissioner And the Right Honourable The Estates of Parliament

The Petition of James Fishysen servant to Mr Robert Alexander one of the Clerks of Council and Session

Humbly Sheweth

THAT the said Mr Robert Alexander being of course Clerk to the Minutes during this long Session of Parliament whereby I as

his Servant have had the unprecedented trouble of writing and transcribing the many Lists and Rolls of the members names as they gave their several votes which were from time to time ordained to be Marked Recorded and Printed And of writing and transcribing and preparing Doubles of all the Minutes during this long Session in performing of which service I have been at considerable charge and expences And it being agreeable to the honour bounty and justice of her Majestie and the Honourable Estates to Remburse all their servants expences and Gratifie their gains in their service.

May it therefore please your Grace and the Honourable Estates to order me such a Certification and allowance in consideration of my service pains and expences as your Grace and Lordships shall Judge reasonable.

Ed 24 March 1707.

Her Majestie high Commissioner and the Estates of Parliament in consideration of the petitioners Service during this long Session of Parliament doe hereby Recommend the Petitioner in a speciall manner to the Lords of her Majestie the Treasurie for ready and effectfull payment to be made to him of the summe of fifty pounds Sterline money.

SEAFIELD Cancellor. I. P. D. P.

RECOMMENDATION in favour of John Hamilton Town Clerk of Irvia.

Unto His Grace Her Majesty High Commissioner, and the Right Honourable Estates of Parliament

The Humble Representation and Address of John Hamilton Junyours wryter in Ed, now Clerk of Irvia

Humble Sheweth

WHEREAS in the Second Session First Parliament King James 7th Held at Edinburgh anno 1695 by the Earle of Murray Lord High Commissioner, a Petition was made to abolish the Penal Statutes against Papists (the only Lawes which secured the Protestant Religion to this Nation) and was brought in before the Lords of the Articles; And a great many Papist fathers, Priests and Jesuits then at Edinburgh and Holy-rood-house, in the habits and qualities of Gentlemen, had offered all imaginable Solicitations and artifices, to get these Statutes abolished, which they secured the Sanguinary and Bloody Lawes, in all their Treackings and Conventions, upon a designe to get Papists advanced to places of publick trust within this Kingdom, wherein some Papists at the same tyme were secretly plotted: And Popery threatening then like to a flood, to over-run this whole Nation, if these Statutes had been then abolished; and the Court and Papists had left no Stone unturned, to obtain their designe.

The sd John Hamilton did thereupon wryte a long Paper, entitled, Reasons why a Consent to abolish the Penal Statutes against Papists could not be given by any who owned the then Government in Church and State: Which being read, seen and heard of, by the greatest part of the Honourable members of that Parliament, And being found and esteemed by them to be a wryte, giving all due deference to the Kings Majestie and Government, and Containing most strong and convincing arguments, many whereof deduced from the obligations of the Oath the Test; which all the Estates of that Parliament had sworn: And the sd Reasons so extremely taking with all the Honourable Estates (except a few who were either themselves Papists, or were friends to Papists) all the Protestant Nobility, Barons and Commissioners from Burghe Royall, affected, that the sd Paper was well seasonable, and necessary to be published and printed, in that juncture, when the Protestant Religion, and Lawes and Liberties of the Nation, were in imminent hazard of being overturned; And the Parliament and Nation having no other light by writing or printing to direct them in that momentous affair, but

what they had from the *fil* Resolves. And therefore defrayed the *fil* John Hamilton might cause print the *fil* Paper.

But in regard no printer would or durst undertake to print these Resolves, (a man being then counted an offender for a word) the greatest part of the Representatives of the Nation, did earnestly influence and urge the *fil* John Hamilton to cause write and disperse all many doobles thereof, as might serve the whole members of Parliament, (which accordingly hee did) and adventured to Convey some Copies written with his own hand, to His Majesties Counsellor, The Earle of Perth Lord Chancelour, The Bishops of St Andrews, Glasgow and Edinburgh, and to other Courtiers at Holy-rood-house: The force of which Resolves so finished them, That they wrote answere thereto (furnished upon Sir Roger Le Strange then at the Abbey) which were also doubled and dispersed in great numbers, by the Priests and Jesuits, and their Agents. But the whole Parliament members by that time being previously furnished with Copies of the *fil* Resolves; the Honourable Estates from their zeal for the true Protestant Religion and their regard for the Lawes and Liberties of this Nation, and from the force and influence of the most strong and pregnant arguments contained in the *fil* dispersed Paper, did peremptorily Resolve to give their consent to abolish the *fil* Penal Lawes; They and the whole Nation being then justly in great fears and danger of Popes's entering this land, if these Statutes had been then abolished, and the dispensing power allowed: And some of the Honourable Members were at the same time imprisoned for their freedom of speech in *fil* affair, and were made either to give bonds, or to crave pardon.

This Christian, Heroick and Magnanimous behaviour of the first Parliamt 1695, being very surprising to the Court, and unexpected by them, and extremely galling & vexing to the Popish fathers Priests & Jesuits then at Ed and at Court, and altogether unexpected by them also, the Court and They did slylye and attribute all their misfortune in this affair to the dispersing of the *fil* Resolves: Wherefore the Court forthwith ordered secret inquiry to be made for finding out the writers and dispersers of such Papers as (they said) had obstructed His Majesties affairs in Parliamt. And Discovery being made That the first copies had come from Mr Archibald Niblet of Carlin writer to the Signet his chamber where the *fil* John Hamilton was a writer; The Lords of Privy Council were concerned to that very effect, who caused apprehend Carlin and the whole writers in his chamber (except the *fil* John who was upon his keeping) who being all imprisoned, and immediately after examined, did lodge the writing of the first copies of the *fil* Resolves, and the dispersing of the whole upon the *fil* John, and dismissed all the prisoners: But Carlin was made to give bond under the penalty of fyve Thousand Pounds to prevent the *fil* John, which obligeid him to lurk until the ferment was in pain over; And thereafter how professed himself prisoner, and was obligeid to give some other bond of Prefestation, under some other great penalty And was necessitate for the same cause to leave his employment at Ed, and afterwards to reside in Ireland until King James's intermeddly, and the happy Revolution yether: All which being being matter of fact literally true, are known to such of the members of that Honourable Parliamt, as are yet on lyfe, and to many of the chief Citizens of Ed.

And now seeing the *fil* John Hamilton was authorized and assigned unto the *fil* dangerous undertaking, and greatly expensive Service, by the most part of the Honourable members and Estates of the *fil* Parliamt 1695 in this critical Juncture, in his writing and otherwise acting as *fil* is, for the vindication and preservation of the Penal Lawes of this Kingdom against Papists, (the only hedge of the Sacred and Religious Liberties y^{et}.) especially when threatened to be abolished, thereby exposing his lyfe lyveliness and fortune, and all dear to him, to imminent hazard; for which cause has yet Lye under the two bonds forbid. And that His *fil* Service being favoured of God with eminent Success, did prove extremely beneficiall to this and our

neighbouring Nation, the happy fruits whereof these whole Kingdomes doe reap at this day; and that Her Majesty and Honourable Estates of this Parliamt current, in the last Session y^{et}, were pleased to record and reward the Services done by several of our Countrymen in writing for the vindication of the Civil Liberties of this Kingdom.

May it therefore Please your Grace Her Majesties High Counsellor, and the Honourable Estates of Parliamt, to Grant warrant to the Clerks of Privy Council, to deliver up to the *fil* John Hamilton, Carlin bond granted on the *fil* John's account, and his own bond of Prefestation forfil; And to Consider his Service above represented in his writing & otherwise acting for the vindication and preservation of the Sacred and Religious Liberties of this Kingdom, which did prove so very beneficiall to this and our neighbouring Kingdom of England in the *fil* critical Juncture, The dangers hee was exposed to, and his vast expens: in that Service, and loss of tyme & employment Sustained thereby to the Value of Ane Thousand Pounds Sterling and upwards: And to doe therein as the Wisdom of the Nation shall think fit.

Joe Hamilton.

Edinb: 24, March 1707.

Her Majties high Counsellor & the Estates of Parliamt having heard this petition They Recommend the petitioner for payment of the *Loans & damages* sustained by him for the cost within mentioned in such way & manner as Her Majtie in her royal bounty shall think fit And ordaine the Clerks of Privie Council, to deliver up to the petitioner the two severall bonds within mentioned which he lye under for the services within writen gratis.

SEAFIELD Councillor. I. P. D. P.

RECOMMENDATION in favours of John Coffe Writer in Edinburgh

Unto His Grace the Duke of Queensberry Her Majesty's High Counsellor, and the Right Honourable the Estates of Parliament

The Petition of John Coffe Writer in Edinburgh Humbly Sheweth,

THAT the deceased Andrew Martin Writer in Edinburgh, from the great Respect he bore to his Native Country, and particularly for the Preservation of the Ancient Records thereof; having in the Year of God 1690 (at which time he had the Care of the Records of the Privy Seal) bestowed himself with them in the Highlands of this Kingdom, where he preferred them from the Enemy with a great deal of Expence and Fatigue, there being upwards of 100 large Books, and that for the space of ten Years at least, to the Hazard of his Life, and irreparable Bein of his Family: And the said Books being some time agoe fallen in your Petitioner's Hands, threw the Death of the said Andrew Martin, and of his Son, whom your Petitioner was necessitate to Supply, in advancing considerable Sums to him on the Faith of those Books, and conceiving they might be of publick use, especially seeing they contain the Records of Charters, Precepts, Gifts of Tithes, Prefestations to Kirks, and Benefices in the several Presbyteries, Priors, and Prebendaries from the year of God 1499, to the year of God 1690, together with their Minut-Books during all that time, duly corresponding; As also a Record containing the Taxation upon the Clergy of Scotland for sending their Delegates to the Council of Trent, and other old Taxations. Your Petitioner also humbly conceives, that these Records are of the more use and value, because of the Loss of the Registers of the Commission of Parliament, for Plantation of Kirks and Valuation of Tithes, which were Burned in the late great Fire that hapned in this place; and also, because the Records of the Chancery, and

other Records, suffered much when they were Transported to England, and much more by the Misfortune that befel them at Sea in their Return.

May it therefore please your Grace and Lordships, to order the said Records to be put into Publick Custody, and to appoint your Petitioner such a Reward for the Expenses, and Great Pains that has been bestowed in preserving these Records, out of some sure Fund, as your Grace and Lordships in your Great Goodness and Bounty shall think fit.

And your Petitioner shall ever Pray, &c.

Edinb. 24 March 1707.

Her Ma^{ty} high Commissioner & the Estates of Parliament having heard this petitione They Recommend the Petitioner to her Ma^{ty} for payment of the expens^e & paynes bestowed in preserving the within Records out of what fund her Ma^{ty} shall think fit: And ordaines the said Records to be put in publick custody in the Lower Parliament house on a receipt thereof.

SEAFIELD Caretaker. I. P. D. F.

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RECOMMENDATION in favour of John Smith late Master Deputy.

Unto his Grace the Duke of Queensberry, her Majesties High Commissioner, and the Right Honourable Estates of Parliament.

The Petition of John Smith, late Master Deputy.

Humbly Sheweth,

THAT whereas Your Petitioner having in his Grace the Duke of Argyle Session of Parliament, fully testified the Committee, appointed for Hearing, and Inspecting into the Application of the Publick Funds of the Nation, (as their Report as the Clerks Bonds bears,) of the truth of my Complaint, against Mr Thomas Bruce formerly Master Deputy General, being an Absentee of his Grace, or Delinquent Man in the Army, from the first of November 1694, to the first of November 1698, whose Pay amounted to a considerable Sum, should have been kept, conform to the Lords of Treasury their Instructions to Mr Bruce. I now beg leave, humbly to Represent, That in prosecuting the said Mr Bruce, upon my above Complaint, which is most justly found by the Committee of Parliament, not to be calumnious; I have undergone the Hardest Difficulties imaginable; And I having spent these seven or eight Years since, in a continued Attendance of the Dyets of the High Court of Parliament, Committees of the same, and the Lords of Treasury; Besides a long and Expensive Journey to London, And there suffering imprisonment upon a Bussess Action, so less than the next sum of 500 Lib. Sterling alleged due by me to him, and other Hard Treatments since, so useless to trouble Your Grace, and Estates of Parliament with by the procurement of Mr Bruce, and his Does, fruitlessly endeavouring to have thereby incapacitate me to have carried on, or Defending to have Weard me out of my Honest purposes of Detecting the Abuse committed against the Publick Interest of the Nation, and which is now set down in a clear Light to all Unbiased and Impartial Judgements; By all which, And in proceeding King Williams Letter, recommending me to the Lords of Treasury, to be Heard before they, upon the whole Grounds of my above Representation, I am Reduced to very great Straits, having these seven or eight Years been Obligated to a close Attendance in Edinburgh, whereby I neglected any other Business by which I might have got Subsidance to my Self and Numerous Family, and spent the small Stock I had; Mr Bruce still denying payment of what he justly Owes me; which with my Charges and Expences in the said Matter, has brought your Petitioner to such a low condition, as that I am ashamed to acquaint Your Grace, and the Right

Honourable the Estates of Parliament with, being upon the very brink of Misery, unless prevented by such a consideration, as Your Grace, and Estates of Parliament, in Your Wisdoms shall think the Service due to my Country, and my wife calls for; How far the Malversations proven by Your Petitioner be directe the Transgression of a Law, or not, I leave it to the Wisdom of Your Grace, and Estates of Parliament to Determine; But with all Deference to the Report of the Committee of Parliament, I humbly conceive that the 4th Act of Parliament 1695 is very clear, and deserves the consideration of Your Grace and Estates; Especially when the true Report of the State of the Armie was never given in to the Lords of Treasury.

Upon the whole I ever did, and still does understand the Abuse complained of, And now fully proven against Mr Bruce before the Committee of Parliament, to be the transgression of a Law, The Treasuries most positive Instructions, A Trick put upon the Government, and a Loss to the Nation, in having the sum of 140000 Lib. Scots, and upwards of the Publick Fund, for payment of the Forces, misused; And therefore thought my self bound in Humble Duty to my Sovereign, and Native Country, to Discovers these Abuse, And Represent to Your Grace, and Estates of Parliament, how to prevent the same in time coming.

May it therefore please your Grace, and the Right Honourable the Estates of Parliament, in consideration of the Committee most just Report; And the great Fatigue, Trouble, Expences, and Hard Treatment from Time to Time, put upon Your Petitioner, in Discoversing the sum of 140000 pounds Scots of Imbursement of the Publick Funds of the Armie, (being good service done to my Sovereign and Native Country,) so Ordain such a consideration, and out of such a Fund as Your Grace, and the Right Honourable Estates of Parliament shall think fit.

And Your Petitioner shall ever Pray, &c.

Edinb. 24, March 1707.

Her Ma^{ty} high Commissioner & the Estates of Parliament having heard this petitione They Recommend the petitioner to her Ma^{ty}s gracious & royal consideration to due in the matter within represented as her Ma^{ty} in her royal bounty shall think fit.

SEAFIELD Caretaker. I. P. D. F.

KEY MARTIN, W.D.C.VII.

RECOMMENDATION in favour of James Carringhams of Anichbarrie younger.

Unto his Grace her Ma^{ty} high Commissioner & the right hon^{ble} the Estates of Parliament

The petition of James Carringhams Son to Robert Carringhams of Anichbarrie

Humbly Sheweth

THAT your Petitioner's father having to his considerable Loss and expences built a harbour in Falkland which to the conviction of all in this Country is a publick good evidently to the advantage of the Nation in lessening the import of the produce of the place & the daily intruding of money And the Estates of Parli^t in the years 1686 and 1688 did not only grant to him four penies on the pint of all ale & beer brewed and vended in the parishes of Stenness and Androchar but for his further encouragement in prosecuting what is as evidently a Common well & because he had raised the Estate from fifty two pound Scots in the quarter to one hundred & seventeen pound & y^e through neglect of the harbour the said hundred and seventeen pound might not be lost to the prejudice of the publick did further grant to him a Right of the Excise of the said two parishes he paying the hundred and seventeen pound quarterly he had raised it to

And however the four pennies on the pint was upon the two pence yet he was willing and did restrict the taxing y^e of the brewing which was already the effect of his own industrie. It is presumed that any person whatsoever y^e should offer upon his own proper expenses to occasion a trade of import and is- bringing of shall considerable sums of money which could pro- judge not of part of the Kingdoms that the hon^d Estates of Parli^t could not but see it reasonable and the interest of the Na- tion to grant twice four pence on the pint of all brewing occa- sioned from his own industry for supporting the imposition to be what could discourage brewing yet not however not any y^e how- ever could Complain of their being worse than if that person had not expended his money. Yet your petitioner albeit his father not be noways reimbursed of the expenses in building the said harbour being unwilling to insist in this reasonable desire And the heire and others concerned as Convinced that the main- taining and encouraging of this harbour is as much a Common well being resolved as law will allow that some small duty be uplifted upon brewing for doing thereof but the brewers being unable to pay this and her M^{ties} Excise severally it being the interest of the publick that the hundred and seventeen pound quarterly do not diminish.

May it therefore please your Grace and honorable Estates of Parliament for ease and encouragement of your Petitioner and that the Excise to the advantage of the publick may be kept at the hundred and seventeen pound quarterly as the same is at present answerable to three pence of the Pint to Grant to your petitioner the right to the Excise for the space of twenty years be paying the said hundred and seventeen pound quarterly as long as the said three pence is the rate for uplifting her M^{ties} Excise it being Declared that if the Excise after this shall be augmented or diminished that your Petitioner shall be obliged accordingly to pay augmenting or diminishing the said hundred and seventeen pound quarterly as the Established Excise shall be left or more than the three pence presently payable.

And your Petitioner shall ever pray &c.

Ed^d March 25 1707.

Her Majestys High Commissioner and the Estates of Parliament having heard the within petition They Recommend the case of the petitioner to her Majestys Royal favour.

SEAFIELD Cancellar. I. P. D. P.

RECOMMENDATION in favours of the Masters and Clerks Servants and Keepers and Servants of the House.

Unto His Grace Her Majestys High Commissioner and the Right Honourable the Estates of Parliament.

The Petition of the Masters of Privy Council.

Humbly Sheweth,

THAT where your Petitioners were at considerable Expence, in furnishing themselves suitable, for Riding, Serving and Attending the First Session of this current Parliament, and having given punctual Attendance to that end the other Sessions of this said Parliament, for which as yet we have got no Allowance; As also through the Sitting of the several Sessions of Parliament, the Sitting of the Privy Council and Exchequer were interrupted, and since Her Majestys Ascension to the Throne, the Commission of Terrors and Plundering of Kirks (a Judicature from which the greatest Branch of our Casualty arose) has holden sit; by the Interruption of the Sitting of which Judicatures we lost the greatest Part of our Casual Subsidies. And it being the constant Custom of your Grace and Estates of Parliament, to grant suitable Allowances to your Petitioners and their Predecessors, not only for our Expence and Pains, but likewise for the Loss of our Casualties, in such Cases.

May it therefore please your Grace, and the Right Honourable the Estates of Parliament, to modify such an Allowance to your Petitioners, in consideration of the Premises, as your Grace and the Honourable Estates shall think fit; And to appoint the sum to be payed out of some effectual Fund, or to Recommend us to the Lords of Her Majestys Treasury, for the punctual Payment thereof.

And your Petitioners shall ever Pray, &c.

Ed^d 25 Martij 1707.

Her M^{ties} high Commissioner & the Estates of Parliament having heard this Petition They Recommend the Petitioners to the Lords Commissioners of her M^{ties} Treasury for such a sum in consideration of their pains & attendance as they shall think just.

SEAFIELD Cancellar. I. P. D. P.

Unto his Grace Her Majesties high Commissioner, and the Right Honourable the Estates of Parliament,

The Petition of Robert Macdon Under-keeper of Her Majesties Wardrope,

Humbly sheweth,

THAT where her Majesty by her GR^t under the Privy Seal of this Kingdom, dated the twenty day of May 1704 years, appointed your Petitioner to be Under-keeper of her Majesties Wardrope, and the Petitioner ever since the date of the said Commission having been at great Expence in upholding and dressing the Armes-hangings and Carpets for the use of the Parliament-house and General Assembly, and in attending and covering the Crofs at Parliament, Council, Treasury and Exchequer Proclamations, and carrying the Chair of State, Carpets and Chairs, &c. from the Parliament-house to the Kirk and back again each Sabbath-day, during the sitting of Parliament, all which has put the Petitioner to the charge of above 40 lib. Sterl. for these three years by past, besides his extraordinary Fares and Trouble, there being none at the Charge of any of the said Departments but your Petitioner, as an Tellant under the hand of M^r Achamoy Mather of the Wardrope herewith produced doth testify: And your Grace and Estates being in use to gratify your publick Servants;

May it therefore please your Grace and Honourable Estates of Parliament, in regard of my extraordinary Pains and Expence, to grant such Allowance to your Petitioner out of such a Fund as your Grace and Honourable Estates shall think fit.

And your Petitioner shall ever pray, &c.

Edinb: 25, March 1707.

Her M^{ties} high Commissioner & the Estates of Parliament having heard this bill Recommend the Petitioner to the Lords Commissioners of the Treasury for payment of what they think fit for his services within mentioned.

SEAFIELD Cancellar. I. P. D. P.

RECOMMENDATION in favours of James Stephen Usher.

Unto His Grace Her Majestys High Commissioner and the Honourable Estate of Parliament

The Petition of James Stephen Usher Depute of Excheq^r

Humbly Sheweth

THAT whereas the Sitting of this and of Parli^t I have been obliged to furnish the Comptrols of Parli^t with several necessaries such as Coal Candle Paper Pens and Ink and gave attendance to this and all former Sessions of Parli^t for w^{ch} I had no allowance as is well known to your Grace and L^{ds} and it being the constant Customs of this honourable house to give allowances and Redres for Expences Loaves and pains of Ser-

N n

wants in such Cases, especially considering that I have Served thate Eleven years as Ulter Deput without any Salary or allowance therefor and the Casualties arising therefor are become so small that your petitioner is Strained to Subsid himself and family.

May it therfore please your Grace and Lōps to Recommend your petitioner to the Lords Collins of her Majys Thē^{ty} for such allowance for my Expenss and pains and attending on the Comētyty and for Serving as Ulter Deput as ther Lōps shall think fit and to Recommend your petitioner to her Majesty for a Solery in all tyme coming as Ulter Deput of Treasury and Excheq^r And your petitioner shall ever pray.

Ja. Stephen.

Edinb: 23, March 1707.

Her Mites high Commissioner and the Estates of Parliament having considered this petition find the petitioner has been at considerable expenss, in furnishing the Comētyty of Parliament with the necessaries within mentioned and alle has been at great payes in attending the Parliament & Comētyties the years & space within wyen Doe therfore Recommend the Petitioner to the Lords Comētyttees of her Mites Thē^{ty} for such allowance for his expenss payes & services within mentioned as the said Lords shall think fit And Lykenwyse Recommends the petitioner to her Mite for a yearly Stalarie in all tyme coming as Ulter Deput of Treasury & Exchequer to be payed in such manner & out of what funds her Mite shall think fit.

SEAFIELD Cancellor. L. P. D. P.

RECOMMENDATION in favours of William Bayne.

Unto his Grace Her Majesty's high Commissioner, and the Right Honourable the Estates of Parliament.

The Petition of William Bain Brother German to the decess James Bain Her Majesty's Master Wright.

Humbly Sheweth,

THAT the decess James Bain in his Lifetime having after applied to severall Sessions of Parliament, for Payment of that Just Debt found due to him by Parl. 18. Seff. 34. K. W. of Blessed Memory, for Timber, Madder, and Workmanship furnished and wrought by him to Her Majesty's Palace of Holy-rood-house, Cello of Edinbrough, &c. Nothing could be obtained but Recommendations to Her Majesty and Royal Prefectores, and to Her Majesty's Thē^{ty} for Satisfaction in the same tyme; and last of all upon the last Recommendation, the Lords of Thē^{ty} granted him Precept for 1001. Sterl. towards his present Subsidence, which is not yet payed.

After his Decesse, your Petitioner did apply the last Session of Parliament, and all that was obtained was 400 lth. Sterl. appointed to be paid out of the 7 or 8 Months Cels laid on last Parliament, which is more than now exhausted by your Petitioner's Attendance & Payment of the Funerals & other necessary Debts of his Brothers. And having applied to this present Session of Parliament, to have a Share out of the Equivalent after payment of the publick Debts already ranked, or out of any other effectual Fund that should be judged fit for payment of the Sum of 41769 l. found due by the Parliament as said n, with the Annulments thereof since that tyme. But your Grace and Honourable Estates, could not fall upon a Method to let me have a Share of the said Equivalent, or any other effectual Fund for payment thereof. Only have recommended your Petitioner to Her Majesty for this effect.

Your Petitioner shall not now refuse what have been represented among his Circumstances and Condition, and among the Justice of his Debt, and the Mifery he is involved in through the non payment thereof. Only shall lay before your Grace and Honourable Estates of Parliament, the Extremity of Distress and Distress your Petitioner is now put to by his Brothers Creditors,

for payment of the just and lawful debts owing to them; and through the loss of my own Trade, in giving Attendance to this Affair. And being I am disappointed of all Means of Subsidence, or any thing able to delay these debts,

May it therfore please your Grace and Honourable Estates of Parliament, to take your Petitioner's most deplorable Cafe and Circumstances to your serious Consideration, and to grant me some competent Allowance towards my necessary Subsidence Quarterly, out of some effectual Fund, until Her Majesty be pleased to grant an effectual Fund for payment of the whole forefild Debt.

And your Petitioner shall ever Pray.

Ed: 23 March 1707.

Her Majesties high Commissioner and Estates of Parliament having Considered this petition They seriously Recommend the petitioner to her Majesty to grant to him some competent allowance toward his necessary Subsidence out of some effectual fund until her Majesty shall be pleased to Grant an effectual fund for payment of his whole debt within mentioned.

SEAFIELD Cancellor. L. P. D. P.

ADDITIONAL List of the Acts of Ratifications granted in Parliament 1707

ACT Ratifying a Charter under the Great Seal of the date at Kensingtone the tenth day of March instant Granted by her Majesty with consent of her Commētyttees of Treasury and Exchequer to Archibald Duke of Douglas and his heirs and others therein mentioned heretofore and irredeemably of the Lands Lordships Regalities Baronies and others particularly and generally therein express with all the Dignities enjoyed by the decessed Archibald Earle of Angus or his predecessors And specially the first vote in Parliament, Leading the van in the day of battle and Carrying the Crown in Parliament, All formerly united in the Earldom of Angus and of the lands and barony of Duplepe comprehending the said lands office and others therein specified proceeding on the Resignation of him and his Tutors and Containing a new Gift of the hall with a disjunction of the Lordship and Barony of Douglas and others from all Sheriffdoms Regalities and other Jurisdictions And are union therof in the Regality Lordship and Barony of Douglas And also are Erection of the lands of Duplepe and others yin spe^{ci} in the Regality Lordship and Barony of Duplepe With the Jurisdiction of Regality Chappell Chancellory and Jurisdiction, effects of the vassals and Inhabitants and other privileges belonging to the said spe^{ci} Regalities And also like are Erection of the Burgh of Douglas in a burgh of Regality and of the Burgh of In another free Burgh of Regality to be called the burgh of Regality of Duplepe which is thereby ordained to be the head burgh thereof with the privilege of markets and fairs of the said spe^{ci} burghs as is mentioned in the said Charter which contains also a gift and disposition of the wyenes and minerals within the barony of Robertson and the said Regality of Duplepe And are union of the said Earldom Lordships Regalities burghs and others yin spe^{ci} in are Dukedome, Marquissate, Earldome, Lordship and Barony of Douglas and Angus containing the Cello of Douglas to be the pri^{or} residence thereof And one Summe by earth and stone therof or at any part of the said Dukedome to be sufficient for the hall Declaring that the said Union shall not prejudice his privileges and dignities belonging to him as Earle of Angus or otherways Yo be holder of her Majesty for payment of the said duties yin exp^{re}ss By which Charter the few and backward holding of the barony of Douglas and others is changed to a blanch holding for pay^{mt} of one penny Scots money yearly, Together &c.

RATIFICATION of a Charter under the Great Seal of the date at St James's the twenty ninth day of January one thousand

from hundred and three years by her Majesty with consent of her Treasury and Exchequer for the time to Mr John Murray Advent. Comptroller of Peables proceeding on the Resignations of usq^d John Pringle of Whythark of the lands and barony of Yare including the peshide thereof called Craig with tynne peshage and vicinage of the same and of the Lands of Whythark and others all thereby of new Daposed Usq^d and Erected in the Barony of Yare Ordaining the manner place of Yare to be the prin^{al} seatage And one Saine therof or at any part of the said lands to be sufficient for the hall To be holden of her Majesty for pay^t of the usq^d duties yin men^t By which also the marriage of the heir for the said lands of Whythark and others is taxed and disposed for a certain time of two hundred and forty marks Scots money when the same shall fall Together &c.

RATIFICATION of a Gift and Confirmation under the Privy Seal of the date at St James's the twenty ninth day of March 1st vjth and three years Granted by her Majesty with Consent first to Sir Thomas Monroff of that ilk and Sir James (then Mr James) McKenna Advocat collis and attelle during their joynt lifetimes and to the longest liver of them two of the office of Clerk to the Treasury of this Kingdom with all fees profits and emoluments thereof And particularly a yearly fee of fifty pound Sterling to each of them payable at Whitunday and Martinus be equal portions And of the office of Treasury Clerk and Keeper of the Register of Signatures Infeudments and other writs used to pass in the Treasury and Exchequer.

RATIFICATION of a Gift under the Privy Seal dated at St James's the twenty eight day of November 1st vjth and two years Granted by her Majesty who thereby not only approves of a former gift of the office of presenting Signatures in Exchequer and the ordering of her Majesties Dispatches within this Kingdom Granted to John Veitch elder of Daich new deceased and John Veitch his eldest lawful son collis and attelle and to the longest liver of them two But also Gives and dispenses to the said John Veitch the day during all the days of his life the said office with all the fees and emoluments belonging thereto to be enjoyed and exercised by him or his deputies in manner therein mentioned And of another Gift under the Privy Seal of the date at St James's the twenty third day of February 1st vjth and five years Whereby her Majesty with consent of her Treasury and Exchequer Gives to the said John Veitch during the Continuance of his said office Commission and additional yearly Pension and Salary of Twenty five pound Sterling above what he now has as presenter of Signatures Declaring that the said Grant shall be no ground of augmenting the ordinary Salary to his Successors in the said office.

RATIFICATION of a Charter under the Great Seal of the date at St James's the tenth day of April 1st vjth and six years Granted by her Majesty with consent of her Treasury and Exchequer in favours of James Vifcont of Primrose and his heirs male and of tailzie therein mentioned Whereby the Lands and Barony of Crighoun and Carringtons comprehending the said lands tynne patronages and others yin express are United and Erected in a free Lordship and Regality with privilege of Judiciary, Chappell and Chancery called the Regality of Primrose which is thereby disposed with the Ecclesiastical of the Inhabitants to the said Vifcont and his heirs male thereby made heretable Lords of the said Regality of which the Town of Carrington thereby appointed to be called the Burgh of Regality of Primrose is ordained to be the head burgh With the hall privileges mentioned in the said Charter Whereby one Saine or the nearest Croft of the said burgh or on any part of the said baronies and Regality is declared sufficient for the hall And the said Errection is declared as sufficient as if the said lands had been Resigned in her Majesties hands and a Charter erecting the said Regality with an Infeudment had been thereupon expedite By which Charter it is declared that in case of division of the said two Baronies of

Crighoun and Carrington to different proprietors and heirs of tailzie and successors of the said Vifcont then and in all time thereafter the heirs and successors of the said Vifcont in the said barony of Crighoun shall have the full privilege of Regality within the bounds of the said barony And that thereafter the burgh of Crighoun shall be the head burgh of that part of the said Regality And that the said heirs and successors to the said baronies shall have the privilege of Regality and Judiciary within the bounds thereof and that the one shall not be subject to the Jurisdiction of the other And one Saine at the nearest place of Crighoun or upon any part of the said barony by delivery of merk and stone is ordained to be sufficient for the said barony With privilege of Regality and Judiciary within the same To be holden of her Majesty for payment of the blench duty therein mentioned Together &c.

RATIFICATION of a Charter and Gift under the Great Seal of the date at Kensington the seventh day of June 1st vjth and one Granted by the deceased King William with consent of his Treasury and Exchequer for the time to George Earle of Cromarty then Vifcont of Turlis and his heirs yin ap^t heretabill and irredeemably of the three Chaplainries of Alnzie The Chaplainries of Newnoure and Turlis, Kilin St Katharine in Chancery The Chappell lands of St Katharine and St Mary at the burgh of Diegwail with the Right of patronage of the said Chaplainries and others thereto annexed with all the Right and title his Majesty had therof Ordaining one Saine at the Chappell lands of St Katharine to be sufficient for the whole To be holden of her Majesty for payment of the few duties therein mentioned to which the former duties payable therof are Relieved by the said Charter which Contains a Confirmation of the former Right granted to the Earle of the premises Together &c.

RATIFICATION of a Charter under the Great Seal of the date at St James's the eleventh day of February last granted by her Majesty with Consent of her Treasury and Exchequer to John Vifcont of Garsack and his heirs and others therein mentioned heretabill and irredeemably under the provisors and conditions therein men^t of the lands and baronies of Kilhirnie Glen-garnack and others for the pres^t, The lands of Robertson and others for wardenship proceeding upon the said Vifcont his own Resignation and consenting an Errection of the hall in the Barony of Kilbirnie Ordaining the manner place of Kilhirnie to be the prin^{al} seatage and one Saine by earth and stone therof to be sufficient for the said lands and others yin men^t Which are all thereby of new dispensed To be holden of her Majesty as Queen and Stewart of Scotland for payment yearly of one penny in name of blench ferme in place of the former taxward duties payable therof To which blench holding the said ferme holding is thereby changed Together &c.

RATIFICATION of a Gift and Confirmation under the Privy Seal of the date at Kensington the Eighteenth day of Feb^r last Approving a former gift granted by her Majesty with consent first to Colin Earle of Balcarnea of five hundred pound Sterling yearly during the time therein mentioned out of the Lands and Lordships of Fife and Southairne so far as they will extend to and the rest out of the Earldom of Orkney and Lordship of Zetland in so far as may be extended for Recovering the bygonne of the said same And farther Giving and assigning to the said Earle his heirs exors or assigns the few duty of five hundred pound Sterling payable by the Earle of Marston for the said Earldom of Orkney and Lordship of Zetland and that for ten years Commencing from the first year the said few duty falls due.

ED 23 March 1707.

The within additional list of Ratifications read in Parliament & approved.

SEAFIELD Cancellor. I. F. D. P.

LIST of Acts for Fairs and Mercats granted in Parliament 1707.

ACT appointing a weekly mercat to be holden on Tuesday And two new fairs One upon the third Thursday and Friday of Aprile And the other upon the first Tuesday and Wednesday of Febyry yearly to be kept at the Town of Calstoun in the Shyre of Air belonging to Sir Alexander Campbell of Colmuck one of the Senators of the Colledge of Justice And a mercat upon Thursday weekly with two new fairs One upon the second Tuesday and Wednesday of Febyry And the other upon the third Tuesday and Wednesday of May yearly to be kept in all time coming at the town of Bilsenman in the said Shyre and belonging to the said Sir Alex^r And granting to him his heirs and Successors the Right and privilege of keeping the said weekly mercatos and yearly fairs for all kinds of Merchandise with all the tolls Customs and Casualties therof and all other liberties privileges and advantages used and wont belonging to any having the privilege of keeping fairs and mercatos within this Kingdom.

ACT appointing a fair to be kept yearly in all time coming upon the third Tuesday of May at the burgh of Dunbar And granting to the Magistrates and Town Council of the sd burgh and their Successors in office for the behoof of the Community of the faire the Right and privilege &c.

ACT appointing and ordaining three fairs to be kept and holden yearly in all time coming One upon the first day of May, another upon the tenth day of July and the other upon the tenth day of October at the burgh of Carsepholme And giving and Granting &c.

ACT ordaining five fairs to be kept yearly One upon the third Tuesday of June Another upon the second Tuesday of August Another upon the second Wednesday of September Another upon the third Tuesday of October And the other upon the last Thursday of November at the town of Dunsin lying within the Shyre of Argyle and belonging to John Duke of Argyle And Granting &c.

ACT appointing two fairs to be holden yearly in all time coming One upon the second Tuesday of June And the other upon the first Wednesday of September at the ferry of Otter and belonging to M^r John Campbell of Otter And Granting &c.

ACT appointing a fair to be kept and holden yearly in all time coming on the third Wednesday of September at the town of Cooper in the Shyre of Forfar belonging to John Lord Belcherloch in place of the fair formerly kept there on the third Wednesday of October yearly And Granting &c.

ACT appointing four fairs to be kept yearly at the Town of Kinross lying within the Shyre thereof and belonging to John Bruce of Kinross The first to begin upon the second Tuesday of February Another upon the first Tuesday of Aprile Another upon the third Tuesday of August And the other upon the third of September And each of the said fairs to continue for three days And Granting &c.

ACT ordaining a mercat to be kept on Thursday weekly and four fairs to be holden yearly One upon the last Tuesday of May Another upon the last Tuesday of July Another upon the first of November And the other upon the third Wednesday of January And each of the sd fairs to continue for three days upon the fourth falling land of Cuckebur within the parochie of Stewarhouse Balfery of Cunningham and Sherrifdom of Air and belonging to Sir Alex^r Cunningham of Cuckibill And Granting &c.

ACT appointing three fairs to be kept yearly One upon the fourth Wednesday of May Another upon the fourth Wednesday of June And the other upon the fourth Wednesday of October

upon the lands and barony of Fessenden lying within the Sherrifdom of Aberdeen and belonging to Sir Samuel Forbes of Fessenden And Granting &c.

ACT ordaining a fair to be called St James's fair to be kept yearly on the twenty fifth and twenty sixth days of July at Spittle in the parochie of Hellick and Sherrifdom of Caithness and belonging to James Sinclair of Lyth one of the Clerks of the Bills Another to be kept yearly upon the twenty sixth day of September at Breckledown in the parochie of Bowar and Shyre forth belonging to him Another at Lyth to be holden in the first parochie belonging to him on the second day of October yearly Another to be kept at Wester Watin belonging to him in the parochie of Watin upon the twenty eighth day of October yearly And another at Stanfell belonging to him in the said parochie of Bowar upon the eleventh day of November yearly And another at Scotchell belonging to him in the said paroch of Watin on the last of November yearly And Granting to the sd James &c.

ACT appointing two fairs to be kept One upon the last Tuesday of May to be called Cammock fair The other upon the third Tuesday of June to be called St Johns fair And each of the said fairs to continue four days upon Cammocksair lying within the Shyre of Kinross and belonging to Sir David Carnegie of Pittarro And Granting &c.

ACT appointing two fairs to be kept yearly in all time coming One upon the first Wednesday of June and the other upon the first Wednesday of August And a mercat to be kept weekly in all time coming upon Wednesday at the town of Breckburns lying within the barony of Strathbrock and Shyre of Linlithgow belonging to the Lady Catharine And Granting &c.

ACT ordaining three fairs to be kept and holden yearly One upon the last Tuesday of January Another upon the first Thursday of May And the other upon the second Tuesday of November And a mercat to be kept weekly upon Wednesday in all time coming upon the lands of Dagblith near to the Kirk of Farnock lying in the shyre of And belonging to David Earle of Glasgow And Granting &c.

ACT appointing a mercat to be kept weekly upon Tuesday And a fair to be holden yearly upon the second of July in all time coming at the town of Abbeilensford lying within the Sherrifdom of Haddington and belonging to Sir Francis Kinloch of Gilmerston And Granting &c.

ACT ordaining a mercat to be kept weekly in all time coming upon Wednesday at Arlesno in the shyre of Forfar and belonging to Sir Alex^r Murray of Melgum And Granting &c.

ACT appointing a weekly mercat on Saturday and two fairs yearly One upon the sixteenth day of June and the other upon the seventeenth day of October to be kept in all time coming at the Kirk of Yetholme belonging to William Bennet younger of Orkney And lying in the shyre of Roxburgh And Granting &c.

ACT appointing two fairs one upon the last Wednesday of May And the other upon the twenty second day of September To be kept in all time coming at Herriethowe and belonging to Sir James Dalrymple of Kilsyth And lying in the shire of Edinburgh And Granting &c.

ACT ordaining two fairs to be kept yearly in all time coming one upon the first day of June And the other upon the second Tuesday of October at the town of Alva belonging to Sir John Areskine of Alva and lying in the Shire of Stirling And Granting &c.

Edrd 25 March 1707.

List of Fairs read in Parliament and approved.
SEAFIELD Cancellor. L. P. D. P.

PROCEEDINGS OF THE COMMISSIONERS
APPOINTED TO TREAT FOR AN UNION BETWIXT THE KINGDOMS
OF SCOTLAND AND ENGLAND.

XXVII OCT. M.DCC.II.—III FEB. M.DCC.III.

COMMISSIO PRO UNIONE TRACTANDA INTER
REGNA SCOTIE ET ANGLIE.

ANNA Dei gratia magno Britannie Francie et Hibernie Regina
fidei, Defensor Orbibus prohis Hemisibus ad quos preces
Litere pervenerint Salute. Quodquidem Nos Confidenter
arctam et completam Unionem regnorum Scocie et Anglie
jurdicam et frequenter desideratam fuisse in vestra bonam
et ad majores felicitates utriusq. gentis Et nonnullam progres-
sum exteras factum fuisse tempore Regi nostri praei Jacobi
Seculi Regis et Regi nostri praei Caroli Secundi Regis Et quod
quendam Gulielmus Rex bene memorie quibusdam annis pre-
teritis cum hujus Regni officialibus proposuit Et inquirere eandem
Parlamentum Anglicanum commendavit Nos, etiam et regia affec-
tione et Cura ad promovendam soliditatem omnia nosstrorum
subditorum pios et precedentes nosstrorum regum predecessorum
resoluciones prout cupientes Parlamento nostro Anglicano
Commendavimus apta media pro tali Unione statuenda confide-
rent In cujus quidem prosecutione per dies Parliamentum in-
cessum fuit Quod il qui a Nobis nominarentur vel tot ac tales
coram quos nos pro Quorum et loquatur statueramus conven-
tione tempore et loco a Nobis designatis ad tractandum cum
a Parlamento Scocie Commisionariis et ejus auctoritate man-
datis de tali Unione predicta decernere regerent aut circa qua-
cumq. alia negotia causa et res que (debili deliberatione habita)
nostro honori et status utriusq. regni commodo necessaria vide-
bentur Cumq. nos hanc nostram regium intentionem pro die
Unionis promovenda Scocie parlamento notum fierimus per
sequitur actum ultimus *Societas* dicti Parliamenti decretum statu-
tum et ordinatum est quod il quos nobis visum fuerit sub nostro
sigillo dicti antiqui regni nostri Scocie nominare vel quot eorum
pro Quorum et loquatur statuerimus plenam potestatem et com-
missionem haberent loca et tempora a nobis designata con-
veniens et congregandi ac cum Commisionariis a Nobis more
predicti pro Parlamento et regno nostro Anglie nominanda ac
authoritate nostra auctoritate tractandi et deliberandi circa talem
Unionem predictam decernere regerent Scocie et Anglie ac circa
quacumq. alia negotia causa et res que (maturo habito conside-
ratione) predicti Commisionarii et eorum iussura qui hic Quo-
rum statim congregati ut predictum una cum Commisionariis
per Nos pro Parlamento et regno nostro Anglie nominanda
honori nostro et utilitati et bene publico predicti regnorum nos-
trorum maxime condicere judicabant Proterea quod dicti Com-
missionarii nos aeta et genti in quatuor diversis scriptis aut in-
strumentis per ipos subscriptis et sigillis edidit. Et sic ut
utrum dictarum instrumentorum Nobis aliud Parlamento Scocie
et duo reliqua Parlamento Anglie proximis diebus Parliamen-
torum Societibus in usumque respective sumenda exhiberent
postquam dicta scripta per dies Commisionarios subscripta et
sigillata fuerint et desuper Nos et dicti duo Parlamenta pro-

cedimus prout necesse visum fuerit pro bono utriusq. regni qui-
bus sollicit Consideratio totius et in toto vel aliqua parte appro-
baret aut reprobaret prout Nos et dicti duo Parlamenta expe-
ditis Judicialibus integro reservatur Sicut in dicti acta latius
comitetur Cum nos experientia edocti speciales fideles repa-
ritas in integritate animi dotibus et prudentia perfectum sub-
stant mentionem vj Jacobi Ducis de Queensberrie nostri Com-
missionarii dicti regni Scocie Gallesii Marchionis de Anandale
secreti nostri sigilli custodis Archibaldi Ducis de Argyle Roberti
Murchies de Lethien nostre Justicie Generalis Jacobi Consti-
tis de Seafeld principis nostri Status Secretarii Joannis Consti-
tis de Lauderda Davida Comitibus de Laven Joannis Comitibus
de Blinford Georgii Vicecomitis de Torbet Joannis Vicecomitis de
Stains Archibaldi Vicecomitis de Roseberry Davidi Darnley Beyle
Domini Hugonis Dalrymple nostre Societas Fredrici Domini
Jacobi Stewart nostri advocati Adam Cockburn de Ormskirk
nostri Thesaurarii deputati Domini Joannis Maxwell nostre Jus-
ticie Clerici Domini Jacobi Murray de Philpaulgh Domini
Jacobi Falconer de Phedo Domini [Jacob] Stewart de Bute
Vicecomitis de Bute Domini Archibaldi Dargies de Cavers
Vicecomitis de Twissdale Domini Davidi Dalrymple Solicitatoris
nostri generalis Domini Davidi Cuninghame de Milnerig Da-
mdu Jacobi Senit de Beethill Domini Patricii Johnston pre-
positi Burgi nostri de Ed Hugonis Montgomerie propostus de
Glasgow Joannis Springour propostus Burgi nostri de Dundee
et [Joannis] Allardice propostus Burgi nostri de Aberdeen Nove-
vis ideoq. Nos Nominare Constituisse et Ordinasse sicuti Tenore
prestantiis Nominamus Constituisse et Ordinamus memoratis
personas Commisionarios pro dicto regno Scocie ad effectum in-
vestigationis Duxda illis et illarum triecum ad minimum que
pro Quorum et loquatur statim plenam potestatem et auctori-
tatem congregandi et conveniendi cum Commisionariis nomi-
natis et authoritate nostra utriusq. pro Parlamento et Regno
Anglie vel eorum sufficiente numero apud civitatem nostram de
Westerminster viginti septimo die mensis Octobris proxima se-
quendi et tempore et loco predicti Tractandi et deliberandi circa
talem Unionem ditacem regnorum Scocie et Anglie et circa
quacumq. alia negotia causa aut res que per nos arduis
eorum maxime utilitati a Nobis definitis vel major pars eorum
tunc et ibid congregati jussu confectis et testibus Judicialibus
pro nostro honore et utriusq. regni bene et commodo Cum po-
testate antedictis Commisionariis de tempore in tempore cum aut
alioq. continuatione congregandi et conveniendi et in omibz
quibusvis rebus per prefatos vel dicti actum Parliamentum eo-
rum cum concedendis et concessis secundum eorum Officium et
Judicium procedendi Mandando et Requirendo illis curam adhi-
bere ut omnia nos aeta et genti in prefatis in quatuor diversis
scriptis aut instrumentis debite redigantur ut ita ordinata et parata
sint ut nobis et Parlamento utriusq. regni exhiberent modo per
predicti actum statum et requiritur Declarando omnino per

prefontes nullas nec aut negotia tractanda proponenda vel per dictos Commisſionarios vtiſtate preſentia Commiſſionibus conveniſſet et conſeſſa aliaſque ſua vtiſtate ſua effeſſus cuſuſumq; donec prius authoritate et acta Parliamenti ſubſcripta regni noſtri Scotie confirmata et ſtabilita fuerint. In cuſas rei infirmationem preſentibus Magnam Sigillam noſtrum appendi mandavimus. Apud ſalutem noſtram de Windſor Caſtre viginti quinto die menſis Auguſti Anno Domini Milleſimo ſeptingenteſimo ſecundo et Anno Regni noſtri prima.

Per Signatorem Mann R. D. N. Regium ſupſcriptum.

COMMISSION TO TREAT FOR AN UNION.

ANNE, by the grace of God, [of England, Scotland, France and Ireland, Queen, Defender of the Faith], &c.—To the moſt reverend Father in God, Thomas Archbiſhop of Canterbury; our right truſty, and wellbelov'd Counſellor, Sir Nathan, Wright, our Keeper of our Great Seale of England; the moſt reverend Father in God, John Archbiſhop of York; our right truſty, and wellbelov'd Counſellor, Sidney Lord Godolphin, our High Treaſurer of England; our right truſty, and right wellbelov'd Couſin and Counſellor, Thomas Earle of Pembroke and Montgomery, our Preſident of our Council; our right truſty, and entirely belov'd Couſin and Counſellor, John Marquieſs of Norhamby, our Keeper of Privy Seal; our right truſty, and right entirely belov'd Couſin and Counſellor, William Duke of Devonſhire, our Steward of our Houſehold, and Charles Duke of Somerſet, our Maſter of our Horſe; our right truſty and right entirely belov'd Couſin, John Duke of Newcaſtle; our right truſty, and right belov'd Couſin and Counſellors, Charles Earle of Carliſle, Earl Marſhal of England, during the minority of the Duke of Norfolke; Edward Earle of Jerſey, our Chamberlain of our Houſehold; Charles Earle of Barlingtone; Daniel Earle of Nottingham, one of our Principal Secretaries of State; Laurence Earle of Rochefter; John Earle of Marbrough, our Captain Generall of all and ſingular our Forces, and Maſter Generall of our Ordnance; Richard Earle of Scarborough; the right reverend Father in God, Henry Biſhop of London; our right truſty, and wellbelov'd Counſellor, Sir Charles Hedges, our other Principal Secretary of State, Sir John Holt, Chief Juſtice of our Court of Queen's Bench, Sir Thomas Trevor, Chief Juſtice of our Court of Common Pleas, Sir John Leveſon Gower, Baroneſs, Chanceller of our Dutchy of Lancaſter, our right truſty, and wellbelov'd Sir Chriſtopher Muſgrave, Baroneſs, Sir John Cooke, Knight, Doctor of Laws, our Advocate Generall, Robert Harley, Eſquire, Charles Godolphin, Eſquire, Samuel Clark, Eſquire, and Stephen Waller, Doctor of Laws, Greeting. Whereas the Kingdomes of England and Scotland were ſett united in allegiance and layall ſubjection, in the perſon of our royall Great Grandfather, King James the Firſt, ſince which happy conjunction it hath been very much endeavored, that a nearer and more compleat union might be ſettled between both Kingdomes, and ſome progreſſe, towards the attainment thereof, was made, not only in the time of our ſaid late Great Grandfather, but alſo in the time of our late Royall Uncle, King Charles the Second; and whereas we, out of our princely zeal and care, for the welfare and happineſſe of our ſubjects, being alſo deſirous of a nearer and more compleat union between our two ſaid Kingdomes of England and Scotland, did reſolve to our Parliament of England, ſum the ſumme, to conſider of proper methods for obtaining the ſame; and whereas, in our Parliament hold at Weſtmiſter, in the preſent firſt year of our reigne, an act paſſed, entituled (an Act for enabling her Majeſty to appoint Commiſſioners to treat for an Union between the Kingdomes of England and Scotland) in and by which act of Parliament, to the end that our royall and gracious purpoſes may be accompliſhed, and ſuch a further union might be treated and agreed upon, as might compleat and confirm, for ever, a conſtant mutual love and friendſhip,

between the ſubjects of both realmes, it was enacted, that ſuch perſons as ſhould be nominated by us, under our great ſeal of England, or ſuch and ſo many of them as ſhould, in that behalf, be appointed by us to be of the quorum, ſhould, by force of the ſaide act, have full power, commiſſion, and authority, at ſuch time and times, and in ſuch place or places, as we ſhould please to appoint, to aſſemble and meet, and thereupon to treat and conſult, according to the tenor or purport of the ſaide authority or commiſſion in that behalf, with certain Commiſſioners, as ſhould be authorized by authority of the Parliament of Scotland, of and concerning ſuch other matters, claſſes, and things, whatſoever, as, upon mature deliberation & conſideration of the greateſt part of the ſaid Commiſſioners, aſſented as aforeſaid, and the Commiſſioners to be authorized by the Parliament of Scotland, according to the tenor or purport of their Commiſſion in that behalf, ſhould, in their wiſdoms, think convenient as neceſſary, for our honour, and the weal and common good of oth our ſaid Kingdomes, for ever; and that the Commiſſioner of both the ſaid Kingdomes ſhould, according to the tenor and purport of the ſaid authorities or commiſſions in that behalf, make their deſigns and proceedings therein into writing, or inſtruments ſignificative, every part to be ſubſcribed and ſealed by them, to the end that one part thereof may, in all handſomely, be preſented to us, two other parts thereof to be offered to the conſideration of the Parliament, for the realme of England, and another part to be offered to the conſideration of the Parliament, for the realme of Scotland, at their next ſeſſions, which ſhould be holden ſuch kingdom, reſpectively, after ſuch writings or inſtruments ſhould be ſubſcribed and ſealed by the ſaid Commiſſioners, that thereupon ſuch further proceedings might be had, as ſhould, and ſuch the Parliament, ſhould think fit and neceſſary for the weal and common good of both the ſaid Kingdomes, & whom the entire conſideration of the whole, and the ſilencing or diſſolving the whole, or any part thereof, as they ſhall think fit, is wholly reſerved, as in and by the ſaid act (relation thereon being had) may more at large appear. And whereas the Parliament of Scotland did, in the firſt year of our reigne, ſhew their deſire of an Union, between the two Kingdomes, now have you, that was, reſolving ſpecial truſt and confidence in your fidelity, abilities, prudence, induſtry, diligence, and circumspection, have nominated, conſtituted, and appointed, and by their preſents do nominate, conſtitute and appoint you, the ſaid Thomas Archbiſhop of Canterbury, Sir Nathan, Wright, John Archbiſhop of York, Sidney Lord Godolphin, Thomas Earle of Pembroke and Montgomery, John Marquieſs of Norhamby, William Duke of Devonſhire, Charles Duke of Somerſet, John Duke of Newcaſtle, Charles Earle of Carliſle, Edward Earle of Jerſey, Charles Earle of Barlingtone, Daniel Earle of Nottingham, Laurence Earle of Rochefter, John Earle of Marbrough, Henry Biſhop of London, Richard Earle of Scarborough, Sir Charles Hedges, Sir John Holt, Sir Thomas Trevor, Sir John Leveſon Gower, Sir Chriſtopher Muſgrave, Sir John Cooke, Robert Harley, Charles Godolphin, Samuel Clark, and Stephen Waller, to be Commiſſioners of the realme of England, in this behalf, giving you, and any thertome or more of you, full power and authority, to aſſemble and meet with the Commiſſioners, authorized or to be authorized by us, pursuant to the ſaid act, made in our Parliament of Scotland, or ſo many of them, as ſhall be a quorum; at our city of Weſtmiſter, upon the 27th day of October earl, and then and there to treat and conſult, of and concerning ſuch an Union of the ſaid realmes of England and Scotland, and of and concerning ſuch other matters, claſſes, and things, whatſoever, as you, and the Commiſſioners authorized, or to be authorized, as aforeſaid, or the major part of you and them aſſembled, ſhall think convenient and neceſſary, for our honour, and the weal and common good of both our ſaid Kingdomes, for ever; as ſoon time to time, with or without adjournment, to aſſemble ſeſſonate, and to proceed, in all and every the matters herein, ſubſtant to the ſaid act, committed to your care, according to your beſt diſcretion.

And you are to take care, that all your doings and proceedings, in and about the premises, with the Commissioners authorized, or to be authorized, as aforesaid, be reduced into writings, or instruments quodlibet, and that every part thereof be subscribed and sealed by you and them, and be presented unto us, and to the Parliaments of both our said kingdoms, in such manner and forme, as, in and by the said act, is enjoined and required. [In witness whereof We have caused these our Letters to be made Patent:] Witness ourself at Westminster the 10th day of September in the first year of Our Reign.

Per Verba de Privato Signo &c.]

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WARRANT for putting off the Meeting of the Commissioners till 10 Nov.

ANNE, by the Grace of God, Queen of England, Scotland, France, and Ireland, Defender of the Faith, &c. To the most reverend Father in God, Thomas, Archbishop of Canterbury, &c. &c. &c. greeting. Whereas, by our Commission, under our great Seal of England, dated at Westminster the 25 day of September last past, pursuant to an act made in our Parliament held at Westminster in the first year of our reign, entitled, an Act for enabling her Majesty to appoint Commissioners to treat for an Union between the kingdoms of England and Scotland, we have authorized you, or any thirteen or more of you, to assemble and meet, with the Commissioners authorized, or to be authorized by us, pursuant to an act for that purpose, made in our Parliament of Scotland, or to any many of them, as shall be a quorum, at our city of Westminster, upon the 27 day of this instant October, and, then and there to treat and consult, of and concerning such an Union of the said realms of England and Scotland, and of and concerning such other matters, clauses, and things whatsoever, as you and the Commissioners authorized, or to be authorized, as aforesaid, or the major part of you and them assembled, shall think convenient and necessary, for our honour, and the weale and common good of both our said kingdoms, for ever, and from time to time, with or without adjournment, to assemble and meet, and to proceed therein, according to your directions. And we being informed, that the said 27th day of October instant, will be inconvenient for yourselves, and the Commissioners by us appointed, for the kingdom of Scotland, we therefore do hereby discharge you, as we have done our said Commissioners, for our kingdom of Scotland, from meeting on the said 27th day of this instant October; and do hereby direct, authorize, and empower you, or any thirteen or more of you, to assemble and meet, with the Commissioners, authorized by us for our kingdom of Scotland, or to any many of them, as are appointed to be a quorum, at our city of Westminster, upon Tuesday the tenth day of November next, and then and there to treat and consult, of and concerning such an Union of the said realms of England and Scotland, and of and concerning such other matters, clauses, and things, whatsoever, as you, and the Commissioners authorized, or to be authorized, as aforesaid, or the major part of you and them assembled, shall think convenient and necessary, for our honour, and the weal and common good of both our said kingdoms, for ever, and from time to time, with, or without adjournment, to assemble and meet, and to proceed, in all and every the matters in our said Commission expressed, according to the tenor thereof. In witness whereof, we have caused these our Letters to be made Patent. Witness ourself, at St James, the 10th day of October, in the year of our Lord 1702, and in the first year of our reign.*

* The Warrant addressed to the Commissioners for Scotland has not been preserved.

PROCEEDINGS OF THE COMMISSIONERS.

Martin 27th die Oct. 1702.

THIS day being appointed by the Queens Commission for the meeting of the Commissioners nominated by her Majesty to treat of an Union between the two Kingdoms of Scotland and England The said Commissioners met at the Council Chamber in the Cock Pit. But before there was a Quorum of the Lords Commissioners for Scotland there was delivered to such of them as was then there, a Letter from her Majesty, upon which their Lordships withdrew And having read and considered her Majesties Letter adjourning their Meeting to the 10th of November next They returned to the Council Chamber, where the Lord Godolphin Lord High Treasurer acquainted their Lordships, that they had received her Majesties Orders by a Commission under the Great Seal of England, adjourning their meeting to the 10th of November next. And say Lord Duke of Queensberry on the part of the Lords Commissioners for Scotland acquainted their Lordships that they had likewise received her Majesties orders to the same purpose.

At the Council Chamber in the Cock Pit
Martin 10 die Nov. 1702.

IN pursuance of her Majesties Commissions under her respective Great Seals of Scotland and England, and of her Majesties Orders adjourning their Meeting to this day The Lords Commissioners of both Kingdoms met at the Council Chamber in the Cock Pit

PRESENT

Scot.	Engl.
Duke of Queensberry	Arch Bishop of Canterbury
Marquis of Annandale	Lord Keeper
Duke of Argyle	Lord President
Earle of Seaford	Lord Privy Seal
Vicount of Terbot	Duke of Devonshire
Vicount of Stair	Lord Chamberlaine
Vicount of Rothesburgh	Earle of Nottingham
Lord Boyle	Lord Bishop of London
Lord President of the Session	Sir Charles Hedges
Lord Treasurer Deput	Lord Charles Justice Treasor
Lord Justice Clerk	M ^r Chancellor of the Duchy
Sir James Falconer	Sir Christopher M ^r grave
Douglas of Cavers	Sir John Cook
Sir David Dalrymple	Robert Harley Esq ^r
Sir James Smollet	Charles Godolphin Esq ^r
Sir Patrick Johnston	Samuel Clerk Esq ^r
M ^r Montgomerie	
M ^r Springour	
M ^r Allardice	

After they had taken their places the Commissions were opened and read by the respective Secretaries.

The Lord Keeper of England addressing himself to the Lords Commissioners for Scotland spoke in these words

My Lords,

Wee the Commissioners for England do with great satisfaction meet your Lordships upon this occasion hoping that by this Congress the great business for which her Majesty has been pleased to grant these Commissions may be happily effected.

That England and Scotland already united in allegiance under one head, the Queen, may for ever hereafter become one people; in one heart and mutual affections, one in interest, one in name, one in deed, a work which if it can be brought to pass, presents a lasting happiness to us all.

With great sincerity wee desire this Union, and wee meet your Lordships with hearts fully determined to enter upon such Considerations and into such Measures with your Lordships as are proper for bringing the same to the desired conclusion.

On our parts nothing shall be wanting that may conduce to a happy period of this great work.

To which My Lord Duke of Queensberry on the part of the Lords Commissioners for Scotland replied in the words

My Lords

The Union of the two Kingdoms has been much desired both before and since their being under one Sovereign And I hope it is referred to her Majesty for the glory of her Reign to finish the design which hath been often attempted by her Royal Predecessors.

My Lords

I do consider this Union to be highly advantageous for the peace and wealth of both Kingdoms and a great security for the Protestant Religion every where And I can assure your Lordships both for myselfe and the other Lords Commissioners for Scotland that wee meet your Lordships with great regard and honour to your persons, and with sincere intentions to advance this great design and to accommodate any difficulties that may arise in the Treaty upon fair and reasonable terms.

Ordered that Copies of the two Commissions be prepared and signed by the respective Secretaries to be interchanged at next meeting.

Adjourned to Monday next 16th instant.

Leave 16th die Nov. 1702 Part read.

PRESENT

Scot.	Angl.
Marquis of Arundale	Arch Bishop of Canterbury
Duke of Argyle	Lord Keeper
Marquis of Lothian	Arch Bishop of York
Earle of Seafeld	Lord President
Vicount of Tarbat	Duke of Devonshire
Vicount of Star	Earle of Nottingham
Vicount of Buteberry	Bishop of London
Lord Boyle	Sir Charles Hedges
Lord President of the Session	Lord Chief Justice Trevor
Lord Treasurer Deput	Sir Christopher Mungrove
Lord Justice Clerk	Sir John Cook
Lord Pheloe	Robert Harley Esq ^r
Sir David Dalrymple	Charles Godolphin Esq ^r
Sir David Cunningham	Barnard Clark Esq ^r
Sir James Smallet	
Sir Patrick Johnston	
Cavers	
M ^r Montgomerie	
M ^r Springour	
M ^r Allardice	

The Lord Keeper intimated to the Lords Commissioners for Scotland that some difficulties had arisen upon certain words in the Commission under the Great Seale of Scotland which the Lords Commissioners of England not being a sufficient number, did not think fit to determine And therefore moved that there might be a short Adjournment which was agreed on It being first proposed that Commissions might be interchanged which was accordingly done My Lord Marquis of Arundale delivering a signed Copy of the Scots Commission to the Lord Keeper of England And the said Lord Keeper delivered a signed Copy of the English Commission to the Marquis of Arundale.

Adjourned to Wednesday the 18th instant.

Mercurii 18 die Nov. 1702.

PRESENT

Scot.	Angl.
Marquis of Arundale	Arch Bishop of Canterbury
Duke of Argyle	Lord Keeper
Marquis of Lothian	Arch Bishop of York
Earle of Seafeld	Lord Treasurer
Vicount of Tarbat	Lord President
Vicount of Star	Lord Privy Seale
Vicount of Buteberry	Earle of Burlington
Lord Boyle	Earle of Nottingham
Lord President of the Session	Bishop of London
Lord Treasurer Deput	Sir Charles Hedges
Lord Justice Clerk	Lord Chief Justice Trevor
Lord Pheloe	Sir John Cook
Cavers	Charles Godolphin Esq ^r
Sir David Dalrymple	Barnard Clark Esq ^r
Sir David Cunningham	
Sir James Smallet	
Sir Patrick Johnston	
M ^r Montgomerie	
M ^r Springour	
M ^r Allardice	

The Lord Keeper declared for the Lords Commissioners for England that their Lordships did not longer insist upon their objection to some words in the Scots Commission.

A Message from the Queen in two different Papers, but in the same words was delivered at the same time to the Commissioners of both Kingdoms, which was read, in the words

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Her Majesty having in prosecution of the several attempts made by her Royal Predecessors moved both her Parliaments to consider of the most effectual methods for establishing an Union between the two Kingdoms And her Majesty being authorized by both Parliaments to appoint Commissioners to treat of the terms of this Union, which she hath done accordingly Her Majesty hopeth that the Commissioners now happily met for this purpose will agree upon such measures as will be acceptable to both Parliaments and may perfect an indissoluble Union between the two Nations which her Majesty thinks the most likely means under heaven to establish the Monarchy, secure the peace, and increase the Trade Wealth and Happiness of both Nations.

The heads of this Treaty are so obvious that her Majesty does not think it necessary to mention them but her Majesty recommends it to the Commissioners to make such Proposals mutually on this subject as shall occur to them and may be most likely to bring this Treaty to an happy and speedy conclusion.

And her Majesty earnestly wishes for her own honour and the welfare of her Subjects that this Union may be established on such solid foundations as that the breach of it may be impossible as human Cerebolls can make it Given at the Court at St James's the 18th day of November 1702.

To the Commissioners appointed for treating of an Union between the two Kingdoms.

Then the Lord Keeper offered the following Articles as Preliminaries for adjusting the methods of proceeding.

1. That all Proposals mutually to be made shall be offered in writing.

2. That no Proposal to be made shall be debated the same day.

3. That all debate shall be by word of mouth and not in writing.

4. That every point that shall be agreed on shall be reduced into writing.

6. That no point tho' agreed on and reduced into writing shall be obligatory on either side till all matters be adjusted in such manner as will be proper to be laid before the Queen and the two Parliaments.

These Preliminaries were agreed upon.

Adjourned to Friday the 20th instant.

Veneris die 20 Nov. 1702 Post meridien.

PRESENT

Scot.	Angl.
Duke of Queensberry	Arch Bishop of Canterbury
Marquis of Annandale	Lord Keeper
Marquis of Lothian	Arch Bishop of York
Earle of Seafield	Lord Treasurer
Vifcount of Tarbat	Lord President
Vifcount of Stair	Lord Privy Seale
Vifcount of Rothesbury	Earle of Burlington
Lord Boyle	Earle of Nottingham
Lord President	Sir Charles Hedges
Lord Treasurer Deputy	Lord Chief Justice Holt
Lord Justice Clerk	Lord Chief Justice Trevor
Lord Phaulde	Sir Christopher Mafgarve
Cavers	Sir John Cook
Sir David Dalrymple	Robert Hewley Esq'
Sir David Cunningham	Charles Godolphin Esq'
Sir James Smallet	Samuel Clark Esq'
Sir Patrick Johnston	
M ^r Montgomerie	
M ^r Springour	
M ^r Allardice	

Two Preliminaries additional to these agreed on at the last Meeting were offered by the Lords Commissioners for Scotland.

6. That these matters tho' so adjusted as may be proper to be laid before the Queen and the two Parliaments shall not be binding till approved and ratified in the said Parliaments.

7. That there be a Committee appointed consisting of a certain number of each side to revise the Minutes of what passes which are not to be inferred by the Secretaries in the respective books, but by order of the said Committee.

Which Preliminaries were agreed to.

Then the Lord Keeper for the Lords Commissioners for England made the following Proposals which were read.

That the two Kingdoms be united into one by the name of the Kingdoms of Great Britain &c.

That the Succession to the Monarchy of this Kingdom of Great Britain shall be according to the limitations mentioned in the Act of Parliament made in England in the 12th and 13th years of the Reign of the late King William Entitled an Act for the further Limitation of the Crown and better securing the Rights and Liberties of the Subjects.

Then my Lord Duke of Queensberry offered Articles on the part of the Lords Commissioners for Scotland which were read as follows.

Articles to be treated of in order to the Union of the two Kingdoms.

1. The Uniting the two Kingdoms into one Monarchy.
2. The Representing both Kingdoms in one Parliament.
3. The mutual Communication of Trade and other Privileges and advantages.

These are the general Articles in which it is proposed that the two Kingdoms may be united. There will be other Articles and proper Reservations which may be offered afterwards.

Adjourned to Wednesday the 25th instant.

Mercurii 25 die Nov. 1702 Post meridien.

PRESENT

Scot.	Angl.
Duke of Queensberry	Arch Bishop of Canterbury
Marquis of Annandale	Lord Keeper
Duke of Argyle	Arch Bishop of York
Marquis of Lothian	Lord Privy Seale
Earle of Seafield	Lord Chamberlain
Vifcount of Tarbat	Earle of Burlington
Vifcount of Stair	Earle of Nottingham
Vifcount of Rothesbury	Earle of Rochester
Lord Boyle	Bishop of London
Lord President	Sir Charles Hedges
Lord Treasurer Deputy	Lord Chief Justice Trevor
Lord Justice Clerk	Sir John Cook
Lord Phaulde	Charles Godolphin Esq'
Cavers	Samuel Clark Esq'
Sir David Dalrymple	
Sir David Cunningham	
Sir James Smallet	
Sir Patrick Johnston	
M ^r Montgomerie	
M ^r Springour	
M ^r Allardice	

The Lords Commissioners of England proposed to reconsider the 6th Preliminary Article (the first offered by their Lordships of Scotland) viz. That these matters tho' so adjusted as may be proper to be laid before the Queen and the two Parliaments shall not be binding till ratified in the said Parliaments.

Which Preliminaries they considered as treacherous from the tenor of the respective Acts of Parliament and Commissions nothing was to be binding on either side till approved of and ratified by the Parliaments of both Kingdoms.

The Lords Commissioners for Scotland withdrew to consider this, and returning within a little the Lord Duke of Queensberry did on their part acquiesce the Lords Commissioners for England that they had brought in the 6th Article as explanatory of the 5th because of a doubt that did arise upon the word (Till) which did seem to imply, that afterwards they were binding.

It was proposed that the 5th Article should be laid aside and that the 6th Article should run thus.

5. That no point tho' agreed on and reduced into writing should be obligatory on either side till matters be adjusted, in such manner as may be proper to be laid before the Queen and the two Parliaments for their approbation.

Which was agreed to.

It was also moved that some words should be added to the last Preliminary Article and that it should run in these words.

6. That there be a Committee appointed consisting of a certain number of each side to revise the Minutes of what passes, which are not to be inferred by the Secretaries in their respective books, but by order of the said Committee, having first made Report thereof to the respective Commissioners.

The Duke of Queensberry delivered in an Answer from the Lords Commissioners for Scotland to the Proposal made by the Lords Commissioners for England about the uniting the two Kingdoms into one, and settling the succession, but desired that the same might not be entered till the Lords Commissioners for England had agreed to the 5th Article of their Proposal about a mutual Communication of Trade &c.

Then the Lord Keeper communicated the Answer prepared by the Lords Commissioners for England to two of the Articles given in by the Lords Commissioners for Scotland which was read as follows.

The Lords Commissioners for England have taken into their consideration two of the 3 Articles offered by your Lordships on

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the part of Scotland viz. 1. The Uniting the two Kingdoms into one Monarchy 2. The Representing both Kingdoms in one Parliament and are come to the following Resolution That there can be no doubt of their Lordships agreeing to their first Article it being comprehended in what their Lordships have offered That as to the second Article their Lordships agree to the Proposition in general Reserving to their future consideration such Proposals as shall be offered to make it practicable.

A Committee was appointed for reviving the Minutes The Lords Commissioners for Scotland nominating on their part the Viscount of Stair, My Lord President of the Session and my Lord Treasurer Deput, or any two of them, and the Lords Commissioners for England nominating on their part Sir John Cook Mr Godolphin and Mr Clark or any two of them.

Adjourned to Monday the 30th instant.

Large 30 die Nov. 1706 Post meridiem.

PRESENT

Scot.	Engl.
Duke of Queensberry	Arch Bishop of Canterbury
Marquis of Annandale	Lord Keeper
Duke of Argyle	Arch Bishop of York
Marquis of Lothian	Lord Treasurer
Earle of Seafield	Lord President of the Council
Viscount of Tarbat	Lord Privy Seal
Viscount of Stair	Duke of Devonshire
Viscount of Rothesbury	Earle of Nottingham
Lord Boyle	Earle of Rochester
Lord President of the Session	Earle of Marleborough
Lord Treasurer Deput	Bishop of London
Lord Justice Clerk	Sir Charles Hedges
Lord Phelippe	Sir John Leveson Gower
Douglas of Cavers	Sir Christopher Manners
Sir David Dalrymple	Robert Harley Esq ^r
Sir David Cunningham	Charles Godolphin Esq ^r
Sir James Smollet	Samuel Clark Esq ^r
Sir Patrick Johnston	
Mr Montgomerie	
Mr Springour	
Mr Allardice	

The Lord Keeper of England acquainted the Lords Commissioners for Scotland that they had prepared an Answer to the 2^d Article offered by their Lordships about the Communication of Trade &c. and a Proposals relating to the same both which were read as follows.

The Lords Commissioners for England have taken into their consideration the 2^d Article proposed by your Lordships viz. 2 The mutual Communication of trade and other Privileges and advantages

And are come to this Resolution

Their Lordships agree that a mutual Communication of trade and other Privileges and advantages is proper and reasonable in a complete Union of the two Kingdoms.

Their Lordships propose that your Lordships Answer to the Proposals from the Commissioners for England which relates to the uniting the two Kingdoms into one and settling the Succession may together with this their present Answer to the 2^d Article be entered in the respective books and Journals.

My Lord Duke of Queensberry said their Lordships that the Lords Commissioners for Scotland would take their Lordships Answer & Proposals into consideration again at next meeting.

Adjourned till to morrow at 6 in the evening.

Martin 1 die Dec. 1706.

PRESENT

Scot.	Engl.
Duke of Queensberry	Arch Bishop of Canterbury
Marquis of Annandale	Arch Bishop of York
Marquis of Lothian	Lord Treasurer
Earle of Seafield	Lord President of the Council
Viscount of Tarbat	Earle of Nottingham
Viscount of Stair	Earle of Jersey
Viscount of Rothesbury	Sir Charles Hedges
Lord Boyle	Charles Godolphin Esq ^r
Lord President of the Session	Samuel Clark Esq ^r
Lord Treasurer Deput	
Lord Justice Clerk	
Lord Phelippe	
Cavers	
Sir David Dalrymple	
Sir David Cunningham	
Sir James Smollet	
Sir Patrick Johnston	
Mr Montgomerie	
Mr Springour	
Mr Allardice	

There not being a Quorum of the English Lords Commissioners they sent their Secretary to excite the same to the Lords Commissioners for Scotland and further to signify that they thought themselves bound to receive papers if their Lordships had any to offer.

The Lords Commissioners for Scotland said they would send an Answer by their own Secretary.

Their Secretary came in and said the Lords Commissioners for Scotland would be with their Lordships immediately.

The Lords Commissioners for Scotland came in and the Duke of Queensberry said that there not being a Quorum they should offer nothing for the present.

Adjourned to Friday next Six a clock afternoon.

Veneris 6 die Dec. 1706.

PRESENT

Scot.	Engl.
Duke of Queensberry	
Marquis of Annandale	
Duke of Argyle	
Marquis of Lothian	
Earle of Seafield	
Viscount of Tarbat	
Viscount of Stair	
Viscount of Rothesbury	
Lord Boyle	
Lord President of the Session	
Lord Treasurer Deput	
Lord Justice Clerk	
Lord Phelippe	
Cavers	
Sir David Dalrymple	
Sir James Smollet	
Sir Patrick Johnston	
Mr Montgomerie	
Mr Allardice	

The Lords Commissioners for Scotland having met in the room appointed for them in the Cock Pit after they had been sometime there the Earle of Nottingham came to them and delivered himself to this effect, that he was sent by each of the Lords Commissioners for England as were met, to acquaint their Lord-

ships that they were not as yet a Quorum, nor did expect one that night, for which they were heartily sorry. That they desired to know to what time their Lordships would be pleased to adjourn their Meeting.

After the Earle of Nottingham had withdrawn The Lords Commissioners for Scotland adjourned till to morrow the 3^d instant.

Refused that My Lord Duke of Queensberry goe to the Council chamber and acquaint the Lords Commissioners for England with their having adjourned as *supra* which his Grace did.

Die Sabbati Dec. 5. 1706 Post meridiem.

PRESENT

Scott.	Engl.
Duke of Queensberry	Arch Bishop of Canterbury
Marquis of Annandale	Lord Keeper
Duke of Argyle	Arch Bishop of York
Marquis of Lothian	Lord Godolphin
Earle of Seafield	Earle of Pembroke
Vicomte of Tarbat	Marquis of Newcastle
Vicomte of Stair	Earle of Carlisle
Vicomte of Rothesbury	Earle of Burlington
Lord Royle	Earle of Nottingham
Lord President of the Session	Earle of Marchmont
Lord Treasurer Deput	Earle of Scarborough
Lord Justice Clerk	Sir John Holt
Lord Phelips	Sir John Cook
Sir David Dalrymple	Charles Godolphin Esq ^r
Sir David Cunningham	
Sir James Smallet	
Sir Patrick Johnston	
M ^r Montgomerie	
M ^r Springour	
M ^r Allardice	

My Lord Duke of Queensberry acquainted the Lords Commissioners for England that they had something to offer to their Lordships in reference to the Answer and Proposition their Lordships had made, which was read as follows.

The Lords Commissioners for Scotland having taken into their consideration your Lordships Answer to the 5th Article of their first Proposition wherein your Lordships do agree That a mutual Communication of trade and other Privileges is proper and reasonable in a compleat Union of the two Kingdoms.

Their Lordships conceive that the uniting the two Kingdoms into one Monarchy and under the same Line of Succession and the representing the two Kingdoms in one Parliament is such an Union as entitles the Subjects of both Kingdoms to a mutual Communication of trade Privileges and advantages. And if your Lordships do acquiesce and assent to the Communication of trade in these terms, the Lords Commissioners for Scotland do consent that their Answer with your Lordships Answer and this Addition be entered in the respective books and Journals.

The Lords Commissioners for England withdrew to consider this and returning within a little the Lord Keeper acquainted the Lords Commissioners for Scotland that they had prepared an Answer to what their Lordships had offered which was read as follows.

Their Lordships conceive that the Union cannot be compleat till all the terms are adjusted upon which it is constituted. And therefore do they allow the Communication of trade and other Privileges to be the necessary result of a compleat Union Yet in the methods of proceeding they must first settle with your Lordships the terms and conditions of this Communication of trade and other Privileges And they are ready to enter upon the consideration of them in such methods as shall be agreed on as next

likely to bring this particular matter to a speedy determination And they move that your Lordships Answer to the Proposition from the Commissioners for England which relates to the uniting the two Kingdoms into one, and settling the Succession may be entered.

The Lords Commissioners for Scotland withdrew to consider this and upon their return the Lord Duke of Queensberry did in name of their Lordships offer what follows, which was read.

The Lords Commissioners for Scotland are satisfied to treat the particulars of the Communication of trade in order to adjust the same and they do agree that the Propositions and Answers mutually made on either side be entered in the respective books and Journals in the terms of the Preliminaries.

Ordered that the Propositions & Answers made by the Lords Commissioners on either side be entered by the Secretaries in the respective Journals of this day.

Proposals by the Lords Commissioners for England.

That the Kingdoms be united into one by the name of the Kingdom of Great Britain, &c.

That the Succession to the Monarchy of this united Kingdom of Great Britain shall be according to the Limitations mentioned in the Act of Parliament made in England in the 13th and 15th years of the Reign of the late King William Entituled an Act for the further Limitation of the Crown and better securing the Rights and Liberties of the Subjects.

The answer given by the Lords Commissioners for Scotland.

The Commissioners for the Kingdom of Scotland do agree that the Kingdoms be united into one by the name of the Kingdom of Great Britain. And

That the Succession to the Monarchy of this united Kingdom of Great Britain in default of the issue of the body of her Majesty Queen Anne (which God forbid) shall descend on Princess Sophia Electress and Dutchess Dowager of Hannover and remain to her and the heirs of her body being Protestants excluding all Papists for ever conform to the Act of Parliament made in England in the 13th and 15th years of the Reign of the late King William Entituled an Act for the further Limitation of the Crown and the better securing the Rights and Privileges of the Subjects And they reserve the other Conditions and Provisions contained in the above mentioned Act to be likewise considered in the further Progress of the Treaty in order to be adjusted to the Constitutions and Laws of both Kingdoms.

By the Lords Commissioners for Scotland.

That there be a mutual Communication of trade and all other Privileges and advantages.

Answer by the Lords Commissioners for England.

Their Lordships agree that a mutual Communication of trade and other Privileges and Advantages is proper and reasonable in a compleat Union of the two Kingdoms.

Then the Lord Duke of Queensberry did in name of the Lords Commissioners for Scotland offer what follows, which was read.

The Lords Commissioners for Scotland did propose to your Lordships that for preparing and facilitating matters which may occur in this Treaty, there may be a Committee consisting of four or five persons for either Kingdom nominated from time to time to meet and discourse the points that may properly fall in to be considered in this Treaty and to report what hath pelt to the respective Commissioners That in the General Meeting they may proceed with the greater unanimity and dispatch.

Resolved that there be a Committee consisting of Six of each Side to meet to the effect above mentioned. Of the Lords Commissioners for

Scotland	for England
Marquis of Amherst	Lord Arch Bishop of York
Duke of Argyll	Earle Marshall
Earle of Seafield	Earle of Scarborough
Viscount of Tarbat	Lord Chief Justice Trevel
Viscount of Stair	Sir John Cook
Sir Patrick Johnston	Mr Godolphin, or
or any three of them	any three of them.

Adjourned to Wednesday the 9th inst. The Committee to meet on Monday the 7th.

Mercuri 9 die Dec. 1702. Post interitum.

PRESENT

Scot.	Engl.
Duke of Queensberry	Arch Bishop of Canterbury
Lord Chancellor	Arch Bishop of York
Marquis of Amherst	Lord President
Duke of Argyll	Earle of Carlisle
Marquis of Lothian	Earle of Jersey
Viscount of Tarbat	Earle of Burlington
Viscount of Stair	Earle of Nottingham
Lord Boyle	Earle of Scarborough
Lord President	Bishop of London
Lord Treasurer Doria	Sir John Holt
Lord Pheloe	Sir John Cook
Sir David Dalrymple	Charles Godolphin, Esq ^r
Cavers	Sassall Clark Esq ^r
Sir David Cunningham	
Sir James Smallet	
Sir Patrick Johnston	
Mr Springner	
Mr Allartice	

The Duke of Queensberry offered on the part of the Lords Commissioners for Scotland the following Proposals which were read.

1. That there be a free trade between the two Kingdoms without any Imposition or distinction.
2. That both Kingdoms be under the same regulations and liable to equal Inconveniences for exportation and importation and that a book of Rates be adjusted for both.
3. That the Subjects of both Kingdoms and their Seamen and Shipping have equal freedom of Trade and Commerce to and from the Plantations and be under the same regulation.
4. That the Acts of Navigation and all other Laws in either Kingdom in so far as contrary to or inconsistent with any of the above mentioned Proposals, be rescinded.
5. That neither Kingdom be burthened with debts contracted or to be contracted by the other before the Union and that the equality of Imposts in the second Proposal be understood with an Exception of Imposts laid on or appropriated by the Parliament of England for payment of their debts, or if an equality of Imposts on trade be thought necessary That there be shewed to Scotland an equivalent.
6. That the former proposals are made without prejudice to the Companies or Manufactures of either Kingdom, which are referred to further consideration in the progress of this Treaty.

The Lords Commissioners for England took these Proposals into consideration.

Resolved that the former Committee be revived, with power to meet at any time before the next general meeting to discuss on the Subject of the above proposals and to report their opinions to the respective Commissioners.

Resolved that there be two of each side added to the former Committee, the Quorum continuing as it was.

The two nominated by the Commissioners for

Scotland	for England
Lord Boyle	Earle of Burlington
Lord President of the Session	Sassall Clark Esq ^r

Adjourned to Monday the 14th instant.

Luna 14 Dec. 1702. Post interitum.

PRESENT

Scot.	Engl.
Duke of Queensberry	Arch Bishop of Canterbury
Marquis of Amherst	Lord Keeper
Duke of Argyll	Arch Bishop of York
Marquis of Lothian	Lord Treasurer
Earle of Seafield	Lord President
Viscount of Tarbat	Lord Privy Seal
Viscount of Stair	Duke of Devonshire
Viscount of Rofsberrie	Duke of Somerset
Lord Boyle	Earle of Carlisle
Lord President of the Session	Earle of Jersey
Lord Justice Clerk	Earle of Burlington
Sir David Dalrymple	Earle of Nottingham
Sir David Cunningham	Earle of Rochester
Sir James Smallet	Earle of Marleborough
Sir Patrick Johnston	Earle of Scarborough
Cavers	Bishop of London
Mr Montgomery	Sir Charles Hedges
Mr Springner	Sir John Holt
Mr Allartice	Sir John Leveson Gore
	Sir Christopher Mufgrave
	Sir John Cook
	Robert Harley Esq ^r
	Charles Godolphin Esq ^r
	Sassall Clark Esq ^r

The Lord Keeper acquainted the Lords Commissioners for Scotland that their Lordships for England having been much taken up with publick business had not as yet prepared an Answer to the Proposals offered at the last meeting, but that they should endeavour to have one ready against the next meeting. He also acquainted their Lordships that the Queen designed to honour this meeting with her presence, and moved that for informing her Majesty of the progress made in the Treaty the proposals made by either Side and the resolutions taken thereon should be read over if her Majesty should think fit to allow it which was agreed to.

The Lord Keeper read over the 6th of the Proposals offered on the part of the Lords Commissioners for Scotland at the last Meeting, and desired their Lordships would explain it being inconsistent with the 2^d Proposal.

It was answered by the Earle of Seafield for their Lordships of Scotland That they did not expect an Answer to the 6th Proposal but had made it only to show their Lordships that they did not think the matter of the Companies included in the 2^d Proposal, but referred to a speciall consideration in the further progress of the Treaty To which the Lords Commissioners for England acquiesced.

Her Majesty came to the Council Chamber and being set in her chair spoke to the Lords Commissioners as follows.

My Lords

I am so fully persuaded that the Union of my two Kingdoms will prove the happiness of both and render the Island more flourishing than it has been in ages past That I with this Treaty may be brought to a good and speedy conclusion. I am come to

knew what progress you have made in it, and I do assure you nothing shall be wanting on my part to bring it to perfection.

The Lord Keeper told her Majesty that what was immediately under their consideration was some proposals offered by their Lordships of Scotland about trade To which they had not as yet prepared an Answer, but desired to know if her Majesty would be pleased to hear the proposals that had been made on either side and the resolutions taken thereupon read, which her Majesty was pleased to allow.

And the same were read accordingly.

After reading whereof her Majesty went away and the Lords Commissioners adjourned to Wednesday the 10th instant.

Mercurij 15 die Dec. 1702. Post meridiem.

PRESENT.

Scot.	Engl.
Duke of Queensberry	Arch Bishop of Canterbury
Lord Chancellor	Arch Bishop of York
Marquis of Annandale	Lord Treasurer
Duke of Argyle	Lord President
Marquis of Lothian	Earle of Jersey
Vicomte of Turlot	Earle of Burlington
Vicomte of Stair	Earle of Nottingham
Vicomte of Rothesbury	Earle of Rochester
Lord Boyle	Barle of Scarborough
Lord President of the Session	Sir Charles Hedges
Sir David Dalrymple	Sir John Holt
Sir James Smallet	Sir Thomas Trevor
Sir Patrick Johnston	Sir John Lewison Gern
Cavers	Sir John Cook
M ^r Montgomerie	Charles Godolphin Esq ^r
M ^r Springour	Surreal Clark Esq ^r
M ^r Alhardie	

The Lord Treasurer acquainted the Lords Commissioners for Scotland that they had some Considerations to offer to their Lordships in reference to the proposals they had given in and which they thought might be the proper subject of a Conference and Debate, which Considerations were read as follows.

Some Considerations of the Lords Commissioners for England upon the Proposals delivered by the Lords Commissioners for Scotland on the 9th instant to be proposed as the subject matter of debate between the Lords Commissioners of both Kingdoms.

As to the first Article their Lordships are of opinion that there be a free Trade between the two Kingdoms for the native Commodities of the growth product or manufactures of the respective Countries with an Exception to Wooll, Sheep and sheep fells and without any distinction or imposition other than equal Duties upon the home consumption respectively Their Lordships being of opinion that the trade between the two Kingdoms cannot be upon an equal foot unless the said Duties and Impositions be the same in Scotland as in England.

And this Article respecting a Cook trade It seems reasonable for their Lordships to insist That the Masters Mariners and Goods should be under the same Security Penalties and Regulations as are in that case provided by the Lawes in England.

As to the 2^d Article It seems reasonable But their Lordships offer that it will be necessary thereto to add a provision That not only the Imposition on trade, but the Prohibitions be the same on both sides in respect as well of Importations as Exportations.

As to the 3^d Article Their Lordships say That the Plantations are the property of English men and that this trade is of so great a consequence and so beneficial as not to be constituted as is proposed till all other particulars, which shall be thought needful

say to this Union be adjusted That as the safe new Islands by law no European goods can be carried to the English Plantations but what have been first landed in England (except Salt Irish and Scottish Provisional Servants and barres Madras Wine and Wine of the Azores) nor can the Product of the Plantations be carried to other parts of Europe till it has been first landed in England.

Their Lordships farther offer that in this Article it will be necessary to make provision that the Subjects of Scotland shall be lyable to be press for the Sea in the same manner as the English Subjects are in time of war for her Majesties Service.

As to the 4th Article their Lordships agree that an Act of Navigation must be framed in both Kingdoms adapted to the terms of the Union.

As to the 5th Article their Lordships say that the proposal therein contained seems to contradict what is granted by the second Article in as much as there is no duty fabulating on Trade (except only on some of the Goods for the Civil Government) but what is appropriated to the payment of the Debts of the Nation.

That tho' the said debts have been contracted by a long War, entered into more particularly for the preservation of England and the Dominions thereto belonging Yet that Scotland has taken of the benefits which have accrued to Great Britain in general from the opposition that has been made to the growth and power of France that such benefits will be abundantly recompensed to Scotland by a complete Union. To which complete Union as a free Communication of trade is essential, as such a free Communication of trade cannot be established with equality unless the same Duties both upon foreign trade and home Consumption be levied in both Kingdoms.

But how the Sums of money thereby arising within the said Realm shall be applied or what equivalent is to be allowed in the room thereof may be settled when your Lordships are ready to offer what proportion of the publick burthens Scotland proposes to bear towards the future support of the Government both in times of peace and war.

As to the 6th Article their Lordships say That it requires to be farther explained before they can be ready to give an Answer to it. December the 10th 1703.

The Duke of Queensberry on the part of their Lordships of Scotland told their Lordships of England that they were adjourned to debate the Subject matter of their Considerations with their Lordships at their next meeting.

Adjourned to Saturday the 15th instant.

Sabbatij 19 die Dec. 1703. Post meridiem.

PRESENT

Scot.	Engl.
Lord Chancellor	Arch Bishop of Canterbury
Marquis of Annandale	Arch Bishop of York
Marquis of Lothian	Lord Treasurer
Vicomte of Turlot	Lord President
Vicomte of Stair	Duke of Devonshire
Vicomte of Rothesbury	Duke of Marlborough
Lord Boyle	Earle of Nottingham
Lord President of the Session	Earle of Rochester
Sir David Dalrymple	Bishop of London
Sir James Smallet	Sir John Holt
Sir Patrick Johnston	Sir John Lewison Gern
Cavers	Sir Christopher Murgrove
M ^r Montgomerie	Charles Godolphin Esq ^r
M ^r Springour	Surreal Clark Esq ^r
M ^r Alhardie	

The Earle of Seaford on the part of the Lords Commissioners for Scotland put their Lordships of England in mind that they

had some days ago given in to their Lordships some Proposals, which they desired might be read one by one that as they might have their Lordships Answer.

My Lord Godolphin on the part of the Lords Commissioners for England answered that they had offered to their Lordships at the last Meeting some Considerations on these Proposals which might be the fit subject of a Debate and Conference, which they were ready to enter into with their Lordships.

The Lord Marquis of Annandale replied that he thought the Proposals offered by the Lords Commissioners for Scotland the proper Subject of a Debate and Conference if their Lordships thought fit they might make use of the Considerations they had given in as containing the grounds of the difficulties they faced in reference to the Proposals as to which they did not doubt but to satisfy their Lordships.

Upon which the first Propofall was read and then the Consideration relating thereto was spoke to by the Lord Chancellor of Scotland and the Marquis of Annandale and others on the part of the Lords Commissioners for Scotland and by the Lord Treasurer the Lord President and Earle of Nottingham on the part of the Lords Commissioners for England.

Then they proceeded to the other propofalls which were severally read with the respective Considerations and spoke to by the Commissioners on both sides.

Resolved that the former Committee should meet and draw up the result of this Conference to be offered at the next general Meeting.

Adjourned to Wednesday the 29th inst.

Mercurij die 25. Dec. 1708.

PRESENT

Scot.	Ang.
Duke of Queensberry	
Lord Chancellor	
Duke of Argyle	
Marquis of Annandale	
Vicount of Turbat	
Vicount of Stair	
Vicount of Rothesbury	
Lord Boyle	
Lord President of the Session	
Sir David Dalrymple	
Sir James Smalllet	
Sir Patrick Johnston	
Cavers	
Mr Montgomerie	
Mr Springour	

There not being a Quorum of the Lords Commissioners for England their Lordships for Scotland adjourned to Monday the 28th instant.

Lune 28 die Dec. 1708 Post meridiem.

PRESENT

Scot.	Ang.
Duke of Queensberry	
Lord Chancellor	
Marquis of Lothian	
Vicount of Turbat	
Vicount of Stair	
Vicount of Rothesbury	
Lord Boyle	
Lord President of the Session	
Sir David Dalrymple	
Sir James Smalllet	

Sir Patrick Johnston
Cavers
Mr Montgomerie
Mr Springour

The Lords Commissioners for Scotland having met in their own Chamber in the Cock Pit after they had been there some time The Lord Godolphin Lord Treasurer and the Earle of Nottingham came to them from each of the Lords Commissioners for England as were then met in the Council Chamber to let their Lordships know the regrease they had that they were not a Quorum and could not expect one that evening. And if it were agreeable to their Lordships that they desired the meeting might be adjourned till Wednesday next, Upon which the Lords Commissioners for Scotland adjourned till Wednesday the 30th instant.

Mercurij die 30 Dec. 1708 Post meridiem.

PRESENT

Scot.	Ang.
Duke of Queensberry	Arch Bishop of Canterbury
Lord Chancellor	Lord Keeper
Marquis of Annandale	Lord Treasurer
Marquis of Lothian	Lord President
Vicount of Turbat	Lord Privy Seale
Vicount of Stair	Duke of Marlborough
Vicount of Rothesbury	Earle of Nottingham
Lord Boyle	Earle of Scarborough
President of the Session	Bishop of London
Sir David Dalrymple	Sir Charles Hedges
Sir Patrick Johnston	Sir John Levison Gore
Cavers	Sir John Cook
Sir James Smalllet	Mr Godolphin
Mr Montgomerie	Mr Clerk
Mr Springour	Mr Waller

The Lord Keeper acquainted the Lords Commissioners for Scotland that their Lordships for England did not think it convenient that the proceedings of this Board should be made publick and that they had ordered their Secretary to take care that Copies thereof be not communicated. And that they desired their Lordships would do the like. To which the Lords Commissioners for Scotland agreed.

The Lord Keeper offered a Paper as the result of the last Conference, which was read.

The Duke of Queensberry offered another on the part of the Lords Commissioners for Scotland as that which their Lordships judged to be the result of the Conference which also was read.

The Duke of Queensberry told their Lordships that their Lordships of Scotland did think fit to withdraw and consider the paper offered by their Lordships which accordingly they did and returning within a little

The Duke of Queensberry acquainted their Lordships of England that the Lords Commissioners for Scotland having had the paper offered by their Lordships under consideration they did take notice that there were some things in it particularly that about Impositions on home Consumpt which did not fall properly to be considered under the head of Trade, but under some other head of the Treaty as that of Taxes, and moved that it might be the subject of a Conference at their next meeting. To which the Lords Commissioners for England agreed.

Adjourned to Saturday the 3rd January 1709.

Sabbath die 2^d Jan. 1705. Post meridiam.Lune die 4th Jan. 1705

PRESENT

PRESENT

Scot.	Ang.
Duke of Queensberry	Arch Bishop of Canterbury
Lord Chancellor	Arch Bishop of York
Duke of Argyle	Lord President
Marquis of Lothian	Earle of Carlisle
Earle of Leven	Earle of Burlington
Vicomte of Stair	Earle of Nottingham
Lord Boyle	Earle of Rochester
Lord President of the Session	Earle of Scarborough
Sir James Smollet	Sir Charles Hedges
Sir David Dalrymple	Sir John Holt
Cavers	M ^r Godolphin
M ^r Montgomerie	M ^r Clark
M ^r Springour	D ^r Waller

Scot.
Duke of Queensberry
Lord Chancellor
Marquis of Arundale
Duke of Argyll
Marquis of Lothian
Earle of Leven
Vicomte of Tarbat
Vicomte of Rothesbury
Vicomte of Stair
Lord Boyle
Lord President of the Session
Sir David Dalrymple
Sir James Smollet
M ^r Montgomerie
Cavers
M ^r Springour

The Lord President acquainted the Lords Commissioners for Scotland that the second Article of that which had been under their consideration relating principally to the trade of foreign Commodities their Lordships of England were content to referre to another time the consideration of the Duties to be laid on the home Consumption of Scotland.

Then the Lords Commissioners proceeded to take into their Consideration the Articles brought in from the Committee as the result of the last Conference which were severally read and after some amendments agreed on by the Lords Commissioners of both sides and ordered to [be] insert in the respective Journals of this day.

Agreed by the Lords Commissioners for both Kingdoms in the termes of the Preliminaries and to take place when the Union shall be completed.

1. That there be a free Trade between all the Subjects of the Island of Great Britain without any distinction in the same manner as is now provided from our Port of England to another And that the Masters Mariners and goods be under the same securities and penalties in the Coasting trade.

2. That both Kingdoms be under the same regulations and prohibitions and lyable to equal Impediments for Exportation and Importation, and that a book of Rates be adjusted for both.

3. That the Subjects of both Kingdoms and their Souldiers and Shipping have equal freedom of Trade and Commerce to and from the Plantations under such and the same regulations and restrictions as are and will be necessary for preferring the said trade to Great Britain And that the Souldiers of Scotland be equally lyable to the publick service as the Souldiers of England now are.

4. That such Lawes part or parts of the Act of Navigation or of any other law now in force in either Kingdom as shall be contrary to or inconsistent with the termes of the Union, shall be on both sides repealed, And that an Act of Navigation be framed and adapted to the termes of the Union.

The Lord President of the Session moved on the part of the Lords Commissioners for Scotland that such other propositions might afterwards be offered as their Lordships should think necessary for further clearing the freedom of trade Shipping and Navigation To which the Lords Commissioners for England agreed.

The Lord President of the Council on the part of the Lords Commissioners for England moved that the matter of Duties on the home Consumption should be the subject matter of Conference and debate at the next Meeting To which the Lords Commissioners for Scotland agreed.

Adjourned to Monday the 6th instant.

The Lords Commissioners for Scotland met at their own Chamber in the Cock Pit and after they had been there sometime The Earles of Burlington & Rochester came to them from both of the Lords Commissioners for England as were then in the Council Chamber to let their Lordships know they were not then a Quorum, nor did expect to be that evening, which they hoped their Lordships would take in good part, and desired to know to what day their Lordships would adjourn.

Upon which the Lords Commissioners for Scotland adjourned to Friday the 8th instant.

Veneris 8th die Jan. 1705.

Before there was a Quorum of the Lords Commissioners for Scotland The Arch Bishop of Canterbury Sir John Cook and D^r Waller came into the Chamber appointed for the Scots Commissioners and acquainted their Lordships that her Majesty having called a Council at St James's their Lordships of England were obliged to repair thither, which they desired to be notified to their Lordships by them, and that they could not attend them that evening but should be satisfied to meet them the next day, with which the Lords Commissioners for Scotland then present acquainted the others as they came in Whereupon their Lordships adjourned to Sunday the 9th instant.

Sabbat die 9th Jan. 1705.

The Lords Commissioners for Scotland met in their own Chamber and after having been sometime there, such of the Lords Commissioners for England as were in the Council Chamber sent their Secretary to acquaint their Lordships that there was not a Quorum of them and that the House of Peers had sit so late that they did not expect see that evening, and desired to know to what time their Lordships would adjourn Whereupon the Lords Commissioners for Scotland adjourned to Tuesday the 10th instant.

Martis die 12th Jan. 1705.

PRESENT

Scot.	Ang.
Duke of Queensberry	Lord Keeper
Lord Chancellor	Lord President
Marquis of Arundale	Duke of Marlborough
Marquis of Lothian	Earle of Jersey

Earle of Leven
Viscount of Tarbat
Viscount of Stair
Viscount of Rothesbury
Lord Boyle
Lord President of the Session
Cavers
Sir James Smallet
Sir Patrick Johnston
M^r Montgomerie
M^r Scrimgeour

Earle of Nottingham
Earle of Rochester
Sir Charles Hedges
Lord Chief Justice Holt
Lord Chief Justice Trevor
Sir Christopher Maffrae
M^r Godolphin
M^r Clark
D^r Waller

The Lord Keeper moved that the 5th Article of Proposals formerly offered by the Lords Commissioners for Scotland on the 9th December, as drawn up by the Committee should be read, which was accordingly done.

Then the Lords Commissioners went into a Conference on the Subject of house Consumption which was spoke to for sometime Then it was moved that they should consider the reasons offered on either side against the next meeting.

The Earle of Nottingham moved that their Lordships of Scotland should against the next meeting prepare some overture relating to the Share their Lordships were willing to bear in the Land Tax.

Adjourned to Friday the 15th instant.

Veneris die 16th Jan. 1705.

The Lords Commissioners for Scotland met in their own Chamber in the Cook Pit And after they had been sometime there the Earle of Carlisle came in to them from such of the Lords Commissioners for England as were then met in the Council Chamber to let their Lordships know that they did not expect a Quorum that evening And moved that to prevent that inconvenience in time coming their meetings might be in the forenoon, to which their Lordships of England agreed, and adjourned to Monday the 18th instant.

Diebus die 18th Jan. 1705.

PRESENT	
Scot.	Eng.
Duke of Queensberry	Arch Bishop of Canterbury
Lord Chancellor	Lord President
Marquis of Annandale	Lord Chamberlain
Marquis of Lothian	Earle of Nottingham
Earle of Leven	Earle of Rochester
Viscount of Tarbat	Earle of Scarborough
Viscount of Stair	Bishop of London
Viscount of Rothesbury	Sir Charles Hedges
Lord Boyle	Lord Chief Justice Holt
Lord President of the Session	M ^r Chancellor of the Dutchy
Sir Patrick Johnston	Sir John Cook
Sir James Smallet	Charles Godolphin Esq ^r
Cavers	Samuel Clark Esq ^r
M ^r Montgomerie	D ^r Waller
M ^r Scrimgeour	

The Duke of Queensberry on the part of the Lords Commissioners for Scotland acquainted their Lordships of England that they had drawn up some Articles as the result of the last Conference in which they had gone as great a length in the several points therein mentioned as they hoped would satisfy their Lordships Which Articles were read as follows.

1. That neither Kingdom be burthened with debts contracted or to be contracted by the other before the Union, and that no other or greater Estate or other duties on house Consumption or land

taxes be raised or imposed within that part of the united Kingdom now called Scotland than these now on foot there till the debts of England contracted or to be contracted before the Union be fully satisfied and paid.

2. That after payment of the English debts as aforesaid that part of Great Britain now called Scotland shall be subject to the Survey of the Parliament of Great Britain and be liable to such Excises and other house duties as shall by the said Parliament be thought just and fit to the circumstances of that part of the united Kingdom for the time Provided that the proportion of Inland duties and Impositions of that part of the united Kingdom shall not then, or ever after be more than that of the other neighbouring Counties of the now Kingdom of England.

3. If any goods or merchandises of the native product of Scotland set liable to any Excise or Imposition these shall be transported from Scotland to England by Sea or Land the said Goods or merchandises when brought into England shall be liable to the same duties and so other which might have been raised or exacted if they had been of the native product of England.

4. As an equivalent to Scotland for becoming subject to the same regulations with England in Export and Import and for the encouragement of Filling and Trade and Manufacture in Scotland That out of some effectual branch of the Revenue arising from that part of Britain now called Scotland there be 100000 lb yearly after completing the Union appropriated towards carrying on the fishery and improving the Manufactures and native produce there as shall be directed and ordered by Commissioners and Trustees to be named for that purpose.

5. That 40000 lb shall be reckoned as the just proportion of Scotland at the 4 s Pound rate of Land tax and so proportionally in all land taxes in time coming.

The Lords Commissioners for England took these Articles into further consideration against the next meeting.

Adjourned to Thursday the 21st instant.

Diebus die 21 Jan. 1705.

PRESENT	
Scot.	Eng.
Duke of Queensberry	
Lord Chancellor	
Marquis of Annandale	
Marquis of Lothian	
Earle of Leven	
Viscount of Tarbat	
Viscount of Stair	
Viscount of Rothesbury	
Lord Boyle	
President of the Session	
Sir James Smallet	
Sir Patrick Johnston	
Lord of Cavers	
M ^r Montgomerie	
M ^r Scrimgeour	

The Lords Commissioners for Scotland having met in their own Chamber in the Cook Pit The Earle of Pembroke Marquis of Norhamby and Earle of Nottingham came to their Lordships from such of the Lords Commissioners for England as were then in the Council Chamber to acquaint their Lordships that having reflected on the several disappointments they had given their Lordships of which they were very much ashamed To prevent the like for the future they were refused to apply to the Queen for a new Commission from her Majesty Constituting seven of their number to be a Quorum if this method were agreeable to their Lordships of Scotland; then withdrew. The Lords Commissioners for Scotland took into their consideration what had been proposed on the part of their Lordships of England, and having

caused read their Commission under the Great Seal of Scotland they found themselves thereby sufficiently warranted to treat with any number should be appointed by her Majesty of the English under the Great Seal of England.

Refused that the Lord Chancellor, the Marquis of Annandale and the Viscount of Tebui, go in to the Council Chamber and acquaint such of the Lords of England as were not there with their commissions with their Lordships proposal.

Upon return of these Lords the Lords Commissioners for Scotland adjourned to Saturday the 23^d instant.

Sabbati die 23 Jan. 1703.

PRESENT

Scot.	Ang.
Duke of Queensberry	Arch Bishop of Canterbury
Lord Chancellor	Lord President
Duke of Argyle	Earle of Nottingham
Marquis of Lothian	Earle of Rochester
Earle of Leven	Earle of Scarborough
Vicount of Tebui	Lord Chief Justice Trevor
Vicount of Stair	Sir John Cook
Lord Boyle	Dr Waller
President of the Session	
Sir James Scalliet	
Sir Patrick Johnston	
Cavers	
M ^r Montgomerie	
M ^r Springour	

The Lord President of England acquainted their Lordships of Scotland that her Majesty had been pleased to grant a Commission under the Great Seal of England Appointing any seven of their number to be a Quorum, which was read.*

Ordered that a Duplicate of the said Commission be prepared to be given to their Lordships of Scotland.

The Lord President offered on the part of the Lords Commissioners for England some Considerations upon the Articles exhibited by their Lordships at the last meeting.

Which Articles and the considerations relative thereto were severally read.

The Considerations are as follows.

1. As to the former part of the first Article viz That neither Kingdom be burthened with the debts contracted or to be con-

tracted by the other before the Union, it being the same is *con-*
sist with the 5th Proposition delivered by their Lordships on the
5th of December The observation made then may suffice for a
Reply to it now viz That the debts of England have been
contracted by a long war entered into more particularly for the
protection of England and the dominions thereto belonging
Yet Scotland has had its share in the benefits which have ac-
crued to Great Britain in general from the opposition that has
been made to the growth and power of France, and have en-
croached the number of their Seamen considerably by the Em-
ployment they had in the coast trade of England during the war But
as it is necessary they should be under equal Impositions with re-
gard to the balance of trade and manufactures when the King-
doms shall be united and a free Communication of native product
settled so it may be reasonable that the money so raised upon that
part which is now Scotland should be applied to the security and
protection of Scotland and the trade thereof, nor does it follow
that because the Duties now raised on particular Foods in En-
gland are appropriated for the payment of debts, that therefore
when the like Duties are laid in Scotland they must be applied
in the same manner Not for their Lordships to propose that there
be an other duty or greater Excise on home Consumption or In-
land taxes raised or imposed in Scotland than there now on foot
there, till the debts in England contracted, or to be contracted
before the Union be fully satisfied and paid fits the paying trade
upon an equal fact, which is intended by an equality of Imposi-
tions as such a difference as gives little hopes of any now alive
coming at it For one of the Nine pence on beer and ale being
the Food of the first Million Act Anno 4th & 5th of the late King
and Queen was granted for 30 years, One Nine pence more which
was the Fund of the Lottery for about 8 years yet to come, One
Nine pence more (which is the Bank Fund) Inheritance to the
Crown As are also the several duties upon Salt, and half that
upon Stamp paper the in these latter duties there are Clauses of
Provision for Redemption But whilst it is intimated that there shall
be no other or greater in Scotland than are already paid there, it
may be presumed that these already mentioned are now to pre-
vent the necessity of enquiring into the number or proportion of
what they have in Scotland, where if by exemption from such
duties a Clothier can furnish himself and family for four pence
per dozen each head as well as in England for eight pence All
such Manufacturers who shall goe thither will be able to under-
sell and consequently out trade those that stay in England half in
half in what relates to their labor by finishing so much cheaper
but the workmanship of every piece of wooll made into Cloth
advances the value of it near nine parts in ten from its first cost.

2. As to the 2^d Article Their Lordships say That duties upon
the home Consumption require to be equally laid on all the points
of the united Kingdom, Nor do the Northern Counties of En-
gland pay less duties of Excise (as seems here suggested) than the
Midland but rather more in proportion to the value in their
Consumes of the Commodities excised.

3. As to the 3^d Article It is needless to debate upon it till the
first be settled these two depending one upon the other If indeed
the Lords Commissioners for England should think it expedient
to exempt the home Consumption of Scotland from any new
Duties for some reasonable period of time till that Kingdom be-
gins to reap the benefits of the free Communication of trade at-
tended by this Union then their Lordships will insist that such
Commodities as pay duties in England may be charged with the
same duties when they are exported or brought out of Scotland
into England and upon some other Privileges which will be re-
quisite to prevent frauds in her Majesties Revenue.

4. As to the 4th Article The Lords Commissioners for England
say that the free Communication especially of the foreign trade
to which in the terms of the Preliminaries their Lordships have
assented is so great a benefit to Scotland that they did not expect
an equivalent should be mentioned for the equality of Impositions
upon Exportation and Importation binds their Lordships any year

R r

By Her Majesty's command

NOTTINGHAM.

* Warrant for altering the Number of Commissioners which form a Quorum.

ANNE R.

Whereas, by our Commission, under our great seal of England, bearing date the 20th day of September, last past, we have constituted and appointed the most renowned Father in God, Thomas, Archbishop of Canterbury, and several others persons, therein named, our Commissioners, pursuant to the act of Parliament in that behalf made, to treat of an Union of our kingdoms of England and Scotland, with the Commissioners authorized, or to be authorized by us, pursuant to an act, made in our Parliament of Scotland, or so many of them as shall be a quorum; and, by our said Commission, have constituted and appointed any thirteen of the said Commissioners to be a quorum, for the purposes therein mentioned; and whereas we do now think it necessary to appoint any seven of the said Commissioners to be a quorum, for the same purposes; our will and pleasure is, that you prepare a bill, for our royal signature, to pass our great seal, for granting full power and authority to any seven of the Commissioners, constituted by our Commission aforesaid, to perform and execute all and singular the matters and things, which any thirteen of our said Commissioners were authorized to perform and execute by our said Commission; and you are to insert therein, all such clauses as you shall judge necessary in this behalf. For which this shall be your warrant. Given at our Court at St. James's, the 31st day of January, 1708-9, in the first year of our reign.

Lordships have already agreed upon an equality of Impositions as to foreign trade both as to Exportation and Importation.

5. As to the 5th Article 'Twill be impossible to determine this point till their Lordships shall be informed of the votes of the Lords in Scotland, and this may be further debated when their members in the Parliament of Great Britain shall come to be settled.

The Duke of Queensberry told their Lordships of England that the Lords Commissioners for Scotland would have their thoughts on the considerations offered by their Lordships against the next meeting.

Adjourned to Monday the 23rd instant.

Lasse die 25th Jan. 1760.

PRESENT

Scot.	Ang.
Duke of Queensberry	Arch Bishop of Canterbury
Lord Chancellor	Arch Bishop of York
Duke of Argyll	Lord President
Marquis of Annandale	Earle of Rochester
Marquis of Latham	Earle of Scarborough
Earle of Leven	Sir Charles Helges
Vincent of Tarbat	Sir John Cook
Vincent of Stok	D ^r Waller
Vincent of Rosebery	
Lord Boyle	
President of the Session	
Cavart	
Sir James Smallick	
Sir Patrick Johnston	
M ^r Montgomerie	
M ^r Springear	

The Duke of Queensberry on the part of the Lords Commissioners for Scotland acquainted their Lordships of England that they had prepared some answers to the Considerations offered by their Lordships at the preceding meeting, which with the said Considerations were severally read.

The Answers are as follows.

1. As to the first The Lords Commissioners for Scotland do fill in that neither Kingdom be burdened with debts contracted or to be contracted by the other before the Union in manner mentioned in their former proposition of the 5th December last Because your Lordships have not offered yet any Answer to that proposition to be entered in the books.

2. Scotland ought not to be burdened with any debts contracted during the late war, because they have already been subject to such burthens and taxes as were suitable to the exigencies of the Government and their Circumstances during the war and since and their Land and Seamen have been of very great use to England and the Confederates during the present and former war.

3. Whereas your Lordships consideration asserts that equality of trade requires equality of Impositions but that the duties arising in Scotland from the like Funds as are imposed in England may be applied for other uses than the payment of English debts their Lordships say that the distance of Scotland from the Seat of the Sovereign and the great Judgements and the City of London the great Consumption of Britain and other Circumstances in relation to trade Do put that Nation under such disadvantages that they ought not to undergo equal burthens, at least for a long period of time, that trade may be encouraged there which will prove the advantage and benefit of the whole Island, and no period can be more just and reasonable than the payment of the English debts, in which Scotland is not concerned and consequently their burthens ought not to be increased upon the account of these debts.

4. If the burthens of Scotland were increased on the same foot as in England that Nation could not be relieved by applying these burthens to other uses than English debts, because the bur-

thens they now bear were sufficient to defray the expence of the Government before the Union and consequently much more than will defray the additional Charge after the Union whereas there will be a considerable balance arising to the Treasury of Great Britain more than will serve all the peculiar uses and exigencies of that part of the united Kingdom and much more when the trade and Consumption shall increase So there is no reason for applying such additional burthens in Scotland, and whenever comes of the Revenue from thence to the Treasury of Great Britain must be applied directly to the payment of English debts or to other exigencies of the Government which leave so much more of the taxes of England free to be applied for payment of English Debts.

5. As to that part of the said first consideration bearing that if the equality of Taxes be put off till all the English debt be paid there would remain no hope that any now alive shall see trade upon an equal foot over the whole united Kingdom because some duties are given for 99 years, others in perpetuity to the Crown.

Their Lordships say that there is no duty appropriated to the payment of any debts but with a provision of a Redemption within the space of a few years Except the last Nine pence on Ale and Beer which continues for 99 years And their Lordships do agree that the said Imposition be excepted And that all the other English debts being paid Scotland shall become subject to the Survey of the Parliament of Great Britain as is expressed in the former proposition, but then there will still be an allowance due to Scotland for that debt.

6. As to the other burthens appropriated to debts their being a provision for Redemption Their Lordships do insist that the said Debts may be redeemed according to the Proviso before they be liable to the like duties appropriated to these debts or others than they now pay.

7. As to the inconveniences proposed by the inequality of Taxes and inland burthens their Lordships say that the inequality proposed is but temporary till both Kingdom be upon the same foot as to their debts which it is hoped may be accomplished in a few years and a temporary encouragement for raising of trade in Scotland is necessary and profitable to the whole Island.

As to the 2^d Consideration Their Lordships do not suppose that the Northern Counties in England have an ease of Excises upon house duties but do only mention the novel Counties as best known to Scotland that they may not at any time be overcharged.

As to the 3^d Article bearing that if your Lordships should think expedient to exempt the house Consumption of Scotland from any new Duties for some period of time till that Kingdom begin to reap the benefit of a free trade, then your Lordships would insist that such Commodities as pay duties in England may be charged with the same when transported out of Scotland into England and upon some other Provisions to prevent fraud in her Majesties Revenues.

Their Lordships say first that Immunities from further duties for a reasonable period of time is absolutely necessary for Scotland and there can be no period so just and so equal as the payment of English debts (accepting as above) 2^d when your Lordships shall be pleased to consider what further provisions will be requisite to prevent frauds in her Majesties Revenues the Lords Commissioners for Scotland will be ready to give your Lordships just satisfaction therein.

As to the fourth Their Lordships say they did formerly agree to an equality of Impositions on Export and Import by the 2^d of the Articles offered the 5th of December last, but they explained the sense by the 5th Article then offered in such manner as that Scotland should either be free from Impositions appropriated for debts or that an equivalent should be allowed. And your Lordships answer to that 5th Article did reserve the consideration of that equivalent till the Lords Commissioners for Scotland should offer what proportion of burthens they would bear But the Lords

Commissioners for Scotland do chiefly insist for the improvement of fishing on the coast of Scotland which is one of the principal benefits that will arise to Great Britain from the intended Union and will principally tend to enrich the English Nation who have great Stocks of money to carry on the same.

The great intent also at Darien will for a long time discourage private persons in Scotland from raising amongst themselves such Sums as will be necessary for advancing to good work, and that therefore a Sum should be appropriated for encouraging fishing and linen and other manufacture in Scotland.

As to the 2^d Their Lordships say first That this point is altogether distant from that of uniting the two Parliaments which will fall under a separate consideration and debate. 2^d The Land Tax in Scotland ought not to be higher than formerly for the reasons above assigned And further it is reasonable and necessary that there be a continued fixed Rate which is very fairly proposed as high as ever Scotland has been accustomed to bear for a new Survey for fixing of a Land tax will be grievous and burdensome to the whole Landlords in Scotland In regard that there may be inequality in the valuation there, and any advantage that could arise will never answer the trouble and inconvenience both to Scotland and England. 3^d Whatever hath been offered for equality of Excises which may have some influence on trade Yet inequality in Land-taxes supposing there were any is of no consequence at all in the matter of trade And the general dissatisfaction and discouragement that would be given both in Scotland and England by such an enquiry would far over balance any advantage can be proposed by the Survey.

Their Answers were taken into Consideration by the Lords Commissioners for England till next meeting.

Adjourned to Wednesday the 27th instant.

Mercurij di 27 Jan. 1705.

PRESENT

Scot.	Ang.
Duke of Queensberry	Arch Bishop of Canterbury
Lord Chancellor	Arch Bishop of York
Marquis of Lothian	Lord President
Earle of Leven	Lord Privy Seal
Vicount of Turlat	Earle of Nottingham
Vicount of Stair	Earle of Rochester
Vicount of Rothesbury	Earle of Scarborough
Lord Boyle	Lord Chief Justice Trevor
President of the Session	Sir John Cook
Sir James Smallet	
Sir Patrick Johnston	
M ^r Montgomerie	
Cavers	
M ^r Springour	

The Lord President delivered to my Lord Duke of Queensberry a Duplicate of the last Commission granted by her Majesty under the Great Seal of England Appointing seven of the Lords Commissioners for England to be a Quorum.

Then the Lord President acquainted the Lords Commissioners for Scotland that their Lordships for England had considered the Answer given at the last meeting to the Considerations they had offered to their Lordships on their Articles, And that their Lordships of England were still of opinion that there ought to be an equality in payment of duties upon the home Consumption and that it was proper to leave to the judgement of the respective Parliaments of both Kingdoms from what time the payment of the said duties should commence And that whatever should arise from the said duties within the Kingdom of Scotland should not go to the payment of the debts of England.

The Duke of Queensberry moved that the proposition made by the Lord President should be reduced into writing, which was assented to.

That the Lords Commissioners for Scotland withdrew to their own Chamber where they received from the Lords Commissioners for England by their Secretary the following Paper.

The Lords Commissioners for England insist upon an equality in payment of duties upon the home Consumption But when this payment shall commence is to be left to the respective Parliaments of both Kingdoms And they agree that whatsoever is raised shall not go to the payment of the debts of England.

And what after those taxes to be laid on in Scotland are to be applied to shall be the subject of a further consideration.

The Lords Commissioners for Scotland having considered this paper returned to the Council Chamber where the Lord Duke of Queensberry on their Lordships part offered the following paper as containing their Lordships sense of what was the result of their conference which was read in these words.

That neither Kingdom shall be burdened with the debts of the other contracted before the Union and that no duties on home Consumption or Taxes to be levied from Scotland shall be applied to the payment of English Debts, and that a period of time be allowed to Scotland to reap the benefits of the free Consumption of trade before that Kingdom be liable to other or greater duties on home Consumption or inland taxes than theirs now on foot And that the determining the said period be referred to the respective Parliaments of both Kingdoms.

The Lord President of the Council moved that the adjusting the difference between the two papers which he hoped might easily be done should be delayed till next meeting it being too late that they could not proceed farther.

The Lord Duke of Queensberry offered on the part of the Lords Commissioners for Scotland the following proposition and desired their Lordships of England would consider it against their next meeting.

By the Lords Commissioners for Scotland.

That the Privileges in favour of the Company of Scotland trading to Africa and the Indies by the 8 Act Parliament 1693 and 12th Act Parliament 1701 do continue and stand in full force and vigour in favour of the Proprietors of the said Company after the Union of the two Kingdoms.

Adjourned till to morrow the 28th instant.

Die Jovis 28, Jan: 1705.

PRESENT

Scot.	Angl.
Duke of Queensberry	Arch Bishop of York
Lord Chancellor	Lord President
Marquis of Anandale	Lord Privy Seal
Duke of Argyle	Lord Chamberlain
Marquis of Lothian	Earle of Burlington
Earle of Leven	Earle of Nottingham
Vicount of Turlat	Earle of Rochester
Vicount of Stair	Earle of Scarborough
Lord Boyle	Sir John Cook
President of the Session	Charles Godolphin Esq ^r
Cavers	Sutton Clark Esq ^r
Sir James Smallet	D ^r Waller
Sir Patrick Johnston	
M ^r Montgomerie	
M ^r Springour	

The Lord President on the part of the Lords Commissioners for England offered the following paper as their Lordships sense of the Conference at the preceding meeting which was read as follows.

The Lords Commissioners for England agree that neither Kingdom shall be burdened with the debts of the other contracted before the Union And that no duties on home Consumption or Taxes to be levied from Scotland shall be applied to the

payment of English debts and whenever time may be fit to be allowed to Scotland to reap the benefits of the Communication of trade and enable them the better to pay duties on home Consumption equal to England is most proper to be determined in the respective Parliaments of both Kingdoms.

Then his Lordship offered on the part of the Lords Commissioners for England an Answer to the Proposition made at the last meeting by their Lordships of Scotland which was read as follows.

As to the last Proposition delivered the 27th instant

Their Lordships say it has been found by experience that two Companies existing together in the same Kingdom and carrying on the same Traffick are destructive of trade and are therefore of opinion that to agree to this proposition will be inconsistent with the Interest of Great Britain.

The Lords Commissioners for Scotland withdrew to consider their papers and returning to the Council Chamber My Lord Duke of Queensberry acquainted their Lordships of England that the Lords Commissioners for Scotland had not yet considered their Lordships answer to their Proposition about the Company, but that they had now prepared for their Lordships what they took to be their sense of the paper they had received from their Lordships which was read as follows.

The Lords Commissioners for Scotland understood the paper given in by your Lordships in this sense That neither Kingdom shall be burthensd with the debts of the other contracted before the Union, and that no duties on home Consumption or Taxes to be levied from Scotland shall be applied to the payment of English debts And that a time be allowed to Scotland to reap the benefits of the Communication of trade before that Kingdom become liable to pay other or greater duties on home Consumption or inland taxes than those now on foot And that it is most proper to be determined by the respective Parliaments of both Kingdoms how long that time of exemption shall last.

This paper their Lordships of England took into consideration again next meeting.

The Duke of Queensberry moved that since they were fit now agreeing on this matter which was only the first of the Articles offered on the 18th instant that they should proceed to the Consideration of the other Articles.

And accordingly the second of the said Articles was read and the Consideration and Answers relative thereto, and spoke to by the Lords Commissioners on both sides, but before coming to any resolution their Lordships

Adjourned to the 30th instant.

Die Sabbati 30^{ma} Jan. 1708.

PRESENT

Scot.	Ang.
Duke of Queensberry	Lord Keeper
Lord Chancellor	Lord President
Marquis of Anandale	Lord Privy Seal
Marquis of Lothian	Earle of Burlington
Earle of Leven	Earle of Nottingham
Vicount of Stair	Earle of Rochester
Vicount of Roseberry	Sir John Lawson Clerk
Lord Boyle	Sir John Cook
President of the Session	Charles Goodolphin Esq
Clerks	D ^r Waller
Sir James Swallow	
Sir Patrick Johnston	
M ^r Montgomerie	
M ^r Springour	

The Lord President of the Council on the part of the Lords Commissioners for England acquainted their Lordships of Scot. that they had drawn up an Article in reference to the matter

what had been the subject of Conference at the two last meetings which he hoped would give their Lordships full satisfaction.

The said Article was read and the Lords Commissioners for Scotland having withdrawn to consider the same, and returning to the Council Chamber,

My Lord Duke of Queensberry acquainted their Lordships of England that the Lords Commissioners for Scotland had agreed to the Article as given in by their Lordships understanding their Lordships sense of the last Clause to be such as that it relates to the length of the time to be allowed to Scotland.

Ordered that the said Article be insert in the Journals of this day as agreed on between the Lords Commissioners of both Kingdoms.

Agreed by the Lords Commissioners for both Kingdoms that neither Kingdom shall be burthensd with the Debts of the other contracted before the Union and that no duty on home Consumption or Taxes to be levied from Scotland shall be applied to the payment of English Debts And that some time is to be allowed to Scotland to reap the benefits of the Communication of trade and enable them the better to pay duties on home Consumption equal to England But that it is most proper to be determined at the respective Parliaments of both Kingdoms.

Ordered that the Journals of what has been transacted hitherto be made ready by the Secretaries to be read over at the General meeting.

Adjourned to Monday the 1st February.

Lenae die 1^{ma} Febr. 1708.

PRESENT

Scot.	Ang.
Duke of Queensberry	Arch Bishop of Canterbury
Lord Chancellor	Lord President
Marquis of Anandale	Earle Marshall
Duke of Argyle	Earle of Jersey
Marquis of Lothian	Earle of Nottingham
Earle of Leven	Sir John Cook
Vicount of Torbat	D ^r Waller
Vicount of Stair	
Lord Boyle	
President of the Session	
Clerks	
Sir James Swallow	
Sir Patrick Johnston	
M ^r Montgomerie	
M ^r Springour	

The Lord Duke of Queensberry moved on the part of the Lords Commissioners for Scotland that the first of the propositions offered on the 18th January being adjourned, they should proceed to the consideration of the other Articles. Whereupon the second and subsequent Articles were read severally and spoke to by the Lords Commissioners on both sides, but their Lordships came to no resolution on any of these Articles.

The Duke of Queensberry acquainted the Lords Commissioners for England that their Lordships of Scotland having considered their Lordships Answer to their Propositions of the 27th January about the Company trading to Africa and the Indies, they did offer to their Lordships the following paper which was read and taken into consideration by the Lords Commissioners for England and is as follows.

By the Lords Commissioners for Scotland.

1. Their Lordships do fill in with for preserving and securing the Privileges of the Scots Company trading to Africa and the Indies Because the Undertakers did on the publick faith of the Kingdom advance a stock of 200000^l. and thereby And it is not unknown to your Lordships what part the generality of the Kingdom and also the Parliament of Scotland did take in the

discouragements and disappointments the said Company did receive As is fully express'd in the Address of the Parliament to the late King.

2. Their Lordships conceive that the Privileges of the Scots Company may confit with the English East India Company or any other English Company which are circumscrib'd to the present limits of England And it is not propos'd that the Privileges of the Scots Company should be extended beyond the bounds of Scotland so the severall Companies do not interfere.

3. If the sailing of Companies for carrying on the same traffick do appear to your Lordships destructive of trade It is not expected that your Lordships will insist that therefore the Privileges of the Scots Company should be abandoned without offering at the same time to purchase their right at the publick Expence.

Adjourn'd to Wednesday the 3^d instant.

Mercuri die 3^o Febr. 1705. Post meridien.

PRESENT

Scot.	Angl.
Duke of Queensberry	Arch Bishop of Canterbury
Lord Chancellor	Arch Bishop of York
Marquis of Arundell	Lord Treasurer
Marquis of Lothian	Lord President
Earle of Leven	Duke of Marlborough
Vicount of Tarbat	Lord Chamberlain
Vicount of Stair	Earle of Burlington
Vicount of Balfour	Earle of Nottingham
Lord Boyle	Earle of Rochester
President of the Session	Earle of Scarborough
Cavers	Sir Charles Hodges
Sir James Smallot	Sir John Cook
Sir Patrick Johnston	Robert Harley Esq ^r
Hugh Montgomerie Esq ^r	Charles Godolphin Esq ^r
John Scrimgeour Esq ^r	Samuel Clark Esq ^r
John Allandice Esq ^r	D ^r Waller

The Lord President on the part of England intimated to the Lords Commissioners for Scotland that a Letter being expected from her Majesty to adjourn the treaty for a time The Lords Commissioners for England had something to recommend to their Lordships Consideration again the next Meeting, and that thereupon they had drawn up a Paper, which he moved might be read, which was done accordingly.

The Lords Commissioners for Scotland withdrew to consider it, and returning within a little,

The Duke of Queensberry on their part acquainted their Lordships of England that they agreed to the said Paper.

Ordered that the same be entered in the respective Books and Journals of this day, as follows.

Since her Majesty is pleas'd to Adjourn our Meeting there are some things so essentially necessary to complete the Union of the two Kingdoms, that we think our selves oblig'd to mention them before we part Thus on both sides we may come the better prepar'd to settle them at our next meeting, such are the Constitution of the Parliament, the Affairs of the Church, and the Municipall Lawes & Judicatures of Scotland for security of the Properties of the Subjects of that Kingdom.

Then her Majesties Letter was read, there being one delivered by the Duke of Queensberry, and another by the Earle of Nottingham, but both the same in tenour, as follows.

ANNE B.

Right truly & right entirely beloved Cousins & Councellers, right truly & welbelov'd Cousins and Councellers, right truly & welbelov'd Councellers, and truly and welbelov'd Wee greet you well &c. Wee are extremely pleas'd with the Accounts Wee have received from time to time of your proceedings in the Treaty of Union between our two Kingdoms And tho' there be some very important matters still remaining to be adjust'd (the consideration whereof may require more time than our other weighty affairs will now allow) Yet the great progress you have already made beyond what has been done in any former Treaties gives us good hopes that at your next meeting this will be brought by your good endeavours to an happy conclusion To the end therefore that you may duly Consider by your selves all such other things as may be necessary to complete the Union, and that you may stand upon our other affairs in your respective stations where our Service requires you, Wee have thought fit to adjourn, and accordingly do adjourn your Meeting on this Treaty unto Monday the 4th of October next. Given at our Court at St James the 3^d day of February 1703.

To the Commissioners appointed for treating an Union between our two Kingdoms.

Ordered That the Secretaries of the respective Commissions do sign each others Journal of the proceedings.

Adjourn'd to Monday the 4th October 1705.

By order of the Lords Commissioners of both Kingdomes

RO. FRINGLE. CHARLES DAVENANT.

PROCEEDINGS OF THE COMMISSIONERS
APPOINTED TO TREAT FOR AN UNION BETWIXT THE KINGDOMS
OF SCOTLAND AND ENGLAND.

XVI APRILIS—XXIII JULII M.DCC.VI.

COMMISSIO PRO UNIONE TRACTANDA INTER
REGNA SCOTIÆ ET ANGLIÆ.

ANNA Dei Gratia Magnæ Britanniæ, Franciæ et Hiberniæ Regina Fideique Defensor &c. Omnesque prædictis, ad quos pervenire Litteræ nostræ pervenerint Salutem. Quandoquidem Nos Considerantes interuenire Commociones, omnibus nostris Subditis per actionem et completionem Unionem Regnorum nostrorum Scotiæ et Angliæ erigendam, Cuiusque per actum Parlamentum dicti regni Angliæ, anno Domini millesimo septingentesimo quarto, in personis vel tot vel tali eorumdem numero, qui a nobis nominemur, et quæ non in hunc effectum, pro Quorum (ut loquatur) Satisfactum, plena auctoritas et potestas concessa est, Conveniendi et Tractandi cum his Commissionariis, auctoritate acti Parlamentum Scotiæ nominatis, de tali Unionem dictorum Regnorum Scotiæ et Angliæ, aut circa quocunque alia negotia causa et res quæ (debili deliberatione habita majoris partis dictorum Commissionariorum, et predictorum, congrue) una cum Commissionariis auctoritate Parlamentum Scotiæ nominatis, dicti Commissionarii, nostro humeri, et motu bene utriusque Regni in perpetuum evasissent et necessariis in eorum prudentia iudicabant, Nosque etiam ex Regni nostri affectione et cura ad promovendum fiduciam caritatem nostrorum Subditorum, tale insignis et huiusmodi operæ prosequi desiderantes et cupientes, Parlamentum nostrum Scotiæ mense Junii ultimo elapsi Commociones, et cum dicto Regno nostrum Angliæ Tractatus instituerunt In eas persequentes per quatuordecim Sessionis Parlamentum ultimo elapsi, Decretum, Statutum et Ordinem est quod illi et quot eorum nobis visum fuerit, sub magno sigillo dicti antiqui nostri Regni Scotiæ, conscribere et nominare, plenum potestatem constitutionis et auctoritatem haberent, locis et temporibus a nobis designandis, Conveniendi ac Congregandi ac cum talibus Commissionariis auctoritate Parlamentum Angliæ nominatis, Tractandi et Delibandi, circa talem Unionem dictorum Regnorum Scotiæ et Angliæ, et circa quocunque alia negotia causa et res quæ (matura deliberatione habita majoris partis dictorum Commissionariorum, et predictorum, congrue) una cum Commissionariis auctoritate Parlamentum Angliæ nominatis, secundum tenorem eorum commissionum statim concessorum, dicti Commissionarii hactenus nostri et utilitati et motu commode dictorum nostrorum Regnorum in perpetuum conducere iudicabant, Ac etiam quod dicti Commissionarii pro utroque regno, secundum tenorem earum Commissionum respective, sua acta et gesta in eisdem materia in vis diversis Scriptis aut Instrumentis singulis per ipsos aut eorum Quosvis subscribenda et sigillanda Redigant et Digerant: In et ad hoc fines, et unum dictorum Scripturum vel Instrumentorum nobis, aliud dictorum Scripturum vel Instrumentorum Parlamentum Scotiæ et tertium dictorum Scripturum aut Instrumentorum Parlamentum Angliæ, proximis dictorum Parlamentorum Sessionibus in utroque Regno respective

tenenda, Exhibenda; postquam dicta Scripta seu Instrumenta per dictos Commissionarios subscripta et sigillata fuerint, ut desuper Nos et dicta duo Parlamentum ultra procedamus, prout necessarium visum fuerit pro Commocione et Bene utriusque Regni, Quibus Parlamentis integre Consideratis totius, ac in totum vel pro parte approbandi aut reprobandi, prout in expensis videbitur, causis referatur, Et per antedictum Actum providetur quod nulla materia aut res tractanda, proponenda, vel per dictos Commissionarios virtute predicti Acti concludenda ullius erit vigoris seu effectus cujuscunque, donec prius auctoritate, et actum Parlamentum Regni Scotiæ confirmata et stabilita fuerit, Et quod non licetum erit dictis Commissionariis, de alteratione Cuius Discipline aut Regimini Ecclesiæ Scotiæque ut vane per Leges stabilita sunt, illo modo tractare, Cuiusque Nos acta experte speculantes fidem et fiduciam Reponamus in fidelitate eximio amici doctus et prudentis personarum infidelitatemque vii Jacobi Comitis de Seafield, summi nostri Cancellarii dicti Regni, Jacobi Ducis de Queensberry secreti nostri sigilli Custodis, Joannis Comitis de Mar, et Hugonis Comitis de Leitham nostrorum principum Status Secretariorum, Joannis Comitis de Sutherland, Jacobi Comitis de Morton, Davidis Comitis de Weyms, Davidis Comitis de Leven, Joannis Comitis de Stair, Archibaldi Comitis de Roxburgh, Davidis Comitis de Glasgow nostri Thesaurarii depositi, Domini Archibaldi Campbell Fratris Germani Ducis de Argyll, Thomæ Vicecomitis de Dupplin, Gulielmi Domini de Robson Constitutionariorum nostri Thesaurarii, Domini Hugonis Dalrymple Collegii nostri Juris Prædicti, Adami Cockburn de Ormeshead nostri Justitiarum Clavici, Domini Roberti Dundas de Armenton et Magistri Roberti Stewart de Tillinchtie Senatorum Collegii Juris, Magistri Francisci Montgomery nostri Constitutionariorum nostri Thesaurarii, Davidis Davidis Dalrymple unius nostrorum Solicitorum, Domini Alexandri Ogilvie de Finglas Generalis nostri Receptoris, Domini Patrick Johnston propositi Edinburgensis, Domini Jacobo Smellie de Bonhill, Georgio Lockhart de Carnwath, Gulielmo Morison de Prestoengrass, Alexandri Grant de eodem junioris, Gulielmi Seton de Pittmedden junioris, Joannis Clarke de Penrynock junioris, Hugonis Montgomery super Propositi Glasgowensis, Davidis Stewart Fratris Germani Baronis de Caubensill, et Davidis Campbell de Armenton Navarrie igitur Nos Nosstris, Continuis et Oblivis Sicis Nos trece presidentes, Nosstris, Continuis et Ordinibus, memoratis personis Commissionariis pro dicto Regno Scotiæ ad effectum predictum Dando et Concedendo illis vel eorum vicem, quæ pro Quorum (ut loquatur) Satisfactum, plenum Potestatem, Commissionem et Auctoritatem Congregandi et Conveniendi, cum talibus Commissionariis auctoritate Parlamentum Angliæ nominatis, vel eorum sufficiente numero (vulgo Quorum) apud Civitatem nostram de Westminster decimo sexto die Mensis Aprilis proxime sequentis, et tempore et loco predicto Tractandi circa Unionem dictorum Regnorum Scotiæ et Angliæ, et circa quocunque

que alia negotia curas et res, que (mixta deliberatione habita tenore partis decernens Commissionarium, ut precipitur, congregatum) una cum Commissionariis auctoritate Parliamenti Anglie mandanda, secundum tenorem eorum Commissionum in hunc effectum dicti Commissionarii, heresi noſtre, et consensu et iustis bonis utriusque Regni in perpetuum notis et convenientia iudicabant, cum Potestate dicti Commissionarii et eorum sufficienti numero (valde Quare et loquuntur) de tempore in tempus, cum aut absque continuatione Congressus et Convocandi et in omnibus quibuscunque rebus per prefatos vel dictam Actum Parliamenti, eorum omne concessio et concessio secundum eorum officium et iudicium procedendi, Mandando et Regimando predictas Commissionarios omni adhibere, ut omnia fœta acta et pœta in premis, in tria diversis scriptis aut Instrumentis debite redigantur et disponant per eos subscribenda, sigillanda et preponenda Ita ut Nobis et Parliamentis utriusque Regni Exhibeantur, modo per dictam Actum dictato et requiritur Declarando omni modo per prefatos, Quod dictum non erit dictis Commissionariis de alteratione Cultus Discipline aut Regiminis Ecclesie Scotticæ aut nec per Leges statuta sunt illo modo tractare, Ad eum declarando nullis negotiis aut res tractanda, preponenda, aut per dictas Commissionarios virtute prefatis Commissionibus exequenda, ullas sine vigilia fœa effectus exequantur donec prius auctoritate et acto Parliamenti dicti antiqui Regni Scotie confirmata et stabilita fuerint: Referendo Nobis plenam potestatem et auctoritatem confirmandi prefatas Commissionarios ad quævis loca, et quoslibet viſum fuerit, per Scriptum noſtre Regali manu figuratum aut Epistolam in directam, non obſtante potestate aliquo contrariando talibus temporibus et ad tales loca ut ipſe viſum fuerit per prefatos in concors In cujus rei Testimonium preſentibus magnum ægillum nostrum appendi precepimus Apud Aulam noſtram de Kewington vigileſimo septimo die mensis Februarii anni Domini Millesimo Septingentesimo Sexto, et Anno Regni Noſtri Quarto.

Per figuratum manu S. D. N. Regine superscriptum

COMMISSION TO TREAT FOR AN UNION.

ANNE By the Grace of God of England Scotland France and Ireland Queen Defender of the Faith &c. To the most Reverend Father in God Thomas Arch Bishop of Canterbury, Our Right Trusty and well beloved Councillor William Cooper Esq^r Our Keeper of our Great Seal of England, The most Reverend Father in God John Arch Bishop of York, Our Right Trusty and well beloved Councillor Sidney Lord Godolphin, Our High Treasurer of England, Our Right Trusty and Right well beloved Cousin and Councillor Thomas Earle of Pembroke and Montgomery Our President of our Council, Our Right Trusty and Right entirely beloved Cousins and Councillors John Duke of Newcastle Our Keeper of Our Privy Seal, William Duke of Devonshire Our Steward of Our Household, Charles Duke of Somerset Our Master of Our Horse, and Charles Duke of Bolton, Our Right Trusty and Right well beloved Cousins Charles Earle of Sunderland, and Evelyn Earle of Kingston, Our Right Trusty and Right well beloved Cousins and Councillors Charles Earle of Castle, Our Right Trusty & Right well beloved Cousins Edward Earle of Oxford, Our Right Trusty and well beloved Cousin Charles Viscount Townshend, Our Right Trusty and well beloved Councillor Thomas Lord Wharton, Our Right Trusty and well beloved Ralph Lord Grey, Our Right Trusty and well beloved Councillor John Lord Fowlett, Our Right Trusty and well beloved John Lord Somers and Charles Lord Halifax, Our Right Trusty and well beloved Councillor John Smith Esq^r, Our Right Trusty and well beloved William Cavendish Esq^r commonly called Marquis of Hartington, John Manners Esq^r commonly called Marquis of Granby, Our Right Trusty and well beloved Councillor Sir

Charles Hodges Knight and Robert Hurley Esq^r Our Principal Secretaries of State Henry Bayle Esq^r Chancellor and under Treasurer of our Exchequer Sir John Holt Knight Chief Justice of our Court of Queen's Bench Sir Thomas Trevor Knight Chief Justice of our Court of Common Pleas, Sir Edward Northey Knight Our Attorney General, Sir Symon Hareourt Knight Our Solicitor General, Sir John Cooke Knight Doctor of Laws Our Advocate General and Stephen Waller Doctor of Laws Greeting Whereas the Kingdoms of England and Scotland were first united in allegiance and loyal subjection in the person of our Royal Great Grandfather King James the First, since which happy conjunction it hath been very much endeavored that a nearer and more compleat Union might be settled between both Kingdoms, and some progress towards the attainment thereof was made, not only in the time of our said late Royal Great Grandfather, but also in the time of our late Royall Uncle King Charles the Second, And Whereas We out of our Princely Zeal and Care for the welfare and happiness of our subjects being also desirous of a nearer and more compleat Union between our two said Kingdoms of England and Scotland, did Recommend to our Parliament of England from the Throne, to Consider of proper Methods for obtaining the same And whereas in our Parliament held at Westminster the 3^d and fourth years of our Reigne, An Act was made Entituled An Act for the effectual securing the Kingdom of England from the apparent dangers that may arise from several Acts made in the Kingdom of Scotland In and by which Act of Parliament it was Enacted that such persons as should be nominated by Us under our Great Seal of England or such and so many of them as should in that behalf be appointed by Us to be of the Queens, should by force of the same Act have full Power, Commission and Authority, at such time and times and in such place or places as we should please to appoint, to assemble & meet, and thereupon to treat and consult, according to the tenor, or purport of their Authority or Commission in that behalf, with certain Commissioners as should be authorized by Authority of the Parliament of Scotland, of, and concerning such an Union of the said Kingdoms of England and Scotland, and of and concerning such other matters, classes and things, as upon mature deliberation of the greatest part of the said Commissioners assembled as aforesaid, and the Commissioners to be authorized by the Parliament of Scotland, according to the tenor, or purport of their Commission in that behalf, should in their wisdom think convenient and necessary for our honour and the common good of both our said Kingdoms for ever, And that the Commissioners of both our said Kingdoms should according to the tenor or purport of their said Authority and Commissions in that behalf, reduce their doings and proceedings therein into Writings or Instruments quodlibet, every part to be subscribed & sealed by them, to the end that one part thereof may in all assemblies, be presented to us, two other parts thereof to be offered to the consideration of the Parliament for the Realm of England, and another part thereof to be offered to the consideration of the Parliament for the Realm of Scotland at their next Sessions which should be held in each Kingdom respectively after such writings or instruments should be subscribed & sealed by the said Commissioners, That thereupon such further proceedings might be had, as We, and both the said Parliaments should think fit and necessary for the well and common good of both the said Kingdoms, to whom the entire consideration of the whole, and the allowing, or disallowing of the whole, or any part thereof as they shall think fit is wholly reserved, as in and by the said Act, relation being thereunto had may more at large appear And whereas in the fourth year of our Reigne, an Act was made and made in our Parliament of our Kingdom of Scotland for establishing to appoint Commissioners to treat with Commissioners for our Kingdom of England of and concerning an Union of the said Kingdoms Now Know Ye That We reposing especial trust and confidence in your fidelity, ability, prudence, industry, diligence & circumspection, have Nominated, Constituted and Appointed, and by these presents do

Nominate Constitute and Appoint you the said Thomas Arch Bishop of Canterbury, William Cooper, John Arch Bishop of York, Sidney Lord Godolphin, Thomas Earl of Pembroke and Montgomery, John Duke of Newcastle, William Duke of Devonshire, Charles Duke of Somerset, Charles Duke of Bolton, Charles Earl of Sunderland, Evelyn Earl of Kingston, Charles Earl of Carlisle, Edward Earl of Oxford, Charles Viscount Townsend, Thomas Lord Wharton, Ralph Lord Grey, John Lord Powlett, John Lord Sommers, Charles Lord Halifax, John Smith, William Marquis of Hartington, John Marquis of Granby, Sir Charles Hedges, Robert Harley, Henry Boyle, Sir John Holt, Sir Thomas Trevor, Sir Edward Northey, Sir Sydney Harcourt, Sir John Cook and Stephen Waller, to be Commissioners for the Kingdom of England in this behalf Giving unto you and any seven or more of you full power and authority to assemble and meet with the Commissioners aforesaid or to be aforesaid by as parliament to the said Act made in our Parliament of Scotland, or so many of them, as shall be a Quorum at our Council Chamber at the Cockpit Whitehall upon Tuesday the 10th day of April instant And then and there to Treat and Confer with them, of and concerning such an Union of the said Kingdoms of England and Scotland, and of and concerning such other matters clauses & things as you & the Commissioners aforesaid or to be aforesaid as aforesaid, or the major part of you and then assembled, shall upon mature deliberation think convenient and necessary for our honour and the common good of both our said Kingdoms for ever, and from time to time, with or without adjournments to assemble and meet at the place aforesaid, or at such other place, or places, as the major part of you and then assembled shall think fit, and to proceed, in all and every the matters herein before mentioned committed to your care, according to your best discretions, and you are to take care that all your doings and proceedings in and about the premises, with the Commissioners aforesaid or to be aforesaid as aforesaid, be reduced into Writings, or Instruments quadruplicate and that every part thereof be subscribed and sealed by you & then be presented unto Us and the Parliaments of both Kingdoms in such manner and form as in and by the said Act first mentioned is enjoined and required. In Witness whereof We have caused these our Letters to be made Patent. Witness our Self at Westminster the 10th day of April in the fifth year of our Reign.

Per Berre de privato sigillo, Wright.

PROCEEDINGS OF THE COMMISSIONERS.

At the Council Chamber in the Cockpit
Tuesday the 10th April 1706.

IN pursuance of her Majesty's Commissioners, under her respective Great Seals of Scotland and England, The Lords Commissioners of both Kingdoms for the Treaty of Union met at the Council Chamber in the Cockpit:

PRESENT	
Scot.	Engl.
Earl of Seafield Lord Chancellor	Lord Keeper
Duke of Queensberry	Lord High Treasurer
Earl of Mar	Lord President
Earl of Loudoun	Lord Privy Seal
Earl of Sutherland	Duke of Somerset
Earl of Westmouthe	Duke of Bolton
Earl of Lovelace	Earl of Sunderland
Earl of Stair	Earl of Kingston
Earl of Rothesbury	Earl of Oxford
Lord Archibald Campbell	Lord Viscount Townsend
Lord Viscount Duplin	Lord Wharton
Lord Rois	Lord Grey
Lord President of Session	Lord Powlett

Lord Justice Clerk
Mr Francis Montagu
Sir Alexander Ogilvie
Sir Patrick Johnston
Sir James Smollet
George Lockhart of Carwath
William Seaton of Pitmedden
John Clarke
Daniel Stewart
Daniel Campbell

Lord Sommers
Marquis of Hartington
Sir Charles Hedges } Secretaries
Sir Charles Hedges } of State
Mr Harley
Mr Boyle
Lord Chief Justice Holt
Lord Chief Justice Trevor
Mr Attorney General
Mr Solicitor General
Sir John Cook
Doctor Waller

After the Lords Commissioners for both Kingdoms had taken their places the Commissioners were opened and read by the respective Secretaries.

The Lord Keeper of the Great Seal of England addressing himself to the Lords Commissioners for Scotland spoke in these words

My Lords

We the Commissioners appointed by her Majesty and authorized by the Parliament of England to Consult and Treat with your Lordships as empowered in like manner by her Majesty and the Parliament of Scotland concerning an Union of the two Kingdoms, and such other things as was the Commissioners on both parts shall think convenient and necessary for the honour of her Majesty and the common good of both Kingdoms, do apprehend there never was (in any assembly of this nature) so little occasion as at present for the Commissioners of England to give any verbal assurances of their zeal, to promise and complaint, (so far as in their power) the great and good design we are met about, since it cannot be doubted, but that we bring along with us the same sentiments which so lately appeared as the Parliament of England when they took care to manifest by a solemn Act that they did possess all other considerations to their evidencing a good and friendly disposition towards the Kingdom of Scotland.

The Parliament of England in making that unexpected advance seem'd resolv'd if possible, to attain that Union which both hem so long thought necessary by all that work well to the prosperity of both Nations

And we most sincerely assure your Lordships That we accordingly meet your Lordships, with hearts fully resolv'd to use our utmost endeavours to remove all difficulties in this Treaty, to prevent all misunderstandings, to cherish and improve the good dispositions to one another we meet with, to have the general and joint good of both Kingdoms solely in our view, and not the separate of either, but to act as if we were already united in interest, and had nothing left to consider but what settlements and provisions are most likely to conduce to the common safety and happiness of this whole Island of Great Britain.

Which measures if pursued on both parts, we hope may enable us to prepare such Terms of Union, as may prove satisfactory to her Majesty and the Parliaments of both Kingdoms.

And the Earl of Seafield Lord High Chancellor of Scotland, on the part of the Lords Commissioners for Scotland spoke as followeth

My Lords

The Lords Commissioners for Scotland have desired us to assure your Lordships, that they meet you on this Occasion with great willingness and satisfaction to Treat of an Union between the two Kingdoms, and of such other matters and concerns as may be for her Majesty's honour and the maintaining a good understanding between the two Nations.

We are Convinced that an Union will be of a great advantage to both; the Protestant Religion will be thereby the more firmly secured, the designs of our Enemies effectually disappointed, and the Riches and Trade of the whole Island advanced.

This Union has been often endeavoured both before and since the Kingdoms were united in allegiance under one Sovereign

and several Treaties have been set on foot for that end, tho' without the desired success, but now we are hopeful that this shall be the happy opportunity of accomplishing it, Her Majesty hath frequently signify'd her good inclinations towards it, and we are the more encouraged to expect success in this Treaty by the good disposition appear'd in the Parliament of Scotland for it, and by the friendly proceedings in the last Session of the Parliament of England, which gave general satisfaction.

We have great Confidence in your Lordships good intentions & we shall be ready on our parts to enter into such measures with you, as may bring the Treaty to such a conclusion as may be acceptable to her Majesty & to the Parliaments of both Kingdoms.

Ordered that Copies of the two Commissions be prepared and sign'd by the respective Secretaries and interchang'd against the next Meeting.

Adjourn'd to Monday next the 22^d instant & a Clock in the evening.

Monday the 22^d April 1706.

Scot.	PRESENT	Engl.
Lord Chancellor	Arch Bishop of Canterbury	
Duke of Queensberry	Lord Keeper	
Earl of Mar	Lord Treasurer	
Earl of Loudoun	Lord President of the Council	
Earl of Sutherland	Lord Privy Seal	
Earl of Morton	Duke of Devonshire	
Earl of Wemyss	Duke of Bolton	
Earl of Leven	Earl of Sutherland	
Earl of Sair	Earl of Kingston	
Earl of Roxburgh	Earl of Oxford	
Lord Viscount Duplin	Lord Viscount Townsend	
Lord Roß	Lord Wharton	
Lord President of Session	Lord Grey	
Lord Justice Clerk	Lord Powlett	
Lord Archibald Campbell	Lord Sommers	
M ^r Francis Montgomery	Speaker of the Houses of Commons	
Sir David Dalrymple	Marquis of Hartington	
Sir Alexander Ogilvie	Marquis of Granby	
Sir Patrick Johnston	Sir Charles Hedges	
Sir James Smallet	Robert Harley	
George Lockhart	Henry Boyle	
John Clarke	Sir John Holt	
Daniel Stewart	Sir Thomas Trevor	
Daniel Campbell	Sir Edward Northey	
William Seaton	Sir Symon Harcourt	
	Sir John Cook	
	D ^r Waller	

The Lord Keeper in name of the Lords Commissioners for England delivered to the Board, Articles of Preliminaries which were read as followeth

1st That all Proposals made by either side be made in writing & every point agreed on shall be reduced into writing.

2^d That no point be agreed on, and reduced into writing shall be obligatory on either side, till all matters be adjusted in such manner as will be proper to be laid before the Queen and the two Parliaments for their approbation.

3^d That there be a Committee appointed consisting of a certain number of each Commission, to revise the Minutes of what passes which are not to be inserted by the Secretaries in their respective books, but by order of the said Committee, having first made report thereof to the respective Commissions and received their approbation of the same.

4th That all the proceedings of the Commissioners of both Kingdoms during the Treaty be kept secret.

The Lord Keeper also deliver'd to the Board the following Proposal which was read.

That the two Kingdoms of England and Scotland be for ever United into one Kingdom by the name of Great Britain That the United Kingdom of Great Britain be represented by one and the same Parliament, And that the Succession to the Monarchy of the United Kingdom of Great Britain in case of failure of heirs of her Majesty's body, be according to the limitations mentioned in an Act of Parliament made in England in the 12th and 13th year of the Reign of the late King William instituted an Act for the further limitation of the Crown and the better securing the rights & liberties of the subjects.

Adjourn'd to Wednesday the 24th instant 5 in the evening.

Wednesday the 24th April 1706.

Scot.	PRESENT	Engl.
Lord Chancellor	Arch Bishop of Canterbury	
Duke of Queensberry	Lord Keeper	
Earl of Mar	Lord Treasurer	
Earl of Loudoun	Lord President	
Earl of Sutherland	Duke of Newcastle	
Earl of Morton	Duke of Somerset	
Earl of Wemyss	Duke of Bolton	
Earl of Leven	Earl of Sutherland	
Earl of Sair	Earl of Oxford	
Earl of Roxburgh	Lord Townsend	
Lord Archibald Campbell	Lord Wharton	
Lord Roß	Lord Grey	
Lord President of Session	Lord Powlett	
Lord Justice Clerk	Lord Sommers	
M ^r Francis Montgomery	Speaker of the Commons	
Sir David Dalrymple	Sir Charles Hedges	
Sir Alexander Ogilvie	Robert Harley	
Sir Patrick Johnston	Henry Boyle	
Sir James Smallet	Sir Thomas Trevor	
George Lockhart	Attorney General	
William Seaton	Solicitor General	
John Clark	Sir John Cook	
Daniel Stewart	Doctor Waller	
Daniel Campbell		

The Lord Chancellor of Scotland acquainted the Board, That the Lords Commissioners for Scotland do agree to the Preliminary Articles proposed by the Lords Commissioners for England at the last meeting for regulating the methods of proceedings in this Treaty.

The following proposals were also delivered to the Board by the Lord Chancellor of Scotland, and were read.

1st That the Succession to the Crown of Scotland, in case of failure of heirs of her Majesty's Body, shall be established upon the same persons mentioned in an Act of Parliament made in England in the 12th and 13th year of the Reign of the late King William instituted an Act for the further limitation of the Crown and the better securing of the Rights and Liberties of the Subjects.

2^d That the Subjects of Scotland shall for ever enjoy all Rights and Privileges as natives of England in England and the Dominions thereunto belonging, and respectively that the Subjects of England shall enjoy the like Rights & Privileges in Scotland.

3^d That there be free Communication and Intercourse of Trade and Navigation between the two Kingdoms and Plantations thereunto belonging, under such Regulations as in the Progress of this Treaty shall be found suit for the advantage of both Kingdoms.

4th That all Laws and Statutes in either Kingdom contrary to the terms of this Union be repealed.

The Lords Commissioners for England withdrew, and being return'd, The Lord Keeper in their Lordships names delivered to the Board the following Answer which was read.

The Lords Commissioners for England are so fully convinced that nothing but an entire Union of the two Kingdoms will secure

perfect and lasting friendship between them, that they therefore think fit to decline entering into any further consideration of the Proposal now made by the Lords Commissioners for Scotland, so not tending to that end, and desire that the Lords Commissioners for Scotland would be pleased to give in their Answer to the Proposal delivered on Monday the 29th instant by the Lords Commissioners for England, in order to an entire Union of both Kingdoms.

Adjourn'd to Thursday the 25th instant 5 in the evening.

Thursday the 25th April 1706.

Scot.	PRESENT	Engl.
Lord Chancellor	Arch Bishop of Canterbury	
Duke of Queensberry	Lord Keeper	
Earl of Mar	Lord Treasurer	
Earl of Loudoun	Lord President	
Earl of Sutherland	Duke of Newcastle	
Earl of Morton	Duke of Somerset	
Earl of Wemyss	Duke of Bolton	
Earl of Leven	Earl of Sunderland	
Earl of Stair	Earl of Orford	
Earl of Rothesbury	Lord Townsend	
Lord Archibald Campbell	Lord Wharton	
Lord Viscount Duplin	Lord Grey	
Lord Roß	Lord Powlett	
Lord President of Session	Lord Sommers	
Lord Justice Clerk	Secretary Harley	
Mr Francis Montgomery	Henry Boyle Chancellor of Exchequer	
Sir David Dalrymple	Sir John Holt	
Sir Alexander Ogilvie	Sir Thomas Trevor	
Sir Patrick Johnston	Attorney General	
Sir James Smollet	Solicitor General	
George Lockhart	Sir John Cook	
William Seton	Doctor Waller	
John Clarke		
Daniel Stewart		

The Lord Chancellor in the name of the Lords Commissioners for Scotland, delivered to the Board an Answer to the Proposal made on the 29th instant by the Lords Commissioners for England with a Provision therein mentioned which was read.

The Lords Commissioners for Scotland have considered the Proposal given in to them by the Lords Commissioners for England on Thursday the 29th instant And do agree that the two Kingdoms of Scotland and England be for ever United into one Kingdom by the name of Great Britain, That the United Kingdom of Great Britain be Represented by one and the same Parliament, and that the Succession to the Monarchy of the Kingdom of Great Britain (in case of failure of heirs of her Majesties body) shall descend upon the most Excellent Princess Sophia Electress and Dutches Dowager of Hannover, and remain to her and the heirs of her body being Protestants, to whom the Succession to the Crown of England is provided by an Act made in the 13th and 14th year of the reign of the late King William intitled An Act for the farther limitation of the Crown & better securing the Rights & Liberties of the Subjects, and Enabling all Papists & who shall marry Papists in the terms of the said Act, With this Provision That all the Subjects of the United Kingdom of Great Britain shall have full freedom and intercourse of Trade and Navigation, to and from any Port or Place within the said United Kingdom and Plantations thereto belonging, and there be a Communication of all other Privileges and Advantages, which do, or may belong to the Subjects of either Kingdom.

The Lords Commissioners for England withdrew and being return'd the Lord Keeper did in the name of the Lords Commissioners for England deliver to the Board the following Reply which was read

The Lords Commissioners for England are of opinion That the Provision added by the Lords Commissioners for Scotland to the Proposal made by the Lords Commissioners for England upon the 29th instant is a necessary consequence for an entire Union And therefore their Lordships do agree to the said Provision under such terms as in the further Progress of this Treaty shall be found to be for the common advantage of both Kingdoms.

A Committee was appointed in pursuance of the third Article of Preliminaries for revising the Minutes and there was nominated on the part of

Scot.	Engl.
Earl of Sutherland	Lord Grey
Earl of Leven	John Smith Esq ^r Speaker of the Commons
Lord President of Session	Sir Thomas Trevor
Lord Justice Clerk	Sir John Cook
John Clark of Penycuik	Doctor Waller
or any three of them	or any three of them

Adjourn'd to Monday the 29th instant 5 in the evening.

Monday April the 29th 1706.

Scot.	PRESENT	Engl.
Lord Chancellor	Arch Bishop of Canterbury	
Duke of Queensberry	Lord Keeper	
Earl of Mar	Lord Treasurer	
Earl of Loudoun	Duke of Newcastle	
Earl of Sutherland	Duke of Devonshire	
Earl of Morton	Duke of Somerset	
Earl of Leven	Duke of Bolton	
Earl of Stair	Earl of Kingston	
Earl of Rothesbury	Earl of Orford	
Lord Duplin	Lord Townsend	
Lord Roß	Lord Wharton	
Lord President of Session	Lord Grey	
Lord Justice Clerk	Lord Powlett	
Mr Francis Montgomery	Lord Sommers	
Sir David Dalrymple	Speaker of the House of Commons	
Sir Alexander Ogilvie	Marquis of Hartington	
Sir Patrick Johnston	Marquis of Granby	
Sir James Smollet	Secretary Holles	
George Lockhart of Canyash	Secretary Harley	
William Seton of Phincelien	Chancellor of the Exchequer	
John Clark of Penycuik	Lord Chief Justice Holt	
Daniel Stewart	Attorney General	
Daniel Campbell	Solicitor General	
	Sir John Cook	
	Doctor Waller	

The Lord Keeper in the name of the Lords Commissioners for England deliver'd to the Board the following Proposal which was read.

That there be the same Customs, Excises, and all other Taxes, and the same Prohibitions, Restrictions and Regulations of Trade throughout the United Kingdom of Great Britain.

The Lords Commissioners for Scotland withdrew and being return'd the Lord Chancellor in their Lordships names deliver'd to the Board the following Answer which was read.

The Proposal given in by your Lordships contains as many particulars that the Lords Commissioners for Scotland do Propose before they offer any Answer to it, That there be a Committee appointed of an equal number of each side to adjust the several points therein, and desire that your Lordships will order an Account of the Taxes and other things in your Proposal to be laid before the said Committee, as the Lords Commissioners for Scotland shall be ready to do on their parts.

The Lords Commissioners for England withdrew and being return'd the Lord Keeper in their Lordships names delivered to the Board the following Reply which was read.

The Lords Commissioners for England have desired a state of the Taxes and other things in their last Proposal mentioned to be laid before them, in order to refer the same to the Consideration of a Committee to consist of an equal number of each side which their Lordships Propose to be the number of eleven on each part, and of them any six to have power to proceed in the matters referred to them.

The Lords Commissioners for Scotland agreed to appoint a Committee to consist of eleven of each side and of them any six to have power to proceed, and that they should be assembled next meeting.

Adjourn'd to the 1st of May 1706, 6 in the evening.

Wednesday the 1st of May 1706.

PRESENT

Scotl.	Engl.
Lord Chancellor	Arch Bishop of Canterbury
Duke of Queensberry	Lord Keeper
Earl of Mar	Lord Treasurer
Earl of Loudoun	Earl of Pembroke
Earl of Sutherland	Duke of Newcastle
Earl of Morton	Duke of Devonshire
Earl of Wemyss	Duke of Somerset
Earl of Leven	Duke of Bolton
Earl of Stair	Earl of Sunderland
Earl of Rothesbury	Earl of Kingston
Lord Archibald Campbell	Earl of Orford
Lord Duplin	Lord Townshend
Lord Raib	Lord Wharton
Lord President of Session	Lord Grey
Lord Justice Clerk	Lord Sommers
M ^r Francis Montgomery	Speaker of the House of Commons
Sir David Dalrymple	Marquis of Harrington
Sir Alexander Ogilvie	Marquis of Gentry
Sir Patrick Johnston	M ^r Secretary Hedges
Sir James Smallet	Henry Boyle Esq ^r
George Lockhart	Lord Chief Justice Trevor
William Seton	M ^r Attorney General
John Clerk	M ^r Solicitor General
Daniel Campbell	Sir John Cook
	D ^r Waller

The Lords Commissioners for both Kingdoms proceeded to nominate the Committee agreed on the 23rd ult^o, to consider matters to be to them refer'd, And the Lords Commissioners following were nominated to be the said Committee.

On the part of

Scotl.	Engl.
Lord Chancellor	Duke of Somerset
Duke of Queensberry	Duke of Bolton
Earl of Mar	Earl of Sunderland
Earl of Loudoun	Lord Townshend
Earl of Sutherland	Lord Wharton
Earl of Leven	Lord Sommers
Earl of Stair	Speaker of the Commons
Lord Duplin	Marquis of Harrington
Lord President of Session	M ^r Secretary Harley
Lord Justice Clerk	Henry Boyle Esq ^r
Sir Patrick Johnston	Sir Symon Harcourt

Agreed the above nam'd Committee meet to morrow morning Ten a Clock, and that they have power to adjourn themselves.

Adjourn'd to Friday the 3rd instant.

Friday the 3rd May 1706.

PRESENT

Scotl.	Engl.
Lord Chancellor	Arch Bishop of Canterbury
Duke of Queensberry	Lord Treasurer
Earl of Mar	Earl of Pembroke
Earl of Loudoun	Duke of Devonshire
Earl of Sutherland	Duke of Bolton
Earl of Morton	Earl of Sunderland
Earl of Wemyss	Earl of Kingston
Earl of Leven	Earl of Orford
Earl of Stair	Lord Townshend
Earl of Rothesbury	Lord Wharton
Earl of Glasgow	Lord Grey
Lord Duplin	Lord Sommers
Lord Raib	Speaker of the House of Commons
Lord President of Session	Marquis of Harrington
Lord Justice Clerk	Marquis of Gentry
M ^r Francis Montgomery	M ^r Secretary Hedges
Sir David Dalrymple	M ^r Secretary Harley
Sir Alexander Ogilvie	[Henry] Boyle Esq ^r
Sir Patrick Johnston	Lord Chief Justice Trevor
Sir James Smallet	M ^r Solicitor General
George Lockhart	Sir John Cook
William Merdoun	
William Seton	
John Clerk	
Daniel Stewart	
Daniel Campbell	

The Lord Treasurer of England acquainted the Board, that he was directed by the Lords Commissioners for England to let their Lordships know that the Account of the Revenues and Debts of England desir'd the 23rd part to be laid before the Board had been prepared but were not drawn in such a manner as would fully answer the end for which they were propos'd, for which reason they were directed to be drawn in another method; and hop'd they would be got ready to lay before the Board next Monday.

Adjourn'd to Monday the 6th instant.

Monday the 6th May 1706.

PRESENT

Scotl.	Engl.
Lord Chancellor	Arch Bishop of Canterbury
Duke of Queensberry	Lord Keeper
Earl of Mar	Lord Treasurer
Earl of Loudoun	Earl of Pembroke
Earl of Sutherland	Duke of Somerset
Earl of Morton	Duke of Bolton
Earl of Wemyss	Earl of Sunderland
Earl of Leven	Earl of Kingston
Earl of Stair	Earl of Carlisle
Earl of Glasgow	Lord Townshend
Lord Archibald Campbell	Lord Wharton
Lord Duplin	Lord Grey
Lord Raib	Marquis of Harrington
Lord President of Session	Marquis of Gentry
Lord Justice Clerk	M ^r Secretary Hedges
M ^r Francis Montgomery	M ^r Secretary Harley
Sir David Dalrymple	Henry Boyle Esq ^r
Sir Alexander Ogilvie	M ^r Attorney General
Sir Patrick Johnston	M ^r Solicitor General
Sir James Smallet	Doctor Waller
George Lockhart	

William Morrison
William Seton
John Clark
Daniel Stewart
Daniel Campbell

The Lord Keeper acquainted the Board that the Lords Commissioners for England had delivered to their Secretary, a State of the Revenues and Income of England, and also of the Debts of the said Kingdom which were to be laid before the Lords of the Committee of both Kingdoms at their next meeting.

Adjourn'd to Thursday the 9th instant.

Thursday the 9th May 1706.

PRESENT

Scotl.	Engl.
Lord Chancellor	Arch Bishop of Canterbury
Duke of Queensberry	Lord Keeper
Earl of Mar	Lord Treasurer
Earl of Loudoun	Earl of Pembroke
Earl of Sutherland	Duke of Newcastle
Earl of Morton	Duke of Devonshire
Earl of Wemyss	Duke of Somerset
Earl of Leven	Duke of Bolton
Earl of Sair	Earl of Sunderland
Earl of Roxbury	Earl of Kingston
Earl of Glasgow	Earl of Carlisle
Lord Archibald Campbell	Earl of Orford
Lord Duplin	Lord Townsend
Lord Roß	Lord Wharton
Lord President of Session	Lord Grey
Lord Justice Clerk	Lord Somers
Mr Francis Montgomery	Speaker of the House of Commons
Sir David Dalrymple	Margrave of Harrington
Sir Alexander Ogilvie	Margrave of Gough
Sir Patrick Johnston	Mr Secretary Hodges
Sir James Smalles	Mr Secretary Harley
George Lockhart	Henry Boyle Esq ^r
William Morrison	Lord Chief Justice Trevor
Alexander Grant	Mr Attorney General
William Seton	Mr [Solicitor] General
John Clark	Sir John Cook
Daniel Stewart	Doctor Waller
Daniel Campbell	

The Lord Chancellor acquainted the Board that the Lords Commissioners for Scotland had delivered to their Secretary an Account of the Revenue in Scotland, and the sum about which the Debts of that Kingdom would amount to, to be laid before the Lords of the Committee of both Kingdoms.

The Lord Chancellor in the name of the Lords Commissioners for Scotland deliver'd to the Board, an Answer to the Proposal made by the Lords Commissioners for England on the 29th April which was read.

The Lords Commissioners for Scotland do agree that all parts of the United Kingdom of Great Britain be under the same Regulations Prohibitions & Restrictions, and liable to equal Imposts & Duties for Export and Import, but in regard several of the Funds relating to the Customs are already appropriated for the payment of Debts properly belonging to England it's propos'd that an Equivalent be allowed for them.

The Lords Commissioners for Scotland do also agree that all the Subjects of the United Kingdom shall be liable to equal Land Taxes or Taxes upon the Pound Rent providing the Proportion for Scotland shall only be £12000, when one Shilling is impos'd on the Pound Rent on England, so that £40000 li in Scotland shall be reckon'd equal to the 4th. And now impos'd on

England, and so proportionable, and to be rais'd in the same manner now rais'd in Scotland, and free of all Charges.

The private Rights of Corporations and Companies are Reserv'd to be considered in the course of this Treaty.

The Lord Chancellor in the name of the Lords Commissioners for Scotland deliver'd also to the Board the following Proposal which was read.

The Lords Commissioners for Scotland do Propose that neither of the Kingdoms be burthen'd with the Debts of the other contracted before the Union.

Adjourn'd to Friday the 10th instant 5 in the evening.

Friday the 10th May 1706.

PRESENT

Scotl.	Engl.
Lord Chancellor	Arch Bishop of Canterbury
Duke of Queensberry	Lord Keeper
Earl of Mar	Duke of Newcastle
Earl of Loudoun	Duke of Somerset
Earl of Sutherland	Duke of Devonshire
Earl of Morton	Duke of Bolton
Earl of Wemyss	Earl of Sunderland
Earl of Leven	Earl of Kingston
Earl of Sair	Earl of Carlisle
Earl of Roxbury	Lord Townsend
Earl of Glasgow	Lord Wharton
Lord Duplin	Lord Grey
Lord Roß	Lord Somers
Lord President of Session	Speaker of the House of Commons
Lord Justice Clerk	Margrave of Gough
Mr Francis Montgomery	Secretary Hodges
Sir David Dalrymple	Secretary Harley
Sir Alexander Ogilvie	Sir John Holt
Sir Patrick Johnston	Sir Thomas Twiss
Sir James Smalles	Attorney General
George Lockhart	Solicitor General
William Morrison	Sir John Cook
Alexander Grant	Dr Waller
William Seton	
John Clark	
Daniel Stewart	
Daniel Campbell	

The Lord Keeper in the name of the Lords Commissioners for England Deliver'd to the Board a Reply to the Answer made on the 9th instant by the Lords Commissioners for Scotland to their Lordships Proposal on the 29th April last which was read.

The Lords Commissioners for England observing that in the Answer made by the Lords Commissioners for Scotland the 9th instant to their Lordships Proposal of the 29th April, That there be an equality of Customs, Excises and all other Taxes throughout the United Kingdom of Great Britain, The Lords Commissioners for Scotland take no notice of what relates to Excises, The Lords Commissioners for England do therefore think it necessary to insist upon their said Proposal, as that without which there cannot be an entire Union between the two Kingdoms, of which their Lordships are so desirous on their parts, that they are ready to agree to an Equivalent for what Scotland shall be taxed towards payment of the Debts of England in all particulars whatsoever.

Adjourn'd to Monday the 12th instant 10 in the morning.

Monday the 15th May 1706

PRESENT

Scotl.	Engl.
Lord Chancellor	Arch Bishop of Canterbury
Duke of Queensberry	Lord Keeper
Earl of Mar	Lord Treasurer
Earl of Loudoun	Earl of Pembroke
Earl of Sutherland	Duke of Devonshire
Earl of Morton	Duke of Somerset
Earl of Wemyss	Duke of Bolton
Earl of Leven	Earl of Sunderland
Earl of Stair	Earl of Kingston
Earl of Glasgow	Earl of Carlisle
Lord Archibald Campbell	Earl of Orford
Lord Duplin	Lord Townsend
Lord Robt	Lord Grey
Lord President of Session	Lord Sommers
Lord Justice Clerk	Speakers of the House of Commons
M ^r Francis Montgomery	Marquis of Gough
Sir David Dalrymple	Secretary Hedges
Sir Alexander Ogilvie	Secretary Harley
Sir Patrick Johnston	Henry Boyle Esq ^r
Sir James Smolles	Sir John Holt
George Lockhart	Sir Thomas Trevor
William Morrison	Solicitor General
Alexander Grant	Sir John Cook
William Seton	Doctor Waller
John Clark	
Daniel Stewart	
Daniel Campbell	

The Lord Chancellor in the name of the Lords Commissioners for Scotland deliver'd to the Board a further Answer to the Proposal made by the Lords Commissioners for England on the 29th April last which was read.

The Lords Commissioners for Scotland did take into their Consideration the Proposal offered by the Lords Commissioners for England the 29th April, and found it comprehended so many particulars, that they judg'd it most proper to answer it point by point. Accordingly on the 5th instant they gave an Answer as to the Customs and Land Tax, and did not mention any thing therein of the Excises because the consideration of these was depending before the Committee of the Commissioners of both sides But to satisfy the Lords Commissioners for England that nothing shall be wanting on the part of the Lords Commissioners for Scotland that is necessary for the attaining an entire Union, They do agree to the equality of Excises on Ale, Beer, Mum, Cyder, Suet, Perry, Low Wines, Aquavite & Spirits, But they do Propose an Exemption from all other Burthens & Excises within Scotland for a competent time to be adjusted in the course of this Treaty, That the Subjects of Scotland may (by the benefit arising from the communication of Trade,) be put in a capacity to bear a proportion of other burthens & excises being willing at the commencement of the Union to bear equal Excises on all that is exported from Scotland to England, or the Plantations; And the Lords Commissioners for Scotland do hope that the Lords Commissioners for England, will be convinced that the immunity from these other burthens and excises for a term of years is consistent with an entire Union & will not put the trade on an unequal foot when the present circumstances of both Kingdoms are duly consider'd.

And whereas the Lords Commissioners for England did by their Proposal declare they were ready to agree to an Equivalent for what Scotland shall be taxed in, towards the payment of the Debts of England in all particulars whatsoever, The Lords Commissioners for Scotland are ready to enter with their Lordships into the Consideration of this Equivalent and how to make it effectual.

The Lords Commissioners for England withdrew, and being return'd the Lord Keeper in their Lordships names deliver'd to the Board their Reply to the said Answer which was read.

The Lords Commissioners for England taking into their consideration the Paper deliver'd to them this Meeting by the Lords Commissioners for Scotland, are so sensible of the Lords Commissioners for Scotland's having agreed to an Equality of Excises as to all excisable Liquors (as the Lords Commissioners for England understand the same) and to an equality of excises and burthens on all goods exported to England & the Plantations which the Lords Commissioners for England do not doubt will be agreed to by the Lords Commissioners for Scotland, as to all goods exported to all places whatsoever, That to shew their readiness to comply with every thing reasonable to the bringing this Treaty to a good effect, They are willing to enter into the consideration of the particular Excises and Burthens point by point, which being of several natures as that they will require to be diligently considered, the Lords Commissioners for England find it necessary to desire a little time for giving their opinion on each particular Head, But in general are inclin'd to consent to an Exemption of Excises and Burthens as propos'd, in such cases where it may be done without prejudice to the Trade or Manufactures of England: As to the Excises, where an Exemption cannot be consented to without such inconvenience, The Lords Commissioners for England will consider of a proper Equivalent or some other Expedient to promote the desired Union of the two Nations.

And as to those Customs and Excises to which their Lordships have already agreed, and for which an Equivalent is to be allow'd to the Kingdom of Scotland, The Lords Commissioners for England do think it would tend to the dispatch of this Treaty that the Committee already appointed should continue to sit in order to the adjusting that matter.

Adjourn'd to Wednesday the 15th instant 5 in the evening.

Wednesday the 16th May 1706.

PRESENT

Scotl.	Engl.
Lord Chancellor	Arch Bishop of Canterbury
Earl of Mar	Lord Keeper
Earl of Loudoun	Lord Treasurer
Earl of Sutherland	Earl of Pembroke
Earl of Morton	Duke of Devonshire
Earl of Wemyss	Duke of Bolton
Earl of Leven	Earl of Sunderland
Earl of Stair	Earl of Orford
Earl of Glasgow	Lord Townsend
Lord Duplin	Lord Wharton
Lord Robt	Lord Grey
Lord President of Session	Lord Sommers
Lord Justice Clerk	Speakers of the House of Commons
M ^r Francis Montgomery	Marquis of Gough
Sir David Dalrymple	Secretary Hedges
Sir Alexander Ogilvie	Secretary Harley
Sir Patrick Johnston	Sir John Holt
Sir James Smolles	Sir Thomas Trevor
George Lockhart	Attorney General
William Morrison	Solicitor General
Alexander Grant	Sir John Cook
William Seton	
John Clark	
Daniel Stewart	
Daniel Campbell	

The Lord Keeper in the name of the Lords Commissioners for England deliver'd to the Board, an Answer to the Proposal made by the Lords Commissioners for Scotland on the 15th instant which was read.

The Lords Commissioners for England taking into consideration, the Proposal made by the Lords Commissioners for Scotland on the 12th instant That the Kingdom of Scotland should be for a competent time exempted from all Excises and Burthens, others than such as have been agreed unto by the Lords Commissioners for Scotland, Have in order to comply with the said Proposal, so far as can be done without prejudice to the Trade and Manufactures of England, distinctly enumerated and considered the several Excises and Burthens which are now payable by virtue of the several Acts of Parliament in England, and which have not yet been agreed to by the Lords Commissioners for Scotland, and do find the same to consist of the particulars which are hereafter mentioned, together with the Opinion and Answers of the Lords Commissioners for England to the said Proposal, as to each of the said respective Duties.

1st The Duty on Stamp Paper, Vellum and Parchment one moiety whereof expires on the 1st of August 1710; The Lords Commissioners for England do consent that the Kingdom of Scotland be exempted from the whole Duty until the 1st of August which shall be in the year of our Lord 1710.

2^d The Duty on Firths Marriages and Burials which being to expire the first of August next, and therefore, before the desired Union can take place; The Lords Commissioners for England do conceive it to be wholly unnecessary to enter further into the consideration of that Duty.

3^d The Duty payable on Windows and Lights till the 1st of August 1710; The Lords Commissioners for England are of opinion that the Kingdom of Scotland shall be exempted from the said Duty during that Term.

4th The Duty on Cools and Cais payable to the 30th September 1710; As to this Duty the Lords Commissioners for England do consent that the Kingdom of Scotland do remain exempted from the said Duty during the said Term, as to all Cools and Cais contained within the Kingdom of Scotland, and no otherwise.

5th The Duty on Malt granted for no longer time than the 24th of June 1707; The Lords Commissioners for England do consent that the Kingdom of Scotland shall remain exempted during the said Term from the said Duty.

6th The Duty on Salt; As to this Duty, the Lords Commissioners for England, to shew their willingness to ease for some time the Poor of the Kingdom of Scotland, do consent that the Kingdom of Scotland shall for a competent time after the Union (to be settled in the progress of this Treaty) remain exempt from the payment of that Duty, for all Salt spent in kind, or used in provisions, spent within the Kingdom of Scotland Provided that the Lords Commissioners for Scotland do propose effectual methods to the Lords Commissioners for England for securing that the like Duties as are now payable in England be paid and collected in the Kingdom of Scotland after the Union without fraud as to all Salt exported from that Kingdom either in kind, or provisions.

The Lord Chancellor in the name of the Lord Commissioners for Scotland deliver'd to the Board an Explanation of their agreement to the Excises &c mentioned in their Lordships Paper delivered to the Board the 12th instant which was read.

The Lords Commissioners for Scotland by their Paper delivered the 12th instant did mean an Equality on all excisable Liquors as the Lords Commissioners for England did understand it, and they are willing there be an equality of Excises and Burthens, on all Goods exported to all places whatsoever which they agreed to by their Proposal the 9th instant.

Adjourn'd to Friday the 17th instant in the evening.

Friday the 17th May 1706.

PRESENT

Scot.	Engl.
Lord Chancellor	Lord Keeper
Duke of Queensberry	Lord Treasurer
Earl of Mar	Earl of Pembroke
Earl of Leinster	Duke of Newcastle
Earl of Sutherland	Duke of Devonshire
Earl of Morton	Duke of Bolton
Earl of Wemyss	Earl of Sunderland
Earl of Leven	Lord Townshend
Earl of Baile	Lord Wharton
Earl of Rothesbury	Lord Grey
Earl of Glasgow	Lord Sommers
Lord Archibald Campbell	Speaker of the House of Commons
Lord Robt	Marguis of Hartington
Lord President of Session	Secretary Hodges
Lord Justice Clerk	Secretary Huxley
M ^r Francis Montgomery	Henry Boyle Esq ^r
Sir David Dalrymple	Sir John Holt
Sir Alexander Ogilvie	Attorney General
Sir Patrick Johnston	8 th John Cook Knight
Sir James Smecket	
George Lockhart	
William Morfitt	
Alexander Grant	
William Seton	
John Clerk	
Daniel Stewart	
Daniel Campbell	

The Lord Chancellor in the name of the Lords Commissioners for Scotland deliver'd to the Board the following Paper, in relation to the several Taxes and Excises, to which their Lordships had agreed, and renewing their Proposal of the 12th instant for a general Exemption for some competent time from all other Excises and Burthens then those already agreed to, which was read.

The Lords Commissioners for Scotland since the last general Meeting have again considered the Proposition made by the Lords Commissioners for England the 29th April last, viz. That there be the same Customs, Excises and all other Taxes, and the same Prohibitions, Restrictions and Regulations of Trade throughout the united Kingdom of Great Britain, with the Papers which have been since delivered by the Commissioners of both Kingdoms, upon that subject, and do with great satisfaction observe that the Difference as to that important Proposal is brought to a very narrow compass. And the Lords Commissioners for Scotland take this occasion to acknowledge the softy they have of the regard shown by the Lords Commissioners for England for the Subjects of Scotland, after the said Union; And the Lords Commissioners for Scotland, having by their several Proposals and Answers agreed to the same Regulations of Trade, and to an Equality of Customs and Excises upon all excisable Liquors, and a Quota of Laid Tax, all to coincide from the Union; as also to an equality of all other Taxes after some years, They do conceive that they have fully complied with the said Proposal of the 29th April, Excepting only that they have propos'd an Exemption for some time from all further Burthens than those expressly consented to. And as to the Exemption desired, The Lords Commissioners for Scotland are very sensible that the Lords Commissioners for England have not only by their Paper of the 12th instant declared that they were inclin'd to consent in general to an Exemption of Excises and Burthens as propos'd in such cases where it might be done without prejudice to the Trade and Manufactures of England, But that in pursuance of that good disposition their Lordships by their Paper the 12th instant have consented to an Exemption in favour of the Subjects of Scotland

from the several duties and for the particular Terms therein mentioned whereby the Liberty desired is so far granted, But the Lords Commissioners for Scotland from their consideration of the present Circumstances of that Kingdom, find themselves under a necessity to renew their Proposal of a General Exemption for some competent time from all other Excises and Burthens besides those great Duties and Taxes already conferred to, That the Subjects of Scotland may by the benefit of Trade be enabled cheerfully to bear an equality of all other Burthens, which will greatly advance a firm Union and Coalition of affection and interest between the two Kingdoms.

Adjourn'd to Saturday the 18th instant 2 in the evening.

Saturday the 18th May 1706.

PRESENT

Scotl.	Engl.
Lord Chancellor	Lord Keeper
Duke of Queensberry	Lord Treasurer
Earl of Mar	Earl of Pembroke
Earl of London	Duke of Newcastle
Earl of Sunderland	Duke of Devonshire
Earl of Morton	Duke of Bolton
Earl of Wemyss	Earl of Sunderland
Earl of Leven	Earl of Kingston
Earl of Stair	Earl of Carlisle
Earl of Roßberry	Lord Townshend
Earl of Glasgow	Lord Wharton
Lord Archibald Campbell	Lord Grey
Lord Duplin	Speaker of the House of Commons
Lord Befs	Marquis of Hartington
Lord President of Session	Marquis of Granby
Lord Justice Clerk	Secretary Harley
Mr Francis Montgomery	Henry Boyle Esq
Sir David Dalrymple	Sir John Holt
Sir Alexander Ogilvie	Sir John Cook
Sir Patrick Johnston	Doctor Waller
Sir James Smollet	
George Lockhart	
William Morrison	
Alexander Grant	
William Seton	
John Clark	
Daniel Stewart	
Daniel Campbell	

The Lord Keeper is the name of the Lords Commissioners for England delivered to the Board their Answer to the Paper delivered by the Lords Commissioners for Scotland the 17th instant which was read.

The Lords Commissioners for Scotland on the 5th instant Propo'd a Quota of a Land Tax, and agreed to the same Regulations of Trade and to an Equality of Customs, and on the 12th agreed to an Equality of Excises on all excisable Liquors, but at the same time their Lordships propo'd an Exemption from all other Burthens & Excises for a competent time.

The Lords Commissioners for England did the same day return Answer That their Lordships would enter into the consideration of the particular Excises and Burthens point by point, and on the 15th instant did return their Answer distinctly, to the particular Excises and Burthens payable by virtue of several Acts of Parliament in England in such manner as their Lordships had reason to hope would have been to the entire satisfaction of the Lords Commissioners for Scotland; but the Lords Commissioners for England finding by the Paper delivered in on the 17th instant by the Lords Commissioners for Scotland, that tho' they do take notice of the said Answer of the 15th yet their Lordships have thought fit to renew their proposal of a general Exemption for

some competent time from all other Excises and Burthens besides those their Lordships had already conferred to: The Lords Commissioners for England did understand that Proposal of the 12th to extend only to such other Burthens and Excises as are now subsisting in England, to every one of which their Lordships think they have given a full and distinct Answer, And if it shall appear that any particulars have been omitted in that Answer, the Lords Commissioners for England will enter into the consideration of them & return their opinion thereupon; But if the Lords Commissioners for Scotland would extend their Proposal of the 12th to an exemption from all Burthens and Excises which the Parliament of Great Britain may hereafter find necessary to impose on the United Kingdom, the Lords Commissioners for England are of opinion, that it cannot be suppo'd the Parliament of Great Britain will ever by any sort of Burthens upon the United Kingdom, but what they shall find of necessity at that time for the preservation and good of the whole, and with due regard to the circumstances and abilities of every part of the United Kingdom and to allow of any supposition to the contrary would be to form and set up an unanswerable argument against the Union itself; Therefore the Lords Commissioners for England do desire that the Lords Commissioners for Scotland would take into their consideration the several particulars in that paper delivered to them by the Lords Commissioners for England on the 18th instant and return such Answer to them as their Lordships shall think fit.

Adjourn'd to Tuesday the 21st instant 5 in the evening.

Tuesday the 21st May 1706.

PRESENT

Scotl.	Engl.
Lord Chancellor	Arch Bishop of Canterbury
Duke of Queensberry	Lord Keeper
Earl of Mar	Lord Treasurer
Earl of London	Earl of Pembroke
Earl of Sunderland	Duke of Newcastle
Earl of Morton	Duke of Devonshire
Earl of Wemyss	Duke of Somerset
Earl of Leven	Duke of Bolton
Earl of Stair	Earl of Sunderland
Earl of Roßberry	Earl of Kingston
Earl of Glasgow	Earl of Carlisle
Lord Archibald Campbell	Lord Townshend
Lord Duplin	Lord Wharton
Lord Befs	Lord Grey
Lord President of Session	Lord Somers
Lord Justice Clerk	Speaker of the House of Commons
Mr Francis Montgomery	Marquis of Hartington
Sir David Dalrymple	Marquis of Granby
Sir Alexander Ogilvie	Secretary Hedges
Sir Patrick Johnston	Secretary Harley
Sir James Smollet	Chancellor of the Exchequer
George Lockhart	Sir John Holt
William Morrison	Sir Thomas Trevor
Alexander Grant	Attorney General
William Seton	Sir John Cook
John Clark	Doctor Waller
Daniel Stewart	
Daniel Campbell	

The Lord Chancellor in name of the Lords Commissioners for Scotland delivered to the Board their Lordships Answer to the Papers deliver'd by the Lords Commissioners for England the 15th & 18th instant which was read.

The Lords Commissioners for Scotland have taken into their consideration the papers deliver'd by the Lords Commissioners for England on the 15th & 18th instant and do understand that the first contains all the several kind of Burthens and Excises

new in use in England, besides those to which the Lords Commissioners for Scotland have already agreed.

And as to the several particulars contain'd in the said Papers

1st As to Duties on *Sheet Paper*, *Vellum* and *Parchment*, seeing the Exemption from that Imposition can have no Influence on Trade or Manufactures, and that the said Duty does affect the Securities of the Subjects Estates, adding likewise a new Condition, which being omitted may make their Rights and Taxes void: And further considering that the said Duty will be onerous to the People, chargeable in collecting, and of small value; the Lords Commissioners for Scotland do Propose that the Kingdom of Scotland be wholly exempted from the same or at least that the Exemption from the said Duties agreed to by the Lords Commissioners for England in the said Paper of the 12th instant be prolong'd beyond the year 1710, to a certain period, as to that Intercity which is imposed for perpetuity.

2^d As to the other particular Duties which expire in the year 1710 or sooner, from which the Lords Commissioners for England have agreed that the Kingdom of Scotland shall be exempted, the Lords Commissioners for Scotland do understand that it was the meaning of the Lords Commissioners for England to extend that Exemption to the Duty laid on Cylinders.

3^d As to the Duty on Salt, the Lords Commissioners for England having consented that the Kingdom of Scotland shall for a competent time after the Union, remain exempted from the payment of that Duty, for all Salt sent in kind or w^d in Fractions within the Kingdom of Scotland, Provided that the Lords Commissioners for Scotland should propose effectual methods for securing that the Due Duties as are now payable in England, be paid and collected in the Kingdom of Scotland, after the Union, as to all Salt exported from that Kingdom either in kind, or provisions, The Lords Commissioners for Scotland have herewith given in a Scheme of such Regulations as have occurred to them for securing that the Duty propos'd be collected in Scotland as to all Salt exported from that Kingdom in kind or provisions, and are willing to agree to what other methods shall be propos'd on that behalf by the Lords Commissioners for England, and their Lordships are ready to enter with the Lords Commissioners for England on the consideration of the time to which the said Exemption shall be limited, and the Lords Commissioners for Scotland desire not but as the Lords Commissioners for England have agreed to the Exemption propos'd, from all Burthens or Excises now in use, but those consented to by the Lords Commissioners for Scotland, That the Lords Commissioners for England will also agree that the Kingdom of Scotland remain exempted from any Duties (except those agreed to) which may be laid on by the Parliament of England before the Union.

And as to the general Exemption formerly propos'd on the part of Scotland from all other Burthens than those consented to for a competent time, The Lords Commissioners for Scotland considering what the Lords Commissioners for England have observ'd, That it cannot be suppos'd the Parliament of Great Britain will ever lay any sort of Burthens upon the United Kingdom but what they shall find of necessity at that time, for the preservation and good of the whole and with due regard to the circumstances and abilities of every part of the United Kingdom, Therefore the Lords Commissioners for Scotland to avoid the difficulty that may arise in that matter, do agree not to insist further at present, but to leave the continuation of the said Exemption to be determined by the Parliament of Great Britain.

And the Lords Commissioners for Scotland having by this and their former Papers observ'd the Proposal made by the Lords Commissioners for England on the 27th April concerning the Equality of Taxes, The Lords Commissioners for Scotland take this occasion to put the Lords Commissioners for England in mind of a Proposal given in to their Lordships the 9th instant concerning the Quota of Land Tax for the Kingdom of Scotland not doubting but that the Lords Commissioners for England will agree to the same.

The Lord Chancellor did also in name of the Lords Commissioners for Scotland Deliver to the Board the following Proposal which was read.

Proposal for the effectual preventing the Exportation of Scotch Salt to England, or the Plantations, without paying the same Excises, with which English Salt is charg'd during the exemption allowed to Scotland from the said Duty.

1st That no Salt be transported from Scotland to England by land under the penalty of forfeiting the Salt and the Herds used in transporting it, and pay Ten Shillings for every Bushel of Salt so transported, for which the carrier as well as the owner shall be liable conjunctly and severally and the Carriers to be imprisoned until the said penalty be paid.

2^d That all Salt water borne be enter'd at a Custom Office, and that before Shipping there be a report made, expressing to what Port the Ship, or Vessel is bound, and if bound to any Port within Scotland there shall be sufficient security given for the Duty payable in six months, with this Condition, that in case a Certificate be return'd from the Collector or Collectors where the Ship or Vessel is bound, that the same quantity was truly and without fraud, found loaded at the said Port or Ports, reasonable allowance being made for waste since the Embarkation; then and in that case the Bond for the Duty to become void: And in case the Ship or Vessel be bound for England, or the Plantations, the Excise or Duty chargeable on the like Salt in England shall be presently paid in money, and a Transire or Certificate, falsified by the Collector expressing the quantity of Salt enter'd, and the Duty paid; and if any Ship or Vessel load Salt on board and export the same without duly Reporting, Entering & Carrying the said Transire or Certificate along with him, to be produced at the Port of Discharge, the Ship or Vessel unloading shall be confiscated, and the Master imprisoned for three months, and in case of any fraud, or connivance in the Collector, or other officers of the Custom House, the said Collector or other officer shall be liable to pay a years Salary, and be depriv'd of his office.

3^d As to Provision, All Fishes and Flesh heretofore for exportation are appointed to be pack'd and cur'd with foreign Salt without any mixture of Scotch, or English Salt by the law of Scotland, which foreign Salt falls under the Regulation of foreign Trade, and there are no other valuable provisions that can be imported from Scotland, and the Lords Commissioners for Scotland are willing to agree to any further proposal that shall be made for preventing fraud in importing Scotch Salt or Salted Provisions.

HER MAJESTY came to the Meeting and being seated in her Chair, spoke to the Lords Commissioners as followeth

My Lords

I am so much concern'd for the Union of the two Kingdoms, that I could not sit quietly my self without coming before I went out of Town, to see what Progress you had made in the Treaty, and to recommend very earnestly to you the bringing it to a happy Conclusion, with as much dispatch as the nature of it will admit, not doubting of the general Satisfaction which my Subjects of both Kingdoms will receive in finding you overcome all difficulties to attain so great and publick a good.

The Lord Keeper desir'd to know of her Majesty if she would be pleas'd to bear the Proposals made on either side and the Resolutions hitherto taken thereupon read by the respective Secretaries, which her Majesty was pleas'd to allow of, and the same were read accordingly.

After reading whereof her Majesty went away, and the Lords Commissioners adjourn'd to Thursday the 22^d instant 10 a clock in the morning.

Thursday the 25th May 1706.

Scotl.	PRESENT	Engl.
Lord Chancellor	Lord Keeper	
Duke of Queensberry	Lord Treasurer	
Earl of Mar	Earl of Pembroke	
Earl of Loudoun	Duke of Bolton	
Earl of Sutherland	Earl of Sunderland	
Earl of Morton	Earl of Kingston	
Earl of Wemyss	Earl of Carlisle	
Earl of Leven	Earl of Oxford	
Earl of Stair	Lord Townshend	
Earl of Halifax	Lord Wharton	
Earl of Glasgow	Lord Grey	
Lord Duplin	Lord Somers	
Lord Robt	Speaker of the House of Commons	
Lord President of Session	Mr Secretary Hedges	
Lord Justice Clerk	Mr Chancellor of the Exchequer	
Mr Francis Montgomery	Sir Thomas Trevor	
Sir David Dalrymple	Solicitor General	
Sir Alexander Ogilvie	Doctor Waller	
Sir Patrick Johnston		
Sir James Smollet		
George Lockhart		
William Morrison		
Alexander Grant		
William Seton		
John Clark		
Daniel Stewart		
Daniel Campbell		

The Lord Keeper in name of the Lords Commissioners for England deliver'd to the Board the following Answer to the Paper deliver'd by the Lords Commissioners for Scotland the 21st instant which was read.

The Lords Commissioners for England having considered the Papers deliver'd by the Lords Commissioners for Scotland on the 21st instant and being desirous to remove all difficulties in this Treaty, return this Answer.

That whereas the Lords Commissioners for England, have already consented that the Kingdom of Scotland be exempted from the whole duty on Stamp Paper, Vellum and Parchment till the 1st of August 1710, at which time one part thereof expires, The Lords Commissioners for England do now consent that the Kingdom of Scotland shall not be charged with the other part of that Duty during the continuance of that Duty by any Act now in force.

And do agree it was and is the intent of the Lords Commissioners for England that the Kingdom of Scotland be exempted from the payment of the Duty laid on Cynders in such manner as the Lords Commissioners for England have before agreed that the Kingdom of Scotland be exempted from the payment of the Duty on Coal & Cakes.

And as to the Scheme propos'd by the Lords Commissioners for Scotland for securing that the Duty on Salt now payable in England be collected in Scotland after the Union, as to all Salt exported from that Kingdom in kind, or provisions, the Lords Commissioners for England have thought it necessary to receive some information concerning that matter, from the Officers principally concern'd in the management of that Duty, and untill the Lords Commissioners for England can be satisfy'd concerning the sufficiency of these, or other methods, for the end propos'd, they conceive they cannot properly enter with the Lords Commissioners for Scotland on the consideration of the time, to which the exemption of Scotland from that Duty, shall be limited.

And as to the Duty which may be laid on by the Parliament of England, before the Meeting of the Parliament of Great Brit-

tain for the service of the year 1707, the Lords Commissioners for England do agree that the Kingdom of Scotland shall not be charged with these Duties, upon this consideration that the Parliament of Scotland do make the necessary Provision for the publick charge and service of the year 1707 in that Kingdom. Provided that if the Parliament of England shall think fit to lay a further charge on the Customs, or these Excises of which the Lords Commissioners for Scotland have agreed to bear equal Burthen, In such case the Lords Commissioners for England propose, the Kingdom of Scotland be lyable to the same Customs and Excises having an Equivalent to be settled by the Parliament of Great Britain, And as to the Quota of a Land Tax for the Kingdom of Scotland, propos'd by the Lords Commissioners for Scotland, The Lords Commissioners for England do agree that whenever the sum of 1507750*li*. s. s. 4*d*. shall be enacted by the Parliament of Great Britain to be rais'd in England on Land, and other things usually charg'd in Acts of Parliament for Granting an Aid to the Crown by Land Tax, the Kingdom of Scotland shall be charged by the same Act with the further sum of £4000, as the Quota of that Kingdom to such Tax, and so proportionally for any greater, or lesser sum rais'd on the Kingdom of England by any Tax upon Land and other things usually charg'd together with the Land.

Adjourn'd to Friday the 24th instant 2 in the evening.

Friday the 24th May 1706.

Scotl.	PRESENT	Engl.
Lord Chancellor	Lord Keeper	
Duke of Queensberry	Lord Treasurer	
Earl of Mar	Earl of Pembroke	
Earl of Loudoun	Duke of Devonshire	
Earl of Sutherland	Duke of Bolton	
Earl of Morton	Earl of Sandwich	
Earl of Wemyss	Earl of Kingston	
Earl of Leven	Earl of Carlisle	
Earl of Stair	Lord Townshend	
Earl of Glasgow	Lord Wharton	
Lord Archibald Campbell	Speaker of the House of Commons	
Lord Duplin	Marquis of Hartington	
Lord Robt	Marquis of Gough	
Lord President of Session	Secretary Hedges	
Lord Justice Clerk	Secretary Harley	
Mr Francis Montgomery	Chancellor of the Exchequer	
Sir David Dalrymple	Attorney General	
Sir Alexander Ogilvie	Solicitor General	
Sir Patrick Johnston	Doctor Waller	
Sir James Smollet		
George Lockhart		
William Morrison		
Alexander Grant		
William Seton		
John Clark		
Daniel Stewart		
Daniel Campbell		

The Lord Chancellor in name of the Lords Commissioners for Scotland deliver'd to the Board the following Paper which was read.

The Lords Commissioners for Scotland are very sensible of the care which the Lords Commissioners for England have taken to remove difficulties in this important Article concerning common Taxes and Impositions, and their Lordships doubt not, that the joint desires and endeavours of the Lords Commissioners for both Kingdoms will bring this Treaty to a good and speedy Conclusion in every point.

And as to the particulars contain'd in the Answer given in by the Lords Commissioners for England the 23rd instant the Lords

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Commissioners for Scotland do accept the said Answer as satisfying, as to the Exemption of the Kingdom of Scotland from the Duty upon *Sassa* Paper Vellum & Parchment, and upon Cynders, and as to the Quota of Land Tax for Scotland.

And as to the Article concerning the Salt the Lords Commissioners for Scotland are very well satisfy'd that the Lords Commissioners for England take what time they judge needful for informing themselves & preparing the most proper methods for securing what their Lordships proposed the Lords Commissioners for Scotland being very ready to concur on their part.

As to the Duties which may be laid on by the Parliament of England before the Meeting of the Parliament of Great Britain the Lords Commissioners for Scotland do understand that the said Answer is intended by the Lords Commissioners for England as an agreement to the Proposal made by the Lords Commissioners for Scotland that that Kingdom might remain exempted from all other Duties laid on by the Parliament of England before the Union, except those consented to; and the Lords Commissioners for Scotland do agree that all necessary Provisions shall be made within the Kingdom of Scotland for the charge and service of that Kingdom during the time that shall intervene before the Meeting of the Parliament of Great Britain.

And whereas the Lords Commissioners for England do Propose that if the Parliament of England shall think fit to lay a further charge on the Customs, or those Excises of which the Lords Commissioners for Scotland have agreed to bear equal Burthens, in such cases the Kingdom of Scotland be liable to the same Customs and Excises having an Equivalent to be settled by the Parliament of Great Britain The Lords Commissioners for Scotland do consent in the terms propos'd.

And seeing the adjusting of the Equivalent and settling the endurance of the Exemption from the Duty on Salt may require some time, the Lords Commissioners for Scotland are ready either to proceed on these matters until they be fully adjust'd or to enter on the consideration of the Constitution of the Parliament of Great Britain; the Reservation of Laws and Judicatures, or any other remaining Head to be Treated on as shall be agreed by the Lords Commissioners for both Kingdoms while in the mean time the Committee is preparing what lies before them.

Adjourn'd to Saturday the 28 instant 6 in the evening.

Monday the 29th May 1706.

PRESENT

Scotl.	Engl.
Lord Chancellor	Lord Keeper
Duke of Queensberry	Lord Treasurer
Earl of Mar	Earl of Pembroke
Earl of Loudoun	Duke of Bolton
Earl of Sutherland	Earl of Sunderland
Earl of Morton	Earl of Carlisle
Earl of Wemyss	Lord Townshend
Earl of Leven	Lord Wharton
Earl of Stair	Lord Somers
Earl of Roxberry	Speaker of the Commons
Earl of Glasgow	Margaret of Granby
Lord Archibald Campbell	M ^r Secretary Harley
Lord Duplin	Chancellor of the Exchequer
Lord Roß	Solicitor General
Lord President of Session	
Lord Justice Clerk	
M ^r Francis Montgomery	
Sir David Dalrymple	
Sir Alexander Ogilvie	
Sir Patrick Johnston	
Sir James Smallet	
George Lockhart	
William Morrison	

William Seton
John Clark
Daniel Stewart
Daniel Campbell

The Lord Keeper in name of the Lords Commissioners for England delivered to the Board their Lordships Answer to the Paper delivered by the Lords Commissioners for Scotland the 24th instant which was read.

All the matters which have hitherto been under the consideration of the Commissioners for both Kingdoms, appearing by the Paper delivered by the Lords Commissioners for Scotland the 24th instant to be adjusted except only the determination of the Equivalent and the time for which the Exemption of Scotland from the Duty on Salt is to endure; both which things are put into a proper method to be brought to a Conclusion; the Lords Commissioners for England are ready to receive any further proposal from the Lords Commissioners for Scotland in order to the bringing this Treaty to a speedy and happy conclusion.

Adjourn'd to Monday the 27th instant 6 in the evening.

Monday the 27th May 1706.

PRESENT

Scotl.	Engl.
Lord Chancellor	Lord Keeper
Duke of Queensberry	Lord Treasurer
Earl of Mar	Duke of Newcastle
Earl of Loudoun	Duke of Devonshire
Earl of Morton	Duke of Bolton
Earl of Wemyss	Earl of Sunderland
Earl of Stair	Earl of Kingston
Earl of Roxberry	Earl of Oxford
Earl of Glasgow	Lord Townshend
Lord Archibald Campbell	Lord Wharton
Lord Duplin	Lord Somers
Lord Roß	Speaker of the House of Commons
Lord President of Session	Secretary Hedges
Lord Justice Clerk	Chancellor of the Exchequer
M ^r Francis Montgomery	Sir John Holt
Sir David Dalrymple	Sir Thomas Trevor
Sir Alexander Ogilvie	Attorney General
Sir Patrick Johnston	Solicitor General
Sir James Smallet	Doctor Waller
George Lockhart	
William Seton	
John Clark	
Daniel Stewart	
Daniel Campbell	

The Lord Chancellor in name of the Lords Commissioners for Scotland acquainted the Board that their Lordships for Scotland were preparing a Proposal concerning the Reformation of Laws and Judicatures in Scotland after the Union which would be ready to offer to the Board at next meeting.

Adjourn'd to Wednesday the 29th instant 6 in the evening.

Wednesday the 29th May 1706.

PRESENT

Scotl.	Engl.
Lord Chancellor	Lord Keeper
Duke of Queensberry	Lord Treasurer
Earl of Mar	Earl of Pembroke
Earl of Loudoun	Duke of Devonshire
Earl of Sutherland	Duke of Somerset

Earl of Merton	Earl of Sunderland
Earl of Wemyss	Earl of Kingston
Earl of Leven	Earl of Orford
Earl of Stile	Lord Townsend
Earl of Glasgow	Lord Grey
Lord Archibald Campbell	Lord Sommers
Lord Roß	Mr Speaker
Lord President of Session	Marquis of Hartington
Lord Justice Clerk	Secretary Harley
Mr Francis Montgomery	Henry Boyle Esq
Sir David Dalrymple	Sir John Holt
Sir Alexander Ogilvie	Sir Thomas Trevor
Sir Patrick Johnston	Solicitor General
Sir James Smallet	Doctor Waller
George Lockhart	
William Morriſon	
William Seton	
John Clark	
Daniel Stewart	
Daniel Campbell	

The Lord Chancellor in name of the Lords Commissioners for Scotland deliver'd to the Board the following Proposal which was read.

The Lords Commissioners for Scotland having already agreed to an Equality of Customs and Excise upon all excisable Liquors and to the same Regulations of Trade throughout the whole United Kingdom, as a consequence thereof, their Lordships do now agree, that the Laws concerning Regulation of Trade Customs and Excise upon all excisable Liquors be the same in Scotland after the Union as in England.

But the Lords Commissioners for Scotland do Propose that all other Laws in use within the Kingdoms of Scotland do after the Union and notwithstanding thereof remain in the same force as before, but alterable by the Parliament of Great Britain with this difference betwixt the laws concerning Publick Right Policy & Government, and those which concern Private Rights, That the Laws which concern Publick Right Policy and Government may be made the same throughout the whole United Kingdom, but that no alteration be made in the Laws which concern Private Right, except for evident utility of the Subjects within that part of the United Kingdom now called Scotland.

And as to the Judicatures within Scotland the Lords Commissioners for Scotland do propose as followeth.

That the Court of Session or College of Justice do after the Union and notwithstanding thereof remain in all time coming within Scotland as 'tis now constituted by the laws of that Kingdom and with the same authority and priviledges as before the Union subject nevertheless to such Regulations for the better Administration of Justice as shall be made by the Parliament of Great Britain.

That the Court of Justiciary do also after the Union and notwithstanding thereof remain in all time coming within Scotland as 'tis now constituted by the laws of that Kingdom, and with the same authority and priviledges as before the Union subject nevertheless to such Regulations as shall be made by the Parliament of Great Britain and without prejudice of other Rights of Justiciary.

That all other Courts presently in being within the Kingdom of Scotland do remain, but subject to alterations by the Parliament of Great Britain And that all inferior Courts within the said limits do remain subordinate as they now are to the Supreme Courts of Justice within the same in all time coming.

That no Courts in the Kingdom of Scotland be cognizable by the Courts of Chancery, Queens Bench, Common Pleas, or any other Court in Westminster Hall and that the said Courts, or any others of the like nature after the Union shall have no power to cognosce, review, or alter the Acts or sentences of the Judicatures within Scotland, or stop the execution of the same.

That there be a Court of Exchequer in Scotland after the Union for trying questions concerning the Revenues of Customs and Excise, having the same power and authority as the Court of Exchequer has in England, And that the said Court of Exchequer in Scotland have power of passing Signatures, Gifts, Tutories and in other things as the Court of Exchequer at present in Scotland hath, and that the Court of Exchequer that now is in Scotland do remain until a new Court of Exchequer be settled by the Parliament of Great Britain in that Kingdom after the Union.

That after the Union the Queens Majesty and her Royall Successors may constitute a Privy Council in Scotland for preserving of publick order and peace, until the Parliament of Great Britain shall think fit to alter it, or establish any other effectual method for that end.

That all heretofore Offices and Jurisdictions, and offices, or jurisdictions for life, be reserv'd to the Owners thereof as Right of property, notwithstanding of this Treaty in the same manner as they are now enjoy'd by the law of Scotland.

That the Rights and priviledges of the Royal Burroughs in Scotland as they now are do remain entire after the Union and notwithstanding thereof.

Adjourn'd to Thursday the 30th Instant 6 in the evening.

Thursday the 30th May 1706.

PRESENT

Scotl.	Engl.
Lord Chancellor	Lord Keeper
Duke of Queensberry	Lord Treasurer
Earl of Mar	Earl of Pembroke
Earl of Sutherland	Duke of Somerset
Earl of Merton	Duke of Bolton
Earl of Wemyss	Earl of Sunderland
Earl of Leven	Earl of Kingston
Earl of Batherry	Earl of Orford
Earl of Glasgow	Lord Wharton
Lord Archibald Campbell	Lord Townsend
Lord Roß	Speaker of the House of Commons
Lord Justice Clerk	Secretary Hedges
Mr Francis Montgomery	Sir Thomas Trevor
Sir David Dalrymple	Attorney General
Sir Alexander Ogilvie	Doctor Waller
Sir Patrick Johnston	
William Morriſon	
Alexander Grant	
William Seton	
Daniel Stewart	
John Clark	

The Lord Keeper in name of the Lords Commissioners for England deliver'd to the Board the following Answer to the Proposal made by the Lords Commissioners for Scotland the 29th Instant which was read.

The Lords Commissioners for England having considered the several Proposals contain'd in the Paper deliver'd the 29th Instant by the Lords Commissioners for Scotland, and being extremely desirous to bring this Treaty to a speedy and happy conclusion, do agree to the same, Reserving still the consideration of the Courts of Admiralty of Scotland to the further progress of this Treaty.

Adjourn'd to Saturday the 1 June 1706, 6 in the evening.

Saturday the 1st day of June 1706.

PRESENT

Scotl.	Engl.
Lord Chancellor	Lord Keeper
Duke of Queensberry	Lord President
Earl of Mar	Earl of Sunderland
Earl of Loudoun	Earl of Orford
Earl of Sutherland	Lord Grey
Earl of Morton	M ^r Speaker
Earl of Leven	Marsquis of Harrington
Earl of Sals	Doctor Waller
Earl of Roxberry	
Earl of Glasgow	
Lord President of Session	
Lord Justice Clerk	
M ^r Francis Montgomery	
Sir David Dalrymple	
Sir Patrick Johnston	
Sir James Small	
William Morris	
Alexander Grant	
William Seton	
John Clark	
Daniel Stewart	
Daniel Campbell	

The Lord Keeper in name of the Lords Commissioners for England acquainted the Board that their Lordships for England were preparing some Proposals, which would be ready to offer to the Board at the next Meeting.

Adjourn'd to Wednesday the 5 instant 6 in the evening.

Wednesday the 5th June 1706.

PRESENT

Scotl.	Engl.
Lord Chancellor	Lord Treasurer
Duke of Queensberry	Earl of Pembroke
Earl of Mar	Duke of Somerset
Earl of Loudoun	Duke of Beaufort
Earl of Sutherland	Earl of Sunderland
Earl of Morton	Earl of Kingston
Earl of Wemyss	Earl of Cardick
Earl of Leven	Earl of Orford
Earl of Sals	Lord Townsend
Earl of Roxberry	Lord Wharton
Earl of Glasgow	Lord Grey
Lord Bels	Lord Somers
Lord President of Session	M ^r Smith
Lord Justice Clerk	Marsquis of Harrington
M ^r Francis Montgomery	Secretary Harley
Sir David Dalrymple	Chancellor of the Exchequer
Sir Alexander Ogilvie	Attorney General
Sir Patrick Johnston	Doctor Waller
Sir James Small	
George Lockhart	
William Morris	
Alexander Grant	
William Seton	
John Clark	
Daniel Stewart	
Daniel Campbell	

The Lord Treasurer in name of the Lords Commissioners for England delivered to the Board the following Answer to the Proposal offered by the Lords Commissioners for Scotland the 21st of May past which was read.

The Lords Commissioners for England having taken into consideration the Proposals delivered in to them the 21st day of May last by the Lords Commissioners for Scotland for the effectual preventing the Exportation of Scotch Salt to England or the Plantations without paying the same Excise with which English Salt is charged during the Exemption allowed to Scotland from the said Duty do give the following Answer to the several Proposals therein.

1st As to the first Article of the said Proposal viz. That no Salt be transported from Scotland to England by land under the penalty of forfeiting the Salt and the Horses w^d so transporting it and paying 10 Shillings for every Bushell of Salt so transported, for which the Carrier as well as the Owner shall be liable conjointly and severally and the Carrier be imprisoned until the said penalty be paid.

The Lords Commissioners for England do agree to the same with the alterations following viz. That no Salt be transported from Scotland to England by land in any manner whatsoever, under the penalty of forfeiting the Salt and the Carriage and Carriages made use of in transporting it and paying 80 Shill. for every Bushell of such Salt and proportionable for a greater or lesser quantity for which the Carrier as well as the Owner shall be liable conjointly and severally, and the persons carrying the same to be imprisoned by any one Justice of the Peace by the space of 6 months without Bail or Main-prize and until the penalty be paid.

2nd As to the second Article relating to Salt water-borne to be carry'd from port to port in Scotland, and Salt exported from Scotland to England, or the Plantations.

The Lords Commissioners for England, as to that part of it which relates to Salt water-borne to be carry'd from port to port in Scotland do agree to the same.

And as to that part of the said Proposal which relates to Salt exported from Scotland to England by sea, the Lords Commissioners for England do Propose that there shall be paid in England for all Salt made in Scotland, and imported from thence into England, the same Duty upon the Importation as shall be paid for Salt made in England to be levied and secured in the same manner as the Duties on foreign Salt are to be levied and secured in England, and if any other Salt which is not made in Scotland shall be imported from thence into England the same to be charged with the Duties on foreign Salt imported into England to be levied and secured in the same manner.

And as to the last part of the said Article relating to Salt exported from Scotland to the Plantations.

The Lords Commissioners for England do not insist that any Duty ought to be paid for the same, or for Salt exported from Scotland to any other foreign place whatsoever, in regard that upon the exportation of Salt from England to the Plantations or any other foreign parts, the duty before paid for the same is to be repaid.

3rd And as to that part of the last Article of the said Proposal which relates to salted Fish exported from Scotland into England.

The Lords Commissioners for England do Propose that for all such Fish there shall be paid in England, upon the importation thereof, such sum of money as by the law relating to the Duties upon Salt in England are allowed, and repaid to the Exporter thereof upon exportation of the like Fish from England to foreign parts, in regard all Salt used in Fish cured, and confus'd in England is liable to Duties of the same value, and in case the said Fish shall be reexported from England, the Duties paid for the same upon Importation thereof shall be repaid.

And as to all salted fish exported from Scotland to any other place the Lords Commissioners for England do not insist that any Duty shall be paid in Scotland for the Salt used therein, in regard upon the exportation of such fish from England to any foreign parts the Exporter thereof hath an allowance out of the Duties on Salt of so much money as the Duty of the Salt used in curing such fish amounts to.

And as to that part of the said Article which relates to salted Fish exported from Scotland, in regard all salted fish consumed in England, or made use of for victualling of ships there, or exported from England to parts beyond the sea, is cured with Salt for which the Duty on Salt is paid in England, and not repaid upon Exportation of any such fish from England, and there being so much Salt used in the curing one hundred weight of fish (each hundred weight being computed at one hundred and twelve pound weight) as the Duty thereof payable in England amounts to two shillings.

The Lords Commissioners for England do Propose that there be paid in England upon the importation of every such hundred weight of fish from Scotland two shillings; and that before such fish is so exported from Scotland an Entry be made at the Customs House of the Port of Exportation in Scotland, of the quantity of fish so to be exported, and the Port in England for which the same is bound, and security given by Bond to her Majesty at the said Port of Exportation in Scotland, that the said fish shall be landed at the Port in England for which the same shall be so exported, or at some other Port in England, (the danger of the sea & accidents excepted) which Bond shall be deliver'd up upon producing a Certificate from the Collectors or Officers of the Customs of the Port of Importation in England that such fish was landed and sold at the said Port; and that the Duty of two Shillings be paid in Scotland for all salted fish made use of for victualling of ships there or exported from thence to any other parts besides England; and that no salted fish be brought into England from Scotland by land under the penalty of forfeiting the same, or the value thereof, and the Cattle & Carriages employed in carrying thereof, and of the like imprisonment as they have before propos'd in case of Salt brought from Scotland to England by land.

And if any frauds shall hereafter appear which are not sufficiently provided against by the foregoing Proposals; the Lords Commissioners for England do propose the same shall be subject to such further Provisions as shall be thought fit by the Parliament of Great Britain.

And whereas the Lords Commissioners for England did in their Paper delivered the 15th May last past consent that the Kingdom of Scotland should for a competent time remain exempted from payment of the Duty on Salt, for all the salt spent in kind, or used in Provisions spent within that Kingdom; the Lords Commissioners for England do now Propose, that the Kingdom of Scotland shall remain exempt from payment of that duty for all salt spent in kind or used in Provisions within the said Kingdom for the term of Seven years after the Union, upon the Lords Commissioners for Scotland agreeing to the Proposals above-mentioned.

The Lord Treasurer in name of the Lords Commissioners for England also delivered to the Board the following Proposal which was read.

That all Admiralty jurisdiction be under the Lord High Admiral of Great Britain, or Commissioners for the Admiralty of Great Britain for the time being; and that Appeals from the High Court of Admiralty of Great Britain be to the Queen in the same manner as is now settled in England.

Adjourn'd to Friday the 7th instant 6 in the evening.

Friday the 7th June 1706.

PRESENT

Scotl.	Engl.
Lord Chancellor	Arch Bishop of Canterbury
Duke of Queensberry	Lord Keeper
Earl of Mar	Lord Treasurer
Earl of Loudoun	Lord President
Earl of Sutherland	Duke of Devonshire
Earl of Moray	Duke of Bolton

Earl of Wemyss	Earl of Sunderland
Earl of Leven	Earl of Oxford
Earl of Stair	Lord Townshend
Earl of Glasgow	Lord Wharton
Lord Archibald Campbell	Lord Grey
Lord Roß	Lord Scoones
Lord President of Session	Speaker of the House of Commons
Lord Justice Clerk	Marquis of Hartington
M ^r Francis Montgomery	Secretary Hedges
Sir David Dalrymple	Secretary Harley
Sir Alexander Ogilvie	Chancellor of the Exchequer
Sir Patrick Johnston	Sir John Holt
Sir James Scalet	Attorney General
George Lockhart	Schinner General
William Morrison	Sir John Cook
Alexander Grant	Doctor Waller
William Selan	
John Clark	
David Stewart	
Daniel Campbell	

The Lord Chancellor in name of the Lords Commissioners for Scotland deliver'd to the Board the following Paper which was read.

The Lords Commissioners for Scotland do agree to the Proposal contained in the Answer delivered by the Lords Commissioners for England the 2^d instant concerning the effectual preventing the Exportation of Scotch Salt from Scotland to England without paying the same Excise with which the English Salt is charg'd, during the Exemption allowed to Scotland from the said Duty, with the following Alterations.

1st As to that part of the second Article viz. That if any Salt which is not made in Scotland shall be imported to England from thence, the same to be charg'd with the Duties of foreign Salt imported into England to be levied and secured in the same manner; The Lords Commissioners for Scotland do understand that it is not the meaning of the Lords Commissioners for England by the said Proposal, to lay a double Duty on foreign Salt exported from Scotland to England once to be exacted at Importation of the said Salt into Scotland, and the like Duty at the Importation into England from Scotland but that the foreign Salt imported into Scotland be charg'd at the Importation there, with the same Duties after the Union, as the like Salt is charg'd with being imported into England to be levied and secured in the same manner, and for further security in that case the Lords Commissioners for Scotland do Propose that Certificates be sent with foreign Salt exported from Scotland into England, from the Customs Office in Scotland where the said foreign Salt was first exported to the Customs Office in England where the said Salt shall happen to be transported, bearing the payment of, or security given for the Duties at the said Port, under this penalty, that foreign Salt exported from Scotland into England without such Certificates shall be confiscated.

2^d As to the third Article relating to salted fish or fish exported from Scotland into England and salted fish made use of for victualling of Ships in Scotland, or exported from Scotland to parts beyond the sea, The Lords Commissioners for Scotland do apprehend that the said Article do's only concern such fish and fish as is cured in whole or in part, with Scotch Salt, there being an obvious difference betwixt the case of these, and of such fish and fish exported from Scotland to England as is wholly cured with foreign Salt, in regard that foreign Salt is to pay the like Duty as in England at Importation into Scotland, and therefore ought not to pay a second Duty.

And the Lords Commissioners for Scotland do Propose that if the Duty on Salt take place in Scotland after the expiration of seven years during which time the Exemption is agreed to, That then the Kingdom of Scotland shall have an Equivalent.

The Lord Keeper in name of the Lords Commissioners for England deliver'd to the Board the following Proposal which was read.

The Lords Commissioners for England being extremely desirous to come to a speedy conclusion of the present Treaty for an Union of the two Kingdoms, and it having been already agreed that the United Kingdom be represented by one and the same Parliament; their Lordships have turn'd their thoughts to consider what may be a proper and reasonable Number for the Representation of Scotland in the House of Commons of the United Parliament, Do Propose to the Lords Commissioners for Scotland that Thirty Eight persons be the number by which that part of the United Kingdom now call'd Scotland shall be Represented in the House of Commons whenever a Parliament shall be call'd in Great Britain.

Adjourn'd to Tuesday the 11 instant 6 in the evening.

Tuesday the 11 June 1706

PRESENT

Scotl.	Engl.
Lord Chancellor	Lord Keeper
Duke of Queensberry	Lord Treasurer
Earl of Mar	Earl of Pembroke
Earl of Loudoun	Duke of Devonshire
Earl of Sutherland	Duke of Bolton
Earl of Morton	Earl of Sunderland
Earl of Leven	Earl of Kingston
Earl of Saxe	Earl of Carlisle
Earl of Glasgow	Lord Townshend
Lord Archibald Campbell	Lord Wharton
Lord Roß	Lord Grey
Lord President of Session	Lord Somers
Lord Justice Clerk	Speaker of the House of Commons
Mr Francis Montgomery	Marquis of Hartington
Sir David Dalrymple	Sir Charles Hedges
Sir Alexander Ogilvie	Robert Harley Esq'
Sir James Smallet	Henry Boyle Esq'
Sir Patrick Johnston	Sir Edward Northey
George Lockhart	Sir Symon Harcourt
William Morrison	Sir John Cook
Alexander Grant	Deane Waller
William Seton	
John Clark	
Daniel Stewart	
Daniel Campbell	

The Lord Chancellor in name of the Lords Commissioners for Scotland deliver'd to the Board the following Answer to the Proposal made by the Lords Commissioners for England on the 8th instant which was read.

The Lords Commissioners for Scotland in Answer to the Proposal deliver'd by the Lords Commissioners for England on the 8th instant concerning the Admiralty, do agree that all Admiralty Jurisdiction be under the Lord High Admiral of Great Britain or Commissioners of Admiralty of Great Britain for the time being, and as to that part of the said Proposal which concerns Appeals from the High Court of Admiralty the Lords Commissioners for Scotland do Propose

That the Court of Admiralty now established in Scotland be continued, and that all Reviews, Reductions, or Suspensions of their Sentences in maritime cases competent to their jurisdiction remain in the same manner after the Union as now in Scotland until the Parliament of Great Britain shall make such Regulations & Alterations as shall be judg'd expedient for the whole United Kingdom. Providing there be always continu'd in Scotland a Court of Admiralty such as it is in England for determination of all maritime cases relating to private Right in Scotland competent to the jurisdiction of the Admiralty Court.

And the Lords Commissioners for Scotland do further propose That the heretofore Rights of Admiralty and Vice-Admiralty be refer'd to the respective Proprietors as Rights of Property.

The Lord Chancellor did also in name of the Lords Commissioners for Scotland deliver to the Board the following Paper which was read.

The Lords Commissioners for Scotland having considered the Proposal made by the Lords Commissioners for England the 10th instant viz. That Thirty Eight persons be the number by which that part of the United Kingdom now call'd Scotland shall be represented in the House of Commons whenever a Parliament shall be call'd in Great Britain, do find such difficulties in that matter, That they are under a necessity to propose a Conference betwixt the Lords Commissioners for both Kingdoms on that subject, in which their Lordships doubt not but to satisfy the Lords Commissioners for England, that a greater number than is mentioned in the said Proposal will be necessary for attaining the happy Union of the two Kingdoms so much desired on both sides, And the Lords Commissioners for Scotland are willing now to enter on the said Conference, or when the Lords Commissioners for England will please to appoint.

The Lords Commissioners for England withdrew, and being return'd the Lord Keeper acquainted the Board that the Lords Commissioners for England do agree to a Conference with the Lords Commissioners for Scotland upon the subject contained in the Paper deliver'd by the Lords Commissioners for Scotland at this meeting, And that the said Conference be the morrow at 6 a clock in the afternoon.

Adjourn'd to Wednesday the 12 instant 6 in the evening.

Wednesday the 12th June 1706.

PRESENT

Scotl.	Engl.
Lord Chancellor	Lord Keeper
Duke of Queensberry	Lord High Treasurer
Earl of Mar	Earl of Pembroke
Earl of Loudoun	Duke of Devonshire
Earl of Sutherland	Duke of Bolton
Earl of Wemyss	Earl of Sunderland
Earl of Leven	Earl of Carlisle
Earl of Saxe	Lord Townshend
Earl of Glasgow	Lord Wharton
Lord Archibald Campbell	Lord Grey
Lord Roß	Lord Somers
Lord President of Session	Speaker of the House of Commons
Lord Justice Clerk	Marquis of Hartington
Mr Francis Montgomery	Robert Harley Esq'
Sir David Dalrymple	Henry Boyle Esq'
Sir Alexander Ogilvie	Sir Edward Northey
Sir Patrick Johnston	Sir Symon Harcourt
Sir James Smallet	Sir John Cook
George Lockhart	Deane Waller
William Morrison	
Alexander Grant	
William Seton	
John Clark	
Daniel Stewart	
Daniel Campbell	

The Lords Commissioners on both sides enter'd upon the Conference desired by the Lords Commissioners for Scotland the 11 instant concerning the Representative for Scotland, in the House of Commons in the United Parliament of Great Britain. And the Conference being over Adjourn'd to

Friday the 14th instant 6 in the evening.

Friday the 14th June 1706.Saturday the 15th June 1706.

PRESENT

Scotl.	Engl.
Duke of Queensberry	Lord Keeper
Earl of Mar	Earl of Pembroke
Earl of Loudoun	Earl of Sunderland
Earl of Sutherland	Earl of Carlisle
Earl of Mortoun	Lord Townsend
Earl of Leven	Lord Wharton
Earl of Stair	Lord Grey
Earl of Rothesbury	Lord Somers
Earl of Glasgow	Marquis of Hartington
Lord Archibald Campbell	Sir Charles Hedges
Lord Rois	Robert Harley Esq ^r
Lord President of Session	Sir Edward Northey
Lord Justice Clerk	Sir John Cook
M ^r Francis Montgomery	Doctor Waller
Sir David Dalrymple	
Sir Alexander Ogilvie	
Sir Patrick Johnston	
Sir James Smallet	
George Lockhart	
William Morison	
Alexander Grant	
William Seton	
John Clark	
Daniel Stewart	
Daniel Campbell	

PRESENT

Scot.	Engl.
Duke of Queensberry	Lord Keeper
Earl of Mar	Lord Treasurer
Earl of Loudoun	Earl of Pembroke
Earl of Sutherland	Duke of Devonshire
Earl of Mortoun	Duke of Bolton
Earl of Wemyss	Earl of Sunderland
Earl of Leven	Earl of Kingston
Earl of Stair	Earl of Carlisle
Earl of Rothesbury	Lord Townsend
Earl of Glasgow	Lord Wharton
Lord Archibald Campbell	Lord Grey
Lord Rois	Lord Somers
Lord President of Session	M ^r Speaker
Lord Justice Clerk	Marquis of Hartington
M ^r Francis Montgomery	Secretary Hedges
Sir David Dalrymple	Secretary Harley
Sir Alexander Ogilvie	Henry Boyle Esq ^r
Sir Patrick Johnston	Sir Edward Northey
Sir James Smallet	Sir James Hancourt
George Lockhart	Sir John Cook
William Morison	Doctor Waller
Alexander Grant	
William Seton	
John Clark	
Daniel Stewart	
Daniel Campbell	

The Earl of Mar in name of the Lords Commissioners for Scotland deliver'd to the Board the following Answer to the Proposal made by the Lords Commissioners for England the 7th instant which was read.

The Lords Commissioners for Scotland having considered the Proposal delivered by the Lords Commissioners for England on the 7th instant with the Conference that followed on the subject of that Proposal, their Lordships are hopeful that the Lords Commissioners for England are convinced of the real difficulties occurring in that matter on the part of Scotland, and the Lords Commissioners for Scotland do find themselves still under an absolute necessity for bringing to a happy Conclusion the Union of the two Kingdoms, to insist that a greater number than that of Thirty Eight be agreed to, as the Representatives for Scotland in the House of Commons in a Parliament of Great Britain.

The Lord Keeper in name of the Lords Commissioners for England deliver'd to the Board the following Answer to the Proposal made by the Lords Commissioners for Scotland the 11th instant which was read.

The Lords Commissioners for England having considered the Paper delivered in by the Lords Commissioners for Scotland on the 11th instant concerning Admiralty Jurisdiction, do agree to the first Proposal therein contain'd with this Addition.

That the Admiralty Court propos'd to be continued in Scotland after the Union, shall be subject to such Regulations and Alterations as shall be thought proper to be made by the Parliament of Great Britain.

The Lords Commissioners for England do likewise agree to the second Proposal in the said Paper contain'd, touching heretofore Rights of Admiralty and Vice Admiralties in Scotland with this Provision viz.

That these heretofore Rights as to the manner of Exercising the same, shall be subject to such Regulations and Alterations as shall be thought proper to be made by the Parliament of Great Britain.

Adjourn'd to Saturday the 15th instant one a clock.

The Earl of Mar in name of the Lords Commissioners for Scotland deliver'd to the Board the following Answer to the Paper deliver'd by the Lords Commissioners for England on the 14th instant which was read.

The Lords Commissioners for Scotland having considered the Paper deliver'd by the Lords Commissioners for England on the 14th instant concerning Admiralty Jurisdiction, do agree to the same.

The Lord Keeper in name of the Lords Commissioners for England deliver'd to the Board the following Paper which was read.

The Lords Commissioners for England having taken into Consideration the Reply deliver'd to the 7th instant by the Lords Commissioners for Scotland to the Answer of the Lords Commissioners for England to the Proposal made by the Lords Commissioners for Scotland the 21st of May last for the effectual preventing the Exportation of Scotch Salt to England, or the Plantations, without paying the same Excises with which English Salt is charg'd during the Exemption allowed to Scotland from the same Duties, and as to said Provisions.

As to that part of the Reply which relates to the second Article in the said Answer concerning Salt not made in Scotland imported from thence into England; the Lords Commissioners for England did not intend that a double duty should be laid on foreign Salt exported from Scotland to England; And therefore the Lords Commissioners for England do agree to the Proposal in the said Reply, That all foreign Salt imported into Scotland be charg'd at the importation there with the same Duties after the Union as the like Salt is charg'd with being imported into England to be levied and secured in the same manner, and to the further security, by Certificates therein propos'd to be sent with foreign Salt exported from Scotland into England.

And as to that part of the said Reply which relates to the third Article in the said Answer touching salted fish or flesh exported from Scotland into England and salted fish made use of for victualling of Ships in Scotland, or exported from Scotland to parts beyond the seas, it appearing by the said Proposal deliver'd by the Lords Commissioners for Scotland the 21st May

but that all fish and flesh barreled in Scotland for exportation are by the law of Scotland appointed to be pack'd and cured with foreign Salt without any mixture of Scotch Salt; the Lords Commissioners for England do not insist on the said third Article in their said Answer, provided it be agreed, that all salted fish or flesh exported from Scotland to England, and all salted flesh made use of for victualling of Ships in Scotland, or put on Board to be exported from Scotland to parts beyond the Seas, that shall appear to be salted with Scotch Salt, or a mixture of such Salt shall be forfeited, and as such may be seized in England or Scotland.

As to the last part of the Proposal of the Lords Commissioners for Scotland that if the Duty on Salt take place in Scotland after the expiration of seven years, That then the Kingdom of Scotland shall have an Equivalent; the Lords Commissioners for England do understand that the Equivalent is only to be extended to such part of the Duties as shall be applied to the payment of the Debts of England.

The Lord Keeper did also in name of the Lords Commissioners for England deliver to the Board the following Proposal which was read.

The Lords Commissioners for England being assured by the Lords Commissioners for Scotland, that there will be found insuperable difficulties in reducing the Representation of Scotland in the House of Commons of the United Kingdom to Thirty Eight members, the number formerly propos'd by the Lords Commissioners for England; do, (to show their inclinations to remove every thing that would of necessity be an objection to the perfecting the Union of the two Kingdoms) Propose to the Lords Commissioners for Scotland That Forty Five Members and no more be the number of the Representatives for that part of the United Kingdom now called Scotland in the House of Commons of the United Kingdom after the intended Union.

And there being an absolute necessity that the number of Peers to be admitted into the House of Lords of the United Kingdom for that part of the United Kingdom now called Scotland, be regulated in proportion to the number to be admitted into the House of Commons; do Propose that Sixteen Peers be the Quota of Scotland in the House of Peers of the Parliament of the United Kingdom after the intended Union.

Adjourn'd to Tuesday the 18th instant 8 in the evening.

Tuesday the 18th June 1705.

PRESENT	
Scot.	Engl.
Duke of Queensberry	Arch Bishop of Canterbury
Earl of Mar	Lord Keeper
Earl of Loudoun	Lord Treasurer
Earl of Sutherland	Earl of Pembroke
Earl of Morison	Duke of Devonshire
Earl of Wemyss	Duke of Somerset
Earl of Leven	Earl of Sunderland
Earl of Stair	Lord Townshend
Earl of Rothesbury	Lord Wharton
Earl of Glasgow	Lord Somers
Lord Archibald Campbell	Marquis of Hartington
Lord Bute	M ^r Secretary Harley
Lord President of Session	Henry Boyle Esq ^r
Lord Justice Clerk	Sir Thomas Trevor
M ^r Francis Montgomery	Sir Edward Northey
Sir David Dalrymple	Sir Symon Harcourt
Sir Alexander Ogilvie	Sir John Cook
Sir Patrick Johnston	Doctor Waller
Sir James Smallex	
William Morifison	
Alexander Gessat	
William Seton	

John Clark
Daniel Stewart
Daniel Campbell

The Earl of Mar in name of the Lords Commissioners for Scotland deliver'd to the Board the following Answer to the Proposal made by the Lords Commissioners for England the 15th instant which was read.

The Lords Commissioners for Scotland having considered the Paper delivered by the Lords Commissioners for England the 15 instant containing a Proposal that Forty Five members be the number of the Representatives of that part of the United Kingdom now called Scotland in the House of Commons of the United Kingdom after the intended Union; and that Sixteen Peers be the Quota of Scotland in the House of Peers in the Parliament of the said United Kingdom; and being upon deliberation to concur in what is further necessary to finish this Treaty, and at the same time sensible of the difficulties on the part of the Lords Commissioners for England in that matter, do not insist for greater numbers (by virtue of this Treaty) of Representatives in the House of Peers, and the House of Commons in the Parliament of Great Britain, than their propos'd by the Lords Commissioners for England; Providing that all the Peers of Scotland and their Successors to their honours and dignities be from and after the Union, reckon'd & declar'd Peers of Great Britain, and that they enjoy in their respective degrees & orders, all other titles, dignities, preeminencies, immunities and privileges whatsoever, as fully and freely as the Peers of England do at present, or the Peers of Britain may enjoy hereafter.

And the Lords Commissioners for Scotland do further Propose that the Peers of Scotland for that time being, and their successors, do at and after the Union, according to their different degrees & orders, enjoy the rank and precedence of all Peers to be thereafter created of the like orders and degrees in the said United Kingdom.

Adjourn'd to the 19th instant 12 a clock.

Wednesday the 19th June 1705.

PRESENT	
Scot.	Engl.
Duke of Queensberry	Lord Treasurer
Earl of Mar	Earl of Pembroke
Earl of Loudoun	Duke of Devonshire
Earl of Marston	Duke of Somerset
Earl of Wemyss	Earl of Sunderland
Earl of Leven	Earl of Kingston
Earl of Stair	Lord Townshend
Earl of Glasgow	Lord Wharton
Lord Archibald Campbell	Lord Somers
Lord Bute	Secretary Harley
Lord President of Session	Henry Boyle Esq ^r
Lord Justice Clerk	Sir Thomas Trevor
M ^r Francis Montgomery	Sir Edward Northey
Sir David Dalrymple	Sir John Cook
Sir Alexander Ogilvie	
Sir Patrick Johnston	
Sir James Smallex	
William Morifison	
Alexander Gessat	
William Seton	
John Clark	
Daniel Stewart	
Daniel Campbell	

The Lord Treasurer in name of the Lords Commissioners for England deliver'd to the Board the following Paper which was read.

The Lords Commissioners for England having considered the two Proposals made by the Lords Commissioners for Scotland in their Paper delivered the 18th instant, do agree to the same with the following Explanation, That all the Peers of Scotland and their Successors to their honours and dignities be from and after the Union reckoned and declared Peers of Great Britain, and that they enjoy in their respective degrees and orders all other titles dignities preeminences immunities and privileges whatsoever, as fully and freely as the Peers of England do at present, or the Peers of Britain may enjoy hereafter; Provided that no Peer who shall not then have the Right to sit in Parliament shall be capable of sitting upon the trial of any Peer, and also that no Peer not having a Right to sit in Parliament, shall have privilege of Parliament.

And also that the Peers of Scotland for the time being and their Successors do at and after the Union, according to their different degrees and orders, enjoy the rank and precedence of all Peers to be thereafter created of the like orders and degrees in the United Kingdom. Provided always that it be understood that all persons who shall be Peers of England at the time of the Union shall for ever enjoy that rank and order of precedence of their respective degrees, before the same degrees of the Peers of Scotland.

The Lord Treasurer did also in name of the Lords Commissioners for England Deliver to the Board the following Proposal which was read.

The Lords Commissioners for England do Propose That from and after the Union the Coin shall be of the same standard and value throughout the United Kingdom, as now in England, and the same Weights and Measures shall be used throughout the United Kingdom as are now established in England.

The Lord Treasurer did likewise in name of the Lords Commissioners for England deliver to the Board the following Proposal which was read.

The Lords Commissioners for England do Propose that all Laws & Statutes in either Kingdom which are contrary to, or inconsistent with the terms agreed on for uniting the two Kingdoms shall be repeal'd & made void.

Adjourn'd to Friday the 21st instant 12 a clock.

Friday the 21st June 1706.

PRESENT

Scot.	Eng.
Duke of Queensberry	Arch Bishop of Canterbury
Earl of Mar	Lord Treasurer
Earl of London	Earl of Pembroke
Earl of Morten	Duke of Devonshire
Earl of Wemyss	Duke of Somerset
Earl of Leven	Duke of Beaufort
Earl of Stair	Earl of Sunderland
Earl of Roxburgh	Earl of Kingston
Earl of Glasgow	Earl of Carlisle
Lord Archibald Campbell	Lord Townsend
Lord Rofs	Lord Wharton
Lord President of Session	Lord Somers
Lord Justice Clerk	M ^r Speaker
M ^r Francis Montgomerie	Marquis of Huntington
Sir David Dalrymple	Secretary Hedges
Sir Alexander Ogilvie	Secretary Harley
Sir Patrick Johnston	Henry Boyle Esq ^r
Sir James Smollet	Sir John Holt
William Morrison	Sir Thomas Trevor
Alexander Grant	Sir Edward Northey
William Seton	Sir John Cook
John Clerk	
Daniel Stewart	
Daniel Campbell	

The Earl of Mar in name of the Lords Commissioners for Scotland deliver'd to the Board the following Paper, which was read.

The Lords Commissioners for Scotland do agree to the Proposal contain'd in the Paper delivered by the Lords Commissioners for England the 15th instant concerning the Duty on Salt with this Explanation, as to the last paragraph thereof, about the Equivalent, That seeing the whole Duties on Salt, are already appropriated for payment of the Debts of England, the Lords Commissioners for Scotland do understand that whenever the Duties upon Salt shall take place in Scotland, the same thence arising will be applicable to the payment of the debts of England, and thereby there will be an equivalent due to Scotland for the whole Duties to be levied on Salt there.

The Earl of Mar did also in name of the Lords Commissioners for Scotland deliver to the Board the following Paper which was read.

The Lords Commissioners for Scotland do agree to the Proposal contain'd in the Answer deliver'd by the Lords Commissioners for England, concerning the Peers of Scotland, with this further Explanation, The Lords Commissioners for Scotland do understand, that by the Explanation contain'd in the said Paper deliver'd by the Lords Commissioners for England, all the Peers of Scotland are to be tryed as Peers of Great Britain, and enjoy all privileges of peerage, excepting that of sitting in the House of Lords and the privileges depending thereon, to which Sixteen Peers to be sent from time to time from the Peers of Scotland to the House of Lords of Great Britain, are only intitled; And the Lords Commissioners for Scotland do Propose That in the Tryals of Peers in time of Adjournments or Promotions of Parliament the Sixteen Peers who do then Represent the Peers of Scotland shall be summon'd in the same manner, and have the same power and privileges in such Tryals, as any other Peers of Great Britain, and that in the Tryals of Peers, when there is no Parliament in being, the Sixteen Peers representatives from Scotland in the former Parliament shall be call'd in the same manner, and have the same power & privileges.

The Earl of Mar deliver'd also (in name of the Lords Commissioners for Scotland) to the Board the following Paper which was read.

The Lords Commissioners for Scotland having considered the Proposal deliver'd by the Lords Commissioners for England the 15th instant viz. That from and after the Union the Coin shall be of the same standard and value throughout the United Kingdom as now in England, and the same Weights & Measures shall be used throughout the United Kingdom, as are now established in England; the Lords Commissioners for Scotland do agree to the same. Provided that Consideration be had to the losses private persons may sustain in reducing the Coin to the same standard as now establish'd in England, And also provided that from and after the Union the Mint at Edinburgh be always continued under the same Rules as the Mint in the Tower of London or elsewhere in the United Kingdom, and that the Standard of Weights and Measures for Scotland be kept by their Burroughs within that part of the United Kingdom now called Scotland to whom the keeping of the Standards of Weights and Measures now in use in Scotland do's by special right and privilege belong.

The Earl of Mar did likewise in name of the Lords Commissioners for Scotland deliver to the Board the following Paper which was read.

The Lords Commissioners for Scotland having considered the Proposal made by the Lords Commissioners for England the 15th instant that all Laws & Statutes in either Kingdom, which are contrary to, or inconsistent with the terms agreed on for uniting the two Kingdoms shall be repeal'd, and made void; do agree to the same.

The Earl of Mar did in name of the Lords Commissioners for Scotland deliver to the Board the following Proposal which was read.

The Lords Commissioners for Scotland having by their Paper delivered the 9th May last, Propos'd that the Privileg'd Right of Corporations and Companies should be refer'd to be considered in the course of this Treaty, their Lordships do now Propose That the Rights & Privileges of the Company in Scotland trading to Africa and the Indies established in Scotland by the 9th Act of Parliament 1694, and by the 15th Act of the Parliament 1701, do continue in force after the Union, or that if the privileges of that Company shall be judg'd inconvenient for the Trade of the rest of the United Kingdom, That the privit Rights of the said Company in Scotland be purchas'd from the Proprietors.

The Earl of Mar did also in name of the Lords Commissioners for Scotland deliver to the Board the following Proposal which was read.

The Lords Commissioners for Scotland do Propose to the Lords Commissioners for England, that all Ships belonging to her Majesty's Subjects in Scotland at the time of the Union (tho' foreign built) shall be deem'd & pass as ships of the built of Great Britain, The Owner or Owners, within twelve months after the Union, making oath that the same did belong to him or them at the commencement of the Union, and do's then belong to him or them, and that no foreigner directly, nor indirectly hath any share or part, or interest therein; which Oath shall be made before the chief Officer of the Customs, at the Port next the shore of the said Owner, or Owners, and the said Officer shall be empower'd to administer the said Oath, and the oath being so administered shall be attested by the Officer who administered the same, and being required by the said Officer, shall be delivered to the Master of the Ship for security of her navigation, a Duplicate of which register shall be immediately transmitted to the Commissioners of her Majesty's Customs in the Port of Edinburgh.

As to Ships built in Scotland before, or which shall be built there, after the Union, the Lords Commissioners for Scotland do make no import Proposal seeing that by the mutual agreements in this Treaty are to be subject to the same Regulations as in England, and consequently to the acts of navigation now in force.

Adjourn'd to Saturday the 22^d instant one a clock.

Saturday the 22^d June 1706.

PRESENT

Scott.	Engl.
Duke of Queensberry	Lord Treasurer
Earl of Mar	Lord President
Earl of Loudoun	Duke of Devonshire
Earl of Sutherland	Duke of Bolton
Earl of Moray	Lord Townsend
Earl of Wemyss	Lord Somers
Earl of Leven	Speaker of the House of Commons
Earl of Stair	Secretary Harley
Earl of Rothesbury	Sir John Heli
Earl of Glasgow	Sir Thomas Trevor
Lord Anshuld Campbell	Attorney General
Lord President of Session	Sir John Cook
Lord Justice Clerk	Dorset Walker
M ^r Francis Montgomery	
Sir David Dalrymple	
Sir Alexander Ogilvie	
Sir Patrick Johnston	
Sir James Bannet	
William Morrison	
Alexander Grant	
William Seton	
John Clark	
Daniel Stewart	
Daniel Campbell	

The Lord Treasurer in name of the Lords Commissioners for England delivered to the Board the following Paper which was read.

The Lords Commissioners for England having considered the Paper concerning Salt deliver'd by the Lords Commissioners for Scotland 21st instant think themselves oblig'd to inform their Lordships, That the whole Duties on Salt are not appropriated for payment of the Debts of England, The Duty of 21^d a Bushel on Salt, tho' granted to the Crown in perpetuity is appropriated to the payment of Debts no longer than till the 1st August 1710.

That the remaining part of the Duty on Salt viz. 2 sh. & 4 d a Bushel is granted to the Crown in perpetuity, and is with other Duties appropriated for payment of 100,000^{li} per Annum to the East India Company redeemable by Parliament, and the superpluses above that annual sum is not appropriated to the payment of the Debts of England; and therefore the Lords Commissioners for England do think it necessary for them to insist upon what was express in their Paper deliver'd by them the 15th instant that when the Duty on Salt shall take place in Scotland, the Equivalent which the Kingdom of Scotland is to have, ought to be extend'd only to such part of the Duties on Salt, as shall be apply'd to the payment of the Debts of England.

The Lord Treasurer did likewise in name of the Lords Commissioners for England deliver to the Board the following Paper, which was read.

It appearing by a paper given in by the Lords Commissioners for Scotland the 21st instant, That the Lords Commissioners for England had not fully express'd themselves in some part of a paper deliver'd by them on the 15th instant to the satisfaction of the Lords Commissioners for Scotland, and being desirous upon this and all other occasions, to proceed with all possible clearness, do make the following explanation of their meaning in that part of the said Paper.

They agree that all Peers of Scotland and their Successors to their honours and dignities shall from and after the Union be reckoned and declared Peers of Great Britain, and shall be tryed as Peers of Great Britain, and shall enjoy the privileges of Peers as fully as the Peers of England do now enjoy the same, or as they, or any other Peers of Britain may hereafter enjoy the same, except the right & privilege of sitting in the House of Lords, and the privileges depending thereon, and particularly the right of sitting upon the Tryalls of Peers.

They agree that the Sixteen Peers who are to sit in the House of Lords of Great Britain for that part of the United Kingdom call'd Scotland, after the Union, shall have all privileges of Parliament which the Peers of England now have, and which they, or any Peers of Britain shall have after the Union, and particularly the Right of sitting upon the Tryalls of Peers.

They agree that in case of the Tryal of any Peer in time of adjournment or prorogation of Parliament, The said Sixteen Peers shall be summon'd in the same manner and have the same powers & privileges at such Tryalls, as any other Peers of Great Britain.

And they do further agree that in case any Tryalls of Peers shall hereafter happen, when there is no Parliament in being the Sixteen Peers of Scotland, who sat in the last preceding Parliament shall be summon'd in the same manner, and have the same powers and privileges at such Tryalls, as any other Peers of Great Britain.

The Lord Treasurer did also in name of the Lords Commissioners for England deliver to the Board the following Paper which was read.

The Lords Commissioners for England do agree to the Proposal deliver'd the 21st June by the Lords Commissioners for Scotland touching Ships belonging to her Majesty's Subjects in Scotland with the Alterations following viz.

That all Ships belonging to her Majesty's Subjects in Scotland at the time of signing the Treaty for the Union of the said Kingdoms, tho' foreign built, shall be deem'd and pass as Ships of the built of Great Britain, the Owner, or Owners, within twelve

months after the Union making Oath that the same did belong to him, or them, at the signing the said Treaty, and that then belong to him, or them, and that no foreigner directly nor indirectly, hath any share, or part, or interest therein; which Oath shall be made before the chief Officer, or Officers of the Customs in the Port, next the shode of the said Owner, or Owners; and the said Officer, or Officers shall be impow'd to administer the said Oath, and the Oath being so admittit shall be attested by the Officer or Officers who administered the same, and being registred by the said Officer or Officers shall be transmitted to the chief Officer, or Officers of the Customs in the Port of Edinburgh to be there enter'd in a Register and from thence to be sent to the Port of London to be there enter'd in the General Register of all the trading ships belonging to Great Britain.

The Lord Treasurer in name of the Lords Commissioners for England deliver'd to the Board the following Propofal which was read.

The Lords Commissioners for England do Propofal to the Lords Commissioners for Scotland, that from and after the Union there be one Great Seal for the United Kingdoms of Great Britain to be used for sealing Writs to elect and summon the Parliament of Great Britain, and for sealing other publick and mandatory writs, publick Acts or Orders of State and Grants and such Instruments relating to publick Justice policy and government as are proper to be seal'd with a Great Seal; Yet nevertheless a Seal in Scotland shall after the Union be always kept and made use of in all things relating to privat Rights and Justice in the same manner as the Great Seal is at this time of'd, but subject to such Regulations as the Parliament of Great Britain may hereafter make and until such Seal shall be provided, the Great Seal of Scotland shall be used as at this time, in all things relating to privat rights and Justice.

The Earl of Mar in name of the Lords Commissioners for Scotland deliver'd to the Board the following Propofal which was read.

The Lords Commissioners for Scotland do propofal, It be declared That the Laws and Acts of Parliament in Scotland, for pining, curing, and packing of Herrings, White fish & Salmon for export beyond seas with foreign salt only, and for preventing of frauds in curing and packing of fishes be continued in force in Scotland after the Union, but subject to alterations by the Parliament of Great Britain, and that the same Excer Privileges and Drawbacks be allowed after the Union for encouragement of such as shall export Fishes from Scotland beyond seas, as is now allowed by the laws of England to such as export the like fishes from England.

Adjourn'd to Tuesday the 23 instant one a clock.

Tuesday the 23th June 1706.

PRESENT

Scot.	Engl.
Duke of Queensberry	[Arch] Bishop of Canterbury
Earl of Mar	Lord Treasurer
Earl of Loudoun	Earl of Pembroke
Earl of Sutherland	Duke of Devonshire
Earl of Morven	Duke of Somerset
Earl of Wemyss	Duke of Bolton
Earl of Leven	Earl of Sunderland
Earl of Stair	Earl of Kingston
Earl of Roxburgh	Earl of Carlisle
Earl of Glasgow	Earl of Orford
Lord Archibald Campbell	Lord Treasurer
Lord Roß	Lord Wharton
Lord President of Session	Lord Somers
Lord Justice Clerk	Speaker of the House of Commons
Mr Francis Montgomery	Mr Charles Hedges
Sir David Dalrymple	Henry Boyle Esq

Sir Alexander Ogilvie
Sir Patrick Johnston
Sir James Saslet
William Morrison
Alexander Grant
William Seton
John Clark
Daniel Stewart
Daniel Campbell

Robert Harley Esq
Sir John Holt
Sir Thomas Trevor
Sir Edward Northey
Sir John Cook
Dector Waller

The Earl of Mar in name of the Lords Commissioners for Scotland deliver'd to the Board the following Paper which was read.

The Lords Commissioners for Scotland do agree to the last Explanation contain'd in the Paper deliver'd by the Lords Commissioners for England on the 22nd instant concerning the Privileges of the Peers of Scotland.

The Earl of Mar did also in name of the Lords Commissioners for Scotland deliver to the Board the following Paper which was read.

The Lords Commissioners for Scotland do agree to the Propofal made by the Lords Commissioners for England on the 15 instant concerning the Duties on Salt, and do not insist on the Explanation propof'd by their Lordships the 21 instant in respect of what is represented in the Paper deliver'd by the Lords Commissioners for England on the 22nd instant.

The Earl of Mar did likewise in name of the Lords Commissioners for Scotland deliver to the Board the following Paper which was read.

The Lords Commissioners for Scotland do agree to the Alteration made by the Lords Commissioners for England in the Propofal deliver'd by the Lords Commissioners for Scotland touching Ships belonging to her Majesty's Subjects of Scotland with this further Explanation.

That all Ships belonging to her Majesty's Subjects of Scotland at the time of signing this Treaty of the Union of the two Kingdoms the foreign built shall be deem'd and pass as Ships of the built of Great Britain, the Owner, or where there are more Owners, one or more of them, within twelve months after the Union making Oath that the same did belong to him or them, or to some other subject or subjects of Scotland at the time of signing the said Treaty, and that then belong to him or them, and that no foreigner directly nor indirectly, hath any share, or part, or interest therein, which Oath shall be made before the chief officers of the Customs in the Port next the shode of the said Owner, or Owners, and the said Officer, or Officers, shall be impow'd to administer the said Oath, and the Oath being so admittit, shall be attested by the Officer or Officers who administered the same; and being registred by the said Officer or Officers shall be deliver'd to the Master of the Ship for security of her Navigation, and a Duplicate thereof shall be transmitted by the said Officer or Officers to the Chief Officer or Officers of the Customs in the Port of Edinburgh, to be there enter'd in a Register and from thence to be sent to the Port of London to be there enter'd in the General Register of all trading Ships belonging to Great Britain.

The Lord Treasurer in name of the Lords Commissioners for England deliver'd to the Board the following Propofal which was read.

The Lords Commissioners of the two Kingdoms having appointed a Committee consisting of a like number of each Commission for adjusting the Equivalent to be allowed to Scotland for what that Kingdom should become lyable to answer towards payment of the Debts of England by reason of their having agreed to bear the same Duties of Customs and Excise upon all excisable Liquors; and the said Committee having frequently met, and after a full enquiry having agreed amongst themselves, and severally proposed to their respective Commissions, that the sum of £250000. 10 sh. was the Equivalent to be allow'd to Scotland according to the proportion which the present Customs

and Excises in Scotland do bear to the Customs & Excises upon excisable Liquors in England, And the Lords Commissioners for England having considered & examin'd the said Report, do agree to the said sum.

The Lords Commissioners for Scotland having also testified That after the Union the Kingdom of Scotland becoming lyable to the English Duties of Customs and Excises upon excisable Liquors, as well upon that account, as upon the account of the Encrease of Trade and People (which will be the happy consequence of the said Union) the said two Reverends will much improve, of which an present valuation can be made, yet nevertheless for the reasons aforesaid there ought to be a proportionable Equivalent allowed to Scotland; The Lords Commissioners for England do agree that after the Union there shall be an account kept of the said Duties arising in Scotland, to the end it may appear what ought to be allowed to Scotland as a proportionable Equivalent for each proportion of the said Encrease, (according to the calculation aforesaid), as shall be applicable to the payment of the Debts of England.

The Lords Commissioners for Scotland having also by their Paper delivered the 21 instant Propos'd that the rights & privileges of the Company in Scotland trading to Africa and the Indies, do continue after the Union, or if the privileges of that Company be judg'd inconvenient for the Trade of the United Kingdom, that the privat Rights of the said Company in Scotland be purchas'd from the said Proprietors; The Lords Commissioners for England in Answer thereto, say they are of opinion that the continuance of that Company is inconsistent with the good of Trade in the United Kingdom and consequently against the interest of Great Britain, And therefore they insist that it ought to be determin'd; But the Lords Commissioners for England being sensible that the misfortunes of that Company have been the occasion of misunderstandings and unkindness between the two Kingdoms, and thinking it to be above all things desirable, that upon the Union of the Kingdoms the Subjects of both may be entirely united in affection, do therefore wish, that regard may be had to the expenses and losses of the particular members of the said Company in the manner hereafter mention'd, and they hope when the Lords Commissioners for Scotland have consider'd how generally that undertaking was enter'd upon in Scotland, and consequently how universal that loss was, they will readily agree to the Propos'd.

The Lords Commissioners for England do also think it of much consequence to England that it should be agreed in this Treaty, after what manner the Equivalent (which will amount to a great sum payable upon and after the Union) is to be paid and apply'd, and being extremely desirous to bring the Treaty to a speedy Conclusion, and in order to that as soon as may be to settle and fix the matter of the Equivalent and the application thereof, do agree as follows, and do also make the following Propos'ds to the Lords Commissioners for Scotland.

The Lords Commissioners for England do agree That upon completing the Union the said sum of £398085. 10 sh. being agreed upon as the Equivalent for Scotland shall be granted to her Majesty for that use.

The Lords Commissioners for England do also agree That upon the Account to be kept as aforesaid of the improvement of the Revenue of Customs and Excises upon excisable Liquors in Scotland after the Union there shall be answer'd to Scotland an Equivalent in proportion to such part of the said Encrease as shall be applicable to the payment of the Debts of England.

The Lords Commissioners for England do also agree That an Equivalent shall be answer'd to Scotland for such other parts of the English Duties as that Kingdom may hereafter become lyable to pay by reason of the Union.

The Lords Commissioners for England do propose for the further and more effectual answering the several Ends hereafter mention'd & propos'd, That from and after the Union the whole encrease of the Revenue of Customs and Excises upon excisable

Liquors in Scotland, over and above what the said Revenue do now yield, shall go and be apply'd for the term of seven years to the uses hereafter mention'd.

And upon the said agreements and propos'd the Lords Commissioners for England do further propose That her Majesty be empower'd to appoint Commissioners who shall be accountable to the Parliament of Great Britain for disposing the said sum of 398085 li. 10 to be granted as aforesaid and also of all other moneys which shall arise upon the agreements and propos'd aforesaid to the purposes following 1st That out of the said sum of 398085 li. 10 sh. all the publick Debts of the Kingdom of Scotland, and also the Capital Stock or Fund of the African and Indian Company of Scotland, together with the interest for the said Capital Stock after the Rate of 5 per Cent. per annum from the respective times of payment thereof shall be paid, and that immediately upon such payment of the said Capital Stock and Interest, the said Company shall be dissolved and shall cease; Provided nevertheless that from the time of paying the Ar for raising the said sum of 398085 li. 10 the said Company shall neither trade nor give licence to trade.

The Lords Commissioners for England do further Propose that after payment of the said publick debts and refunding the said Capital Stock in manner aforesaid, the overplus of the said sum of 398085 li. 10 sh. and also the whole improvement of the Revenue of Customs & Excises upon excisable Liquors (above the present value) which shall arise during the term of seven years, from the commencement of the Union as aforesaid, together with the Equivalent which shall become due upon account of the improvement of the Customs and Excises on Liquors in Scotland after the said seven years and all other sums which according to the agreement aforesaid may become payable to Scotland by way of Equivalent for what that Kingdom shall hereafter become lyable to answer for the Debts of England, may be apply'd in the manner following.

That out of the same, what consideration shall be found necessary to be had for any losses which private persons may sustain in reducing the Cynn of Scotland to the Standard of England (severance whereof is made in another Paper delivered by the Lords Commissioners for Scotland the 21 instant) may be made good, and afterwards the same shall be wholly employ'd towards encouraging and promoting the fisheries and such other manufactures and improvements in that part of Britain called Scotland as may most conduce to the general good of the United Kingdom.

Adjourn'd to Wednesday the 26th instant 7 in the evening.

Wednesday the 26th June 1706.

PRESENT	
Scot.	Engl.
Lord Chancellor	Arch Bishop of Canterbury
Duke of Queensberry	Lord Keeper
Earl of Mar	Lord Treasurer
Earl of Loudoun	Earl of Pembroke
Earl of Sutherland	Duke of Somerset
Earl of Morton	Duke of Bolton
Earl of Wemyss	Earl of Sunderland
Earl of Leven	Earl of Kingston
Earl of Stair	Earl of Oxford
Earl of Rothesbury	Lord Townsend
Earl of Glasgow	Lord Warton
Lord Archibald Campbell	Lord Somers
Lord Viscount Duplin	Speaker of the House of Commons
Lord Roß	Marquis of Hartington
Lord President of Session	Sir Charles Hodges
Lord Justice Clerk	Robert Harley Esq ^r
M ^r Francis Montgomerie	Henry Boyle Esq ^r
Sir David Dalrymple	Sir John Holt

Sir Alexander Ogilvie
Sir Patrick Johnston
Sir James Smallet
William Morriſon
Alexander Grant
William Seton
John Clark
Daniel Stewart
Daniel Campbell

Sir Thomas Trevor
Sir Edward Northey
Sir Symon Harcourt
Sir John Cook
Doctor Waller

HER MAJESTY came to the Meeting and being seated in her Chair spoke to the Lords Commissioners as follows

My Lords,

I am come hither once more to see what farther Progress you have made in this Treaty, and to push a speedy Conclusion of it, in regard my Servants of Scotland cannot without great inconvenience be much longer absent from that Kingdom.

After which Her Majesty was pleas'd to direct that the Proceedings of the Commissioners for both Kingdoms (from the time of her being here) should be read, which was accordingly done by the respective Secretaries, and then her Majesty went away.

Adjourn'd to Friday the 28th instant 6 in the evening.

Friday the 28th June 1706.

PRESENT

Scott.	Engl.
Lord Chancellor	Arch Bishop of Canterbury
Duke of Queensberry	Lord Keeper
Earl of Mar	Lord Treasurer
Earl of Loudoun	Earl of Pembroke
Earl of Sutherland	Duke of Devonshire
Earl of Morton	Duke of Somerset
Earl of Leven	Duke of Bolton
Earl of Stair	Earl of Sunderland
Earl of Glasgow	Earl of Kingston
Lord Roſs	Earl of Oxford
Lord President of Session	Lord Townsend
Lord Justice Clerk	Lord Sommers
M ^r Francis Montgomery	Speakers of the Houses/Communes
Sir David Dalrymple	Marquis of Hertington
Sir Alexander Ogilvie	Sir Charles Heildon
Sir Patrick Johnston	Robert Harley Esq ^r
Sir James Smallet	Henry Boyle Esq ^r
William Morriſon	Sir John Holt
Alexander Grant	Sir Edward Northey
William Seton	Sir Symon Harcourt
John Clark	Sir John Cook
Daniel Stewart	
Daniel Campbell	

The Lord Keeper in name of the Lords Commissioners for England delivered to the Board the following Paper which was read.

The Lords Commissioners for England having considered the Propos'd made by the Lords Commissioners for Scotland the 22^d instant touching the continuance of the laws and acts of Parliament now in force in Scotland for preventing frauds in pining curing and packing fish in Scotland; do agree to the same, And do likewise agree that fish exported from Scotland to parts beyond the seas after the Union shall have the same Excess Privileges and Drawbacks as are now allowed by the laws of England to such as export the like fish from England.

The Lord Keeper in name of the Lords Commissioners for England also delivered to the Board the following Paper which was read.

The Lords Commissioners for England do agree to the further Explanation contain'd in the Paper deliver'd by the Lords Commissioners for Scotland the 25th instant concerning foreign built

Ships belonging to her Majestys Subjects of Scotland, with this Addition that in the Oath propos'd to be made by sea, or shore owners of such Ship where there are more owners, the names of all the owners and the places of their abode shall be particularly mentioned.

The Lord Keeper in name of the Lords Commissioners for England delivered to the Board the following Propos'd which was read.

The Lords Commissioners for England being desirous that no time be lost in perfecting this Treaty, do Propose that four Commissioners of each part be appointed to draw up into firms, the Articles or Heads of this Treaty, upon the points already agreed or which hereafter shall be agreed in order to be sign'd and seal'd by the Commissioners of both Kingdoms.

The Lord Chancellor in name of the Lords Commissioners for Scotland deliver'd to the Board the following Paper which was read.

The Lords Commissioners for Scotland having considered the Propos'd delivered by the Lords Commissioners for England the 22^d instant concerning the Great Seal, their Lordships do agree that there shall be a Great Seal for the United Kingdom of Great Britain to be us'd for sealing Writs to elect and summon the Parliament of Great Britain and for sealing all Treaties with Foreign Princes and States, and all publick Writs and Orders of State which concern the whole United Kingdom, and the Lords Commissioners for Scotland do Propose that the Great Seal of the United Kingdom be different from the Great Seals now us'd in either Kingdom, and that the quatering the Armes as may best suit the Union be left to her Majesty and that in the mean time the Great Seal of England be us'd as the Great Seal of the United Kingdom.

And the Lords Commissioners for Scotland do farther Propose as a consequence of the observations agreed to by the Lords Commissioners for both Kingdoms of the laws and customs in Scotland, That a Seal in Scotland after the Union be always kept and made use of in all things relating to private rights or grants which have usually past the Great Seal of Scotland, and which do only concern offices, grants, commissions and private rights within that Kingdom, And that the Privy Seal, Signet, Signet of the Justiciary Court, Quarter Seal and other Seals of Courts now in use in Scotland, be continued, but that the same be altered and adapted to the state of the Union as her Majesty shall think fit, and that the said Seals and all of them, and the Keepers of them shall be subject to such regulations as the Parliament of Great Britain shall hereafter make.

The Lords Commissioners for Scotland do also Propose That upon calling the first Parliament of Great Britain, and until the said Parliament shall make further provision therein, the following method be us'd in summoning the members from Scotland so amend in both Houses of Parliament of Great Britain viz. That a Writ under the Great Seal of the United Kingdom be issued out for summoning the said members and that the said Writ be directed to such Court, Officer, or Office, and to be executed and return'd in such manner as in the Parliament of Scotland shall be settled, at or before ratifying the Treaty.

The Lord Chancellor did also in name of the Lords Commissioners for Scotland deliver to the Board the following Paper which was read.

The Paper delivered by the Lords Commissioners for England on the 22^d instant concerning the Equivalent do's very much contribute to the bringing this Treaty to a conclusion, and the Lords Commissioners for Scotland being ready to concur on their part do agree to the same with the following Additions and Explanations.

1st And first where the said Commissioners for both Kingdoms have agreed that the sum of 300000 L. 10 is the Equivalent to be sever'd to Scotland, according to the proportion which the present Customs and Excise of Scotland do bear to the Customs and Excises upon suitable Leagues in England the Lords Com-

millioners for Scotland do Propose that the Accounts and Calculations, which lay before the Committee by which it do's appear from whence the several sum do's arise, be enter'd in the Journal Books of this Treaty.

And where the Lords Commissioners for both Kingdoms have also agreed that an Account be kept of the Duties in Scotland arising from the Customs and Excises upon excisable Liquors beyond the perfect Estimate To the end it may appear what ought to be allowed to Scotland as an Equivalent to such proportion of the said Excise as according to the Calculation aforesaid, as shall be applicable for payment of the debts of England, The Lords Commissioners for Scotland do in like manner Propose that the Calculation of that proportion which lay before the Committee be enter'd in the Books of Journal of this Treaty.

And where the Lords Commissioners for both Kingdoms have agreed that upon completing the Union the said sum of 308053*l.* 10*s.* being agreed upon as the Equivalent for Scotland shall be granted to her Majesty for that use, The Lords Commissioners for Scotland do understand it to be the meaning of the Lords Commissioners for England that the said sum be granted to her Majesty in the Parliament of England at, or before Ratifying the Treaty and do Propose that the sum be due and payable from the time of Ratification of the Union in both Parliaments.

And whereas it is agreed on both sides, that her Majesty be empowered to appoint Commissioners who shall be accountable to the Parliament of Great Britain for disposing of the said sum of 308053*l.* 10*s.* to be granted as aforesaid, and also of all other moneys that shall arise upon the agreements and proposal aforesaid to the purposes mentioned in the said Paper delivered by the Lords Commissioners for England on the 25th instant; the Lords Commissioners for Scotland do Propose that the said Commissioners be not only empowered to call for, receive and dispose of the said sum, to the purposes mentioned in the said Paper, but further that the said Commissioners be authoriz'd and empowered to inspect the Books of the several Collectors of the said Revenues of Customs and Excise, and of all other Duties from whence an equivalent may arise, and that the Collectors & Messengers of the said Duties & Revenues be oblig'd to give to the said Commissioners such or such authentick abbreviate of the produce of the several Revenues & Duties arising in their respective Districts an account where an Equivalent may become due to Scotland, which Commissioners shall be oblig'd to keep Books containing accounts of the amount of the Equivalent, and how the same shall be disposed of from time to time, which Books shall be patent for inspection to all the Subjects in Scotland, and that the said Commissioners have their office within the limits of the said Kingdom of Scotland.

The Lord Chancellor in name of the Lords Commissioners for Scotland delivered to the Board the following Proposal which was read.

The Lords Commissioners for Scotland do Propose for removing of national distinctions between the two Kingdoms after the Union that the Crosses of St Andrew and St George be enjoyed when used in Flags, Banners, Standards and Ensigns both at sea and land.

The Lords Commissioners for Scotland withdrew and being return'd the Lord Chancellor in their Lordships names deliver'd to the Board the following Answer to the Proposal delivered by the Lords Commissioners for England at this Meeting which was read.

The Lords Commissioners for Scotland do agree that four Commissioners of each part be appointed to draw up into form the Articles, or Heads of this Treaty and have nam'd for their part

The Lord President of Session

Lord Justice Clerk

Sir Alexander Ogilvie one of the Senators of the College of Justice

Sir David Dalrymple.

The Lord Keeper in name of the Lords Commissioners for England delivered to the Board the following Paper which was read.

The Lords Commissioners for England do nominate on their part to be of the Committee agreed to be appointed for drawing into form the Treaty of Union between the two Kingdoms the persons following

Attorney General

Solicitor General

Sir John Cook

Ducloe Waller.

Agreed that the above named Committee consisting of four of each Commission meet the morrow morning at ten a clock and that they have power to adjourn themselves.

Adjourn'd to Monday the 1st July at 6 in the evening.

Monday the 1st July 1706.

PRESENT

Scot.	Engl.
Lord Chancellor	Arch Bishop of Canterbury
Duke of Queensberry	Lord Keeper
Earl of Mar	Lord Treasurer
Earl of Loudoun	Earl of Pembroke
Earl of Southland	Duke of Bolton
Earl of Morton	Earl of Sandelond
Earl of Wemyss	Earl of Kingston
Earl of Leven	Earl of Orford
Earl of Stair	Lord Townsend
Earl of Rothesbury	Lord Somers
Earl of Glasgow	Speaker of the House of Commons
Lord Both	Sir Charles Hodges
Lord President of Session	Robert Harley Esq
Lord Justice Clerk	Henry Boyle Esq
M ^{rs} Frances Montgomery	Sir John Holt
Sir David Dalrymple	Sir Thomas Trevor
Sir Alexander Ogilvie	Sir Edward Northey
Sir Patrick Johnston	Sir Symon Harcourt
Sir James Smeil	Sir John Cook
William Morrison	D ^r Waller
Alexander Grant	
William Seton	
John Clerk	
Daniel Stewart	
Daniel Campbell	

The Lord Keeper in name of the Lords Commissioners for England delivered to the Board the following Paper which was read.

The Lords Commissioners for England having considered the Answer deliver'd by the Lords Commissioners for Scotland the 21st June last to the Proposal made by the Lords Commissioners for England the 19th of the same month, concerning the coin weights and measures to be used throughout the United Kingdom; The Lords Commissioners for England do agree to the Provisions contained in the said Answer, with this Addition, that the weights and measures for Scotland to be kept in the Boroughs of Scotland, to whom the keeping of the same does now belong, be sent down to the respective Burroughs from the Standard kept in the Exchequer at Westminster, and that a Mint be continued in Scotland under the same Rules as the Mint in England subject to such Regulations as the Parliament of Great Britain shall think fit.

The Lord Chancellor in name of the Lords Commissioners for Scotland delivered to the Board the following Paper, which was read.

The Lords Commissioners for Scotland having on the 29th June last deliver'd a further Explication of their Proposal deliver'd the 25th June concerning Ships belonging to her Majestys Subjects of Scotland, and the Lords Commissioners for England

having agreed to the said Explanation in their Lordships Paper deliver'd 28th June with an Addition thereto; the Lords Commissioners for Scotland do now agree to the said Addition.

Adjourn'd to Wednesday 3 instant at 11 a clock.

Wednesday the 24 July 1706.

Scot.	PRESENT	Engl.
Lord Chancellor	Arch Bishop of Canterbury	
Duke of Queensberry	Lord Treasurer	
Earl of Mar	Earl of Pembroke	
Earl of Loudoun	Duke of Devonshire	
Earl of Sutherland	Duke of Somerset	
Earl of Morton	Duke of Bolton	
Earl of Leven	Earl of Sunderland	
Earl of Stair	Earl of Kingston	
Earl of Roxburgh	Earl of Carlisle	
Earl of Glasgow	Earl of Orford	
Lord Archibald Campbell	Lord Townshend	
Lord Balg	Lord Somers	
Lord President of Session	Speakers of the House of Commons	
Lord Justice Clerk	Henry Boyle Esq ^r	
M ^r Francis Montgomery	Sir John Holt	
Sir David Dalrymple	Sir Thomas Trevor	
Sir Alexander Ogilvie	Sir John Cook	
Sir Patrick Johnston	Doctor Waller	
Sir James Southei		
William Moorles		
Alexander Grant		
William Seton		
John Clerk		
Daniel Stewart		
Daniel Campbell		

The Lord Treasurer in name of the Lords Commissioners for England deliver'd to the Board the following Paper which was read.

The Lords Commissioners for England have considered the Paper deliver'd by the Lords Commissioners for Scotland the 28th June last, and as to the first Proposal therein contained viz. That the Great Seal of the United Kingdom be different from the Great Seal used in either Kingdom, and that the quartering of the Armes as may best suit the Union be left to her Majesty, & that in the mean time the Great Seal of England be used as the Great Seal of the United Kingdom; The Lords Commissioners for England do agree to the same.

And as to the second Proposal, the Lords Commissioners for England do agree that a Seal shall after the Union be always kept in Scotland for the uses and purposes therein contained, and that the Privy Seal, Signet, and the other Seals therein mentioned and now used in Scotland be continued; the same to be altered and adapted to the state of the Union as her Majesty shall think fit, and that the said Seals and all of them and the Keepers of them shall be subject to such Regulations as the Parliament of Great Britain shall hereafter make.

And intind of the last Proposal the Lords Commissioners for England do Propose that upon calling the first Parliament of Great Britain, and until the said Parliament shall make further Provision therein, the following method be used.

That a Writ do issue under the Great Seal of the United Kingdom of Great Britain directed to the Privy Council of that part of the United Kingdom now called Scotland commanding them to cause Sixteen Peers who are to sit in the House of Lords to be summoned to Parliament and Forty five Members to be elected to sit in the House of Commons of the Parliament of the United Kingdom of Great Britain according to the agreements between the two Kingdoms in this Treaty, in such manner as in the Parliament of Great Britain shall be settled, at or before ratifying the

Treaty, and that the names of the persons so summoned and elected shall be return'd by the Privy Council of Scotland into the Court from whence the said Writ did issue.

The Lord Treasurer did also in name of the Lords Commissioners for England deliver to the Board the following Paper, which was read.

The Lords Commissioners for England having consider'd the Proposal contain'd in the Paper deliver'd by the Lords Commissioners for Scotland the 28 June last, in answer to the several matters relating to the Equivalent mention'd in the Paper deliver'd by the Lords Commissioners for England, on the 28th of the same month; do agree to the Proposal therein made concerning the Accounts & Calculations from whence the Equivalent did arise being enter'd into the Journal Books of this Treaty.

And the Lords Commissioners for England do likewise agree to the Proposal contain'd in the same Paper concerning the calculation of the proportion of the excess of Duties arising from Customs & Excises beyond the present Estimate being enter'd in the Journal Book of this Treaty.

And the Lords Commissioners for England do also agree to the Proposal in the same Paper, that the sum of 380000 £. 10 sh. agreed upon to be the Equivalent for Scotland shall be granted to her Majesty in the Parliament of England, at or before ratifying the Treaty, and that the same be due and payable from the time of Ratification of the Union in both Parliaments.

And the Lords Commissioners for England do also agree to what is further propos'd therein by the Lords Commissioners for Scotland concerning the Powers to be given to the Commissioners for disposing of the Equivalent and the books and office to be kept by the said Commissioners.

The Lord Treasurer did likewise in name of the Lords Commissioners for England deliver to the Board the following Paper, which was read.

The Lords Commissioners for England have considered the Proposal made by the Lords Commissioners for Scotland the 28th June last for removing national distinctions, and do agree that the Crozier of St George and St Andrew be convey'd when used in Flags, Banners, Standards and Ensigns both at sea and land with this Addition;

That the manner of conveying the said Crozier be left to her Majesty, and that the Ensigns Armorial of the United Kingdom be such as her Majesty shall appoint.

The Lord Chancellor in name of the Lords Commissioners for Scotland deliver'd to the Board the following Paper which was read.

The Lords Commissioners for Scotland do agree to the Additions contain'd in the Paper deliver'd by the Lords Commissioners for England the first instant concerning the Mint, Weights and Measures.

Adjourn'd to Thursday the 4 instant at 6 in the evening.

Thursday the 4th July 1706.

Scot.	PRESENT	Engl.
Lord Chancellor	Arch Bishop of Canterbury	
Duke of Queensberry	Lord Keeper	
Earl of Mar	Lord Treasurer	
Earl of Loudoun	Duke of Somerset	
Earl of Morton	Earl of Sunderland	
Earl of Wemyss	Earl of Orford	
Earl of Leven	Lord Townshend	
Earl of Stair	Lord Somers	
Earl of Glasgow	Speakers of the House of Commons	
Lord Balg	Marquis of Hartington	
Lord President of Session	Sir Charles Hedges	
Lord Justice Clerk	Henry Boyle Esq ^r	
M ^r Francis Montgomery	Sir John Holt	

Sir Alexander Ogilvie
Sir David Dalrymple
Sir Patrick Johnston
Sir James Scalliet
William Seton
John Clerk
Daniel Stewart
Daniel Campbell

Sir Edward Northey
Sir Symon Harcourt
Sir John Cook
Doctor Waller

The Lord Chancellor in name of the Lords Commissioners for Scotland deliver'd to the Board the following Paper which was read.

The Lords Commissioners for England in their Paper of the 3^d instant having agreed to the Proposal made by the Lords Commissioners for Scotland the 28 June last, concerning the Seal, and having in the said Paper propos'd a Method to be us'd in calling the first Parliament of Great Britain; the Lords Commissioners for Scotland do agree to the said Proposal.

The Lord Chancellor also in name of the Lords Commissioners for Scotland deliver'd to the Board the following Paper which was read.

The Lords Commissioners for England having agreed to the Proposal made by the Lords Commissioners for Scotland the 28th day of June last concerning the conjoining the Cruises of St Andrew and St George, with an Addition viz. That the manner of conjoining the said Cruises be left to her Majesty, and that the Ensigns Armorial of the United Kingdom be such as her Majesty shall appoint.

The Lords Commissioners for Scotland do agree to the said Addition.

The Lords Commissioners of both Kingdoms did agree to revise the Committee of Eleven of each side nominate the 1st of May last, and that they meet the morrow morning in order to the directing the Papers and calculations touching the Equivalent to be enter'd in the Journal Books of the Treaty.

Adjourn'd to Saturday the 6th instant at 11 a clock.

Saturday the 6th July 1706.

PRESENT

Scot.	Engl.
Lord Chancellor	Lord Treasurer
Duke of Queensberry	Earl of Pembroke
Earl of Loudoun	Earl of Sunderland
Earl of Sutherland	Earl of Carlisle
Earl of Morton	Earl of Oxford
Earl of Wemyss	Lord Townshend
Earl of Leven	Lord Sommers
Earl of Stair	Speaker of the Commons
Earl of Glasgow	Marquis of Harrington
Lord Archibald Campbell	Sir Charles Hedges
Lord Roß	Robert Harley Esq ^r
Lord President of Session	Henry Boyle Esq ^r
Lord Justice Clerk	Sir John Holt
M ^r Francis Montgomery	Sir Edward Northey
Sir David Dalrymple	Sir Symon Harcourt
Sir Alexander Ogilvie	Sir John Cook
Sir Patrick Johnston	Doctor Waller
Sir James Scalliet	
William Morfison	
Alexander Gault	
William Seton	
John Clerk	
Daniel Stewart	
Daniel Campbell	

The Earl of Pembroke President of the Council, in name of the Lords Commissioners for England deliver'd to the Board the following Paper which was read.

The Lords Commissioners who are on the part of England of the Committee of Lords of both Kingdoms nominated the first of May last to consider matters to them refer'd having reported to us the Lords Commissioners for England That the said Committee had refer'd to us peruse the stating in what proportion the present Customs of Scotland as now let, do bear to the several Branches of that Revenue in England, and also in what proportion the present Excise upon Liquors in Scotland, as now let, do bear to the several Branches of that Revenue in England, in order to the stating of the Equivalent that would become due to Scotland for so much of the said two Revenues as should be apply'd towards the payment of the debts of England, which was accordingly done, as in N^o 1. and that the said six persons had also by their Lordships directions prepar'd a Calculation what so much of the said two Revenues of Scotland as should be applied towards payment of the Debts of England would produce in ready money as in N^o 2. The said six persons had also calculated that in case the said two Revenues should increase (above what they are now let for) 1000 £. on the Customs and 1000 £. on the Excise how much thereof would contribute towards the payment of the Debts of England, and for which Scotland is to have an Equivalent as in N^o 3. All which Papers their Lordships having now laid before us, We the Lords Commissioners for England do agree to the same, and that all the said Papers be enter'd by the respective Secretaries in the Journals of this Treaty.

Adjourn'd to Tuesday the 9th instant 6 in the evening.

Tuesday the 9th July 1706.

PRESENT

Scot.	Engl.
Lord Chancellor	Arch Bishop of Canterbury
Duke of Queensberry	Lord Treasurer
Earl of Mar	Earl of Pembroke
Earl of Loudoun	Duke of Somerset
Earl of Morton	Duke of Bolton
Earl of Wemyss	Earl of Sunderland
Earl of Leven	Earl of Kington
Earl of Stair	Earl of Oxford
Earl of Roßberry	Lord Townshend
Earl of Glasgow	Lord Wharton
Lord Archibald Campbell	Lord Sommers
Lord Roß	M ^r Speaker
Lord President of Session	Marquis of Harrington
Lord Justice Clerk	Sir Charles Hedges
M ^r Francis Montgomery	Robert Harley Esq ^r
Sir David Dalrymple	Henry Boyle Esq ^r
Sir Alexander Ogilvie	Sir Edward Northey
Sir Patrick Johnston	Sir John Cook
Sir James Scalliet	Doctor Waller
William Morfison	
Alexander Gault	
William Seton	
John Clerk	
Daniel Stewart	
Daniel Campbell	

The Lords Commissioners of both Kingdoms agreed to revise the Committee of Eight who were nominate to draw up the Heads of the Treaty in firm, and that they meet the morrow morning.

Adjourn'd to Thursday the 11 instant at 11 a clock forenoon.

Thursday the 11th July 1706.

PRESENT

Scot.	Engl.
Lord Chancellor	Arch Bishop of Canterbury
Duke of Queensberry	Lord Keeper
Earl of Mar	Earl of Pembroke
Earl of Loudoun	Duke of Devonshire
Earl of Sutherland	Duke of Somerset
Earl of Stair	Duke of Bolton
Earl of Rothesbury	Earl of Sunderland
Earl of Glasgow	Earl of Kingston
Lord Archibald Campbell	Earl of Oxford
Lord Roß	Lord Townshend
Lord President of Session	Lord Wharton
Lord Justice Clerk	Lord Somers
Mr Francis Montgomery	Speaker of the House of Commons
Sir David Dalrymple	Marquis of Harrington
Sir Alexander Ogilvie	Sir Charles Hedges
Sir Patrick Johnston	Robert Harley Esq'
Sir James Scalliet	Henry Boyle Esq'
William Morrison	Lord Chief Justice Holt
Alexander Grant	Sir Edward Northey
William Seton	Sir John Cook
John Clark	Doctor Waller
Daniel Stewart	
Daniel Campbell	

The Lord Keeper in name of the Lords Commissioners for England delivered to the Board the following Proposals which were read.

The Lords Commissioners for England do Propose that the Union of both Kingdoms shall take place upon the first day of May 1707 And their Lordships do also Propose that if her Majesty on, or before the said first day of May shall declare under the Great Seal of England that it is expedient that the Lords of Parliament of England, and Commons of the present Parliament of England should be the Members of the respective Houses of the first Parliament of Great Britain, and on the part of England, Then the said Lords of Parliament of England & Commons of the present Parliament of England shall be the Members of the respective Houses of the first Parliament of Great Britain, and her Majesty may by her royal Proclamation under the Great Seal of Great Britain appoint the said first Parliament of Great Britain to meet at such time & place as her Majesty shall think fit, Which time shall not be less than Forty two days after the date of such Proclamation, and the time & place of the meeting of such Parliament being so appointed, a Writ shall be immediately issued under the Great Seal of Great Britain directed to the Privy Council of Scotland for the summoning the Sixteen Peers and for electing Forty five Members by whom Scotland is to be Represented in the Parliament of Great Britain, And the Lords of Parliament of England, and the Sixteen Peers of Scotland, such Sixteen Peers being summoned and returned in the manner agreed in this Treaty, and the members of the House of Commons of the said Parliament of England, and the Forty five members for Scotland, such Forty five members being elected and returned in the manner agreed in this Treaty shall assemble and meet respectively in the respective Houses of the Parliament of Great Britain at such time and place as shall be so appointed by her Majesty, and shall be the two Houses of the first Parliament of Great Britain; and that Parliament may continue for such time only as the present Parliament of England might have continued if the Union of the two Kingdoms had not been made, unless sooner dissolved by her Majesty.

And the Lords Commissioners for England do likewise Propose that every one of the said Sixteen Peers of Scotland and every one of the said Forty five members for Scotland, shall before

they sit, or vote in the respective Houses of Parliament of Great Britain, take the respective Oaths and subscribe the Declaration in the same manner as the Lords and Members of both Houses of Parliament in England are oblig'd to take and subscribe, by virtue of any Act, or Acts of Parliament now in force in England upon the penalties therein contained.

Adjourn'd to Saturday the 13th instant 11 a clock forenoon.

Saturday the 13th July 1706.

PRESENT

Scot.	Engl.
Lord Chancellor	Arch Bishop of Canterbury
Duke of Queensberry	Lord Keeper
Earl of Mar	Lord Treasurer
Earl of Loudoun	Earl of Pembroke
Earl of Sutherland	Duke of Devonshire
Earl of Morton	Duke of Bolton
Earl of Wemyss	Earl of Sunderland
Earl of Leven	Earl of Kingston
Earl of Stair	Earl of Oxford
Earl of Glasgow	Lord Townshend
Lord Archibald Campbell	Lord Wharton
Lord Roß	Lord Somers
Lord President of Session	Speaker of the House of Commons
Lord Justice Clerk	Marquis of Harrington
Mr Francis Montgomery	Sir Charles Hedges
Sir David Dalrymple	Robert Harley Esq'
Sir James Scalliet	Henry Boyle Esq'
William Morrison	Sir John Holt
Alexander Grant	Sir Edward Northey
William Seton	Sir John Cook
John Clark	Doctor Waller
Daniel Stewart	
Daniel Campbell	

The Lord Chancellor in name of the Lords Commissioners for Scotland delivered to the Board the following Paper which was read.

The Lords Commissioners for Scotland do agree to the Paper delivered by the Lords Commissioners for England the 11th instant, with this Alteration to the first part of the said Paper, That whereas the said Commissioners for England do Propose that the first Parliament of Great Britain be appointed to meet at such time and place as her Majesty shall think fit, which time shall not be less than forty two days after the date of such Proclamation, as in the said Proposal is mentioned; The Lords Commissioners for Scotland do Propose That the time for meeting of the said Parliament shall not be less than fifty days after the date of such Proclamation, And as to the second part of the said Proposal the Lords Commissioners for Scotland do agree to the same in the Terms following, That every one of the Lords of Parliament of Great Britain, and every member of the House of Commons of the Parliament of Great Britain, in the first and all succeeding Parliaments of Great Britain, until the Parliament of Great Britain shall otherwise direct, shall before they sit, or vote in the respective Houses of the Parliament of Great Britain take the respective oaths appointed to be taken in pursuance of the Oaths of Allegiance and Supremacy by an Act of Parliament made in England in the first year of the reign of the late King William & Queen Mary intitled an Act for the obligating of the Oaths of Allegiance & Supremacy and appointing other Oaths, and make, subscribe and solemnly repeat the Declaration mentioned in an act of Parliament made in England in the 30th year of the reign of King Charles the 2^d intitled An Act for the more effectual preserving the Kings Person and Government by disabling Papists from sitting in either House of Parliament, and shall take and subscribe the oath mentioned in an Act of Parlia-

ment made in England in the first year of her Majesty's reign. Intituled an Act to declare the alterations in the Oath appointed to be taken by the Act entituled An Act for the further security of his Majesty's person and the succession of the Crown in the Protestant line, and for extinguishing the hopes of the pretended Prince of Wales and all other Pretenders and their open and secret abettors, and for declaring the Association to be determined upon the penalties and disabilities in the said respective Acts contain'd. And the Lords Commissioners for Scotland do further Propose that these words *The Crown of the Scots* and *The Queen of the Scots* mentioned in the Oaths and Declaration contain'd in the former Acts, which were intended to signify the Crown and Realm of England, may be understood of the Crown and Realm of Great Britain, united by the Acts of the respective Parliaments ratifying this Treaty, And that the Oaths and Declaration be taken and subscrib'd by the Members of both Houses of the Parliament of Great Britain, in that sense.

The Lords Commissioners for England withdrew and being return'd the Lord Keeper in their Lordships names delivered to the Board the following Paper which was read.

The Lords Commissioners for England having considered the Paper delivered at this Meeting by the Lords Commissioners for Scotland do agree to the several matters therein propos'd.

Adjourn'd to Tuesday 16 instant at 11 a clock forenoon.

Tuesday the 16th July 1706.

PRESENT

Scot.	Engl.
Lord Chancellor	Arch Bishop of Canterbury
Duke of Queensberry	Lord Keeper
Earl of Mar	Lord Treasurer
Earl of Loudoun	Earl of Pembroke
Earl of Sutherland	Duke of Devonshire
Earl of Morton	Duke of Somerset
Earl of Wemyss	Duke of Bolton
Earl of Leven	Earl of Sunderland
Earl of Stair	Earl of Kingston
Earl of Roxberry	Earl of Orford
Earl of Glasgow	Lord Townshend
Lord Archibald Campbell	Lord Wharton
Lord Duplin	Lord Sommers
Lord Roß	Speaker of the House of Commons
Lord President of Session	Marquis of Hartington
Lord Justice Clerk	Sir Charles Hodges
M ^r Francis Montgomery	Robert Harley Esq ^r
Sir David Dalrymple	Henry Boyle Esq ^r
Sir Patrick Johnston	Sir John Holt
Sir James Smallet	Attorney General
William Morrison	Sir John Cook
Alexander Grant	Doctor Waller
John Clark	
Daniel Stewart	
Daniel Campbell	

The Draught of the Articles of Union was read by the respective Secretaries, and the Lords Commissioners of both Kingdoms ordered the same to be sign'd against next Meeting.

Adjourn'd to Monday 22nd instant at 5 in the evening.

Monday the 22nd July 1706.

PRESENT

Scot.	Engl.
Lord Chancellor	Arch Bishop of Canterbury
Duke of Queensberry	Lord Keeper

Earl of Mar	Lord Treasurer
Earl of Loudoun	Earl of Pembroke
Earl of Sutherland	Duke of Newcastle
Earl of Morton	Duke of Devonshire
Earl of Wemyss	Duke of Somerset
Earl of Leven	Duke of Bolton
Earl of Stair	Earl of Sunderland
Earl of Roxberry	Earl of Kingston
Earl of Glasgow	Earl of Orford
Lord Archibald Campbell	Lord Townshend
Lord Duplin	Lord Powlett
Lord Roß	Lord Sommers
Lord President of Session	Speaker of the House of Commons
Lord Justice Clerk	Marquis of Hartington
M ^r Francis Montgomery	Marquis of Gresham
Sir David Dalrymple	Secretary Hedges
Sir Patrick Johnston	Secretary Harley
Sir James Smallet	Henry Boyle Esq ^r
William Morrison	Lord Chief Justice Holt
Alexander Grant	Lord Chief Justice Trevor
William Seton	Attorney General
John Clark	Solicitor General
Daniel Stewart	Sir John Cook
Daniel Campbell	Doctor Waller

The Lords Commissioners for both Kingdoms signed and sealed the Instruments or Writings containing the Articles of Union conform to their respective Commissions.

Ordered that the respective Secretaries of each Commission do sign each others Journals of the Proceedings.

Ordered that the respective Secretaries after signing their Journals enter in the Journals the Articles of the Treaty of Union.

Adjourn'd to Tuesday the 23 July 1706, at 12 a clock.

Tuesday the 23 July 1706.

PRESENT

Scot.	Engl.
Lord Chancellor	Arch Bishop of Canterbury
Duke of Queensberry	Lord Keeper
Earl of Mar	Lord Treasurer
Earl of Loudoun	Earl of Pembroke
Earl of Sutherland	Duke of Newcastle
Earl of Morton	Duke of Devonshire
Earl of Wemyss	Duke of Somerset
Earl of Leven	Duke of Bolton
Earl of Stair	Earl of Sunderland
Earl of Roxberry	Earl of Kingston
Earl of Glasgow	Earl of Orford
Lord Archibald Campbell	Lord Townshend
Lord Duplin	Lord Powlett
Lord Roß	Lord Sommers
Lord President of Session	Speaker of the House of Commons
Lord Justice Clerk	Marquis of Hartington
M ^r Francis Montgomery	Marquis of Gresham
Sir David Dalrymple	Secretary Hedges
Sir Patrick Johnston	Secretary Harley
Sir James Smallet	Henry Boyle Esq ^r
William Morrison	Sir John Holt
Alexander Grant	Sir Thomas Trevor
William Seton	Attorney General
John Clark	Solicitor General
Daniel Stewart	Sir John Cook
Daniel Campbell	Doctor Waller

The Lords Commissioners for both Kingdoms went from the Cockpit to attend the Queen at St James's where the Lord Keeper in name of the Lords Commissioners for England made the following speech and presented to her Majesty one of the sign'd and seal'd Instruments or Writings containing the Articles of Union on the part of England.

May it Please your Majesty

We the Commissioners appointed by your Majesty in pursuance of the Act of Parliament pass'd in your Kingdom of England to treat concerning an Union of the two Kingdoms with the Commissioners for Scotland, do (according to our duty) humbly beg leave to present to your Majesty these effects of our continued and faithful Endeavours towards that end.

They are the Articles agreed upon between your Commissioners of both Kingdoms, as the Terms, or Conditions upon which the intended Union is to take place if your Majesty and the Parliaments of both Kingdoms shall think fit to approve and confirm the same.

In these we have come to an agreement on every point we judg'd necessary to effect a complete and lasting Union, and we have endeavour'd not to stir into any matter we had reason to think was not so.

And altho' we have unanimously carry'd this Treaty thro' purely from a Conviction, that we have done therein, to God, your Majesty and our Country good service, yet we are far from thinking that what we have done, will, or ought to be of any weight, or authority elsewhere, but do most entirely submit these our labours to the high wisdom of your Majesty and both your Parliaments to stand, or fall, by the reason, justice and publick utility on which they are founded.

Your Majesty's royal preface and sensible observations to us at this strict juncture, were (we most thankfully acknowledge) a very great encouragement and assistance to us in the difficulties we met with.

Your Majesty's Glory is already perfect and the finishing this work is all that is wanting to complete as well as secure the happiness of so great a people as your subjects may now, without any arrogance, pretend to be.

May your Majesty live, not only to give a sanction of this universal blessing to all your people, but also to see, in a long and prosperous reign over us, the many immediate (or near) good effects of it; But as for that great and main consequence of it, for which your Majesty is making, by a most gracious and charitable foresight this only effectual provision, I mean the continuance of peace and tranquillity in this Island upon a Union of the Crown, instead of that bloodshed and dissension which would probably follow upon the fatal division of it.

May we be so happy as never in our days to experience the effects of this measure your Majesty is now taking for that end: but may live, very late posterity only in that respect reap the advantage of them.

The Lord Chancellor of Scotland in name of the Lords Commissioners for Scotland made the following Speech, and presented to her Majesty one of the sign'd and seal'd Instruments, or Writings, containing the Articles of Union on the part of Scotland.

May it please your Majesty

The Commissioners appointed by your Majesty for the Kingdom of Scotland to treat of an Union of your two Kingdoms of Scotland and England have commanded me to return your Majesty their most humble and dutiful acknowledgements for the honour your Majesty has conferred on them in employing them to negotiate this most important affair which is of the greatest consequence to all your Majesty's Subjects.

We have endeavour'd to discharge this Trust with all fidelity and are now come humbly to lay before your Majesty the Articles and Conditions of Union which we have treated of and agreed upon, and do submit them to your Majesty's Royal Consideration.

It is a great satisfaction to us that what we have concluded in this matter has been done with unanimity, and we still owe that the knowledge we had of your Majesty's great concern for uniting your two Kingdoms, and the earnestness with which your Majesty has been most graciously pleas'd to recommend it hath enabled us to bring this Treaty to a happy and speedy conclusion to the mutual satisfaction of the Commissioners on both sides, and we shall esteem it our greatest happiness, if what we have prepared be acceptable to your Majesty and ratified by the Parliaments of both Kingdoms, without which what we have done can be of no authority.

An Union of the two Kingdoms has been long wish'd for, it being so necessary for establishing the lasting peace happiness & prosperity of both nations; And tho' it has been frequently endeavour'd by your Majesty's Royal Predecessors without the desired success, yet the glorious Successes with which God has blessed your Majesty's Endeavours for the happiness of your people, make us hope that this great work is refer'd to be accomplished in your Majesty's Reign.

After which her Majesty was graciously pleas'd to make the following Speech.

My Lords

I give you many thanks for the great pains you have taken in this Treaty, and am very well pleas'd to find your endeavours and applications have brought it to so good a conclusion. The particulars of it seem so reasonable, that I hope they will meet with approbation in the Parliaments of both Kingdoms. I wish therefore that my servants of Scotland may lose no time in going down to propose it to my Subjects of that Kingdom; and I shall always look upon it as a particular happiness, if this Union, (which will be so great a security & advantage to both Kingdoms) can be accomplish'd in my Reign.

A STATE OF THE REVENUES AND PUBLIC INCOME OF THE KINGDOM OF ENGLAND, VIZ.

The Revenues appropriated for the better support of Her Majesty's Household and of the honour and dignity of the Crown (by an Act 1st Anna Regine) during her Majesty's life.

	<i>Per annum.</i>	<i>Per annum.</i>
The Excise of 8s. 6d. per Barrel on Beer Ale &c. excluding 3700 £ a week appropriated thereout for publick uses, and including so much of the charges of management as is paid by the Cashier according to a medium of three years last past, amounts to	-	386,178 - -
The further Subsidies of Tonnage & Poundsage and other Duties upon Wines, Goods & Merchandises imported (exclusive of Drawbacks by Debitures & Allowances for damag'd Goods) by a like medium is	-	356,841 - -
The Revenue of the General Letter Office, or Post Office, by a like medium including charges of management paid by the Receiver is	-	101,101 - -
The Produce of the Fines arising in the Allegation Office (including the necessary Expenses of the Court of Chancery, and other charges borne thereout) is by a medium	-	4,804 - -
The past Fines by a reserved Rent on a Grant thereof in being is	-	2,276 - -
The Produce of the Revenue arising by Wine Licences including charges of management by a medium is	-	6,524 - -
Sheriff's Profits <i>communiis anni</i> about	-	1,040 - -
Compositions in Exchequer by a medium of 3 years	-	18 - -
Seizures of unreason'd and prohibited Goods the like	-	13,068 - -
The Revenue of the Dutchy of Cornwall consisting of the Custom, Coyrage Duty of Tin, Rents of Lands, Fines of Leases, & other Revenues certain and casual amount to about	-	3,869 - -
The Revenue of the Principality of Wales about	-	6,827 - -
Other Revenues arising by Rents of Lands and Fines of Leases &c. by a medium of what paid into the Exchequer in last 3 years amount to about	-	8,906 - -
So the Total of the Revenues reckoning upon a medium as aforesaid and including the said Charges of raising the same is about	-	691,804 - -

The other Public Income

Customs and Subsidies of Tonnage & Poundsage by several Acts of Parliament continue till the 1 August 1710, and are appropriated for discharging such Debts or incumbrances as in the said Acts are mentioned These (excluding Drawbacks by Debitures Postage Bills & Allowances for damag'd Goods, and including charges of management paid by the Cashier) according to a medium of 3 years last past do produce about	-	368,704 - -
Impositions on Wines Vinegar Tobacco and East India Goods which continue to the said 1 st August 1710 are appropriated for discharging of Debts as aforesaid, and excluding Drawbacks by Debitures and Allowances for damaged Goods by a like medium are about	-	378,435 - -
Additional Impositions on Goods & Merchandises are continued and appropriated as aforesaid These (excluding Drawbacks and Allowances) by a like medium produce	-	39,643 - -
The Duties on Coals, Cakes, & Cynders continued to the 30 th September 1710 are appropriated to such uses as in the Acts of Parliament for the same are mentioned by a like medium	-	113,088 - -
The 10 £ per Cent. on Molasses, & the Outin on Coffee, Tea, Spices, Pictures &c. with the additional Duties lately impos'd thereon, and upon Callicoes, China Wares and unsorted Drags, are all granted & continued to the 24 th of June 1710, and appropriated for repayment of Loans with interest; The former Duties by a medium of the last 3 years (excluding Drawbacks & Allowances for damaged Goods) produced 48475 £ and the new Duties are estimated at 74600 £ per annum which together is	-	116,475 - -
25 lbs. per Cent. additional Duty on French Goods continueth for the refunde of a term of 24 years from 23 rd February 1696, is applicable to any uses of the war, and the produce thereof by a medium of the last three years, excluding allowances for damag'd Goods is about	-	86,794 - -
Summe over,	£998,791 - -	891,204 - -

	Brought forward,	Per annum	Per annum.
5 sh. per Ton on French Shipping granted the 18 th Car. 2 ^d , is to continue so long as the Duty of 50 Sols per Ton on English Shipping in France and 3 months longer and is applicable to any ship of the war the medium of the last 5 years amounts to	-	999,791 - -	691,204 - -
Plantation Duties granted 25 th Car. 2 ^d on Goods carried from one Plantation to another are not particularly appropriated but applied to the uses of the War, the said medium is	-	877 - -	-
4 & 4 per Cent in Specie owing in Barbadoes and the Leeward Islands subject to an annuity payable to the heirs and assigns of the Earl of Kinnaird are applied thereto and towards the support of these Islands pursuant to an Address of the House of Commons in that behalf, a medium of the Produce of the said Duty by Sales thereof made herein the last 5 years is	-	-	6,459 - -
Cognac Duty (being 10 sh. per Ton on Wines imported) is continued to the 1 st of June 1708 and appropriated to the use of the Mint, and by a medium of 5 years (excluding Drawbacks & Allowances for damaged wine) is about	-	-	7,350 - -
The Duties on Whale Fins & Scotch Linnen continued till the 1 st of August 1710 are appropriated for discharging of Loans & other debts (exclusive of drawbacks and allowances for damage) by a like medium may be	-	-	10,920 - -
4 th Additional Tonnage and Poundage granted for 3 years from 8 th March 1703 and applicable to the repayment of Loans & Interest and by another Act continued from the 8 th March 1705 for 88 years for payment of certain annuities the produce thereof in the year ended at Christmas last (exclusive of Drawbacks & Allowances for damaged Goods) was	-	-	81,746 - -
4 th Additional Tonnage and Poundage granted for 4 years from the 8 th of March 1704 are applicable to the repayment of Loans and Interest, the produce thereof may be estimated to be at least	-	-	160,000 - -
5700 £ a week to be taken out of the hereditary and temporary Excise on Beer Ale &c. is appropriated for payment of Interest to divers Bankers and others for moneys lent by them to King Charles 2 ^d redeemable on payment of a moiety of the principal and for annuities for several terms of years	-	-	6192,600 - -
1 st d. per Barrel Excise on Beer Ale &c. by one Act of Parliament is to continue till 17 May 1713 and by another Act is granted for a further term of 95 years, the produce is appropriated in the first place for satisfying annuities on Lottery Tickets which will end at Michaelmas 1710, and afterwards to the payment of annuities by a medium of last 5 years	-	-	0164,818 - -
Another 1 st d. per Barrel Excise made perpetual for payment of Annuities to the Bank of England and other Annuities; This Grant not containing all the Duties given by the Act for the 1 st d. last mentioned will produce by a like medium	-	-	153,000 - -
And one other 1 st d. per Barrel for 95 years from the 25 January 1698 is appropriated to payment of divers other Annuities like	-	-	153,000 - -
Duties on Low Wines and Spirits of the first Extraction continued till the 24 June 1710 are appropriated for repayment of Loans with Interest by a medium of last 5 years will make	-	-	25,267 - -
Duties on Mault Malt and Cyder have been continued from year to year for several years past and are computed at	-	-	600,000 - -
Memoirandum In 1702 years this Fund proves deficient.			
11 th d. per Bushel on Salt granted 5 th W. & M. in perpetuity is appropriated till the first of August 1710 towards payment of Debts and Indemnities (exclusive of Drawbacks for Salt and Fish exported) by the produce of the last year may be reckoned	-	-	54,821 - -
Borne forward,	2,664,259 - -	691,204 - -	

	Brought forward,	Per annu.	Per annu.
88 d. per Bushel on Salt granted 3 ^d W. in perpetuity towards payment of Annuities after the Rate of 8 per Cent. to the Traders to India by a like computation	2,664,359 - -	-	691,204 - -
Rest of Hackney Carriages being 4 H per annum each for 700 Carriages, continues for the residue of a Term of 21 years from Midsummer 1694 is applied to the service of the war and amounts to	-	-	58,000 - -
Licences to Hawkers and Pedlars continued to 24 June 1710, are appropriated towards paying off Loans with Interest and by a medium of three years is	-	-	6,400 - -
Stamp Duties on Vellum Parchment and Paper, part whereof continues till the 1 st of August 1710 and is appropriated for repayment of Loans. The other part is granted in perpetuity towards payment of annuities to the Traders to India, by a medium of 3 years (excluding allowances for prompt payment) have produced	-	-	80,110 - -
The Duties on Windows continued to the 1 st of August 1710 for repayment of Loans and other Debts produce about	-	-	112,000 - -
The Aid of 500 lb. in the Pound on Lead &c. for the present year is ascertain'd at	-1,997,765 8 44	-	-
Total of the Incomes and Revenues	-	-	5,000,500 8 44

Memorandum. The Revenues of the first fruits and tenths by an Act of the 1st of Queen Anne were granted for Support of the Civil Government, but are not computed here, because they have been since given in perpetuity for the augmentation of the maintenance of the poor Clergy: And also the money saving by Prizes with the perquisites of Admiralty, which have been both applied to the Use of the War are not inserted in this Computation, because the said Prizes cease with the War And the Lord High Admiral hath relinquish'd his Droits of Admiralty for no longer time than the war lasts.

A STATE OF THE DEBTS OF THE KINGDOM OF ENGLAND, VIZ.

Principal Money borrowed on the several Funds undermentioned which remain at this time undischarged. That is to say,

		£	s	d
On 30th Customs granted	3 ^d W. & M.	21,026	5	14
Additional Impositions	redem anno	112,474	19	104
First 100 lb. Aid	4 W. & M.	17,500	-	-
Second Quarterly Fole	5 W. & M.	84,503	15	4
Stamp Duties	redem anno.	66,349	7	84
Third 100 lb. Aid	6 W. & M.	53,603	7	5
Duties on Marriages &c.	redem anno	62,516	4	-
Fourth 100 lb. Aid	7 W.	103,039	-	8

These are provided for by an Act of the 8th W. which continues several Funds therein mentioned to the 1st of August 1705.

There also remains to discharge the Exchequer Bills issued by virtue of several Acts of Parliament (over and above 2300000 li computed to be due for Interest) the principal sum of	534,582	9	8
To satisfy Loans on the 100 lb. in the pound granted 8 th W. (over and above 100000 li by computation for interest) the principal sum of	423,038	18	24
To satisfy Loans on the Duties on Paper, Vellum, &c. granted for 2 years from the first of March 1696 anno octavo Wilhelm. (besides 61500 li by computation for interest) the principal sum of	15,400	-	-
To Discharge the Mouth Tickets issued 8 th W. (besides 304554 li for 6 years interest) the principal sum of	579,000	-	-
To satisfy loans transfer'd to the Duties on Leather granted 8 th W. for 3 years from 30 th April 1697, (besides about 101900 li for interest) the principal sum of	504,428	-	-
To satisfy Loans on the quarterly Fole granted 9 th W. (besides about 72000 li for interest) the principal sum of	225,770	17	-
To satisfy Loans on the 100 lb. in the pound granted 10 W. (besides about 3800 li for interest the principal sum of	51,271	6	84
To complete the payments wanting at Michaelmas 1701 on the yearly sum of 100000 li intended to be paid by the Act 9 th W. out of certain Duties on Salt and Stamp Vellum to the Traders to India	70,378	14	14

Total of the Principal Sums

2,594,941 8 44

And the several computations of interest at this time due as above mentioned amount to

842,014 - -

These are provided for by an Act 1st Anne by continuing several Funds therein mentioned to the first of August 1710

5,227,928 8 44

There is further owing on the following Fund viz.

On Low Wines &c. granted	1 st W. for 5 years the principal sum of	6,074	10	3
Duties on Cals &c.	0 th Anne for 5 years from 14 [May] 1705	253,700	4	-
1 st Tonnage and Poundage	redem Anno for 5 years	63,285	4	6
1 st Ditto	3 rd Anne for 4 years from 8 March 1704	446,867	4	04
Low Wines &c.	redem anno until 1710	691,000	-	-

These are Debts on Funds not yet expired and which are reckoned sufficient to satisfy the same

1,535,566 8 94

Borne Forward, 5,225,161 8 14

				£ s d		
				Brought over,	5,835,181	8 14
And						
On Duties on Casks granted	-	9 th W. for 5 years	-	-	16,000	- -
Second ½ sh. Aid	-	11 W.	-	-	12,732	6 8
3 ½ sh. Aid	-	13 W.	-	-	9,753	18 -
6 ½ sh. Aid	-	1 st Annu	-	-	46,399	8 -
Subsidies or Capitation Duties	-	end. anno	-	-	17,894	9 7
The money resting constantly on Debentures &c. were charg'd on the Irish Exchequer about				-	950,000	- -
These are deficiencies not yet provided for by Parliament				-	1,658,870	13 8
Other Incumbrances viz.						
The ixd. per Barrel Excise which was granted for 93 years from the 25 th January 1696 is charged with 1248000 ^l per annum for annuities for which there was contributed 1,498,573 ^l 7 s. and there being now about 13 years expired the remainder of the term may be estimated to be a present Incumbrance of						
				-	1,484,573	- -
The same ixd. per Barrel is also charged with 7367 ^l per annum for annuities to the Contributors of 1081000 ^l on the advantage of survivorship till the number of the survivors be reduced to seven, & then the share, or 1 th part of each of them as they die to revert to the Crown; This Estate has an uncertain Termination but may be reckoned equal to a term of thirty years and so be an Incumbrance of about						
				-	104,149	- -
The ixd. per Barrel Excise granted in perpetuity is charg'd to wit 1 th parts thereof with 105000 ^l per annum to the Bank of England for 1,000000 advanced by them. This is redeemable on payment of the said principal sum as in the Act is mentioned						
				-	1,200,000	- -
And the remaining 1 th is charg'd with 15886 ^l 13 s. 6 d. per annum for 176744 ^l 1 s. 9 d. contributed for those annuities which were at first purchas'd for one life & afterwards turned into Estates certain for 55 years from 25 January 1705 which by reason of the small time elaps'd may still be reckoned an Incumbrance of						
				-	176,000	- -
And with the sum of 20080 ^l 11 s. per annum for each of the Contributors of 176017 : 2 : 5 for annuities for 3 lives as are now in being & abating out of the said contribution money so much as was paid for annuities since fallen, the rest is an Incumbrance of						
				-	165,947	8 2
And also with 2035 : 10 : 4 per annum to each of the Contributors of 21225 ^l 4 s. for annuities for 3 lives as are now in being and abating out of this Contribution so much as was paid for annuities of 30 ^l since fallen, there rests an Incumbrance of						
				-	30,955	4 -
The ixd. per Barrel Excise granted for 16 years from the 17 May 1697 is charg'd with the payment of 140000 ^l per annum upon Tickets commonly call'd the Million Lottery Tickets for the residue of a term which expires at Michaelmas 1710 And the said annuity being valued for the 4 years & 4 yet to come at a rebate of 6 per Cent. per annum compound interest is worth						
				-	586,383	- -
The 2d. per Bushell on Salt, and the Additional Stamp Duties are granted in perpetuity and charg'd with the payment of 100000 ^l per annum to the Traders to India for 8 Millions advanced to the publick and is redeemable by Parliament upon paying the said						
				-	8,000,000	- -
The 37000 ^l a week payable out of the hereditary & temporary Excise is charg'd with 39835 ^l 10 s. 0 d. per annum for Bankers & others who lent 1308326 ^l to King Charles the 2 ^d redeemable by Parliament upon payment of a Molety of the said Principal which is						
				-	664,263	- -
And with 104745 ^l 10 s. 6 d. per annum for 1,563,564 ^l 11 s. 18 d. contributed for annuities for 99 years from Lady Day 1704						
				-	1,563,564	18 6
And also with 46090 ^l per annum to the Contributors of 590,000 ^l for annuities for 99 years from Christmas 1705						
				-	695,090	- -
The 1 st Subsidy from 8 March 1706, and the ixd. per Barrel Excise (as before applicable to the payment of the Million Lottery Tickets) with an additional supply till those Funds come in are charged with 184842 ^l 14 s. per annum to the Contributors of 2353161 ^l 35 s. 2 d. for annuities for 99 years from Lady Day 1706						
				-	2,435,781	15 8
				-	11,470,451	11 -
Total				-	17,763,642	17 5

Memorand. That nothing is inserted in this Account as a Debt on any Land Tax, or Mouth Duty which are annual grants, except where any of them have prov'd deficient.

Memorand. There is a claim made by the Afiquan of the Kiel of Kinzel of 17250^l out of the 4 & 5 per Cent. on account of arrears on an annuity of 1003^l incurred before her Majesty's accession to the Crown.

A STATE OF THE PUBLIC REVENUE OF SCOTLAND AS IT NOW IS AND MAY AMOUNT TO.

	£	£	d
The Excise on Ale and Beer is 2 sh. Sterling per Scotch Gallon and now farm'd for 33500 li Sterling, and if exacted in the same manner as in England may amount to	-	-	-
The Customs have been let at 34000 li, and are now in time of war let for 28500 li with a Condition in the Lease that upon a peace the Lords of the Treasury may let a new trade and may amount to	-	-	-
The Crown Rents about	-	-	-
The Casualty of Superiorities and Compositions at the Exchequer commensurate about	-	-	-
The Post Office farm'd at 1194 li But if collected may amount to	-	-	-
The Impositions for Coyage	-	-	-
Land Tax is now 35000 li And to make it equal with the liij [sh.] per pound in England 'tis proposed to be	-	-	-
The Debts due to the Army, Civil List, and other Charges of the Government about	-	-	-

AN ACCOUNT OF THE NEAT ANNUAL PRODUCE OF THE CUSTOMS IN ENGLAND from a medium of 3 years ended at Michaelmas 1705, with the respective taxes, or terms for which they have continuance and the uses for which they are severally appropriated or applied viz.

For the Civil Government.	Next Money per Annum.	£	£	d
Customs and Subsidies of Tonnage & Poundage granted 1 st Anne during her Majesty's life	-	-	225,214	-
Several Branches not appropriated to the Payment of Debts viz.				
85 per Cent. additional Duty on French Goods for the remainder of a Term of 81 years from 28 Feb ^r 1696 is applied towards the services of the War	-	-	10,794	-
Coyage Duties continue to the 1 st June 1708 and is appropriated to the uses of the Mint	-	-	7,320	-
41 per Cent. in Spence from Barbadoes and the Leeward Islands is perpetual and applied pursuant to an Address of the House of Commons towards the support of those Islands subject also to an annuity of 10000 li. per annum to the heirs and assigns of the Earl of Kinnaird	-	-	6,489	-
Plantation Duties upon particular Commodities carried from one Plantation to another 25 th Caroli 2 ^d made perpetual not appropriated to any particular use	-	-	877	-
			25,480	-

These underectioned are appropriated for payment of debts till first August 1710 tho' the said Debts charg'd thereon will by computation be paid off sooner.

The Subsidy of Tonnage & Poundage granted 12 th Car. 2 ^d	-	-	298,139	-
Impositions on Wines and Vinages granted 1 st Jac: 2 ^d	-	-	118,918	-
Impositions on Tobacco ditto	-	-	100,351	-
Impositions on East India Goods ditto	-	-	100,809	-
Additional Impositions on several Goods & Merchandises 6 th Will ^m 3 ^d	-	-	28,643	-
Several Impositions & Duties on Whale Finns & Scotch Linen 5 th Will ^m 3 ^d	-	-	10,829	-
			706,471	-

Other appropriated Branches

	£	s	d
15 per Cent. on Malt &c. granted by several former Acts, were by an Act, 8 th Anne continued to 24 June 1710, and by that Act doubled & several new Duties thereby granted from Feb ^y 1704 to the said 24 June 1710, and made a Fund for borrowing £700000 at an interest of 5 per Cent. per annum And so much of the said Duties as is under the management of the Commissioners of the Customs, was estimated in Parliament to amount to about per annum	-	-	115,475
3 ^d Additional Tonnage and Poundage 3 rd Anne for 4 years from 8 March 1704 are appropriated for repayment of Loans not exceeding £26327 £ 4 0½ with Interest after the rate of 6 per Cent. per annum And by an Act 4 th Anne continued towards payment of annuities till 30 Sept ^r 1710 by the nearest computation that can yet be made will produce at least	-	-	150,000
4 th Tonnage & Poundage granted 2 ^d Anne for 3 years from 8 th March 1705 and thereby made a Fund of Credit for 300000 £ at an interest after the rate of 5 per Cent. per annum afterwards 8 th Anne continued for 38 years from 8 th March 1705 together with 1 s. d. per Barrel Excise appropriated towards payment of 140248 : 14 sh. per annum in annuities a medium of the produce thereof in the 3 years ended at Michaelmas 1705 is	-	-	79,619

	Net Money per Annum.		
Totals for the Civil Government	-	-	255,514
Unappropriated	-	-	25,480
Appropriated for Debts to 24 June 1710	-	-	115,475
For other Debts till 1 st August 1710	-	-	705,471
For Duties till 30 th September 1710	-	-	150,000
For 38 years from 8 th March 1705	-	-	79,619
Total per Annum	-	-	1,841,559

Duties on Coals, Culms and Cynders by an Act 8th Anne continued from 14th May 1703 to 15 May 1708 and thereby charged with 200000 £ and interest By another Act 4th Anne continued to 30th September 1710 and appropriated towards payment of annuities Those Duties are collected at the Custom House and by a medium of three years ended at Michaelmas 1705 are per annum about

110,958 - -

AN ACCOUNT OF THE PROPORTIONS WHICH THE PRESENT CUSTOMS OF SCOTLAND DO BEAR TO THE SEVERAL BRANCHES OF THAT REVENUE IN ENGLAND Exclusive of the Excises that may arise by the higher Duties, or greater Importations after the Union.

	£	s	d		£	s	d
English Customs	-	-	1,841,559	Scotch Customs	39,000	-	-
Proportions							
For the Civil Government	-	255,514	-	-	5,669	-	-
Unappropriated as to any Debts	-	25,480	-	-	570	-	-
Appropriated for Debts till 24 June 1710	-	115,475	-	4,605	-	-	-
Till 1 st August 1710	-	705,471	-	15,798	-	-	-
Till 30 th September 1710	-	150,000	-	3,578	-	-	-
For 38 years from 8 th March 1705	-	79,619	-	1,700	-	-	-
	-	1,841,559	-		39,000	-	-

AN ACCOUNT OF THE NEAT ANNUAL PRODUCE OF THE EXCISE ON BEER AND ALE IN ENGLAND from a medium of three years ending at Michaelmas 1705 with the respective times, or terms for which the several Branches thereof have continuance and the uses to which they are severally appropriated or applied, viz.

For the Civil Government

2 sh. & 6 d. per Barrel on Beer Ale &c. 13 d. whereof is to continue during her Majesty's life, and the other 13 d. is hereditary, these during her Majesty's life are appropriated towards defraying the charge of the Civil Government after a deduction of 2700 li a week appropriated thereout for payment of annuities, and by a medium of three years ended at Michaelmas 1705, The neat Produce into the Exchequer over and above the said 2700 li a week, will be

269,837 - -

For Annuities and other Publick Debts

2700 li a week to be taken out of the Hereditary and Temporary Excise, during her Majesty's life and afterwards out of the Hereditary part for ever is appropriated for payment of

£ 33,353 16 $\frac{1}{4}$ per annum to Bankers & others for interest after the Rate of £3 per Cent. for 1,388,886 li lent to King Charles the 2^d Redeemable on payment of a moiety of the said Principal being 664,000 li and for payment of

£104,742 10 6 $\frac{1}{2}$ per annum for 99 years from Lady day 1704 for 1569,004 li 18 sh. 6 d. contributed for annuities

£40,000 - - per annum for 99 years from Christmas 1705 for 650,000 li purchase money contributed for annuities

180,198 6 7

And the rest for Charges in paying the said annuities, in all

180,400 - -

12 d. per Barrel Excise granted 4th William for 99 years from 25 January 1692 is charged with 124,686 li per annum for annuities for which there was contributed 1,402,379 li 7 sh. and with 7587 li per annum for 108,100 li advanced for annuities on the advantage of survivorship by a medium of the neat produce into the Exchequer in the said three years is

159,166 - -

Another is d. per Barrel 5th William made perpetual is appropriated as follows, viz.

2nd thereof for payment of 100,000 li per annum to the Bank of England for 1,200,000 li advanced by them, which is redeemable on paying the principal sum as in the said act is mentioned, And

7th with 15336 li 13 6 per annum for 176754 li 1 9 contributed for annuities which were at first purchased for single lives and afterwards turn'd into Estates certain for 89 years from 29th January 1702

And also with 20000 li 1 sh. per annum for 170917 li 2 sh. 3 d. advanced for annuities for two lives

And also with 2093 li 10 sh. 4 d. per annum for 11825 li 4 s. contributed for annuities for three lives, the produce of this 12 d. by a medium of the said three years is

150,094 - -

And one other is d. per Barrel for 16 years from 17 May continued 4th Anne from 17th May 1713 for 56 years is appropriated for paying 140000 li per annum on Million Lottery Tickets for the remainder of a Term of 16 years which will end at Michaelmas 1710 and afterwards towards paying annuities amounting to 184,242 : 14 sh. per annum purchased for 99 years from Lady day 1706 The neat produce of this 12 d. (which contains some additional duties on Brandy &c. not granted by the two former Acts) from a medium of the said three years is

159,898 - -

Low Wines and Spirits of the first Extraction continued by an Act 4th Anne from 29th March 1706 to 24th June 1710 are appropriated towards repayment of 700,000 li authorized to be borrowed as well upon Credit of these Duties as upon an additional Duty of 16 li per Cent. on Meales &c. The neat produce hereof by a like medium is

96,867 - -

Total - - 617,765 - -

Out of which to be deducted so much as by the foregoing neat produce will be more than sufficient to pay the above-mentioned Annuities viz.

A Surplus of the 12 d. per Barrel for the remainder of 99 years from 25 January 1692 - 17,073 - -

A Surplus of the 12 d. for the Bank and others - - 19,634 - -

A Surplus of the Lottery 12 d. continued for Annuities with the 3^d Subsidy of Tonnage and Poundage - - 55,274 6 - -

All which are appropriated & amount to - - 82,581 6 - -

And then the Total of the several Branches of Excise appropriated for payment of Debts is per Annum - 535,183 14 - -

AN ACCOUNT OF THE PROPORTIONS WHICH THE PRESENT EXCISE UPON LIQUORS IN SCOTLAND BOTH BEAR TO THE SEVERAL BRANCHES OF THAT REVENUE IN ENGLAND Exclusive of the Increase that may arise by the higher Duties, or greater Consumption after the Union.

English Excise per annum	-	-	£ s. d.	-	Scotch Excise per annum	£ s.
			947,602	-		33,800
					Proportions	
For the Civil Government	-	-	259,437	-	9,330	-
Superplacings unappropriated	-	-	35,581	6	3,025	-
Appropriated for Debts						
£3700 a week for payment of Annuities for 99 years and in perpetuity redeemable by Parliament	-	-	132,400	-	6,802	-
1 <i>d.</i> per Barrel for the remainder of 99 years from 35 January 1098	-	-	132,433	-	6,821	-
1 <i>d.</i> per Barrel for the Blank &c.	-	-	137,400	-	6,860	-
1 <i>d.</i> per Barrel for payment of Lottery Tickets and afterward for annuities	-	-	104,603	14	3,699	-
Low Wines till 24 June 1710	-	-	25,287	-	893	-
			947,602	-	35,800	-

AN ACCOUNT OF THE VALUE OF THE ANNUAL SUMS CONTRIBUTED OUT OF THE CUSTOMS OF SCOTLAND, (according to the present Produce thereof) towards the Anticipated Funds of the Customs of England, viz.

£2605 per Annum from the 25 th March 1707 until the 24 th June 1710, Estimated in present money	-	7,577	-
£15798 per Annum from 25 th March 1707 to the first of August 1710, Estimated at	-	47,506	-
£2578 per Annum from 25 th March 1707 to the 30 th September 1710 Estimated at	-	11,251	-
£1780 per Annum from the 25 th March 1707 for 38 years commencing the 8 th of March 1708 at the Rate of 13 years and 5 months Purchase comes to	-	27,145	-
		£99,479	-

A COMPUTATION OF THE VALUE OF THE ANNUAL SUMS CONTRIBUTED OUT OF THE SCOTCH EXCISE (Estimated at 32500*h* per annum) towards the Anticipated Excise Funds in England, viz.

6801 <i>h.</i> per annum out of the Excise in Scotland towards payment of Annuities for 99 years which are charg'd on the 32500 <i>h.</i> a week arising out of the Hereditary & Temporary Excise in England at 15 years 5 months purchase comes to	-	103,730	10
£4082 per annum contributed out of the Excise in Scotland towards payment of Annuities amounting to 1238433 <i>h.</i> per annum charg'd on 1 <i>d.</i> per Barrel Excise in England whereof 121855 <i>h.</i> per annum is for the remainder of a term of 99 years commencing 25 January 1098 and 7587 <i>h.</i> per annum for lives with the advantage of survivorship, so that 4415 <i>h.</i> of the 4082 per annum will be for the remainder of the said term of 99 years and 357 <i>h.</i> thereof for lives with the advantage of survivorship, and so much thereof as is for the remainder of a term of 99 years being rated at 15 years and 5 months purchase comes to 67,223 <i>h.</i> 13 <i>sh.</i> and the remainder being deem'd of equal value with a term of 30 years comes to 3673 <i>h.</i> In the whole	-	71,803	12
£4859 per annum contributed out of the Excise in Scotland towards payment of 137,400 <i>h.</i> per annum charg'd on another 3 <i>d.</i> per Barrel Excise in England part in perpetuity, part for 99 years, part for 3 lives and part for 3 lives whereof 3235 <i>h.</i> of the said 4859 per annum will be in perpetuity, 242 <i>h.</i> for 99 years 74 <i>h.</i> for three lives and 708 <i>h.</i> for two lives, so much as is in perpetuity and for 99 years being rated at 15 years and 5 months purchase, so much as is for 3 lives being rated at 18 years purchase and so much as is for 2 lives at 11 years purchase amounts in the whole at those rates to	-	70,863	10
£3699 per annum contributed out of the Excise in Scotland for payment of Annuities charged on another 1 <i>d.</i> per Barrel Excise in England for 99 years at 15 years and 5 months purchase comes to	-	26,409	15
2935 per annum contributed out of the Excise in Scotland for 3 years and 3 months commencing 25 March 1707, applicable as the Duty on Low Wines in England for that time is computed to be worth	-	2,297	-
		304,966	10

If the Customs of Scotland now let at 35600 £ per annum according to the stating of the Equivalent, do's contribute annually viz.

Towards	{	Payment of the Debt of England	-	-	-	-	23,761	-	-
		Civil List	-	-	-	-	5,669	-	-
		The General Expence, or Charge of the Nation	-	-	-	-	870	-	-
							<hr/>	30,000	-

Every 1000 £ Encrease on the said Customs will contribute to the aforesaid services viz.

Towards	{	Payment of the Debt of England	-	-	-	-	792	-	-
		Civil List	-	-	-	-	189	-	-
		The General Expence, or Charge of the Nation	-	-	-	-	19	-	-
							<hr/>	£1,000	-

If the Excise of Scotland now let at 33200 £ per annum according to the stating of the Equivalent do's contribute annually viz.

Towards	{	Payment of the Debts of England	-	-	-	-	20,985	-	-
		Civil List	-	-	-	-	5,559	-	-
		The General Expence, or Charge of the Nation	-	-	-	-	2,005	-	-
							<hr/>	28,549	-

Every 1000 £ Encrease on the said Excise will contribute to the aforesaid services viz.

Towards	{	Payment of the Debts of England	-	-	-	-	625	-	-
		Civil List	-	-	-	-	285	-	-
		The General Expence or Charge of the Nation	-	-	-	-	90	-	-
							<hr/>	£1,000	-

In Pursuance of the Order of the Lords Commissioners of both Kingdoms on the 25th instant for Signing the Books of Journals the same are accordingly sign'd this 25 day of July 1796 by Us

DAVID NAIRNE.

GEO : DODINGTON.

ARTICLES OF UNION Agreed on the Twenty Second day of July in the 6th year of the Reign of Her most Excellent Majesty ANNE by the Grace of God, QUEEN OF SCOTLAND ENGLAND FRANCE AND IRELAND Defender of the Faith &c. And in the year of our Lord One Thousand Seven Hundred and Six, By the Commissioners Nominated on behalf of the Kingdom of Scotland, under Her Majestys Great Seal of Scotland bearing date the Twenty Seventh day of February last past, in pursuance of the Fourth Act, of the Third Session of Her Majestys Current Parliament of Scotland, in the Fourth year of Her Majestys Reign, And the Commissioners nominated on behalf of the Kingdom of England, under Her Majestys Great Seal of England bearing date at Westminster the Tenth day of April last past, in pursuance of an Act of Parliament made in England the Third year of Her Majestys Reign to Treat of and concerning an UNION of the said Kingdoms. Which Articles are in all humility to be presented to the Queens most Excellent Majesty, and Offered to the Consideration of the respective Parliaments of both Kingdoms pursuant to the said Acts and Commissions.

I. THAT the two Kingdoms of Scotland and England shall upon the first day of May next ensuing the date hereof, and for ever after be United into one Kingdom by the name of GREAT BRITAIN and that the English Armorial of the said United Kingdom be such as Her Majesty shall appoint And the Coats of S^t Andrew and S^t George be conjoynd in such manner as Her Majesty shall think fit, and us'd in all Flags, Banners, Standards and Ensigns both at Sea and Land.

II. THAT the Succession to the Monarchy of the United Kingdoms of Great Britain, and of the Dominions therunto belonging after Her most Sacred Majesty and in default of Issue of her Majesty, be remain and continue to the most Excellent Princess SOPHIA Electress and Dutchess Dowager of HANNOVER, and the Heiress of Her body being Protestants, upon whose Crown of England is Settled by an Act of Parliament made in England in the Twelfth year of the Reign of his late Majesty King William the Third Entitled an Act for the farther Limitation of the Crown and better securing the Rights and Liberties of the Subject, and that all Papists, and persons marrying Papists shall be Excluded from, and for ever incapable to Inherit, Possess or Enjoy the Imperial Crown of Great Britain and the Dominions therunto belonging, or any part thereof, and in every such Case the Crown and Government shall from time to time Defend to, and be Enjoyed by such person being a Protestant, as should have Inherited and Enjoyed the same, in case such Papist, or Person marrying a Papist was naturally Dead, according to the Provision for the defect of the Crown of England made by one other Act of Parliament in England in the first year of the Reign of their late Majestys King William and Queen Mary Entitled an Act Declaring the Rights and Liberties of the Subject, and Settling the Succession of the Crown.

III. THAT the United Kingdom of Great Britain be Represented by one and the same Parliament to be Stild the Parliament of Great Britain.

IV. THAT all the Subjects of the United Kingdom of Great Britain shall from and after the Union have full freedom and Intercourse of Trade and Navigation to, and from any Port, or Place within the said United Kingdoms, and the Dominions and Plantations therunto belonging, And that there be a Communication of all other Rights Privileges and Advantages which do, or may belong to the Subjects of either Kingdom, Except, where it is otherwise Expressly agreed in these Articles.

V. THAT all Ships belonging to Her Majestys Subjects of Scotland at the time of Signing this Treaty for the Union of the two Kingdoms (the Foreign Built) shall be deem'd and put as Ships of the Built of Great Britain, The Owner, or where there

are more Owners, one or more of the Owners, within Twelve Months after the Union, making Oath that at the time of Signing the said Treaty the same did belong to him, or them, or to some other Subject, or Subjects of Scotland to be particularly nam'd, with the places of their respective abodes, and that the same doth then belong to him, or them, and that no Foreigner directly or indirectly hath any share, part, or interest therein Which Oath shall be made before the Chief Officer, or Officers of the Customs in the Port next to the abode of the said Owner, or Owners, And the said Officer, or Officers shall be Empowred to Administer the said Oath, And the Oath being so Administred shall be attested by the Officer, or Officers who Administred the same, And being Registered by the said Officer, or Officers shall be delivered to the Master of the Ship for security of her Navigation, and a Duplicate thereof shall be transmitted by the said Officer, or Officers, to the Chief Officer, or Officers of the Customs in the Port of Edinburgh to be there Entered in a Register, and from thence to be sent to the Port of London, to be there Entered in the General Register of all Trading Ships belonging to Great Britain.

VI. THAT all parts of the United Kingdoms, for ever, from and after the Union shall have the same Allowances and Encouragements, and be under the same Prohibitions Restrictions and Regulations of Trade, and lyble to the same Customs and Dutys on Import and Export, and that the Allowances, Encouragements, Prohibitions, Restrictions, and Regulations of Trade, and the Customs and Dutys on Import and Export, Settled in England when the Union Commences shall from, and after the Union, take place throughout the whole United Kingdom.

VII. THAT all parts of the United Kingdom be for ever, from and after the Union lyble to the same Excises upon all Excisable Liquors, and that the Excise Settled in England on such Liquors when the Union Commences take place, throughout the whole United Kingdom.

VIII. THAT From and after the Union all Foreign Salt which shall be Imported into Scotland shall be Charg'd at the Importation there with the same Dutys as the like Salt is now Charged with being Imported into England and to be Levied and Secur'd in the same manner, But Scotland shall for the space of Seven Years from the said Union, be Exempted from the paying in Scotland for Salt made there, the Duty, or Excise, now payable for Salt made in England, but from the Expiration of the said Seven Years shall be Subject and Lyble to the same Dutys for Salt made in Scotland, as shall be then payable for Salt made in England to be Levied and Secur'd in the same manner, and with the like Drawbacks and Allowances as in England, And during the said Seven years, there shall be paid in England for all Salt

made in Scotland, and Imported from thence into England, the same Dutys upon the Importation as shall be payable, for Salt made in England to be Levied, and Secur'd in the same manner as the Dutys on Foreign Salt are to be Levied and Secur'd in England, And that during the said Seven years, no Salt whatsoever be brought from Scotland to England by Land in any manner, under the penalty of forfeiting the Salt and the Cattle and Carriages made use of in bringing the same and paying Twenty Shillings for every Bushel of such Salt, and proportionably for a greater or lesser quantity for which the Carrier, as well as the Owner shall be liable jointly and severally and the person bringing or carrying the same, to be Imprison'd by any one Justice of the Peace by the space of Six Months without Bail; and until the penalty be paid, And that during the said Seven years, all Salted Flesh, or Fish, Exported from Scotland to England, or made use of for Victualling of Ships in Scotland, and all Flesh put on board in Scotland to be Exported to parts beyond the Seas which shall be Salted with Scotch Salt or any mixture thereof, shall be forfeited and may be Seiz'd, And that from and after the Union the Laws and Acts of Parliament in Scotland for Placing, Curing and Packing of Herrings White Fish and Salmon for Exportation, with Foreign Salt only, and for preventing of Frowls in Curing and Packing of Fish be Continued in Force in Scotland subject to such alterations, as shall be made by the Parliament of Great Britain, and that all Fish Exported from Scotland to parts beyond the Seas which shall be Car'd with Foreign Salt only, shall have the same Excess Privileges and Drawbacks as are, or shall be allowed to such persons as Export the like Fish from England, and if any matters or things relating to the said Dutys on Salt shall hereafter appear which are not sufficiently provided against by this Article, the same shall be subject to such further Provisions as shall be thought fit by the Parliament of Great Britain.

IX. THAT whenever the Summe of One Million Nine Hundred Ninety Seven Thousand Seven Hundred and Sixty three pounds Eight Shillings and Four pence half penny, shall be Assented by the Parliament of Great Britain, to be raised in that part of the United Kingdom now call'd England on Land and other things usually Charg'd in Acts of Parliament there for granting an Aid to the Crown by a Land Tax, That part of the United Kingdom now call'd Scotland, shall be Charg'd by the same Act, with a further Summe of Forty Eight Thousand pounds, free of all Charges, as the Quota of Scotland to such Tax, and so proportionably for any greater, or lesser Summe raised in England by any Tax, on Land, and other things usually Charg'd together with the Land And that such Quota for Scotland, in the Cases aforesaid be rais'd and collected in the same manner as the Cels now is in Scotland, But subject to such Regulations in the manner of Collecting as shall be made by the Parliament of Great Britain.

X. THAT during the Continuance of the respective Dutys on Stamp Paper, Vellone and Parchment by the several Acts now in force in England, Scotland shall not be Charg'd with the same respective Dutys.

XI. THAT during the Continuance of the Dutys payable in England on Windows and Lights which Determines on the first day of August One Thousand Seven Hundred and Ten, Scotland shall not be Charg'd with the same Dutys.

XII. THAT during the Continuance of the Dutys payable in England on Coals Cobs, and Cynders which determines the Thirtieth day of September One Thousand Seven Hundred and Ten, Scotland shall not be Charg'd therewith for Coals Cobs and Cynders commo'd there, But shall be charg'd with the same Dutys as in England, for all Coal, Cobs, and Cynders not commo'd in Scotland.

XIII. THAT during the Continuance of the Duty payable in England on Mault which determines the Twenty fourth day of June one Thousand Seven Hundred and Seven, Scotland shall not be Charg'd with that Duty.

XIV. THAT the Kingdom of Scotland be not Charg'd, with any other Dutys laid on by the Parliament of England before the Union Except those Committed to in this Treaty, in regard it is agreed that all necessary Provision shall be made by the Parliament of Scotland for the Publick Charge and Service of that Kingdom for the year One Thousand Seven Hundred and Seven Provided nevertheless that if the Parliament of England shall think fit to lay any further Impositions by way of Customs, or such Excises with which by virtue of this Treaty Scotland is to be Charg'd Equally with England in such Case Scotland shall be Liable to the same Customs and Excises and have an Equivalent to be Settled by the Parliament of Great Britain and seeing it cannot be supposed that the Parliament of Great Britain will ever lay any sort of Burthen upon the United Kingdom, but what they shall find of necessity at that time for the preservation and good of the whole and with due regard to the Circumstances and Abilities of every part of the United Kingdom, Therefore it is agreed that there be no further Exemption insisted on for any part of the United Kingdom, But that the Consideration of any Exemptions beyond what are already agreed on in this Treaty shall be left to the Determination of the Parliament of Great Britain.

XV. WHEREAS by the Terms of this Treaty the Subjects of Scotland for preserving an equality of Trade throughout the United Kingdom, will be liable to several Customs and Excises now payable in England which will be applicable towards payment of the Debts of England Contracted before the Union, It is agreed that Scotland shall have an Equivalent for what the Subjects thereof shall be so Charg'd towards Payment of the said Debts of England in all particulars whatsoever in manner following viz^t That before the Union of the said Kingdoms the summe of Three Hundred Ninety Thousand and Eighty five pound Ten shillings be Granted to her Majesty by the Parliament of England for the use aforesaid being the Equivalent to be answer'd to Scotland for such parts of the said Customs and Excises, upon all Excisable Liquors, with which that Kingdom is to be Charg'd upon the Union, as will be applicable to the payment of the said debts of England according to the proportions which the present Customs in Scotland being Thirty Thousand pounds p^r Ann do bear to the Customs in England Computed at One Million Three Hundred Forty one Thousand Five Hundred and Fifty nine pounds p^r Ann and which the present Excises on Excisable Liquors in Scotland being Thirty Thousand and Five Hundred pounds p^r Ann do bear to the Excises on Excisable Liquors in England Computed at Nine Hundred Forty Seven Thousand Six Hundred and Two Pound p^r Ann Which summe of Three Hundred Ninety Eight Thousand Eighty five pounds Two shillings shall be due and payable from the time of the Union, And is agreed that after the Union Scotland becoming liable to the same Customs and Dutys payable on Import and Export, and to the same Excises on all Excisable Liquors as in England, as well upon that account, as upon the account of the Encrease of Trade and People (which will be the happy consequence of the Union) the said Revenues will much Improve beyond the before mentioned annual Values thereof, of which to present Estimate can be made, Yet nevertheless for the reason aforesaid there ought to be a proportionate Equivalent answered to Scotland, It is agreed That after the Union there shall be an Account kept of the said Dutys arising in Scotland, to the End it may appear what ought to be answer'd to Scotland as an Equivalent for such proportion of the said Encrease as shall be applicable to the payment of the Debts of England, And for the further, and more Effectual answering the several ends here-

after mentioned It is agreed That from and after the Union the whole Encombre of the Revenues of Customs and Duties on Import and Export and Excise upon Excisable Liquors in Scotland, over and above the annual produce of the said respective Duties as above stated shall go, and be apply'd for the Term of seven years to the uses hereafter mentioned And that upon the said account there shall be answered to Scotland annually from the end of Seven years after the Union, an Equivalent in Proportion to such part of the said Increase as shall be applicable to the Debt of England, And whereas from the Expiration of Seven years after the Union, Scotland is to be lyable to the same Duties for Salt made in Scotland as shall be then payable for Salt made in England It is agreed that when such Duties take place there an Equivalent shall be answered to Scotland for such part thereof as shall be apply'd towards payment of the Debt of England of which Duties an Account shall be kept to the end it may appear what is to be answered to Scotland as the said Equivalent, And generally that an Equivalent shall be answered to Scotland for such parts of the English Debt as Scotland may hereafter become lyable to pay by reason of the Union other than such for which Appropriations have been made by Parliament in England, of the Customs, or other Duties on Export, or Import Excises on all Excisable Liquors, or Salt, In respect of which Duties, Equivalents are herein before provided And as for the Use to which the said Summe of Three Hundred Ninty Eight Thousand Eighty five pounds Ten Shillings to be granted as aforesaid, and all other moneys which are to be answered or allowed to Scotland as aforesaid It is agreed That out of the said Summe of Three Hundred Ninty Eight Thousand Eighty five pound Treen Shillings all the publick Debts of the Kingdom of Scotland, And also the Capital Stock, or Fund of the African and Indian Company of Scotland aforesaid, together with the Interest for the said Capital Stock after the Rate of Five pounds p Cent. p An^{no} from the respective times of the Payment thereof shall be paid, upon payment of which Capital Stock and Interest, It is agreed the said Company be dissolved and cease, and also That from the time of passing the Act of Parliament in England for raising the said Summe of Three Hundred Ninty Eight Thousand Eighty five pounds Treen Shillings the said Company shall neither Trade, nor Grant Licences to Trade, And as to the Overplus of the said Summe of Three Hundred Ninty Eight Thousand Eighty five pound Ten Shillings, after the payment of the said Debts of the Kingdom of Scotland, and the said Capital Stock and Interest, and also the whole Encombre of the said Revenues of Customs Duties and Excises, above the present Value which shall arise in Scotland during the said Term of Seven Years Together with the Equivalent which shall become due upon Account of the Improvement thereof in Scotland after the said Term, And also as to all other fees, which according to the agreements aforesaid may become payable to Scotland by way of Equivalent for what that Kingdom shall hereafter become lyable towards payment of the Debt of England, It is agreed That the same be apply'd in manner following viz^t That out of the same, what Consideration shall be found necessary to be had for any leases which private persons may sustain by reducing the Coyn of Scotland to the Standard and Value of the Coyn of England may be made good, And afterwards the same shall be wholly applied towards Encouraging and Promoting the Fisheries and such other Manufactures and Improvements in Scotland as may meet Conscience to the General Good of the United Kingdoms, And It is agreed that Her Majesty be empowered to appoint Commissioners who shall be accountable to the Parliament of Great Britain for disposing the said Summe of Three Hundred, Ninty Eight Thousand Eighty five pounds Ten Shillings and all other moneys which shall arise to Scotland upon the agreements aforesaid, to the purposes before mentioned Which Commissioners shall be empowered to Call for, Receive and Dispose of the said moneys in manner aforesaid, And to Inspect the Books of the several Collectors of the said Revenues, and of all other Duties, from whence an Equivalent

may arise, And that the Collectors and Managers of the said Revenues and Duties be Obligated to give to the said Commissioners Subscribed Authentick Abbreviats of the Produce of such Revenues and Duties writing in their respective Districts, And that the said Commissioners shall have their Office within the Limits of Scotland, and shall in each Office Keep Books containing Accounts of the Amount of the Equivalents, and how the same shall have been disposed of from time to time which may be Inspected by any of the Subjects who shall desire the same.

XVI. THAT from and after the Union the Coyn shall be of the same Standard and Value throughout the United Kingdom as now in England, And a Mint shall be Continued in Scotland under the same Rules as the Mint in England Subject to such Regulations as Her Majesty, Her Heirs, or Successors, or the Parliament of Great Britain shall think fit.

XVII. THAT from and after the Union the same Weights and Measures shall be used throughout the United Kingdom, as are now Established in England, and Standards of Weights and Measures shall be kept by these Burroughs in Scotland to whom the keeping the Standards of Weights and Measures now in use there do's of Special Right belong. All which Standards shall be sent down to such respective Burroughs from the Standards kept in the Exchequer at Westminster Subject nevertheless to such Regulations as the Parliament of Great Britain shall think fit.

XVIII. THAT the Laws Concerning Regulation of Trade, Customs and such Excises to which Scotland is, by virtue of this Treaty to be lyable, be the same in Scotland, from and after the Union as in England And That all other Laws in use within the Kingdom of Scotland doe after the Union and notwithstanding thereof remain in the same force as before (Except such as are Contrary to, or Inconsistent with the Terms of this Treaty) but alterable, by the Parliament of Great Britain, with this difference betwixt the Laws concerning Publick Right, Pollicy and Civil Government, and those which concern private Right, That the Laws which concern Publick Right, Pollicy and Civil Government may be made the same throughout the whole United Kingdom, But that no alteration be made in Laws which Concern Private Right Except for evident utility of the Subjects within Scotland.

XIX. THAT the Court of Session, or College of Justice do, after the Union and notwithstanding thereof Remain, in all time coming within Scotland, as it is now Constituted by the Laws of that Kingdom, and with the same Authority and Priviledges as before the Union, Subject nevertheless to such Regulations for the better Administration of Justice, as shall be made by the Parliament of Great Britain, And That the Court of Jurisidicy do also after the Union, and notwithstanding thereof, remain in all time coming within Scotland as it is now Constituted by the Laws of that Kingdom And with the same Authority and Priviledges as before the Union, Subject nevertheless to such Regulations as shall be made by the Parliament of Great Britain And without prejudice of other Rights of Jurisidicy, And That all Admiralty Jurisdictions, be under the Lord High Admiral, or Commissioners for the Admiralty of Great Britain for the time being And that the Court of Admiralty now Established in Scotland be Continued, And that all Reviews, Reductions, or Suspensions of the Sentences in Maritime Cases Competent to the Jurisdiction of that Court remain in the same manner after the Union, as now in Scotland, untill the Parliament of Great Britain shall make such Regulations and Alterations as shall be judg'd Expedient for the whole United Kingdom as so there be always Continued in Scotland a Court of Admiralty such as is in England, for determination of all Maritime Cases, relating to Private Rights in Scotland, Competent to the Jurisdiction of the Admiralty Court Subject never-

thole to such Regulations, and Alterations as shall be thought proper to be made by the Parliament of Great Britain, and that the Heretable Rights of Admiralty and Vice Admiralty in Scotland be referred to the respective progresses, as Rights of property Subject nevertheless to the manner of Exercising such Heretable Rights, to such Regulations and Alterations as shall be thought proper to be made by the Parliament of Great Britain And That all other Courts now in being within the Kingdom of Scotland do remain, But subject to Alterations by the Parliament of Great Britain And That, all Inferior Courts within the said Limits do remain subordinate as they are now to the Supreme Courts of Justice within the same in all times coming And that no Causes in Scotland be Cognoscible, by the Courts of Chancery, Queens Bench, Common Pleas, or any other Court in Westminster Hall, And that the said Courts, or any other, of the like nature after the Union shall have no Power to Cognosce, Review, or Alter the Acts, or Sentences of the Judicatures within Scotland, or Stop the Execution of the same, And That there be a Court of Exchequer in Scotland after the Union, for deciding Questions Concerning the Revenues of Customs and Excises there, having the same Power and Authority in such Cases as the Court of Exchequer has in England And That the said Court of Exchequer in Scotland have power of passing Signatures, Gifts, Tutories, and in other things as the Court of Exchequer at present in Scotland hath, And that the Court of Exchequer that now is in Scotland do remain until a New Court of Exchequer be settled by the Parliament of Great Britain in Scotland after the Union, And That after the Union The Queens Majesty and Her Royal Successors, may Continue a Privy Council in Scotland for preserving of Publick Peace and Order, until the Parliament of Great Britain shall think fit to alter it, or Establish any other Effectual Methods for that end.

XX. THAT all Heretable Offices, Heretable Jurisdictions, Offices for Life, and Jurisdictions for Life be referred, to the Owners thereof as Rights of Property in the same manner as they are now enjoy'd by the Laws of Scotland notwithstanding of this Treaty.

XXI. THAT the Rights and Priviledges of the Royal Burroughs in Scotland as they now are doe remain entire after the Union and notwithstanding thereof.

XXII. THAT By virtue of this Treaty of the Peers of Scotland at the time of the Union Shal be the Number to Sit and Vote in the House of Lords, and Forty Five the Number of the Representatives of Scotland in the House of Commons of the Parliament of Great Britain And that when Her Majesty, Her Heires, or Successors shall Declare Her, or their pleasure for holding the first, or any subsequent Parliament of Great Britain until the Parliament of Great Britain shall make further Provision therein A Writ do issue under the Great Seal of the United Kingdom Directed to the Privy Council of Scotland Commanding them to Cause Sixteen Peers who are to Sit in the House of Lords to be summoned to Parliament And Forty Five Members to be Elected to Sit in the House of Commons of the Parliament of Great Britain according to the Agreement in this Treaty in such manner as by the Parliament of Scotland shall be Settled before the Union, And that the Names of the Persons to be summoned and Elected shall be Returned by the Privy Council of Scotland into the Court from whence the said Writ did issue, And That if Her Majesty on, or before the first day of May next, on which day the Union is to take place, shall Declare under the Great Seal of England That it is Expedient that the Lords of Parliament of England, and Commons of the peevish Parliament of England should be the Members of the respective Houses of the first Parliament of Great Britain, for, and on the part of England, Then the said Lords of Parliament of England, and Commons of the present Parliament of England shall be the

Members of the respective Houses of the first Parliament of Great Britain, for, and on the part of England And Her Majesty may by Her Royal Proclamation under the Great Seal of Great Britain, appoint the said first Parliament of Great Britain to meet, at such time and Place as Her Majesty shall think fit, which time shall not be less than Fifty days after the date of such Proclamation, and the time and place of the meeting of such Parliament being so appointed, a Writ shall be immediately issued under the Great Seal of Great Britain Directed to the Privy Council of Scotland for the Summoning the Sixteen Peers and for Electing Forty Five Members by whom Scotland is to be represented in the Parliament of Great Britain And the Lords of Parliament of England and the Sixteen Peers of Scotland, such Sixteen Peers being summoned and returned in the manner agreed in this Treaty, And the Members of the House of Commons of the said Parliament of England and the Forty five Members for Scotland, such Forty five Members being Elected and Returned in the manner agreed in this Treaty, shall assemble and meet respectively in their respective Houses of the Parliament of Great Britain at such time and place as shall be so appointed by Her Majesty, and shall be the two Houses of the first Parliament of Great Britain And that Parliament may Continue for such time only as the present Parliament of England might have Continued if the Union of the two Kingdoms had not been made unless sooner dissolved by Her Majesty, And That every one of the Lords of Parliament, of Great Britain, and every Member of the House of Commons of the Parliament of Great Britain, in the first & all succeeding Parliaments of Great Britain, until the Parliament of Great Britain shall otherwise direct, shall take the respective Oaths appointed to be taken, Instead of the Oaths of Allegiance and Supremacy by an Act of Parliament made in England in the first year of the Reign of the late King William and Queen Mary Intituled an Act for the Abrogating of the Oaths, of Supremacy and Allegiance and appointing other Oaths and make, subscribe and audibly Repeat the Declaration mention'd in an Act of Parliament made in England in the Thirtieth year of the Reign of King Charles the Second Entituled an Act for the more effectually preserving the King's person and Government by disabling Papists from sitting in either House of Parliament and shall Take & Subscribe the Oath mention'd in an Act of Parliament made in England in the first year of Her Majestys Reign Intituled an Act to Declare the Alterations in the Oath appointed to be taken by the Act Intituled an Act for the further Security of Her Majestys Person & the Satisfaction of the Crown in the Protestant Line, and for Extinguishing the hopes of the pretended Prince of Wales and all other Pretenders and their open and secret abettors and for Declaring the Association to be determin'd, at such time and in such manner as the Members of both Houses of Parliament of England are by the said respective Acts directed to take, make and Subscribe the same upon the Penalties & Disabilities in the said respective Acts contain'd And it is declar'd and agreed that these Words, *This Royal, the Queen of this Realm, and the Queen of this Realm* mentioned in the Oaths and Declaration contained in the aforesaid Acts, which were intended to Signify the Crown and Realm of England shall be understood of the Crown & Realm of GREAT BRITAIN, and that in that Sense the said Oaths, and Declaration be taken & subscribed by the Members of both Houses of the Parliament of Great Britain.

XXIII. THAT the former Sixteen Peers of Scotland mentioned in the last preceding Article to sit in the House of Lords of the Parliament of Great Britain shall have all priviledges of Parliament which the Peers of England now have, and which they, or any Peers of Great Britain shall have after the Union, and particularly the Right of Sitting upon the Tryalls of Peers, And in Case of the Tryal of any Peer in time of Adjournment, or Prorogation of Parliament the said Sixteen Peers shall be summoned in the same manner and have the same Powers and Priviledges at such Tryal as any other Peers of Great Britain And that in Case any

In Testimony Whereof the Commissioners for the respective
Kingdoms Impowred as aforesaid have set their hands and Seals
to these Articles containd in this and the Twenty five foregoing
pages at Westminster the day and year first abovesaid.

— 5. *St. H. - 1845* 

Pro Cantuar.

Quincy. P. S.

Sept 1893

Mar. 5.

Godolphin

LONDON:

Pembroke p.


Sutherland

Newcastle C. S.

Wm. L. W.


Devonshire

J. W. M. 18



Levon

Bolton

Star 

Kingston

Роземина

Gundard

Glasgow.

Oxford

Arch Campbell

Sonnstags

Duppre
B. Lee

Hon. Calymple

Mr. Cuthbert

Mr. Montgomery

Sarah Calymple

Lathe Johnson

Dr. Smith

W. S. Morrison

Mr. Robert Wilson

Mr. Dettie

John Clark

Elizabeth Clark

Elizabeth Clark

Daniel Campbell

Mr. Martin

Mr. Lee

Tommy

John

Hartington

Grady

Ed. Lee

Dr. Hargis

Mr. Boyle

Miss

Thos. Farrow

Edw. Northey

Sam. Harwood

J. C. R.

Stephen Waller

Tryals of Peers, shall hereafter happen when there is no Parliament in being, The Sixteen Peers of Scotland who are in the last preceding Parliament shall be summoned in the same manner, and have the same Powers and Privileges at such Tryals as any other Peers of Great Britain, And That all Peers of Scotland and their Successors to their Honours and Dignities shall from and after the Union be Peers of Great Britain, and have Rank and Precedency next and immediately after the Peers of the like Orders and Degrees in England at the time of the Union, And before all Peers of Great Britain of the like Orders and Degrees who may be Created after the Union, and shall be Tryed as Peers of Great Britain, and shall Enjoy all privileges of Peers as fully as the Peers of England do now, or as they, or any other Peers of Great Britain may hereafter Enjoy the same, Except the Right & Privilege of Sitting in the House of Lords, and the Privileges depending thereon and particularly the Right of Sitting upon the Tryals of Peers.

XXIV. THAT from and after the Union there be One Great Seal for the United Kingdom of Great Britain, which shall be different from the Great Seal now us'd in either Kingdom, And that the quartering the Arms as may best suit the Union be left to Her Majesty, And that in the mean time the Great Seal of England be us'd as the Great Seal of the United Kingdom, And that the Great Seal of the United Kingdom be us'd for Sealing

Writs to Elect and Summon the Parliament in Great Britain, and for Sealing all Treatys with Foreign Princes and States, and all Publick Acts, Instruments and Orders of State which Concern the whole United Kingdom, And in all other matters Relating to England, as the Great Seal of England is now us'd, And that a Seal in Scotland after the Union be always kept and made use of in all things relating to Private Rights, or Grants, which have usually pass'd the Great Seal of Scotland, and which only concern Offices, Grants Commissions and Private Rights within that Kingdom, And that until such Seal shall be appointed by Her Majesty the present Great Seal of Scotland shall be us'd for such purposes, and that the Privy Seal, Signet, Cafet, Signet of the Justiciary Court, Quarter Seal and Seals of Courts now us'd in Scotland be Continued, but that the said Seals be Altered and Adapted to the State of the Union as Her Majesty shall think fit, And the said Seals and all of them and the Keepers of them shall be subject to such Regulations as the Parliament of Great Britain shall hereafter make.

XXV. THAT all Laws and Statutes in either Kingdom, so far as they are Contrary to, or Inconsistent with the Terms of these Articles, or any of them, shall from and after the Union Cease and become void and shall be so Declared to be by the respective Parliaments of the said Kingdoms.

IN TESTIMONY Whereof the Commissioners for the respective Kingdoms Impowred as aforesaid Have set their Hands and Seals to these Articles Contain'd in this and the 25 foregoing pages At Westminster the day and year first abovewritten.

SEAFIELD CANCELLAR.

QUEENSBERRY. C. P. S.

MAR S.

LODDOUN; S.

SUTHERLAND

MORTON

WEMYSS

LEVEN

STAIR

ROSEBURY

GLASGOW.

ARCH CAMPBELL

DUPPLIN

ROSSE

HEW DALRYMPLE

AD. COCKBURN

F. MONTGOMERIE

DAVID DALEYMPLE

PATT^r JOHNSTON

JA SMOLLETTE

W MORISON

ALEXANDER GRANTT

W SETON

JOHN CLERK

DAN STEUART

DANIEL CAMPBELL

THO: CANTUAR.

WM. COWPER. C. S.

GODOLPHIN

PEMBROKE; P.

NEWCASTLE C. P. S.

DEVONSHIRE

SOMERSET

BOLTON

KINGSTON

SUNDERLAND

ORFORD

TOWNSHEND

T: WHARTON

POULETT

SOMERS

J SMITH

HARTINGTON

GRANBY

C HEDGES

RO: HARLEY;

H. BOYLE

J. HOLT

THO: TREVOR.

EDW NORTHY

WM. HARCOURT

J. COOKE

STEPHEN WALLER



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